

**Minutes of 1187<sup>th</sup> Meeting of the  
Town Planning Board held on 26.10.2018**

**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

Mr David Y.T. Lui

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Dr C.H. Hau

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Ms Lilian S.K. Law

Mr K.W. Leung

Mr Ricky W.Y. Yu

Principal Environmental Protection Officer (Strategic Assessment),  
Environmental Protection Department  
Mr Stanley C.F. Lau

Director of Lands  
Mr Thomas C.C. Chan

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

Chief Traffic Engineer (New Territories East)  
Transport Department  
Mr Ken K.K. Yip

Chief Traffic Engineer (Hong Kong)  
Transport Department  
Mr Eddie S.K. Leung

Director of Planning  
Mr Raymond K.W. Lee

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

Secretary

**Absent with Apologies**

Mr Ivan C.S. Fu

Mr K.K. Cheung

Mr Thomas O.S. Ho

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Mr Stanley T.S. Choi

Mr L.T. Kwok

Mr Daniel K.S. Lau

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

**In Attendance**

Assistant Director of Planning/Board

Ms April K.Y. Kun

Chief Town Planner/Town Planning Board

Mr Kepler S.Y. Yuen

Senior Town Planner/Town Planning Board

Ms Annie H.Y. Wong

### **Agenda Item 1**

#### Confirmation of Minutes of the 1186<sup>th</sup> Meeting held on 12.10.2018

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

1. The draft minutes of the 1186<sup>th</sup> Meeting were sent to Members before the meeting and tabled at the meeting. Subject to no proposed amendments by Members on or before 29.10.2018, the minutes would be confirmed without amendments.

[Post-meeting Note: The minutes were confirmed on 29.10.2018 without amendments.]

### **Agenda Item 2**

#### Matters Arising

- (i) Approval of the Draft Outline Zoning Plans

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

2. The Secretary reported that on 16.10.2018, the Chief Executive in Council approved the draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) (renumbered as No. S/HSK/2), the draft Lau Fau Shan and Tsim Bei Tsui OZP (renumbered as No. S/YL-LFS/9), the draft Ping Shan OZP (renumbered as No. S/YL-PS/18); the draft Tin Shui Wai OZP (renumbered as No. S/TSW/14), the draft Lam Tei and Yick Yuen OZP (renumbered as No. S/TM-LTY/10), the draft Ha Tsuen Fringe OZP (renumbered as No. S/YL-HTF/12) and the draft Tseung Kwan O OZP (renumbered as No. S/TKO/26) under section 9(1)(a) of the Town Planning Ordinance. The approval of the draft plans was notified in the Gazette on 26.10.2018.

- (ii) New Town Planning Appeal Received

Town Planning Appeal No. 8 of 2018

Proposed Extension of Time for Commencement of the Proposed Residential Development (Flat) for a Period of 4 Years until 17.10.2022 in “Residential (Group E)” Zone, Lots 212 RP, 232, 233, 234, 235, 236 RP, 237, 238, 239, 243, 244, 246 RP,

246 S.A, 246 S.B, 247, 367 and 368 RP in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun

(Application No. A/TM-LTTY/273-1)

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

3. The Secretary reported that the application was submitted by Join Smart Limited which was a subsidiary of Sun Hung Kai Properties Limited (SHK), with Llewelyn-Davies Hong Kong Limited (LD), Ronald Lu & Partners (Hong Kong) (RLP), Mayer Brown (MB) and AECOM Asia Co. Ltd. (AECOM) as the consultants of the applicant, and Masterplan Limited (HK) (Masterplan) was the representative of the applicant in the review application. The application site encroached onto a public housing development at San Hing Road and Hong Po Road proposed by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests on the item:

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

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

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

Mr Ivan C.S. Fu - having current business dealings with  
Masterplan, SHK and AECOM and past  
business dealings with HKHA

Mr K.K. Cheung ] their firm having current business dealings  
Mr Alex T.H. Lai ] with SHK, HKHA and AECOM

- Dr C.H. Hau - having current business dealings with AECOM and the institute he serves was having current business dealings with HKHA
  
- Mr Thomas O.S. Ho - having past business dealings with SHK, LD, RLP and HKHA
  
- Mr Stephen L.H. Liu - having past business dealings with SHK, LD, RLP and HKHA
  
- Mr Franklin Yu - having past business dealings with SHK, AECOM and HKHA, and his spouse was an employee of SHK
  
- Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Company (1933) Ltd. (KMB) and SHK was one of the shareholders of KMB
  
- Mr Ricky W.Y. Yu - his firm having current business dealings with LD
  
- Professor S.C. Wong - having current business dealings with and being the traffic/engineering consultant of AECOM; being the Chair Professor of the University of Hong Kong, SHK had sponsored some activities of the Department before
  
- Dr Lawrence W.C. Poon - his spouse being a civil servant of HD but not involved in planning work
  
- Mr Daniel K.S. Lau - being an ex-employee of the Hong Kong Housing Society, which was in discussion with HD on housing development issues

4. Members note that Mr Ivan Fu, Mr Thomas O.S. Ho, Mr Stephen L.H. Liu, Mr K.K. Cheung, Miss Winnie W.M. Ng and Mr Daniel K.S. Lau had tendered apologies for being unable to attend the meeting and Mr Raymond K.W. Lee and Mr Franklin Yu had yet to arrive to join the meeting. As the item was to report the receipt of an appeal case and no discussion was required, all other Members could stay in the meeting.

5. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) (TPAB) on 16.10.2018 against the decision of the Town Planning Board (the Board) on 28.9.2018 to reject on review an application for a proposed extension of time (EOT) for commencement of the proposed residential development for a period of 4 years. The application site (the site) fell within an area zoned “Residential (Group E)” (“R(E)”) on the approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY/10. The Notice of Appeal was tabled at the meeting.

6. The review application was rejected by the Board for the reason that the application was not in line with Town Planning Board Guidelines No. 35C on Extension of Time for Commencement of Development in that there had been a material change in planning circumstances, as demonstrated by the Government’s commitment to plan for a comprehensive public housing development which covered the application site and the progressive action taken to pursue that development.

7. 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.

(iii) Updated Appeal Statistics

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

8. The Secretary reported that as at 25.10.2018, nine appeals were yet to be heard and three appeals’ decisions were outstanding. Details of the appeal statistics were as follows :

Allowed	36
Dismissed	156
Abandoned/Withdrawn/Invalid	201
Yet to be Heard	9
Decision Outstanding	3
<hr/> Total	<hr/> 405

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

#### **Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Siu Ho Wan Outline Zoning Plan No. S/I-SHW/1

(TPB Paper No. 10483)

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[The meeting was conducted in Cantonese and English.]

9. The Secretary reported that the draft Siu Ho Wan OZP (the draft OZP) involved a site proposed for columbarium development and a topside development of Siu Ho Wan Depot. The MTR Corporation Limited (MTRCL) (C1) was the current occupier and operator of the depot. Ove Arup & Partners Hong Kong Limited (Arup) and AECOM Asia Company Limited (AECOM) were two of the consultants of MTRCL for the proposed comprehensive development. The following Members had declared interests on the item for having affiliation / business dealings with Private Columbaria Licensing Board (PCLB), Private Columbaria Appeal Board (PCAB), MTRCL (C1), Arup, AECOM and/or Ms Mary Mulvihill (R119/C9):

Mr Thomas O.S. Ho - having current business dealings with MTRCL and AECOM

Mr H.W. Cheung - being a member of PCLB



- Mr Ivan C.S. Fu - being a member of PCAB and having current business dealings with MTRCL, Arup and AECOM
  
- Mr K.K. Cheung ] their firm having current business dealings  
Mr Alex T.H. Lai ] with MTRCL and Arup and hiring Ms Mary Mulvihill on a contract basis from time to time
  
- Mr Sunny L.K. Ho - being a member of PCAB
  
- Mr Lincoln L.H. Huang - being a member of PCAB
- Mr Stephen L.H. Liu - having past business dealings with MTRCL
  
- Mr Franklin Yu - having past business dealings with MTRCL, Arup and AECOM
  
- Dr C.H. Hau - having current business dealings with AECOM
  
- Professor S.C. Wong - being a member of the Advisory Committee  
(*Vice-chairperson*) for Accredited Programme of MTR Academy, being a traffic consultant / engineering consultant of AECOM and Arup, and having current business dealings with Arup and AECOM
  
- 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

10. Members noted that Mr Thomas O.S. Ho, Mr K.K. Cheung, Mr Ivan C.S. Fu and Mr Stephen L.H. Liu had tendered apologies for being unable to attend the meeting, and Mr

Franklin Yu and Mr H.W. Cheung had yet to arrive to join the meeting. Members also noted that Dr C.H. Hau, Professor S.C. Wong and Mr Alex T.H. Lai had no direct involvement in the proposed development project, and agreed that they could stay in the meeting. According to the procedure and practice adopted by the Town Planning Board (the Board), as the proposed columbaria development on the new OZP was proposed by the Planning Department (PlanD), the interests of Mr Sunny L.K. Ho and Mr Lincoln L.H. Huang on the item only needed to be recorded and they could be allowed to stay in the meeting. As the interests of other Members were not direct, they could be allowed to stay in the meeting.

### Presentation and Question Sessions

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

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

#### **Government Representatives**

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

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

Mr Richard Y.L. Siu - Senior Town Planner/Islands (STP/Islands)

Mr Viko K.H. Wan - Town Planner/Islands

Mr Felix Y.C. Ku - Town Planning Graduate/Islands

##### *Highways Department (HyD)*

Mr Michael T.F. Leung - Principal Project Coordinator/Railway Schemes (PPC/RS)

*Transport Department*

Mr Alan W.L. Yip - Senior Engineer/Islands (SE/Islands)

**Representers/commenters and their Representatives**

R3/C2 – Green Sense

R120 – 譚凱邦議員

Mr Tam Hoi Pong - Representer, Representers' and Commenters' representative

R5 – 土地正義聯盟

R91– 吳卓恆

Mr Ng Cheuk Hang ] Representer and Representers' representatives  
Mr Au Kwok Kuen ]

R119/C9 – Mary Mulvihill

Ms Mary Mulvihill - Representer and Commenter

R139 – Fung Kam Lam

Mr Fung Kam Lam - Representer

R140 – 鹿頸村原居民代表鍾新有、大青洲村原居民代表范樹明、花坪、草灣及大轉村原居民代表胡文輝、打棚埔村原居民代表胡有財及竹篙灣、扒頭鼓村原居民代表胡文彪

Mr Fan Shu Ming - Representer

C4 – Fu Ka Ho Wright

Mr Fu Ka Ho Wright - Commenter

13. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She said that PlanD's representative would be invited to brief Members on the representations and comments. The representers, commenters or their representatives would

then be invited to make oral submissions in turn according to their representation and comment number. To ensure the efficient operation of the meeting, each presenter, commenter or their representative would be allotted 10 minutes for making oral submission. There was a timer device to alert the presenters, commenters or their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after all attending presenters, commenters or their representatives had completed their oral submissions. Members could direct their questions to government representatives, presenters, commenters or their representatives. After the Q&A session, the presenters, commenters or their representatives and the government representatives would be invited to leave the meeting. The Board would deliberate on all the representations and comments in their absence and inform the presenters and commenters of the Board's decision in due course.

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

15. With the aid of a PowerPoint presentation, Mr Richard Y.L. Siu, STP/Islands, PlanD briefed Members on the representations and comments, including the background of the amendments, the grounds/views/proposals of the presenters and commenters, planning assessments and PlanD's responses to the representations and comments as detailed in TPB Paper No. 10483 (the Paper).

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

R140 – 鹿頸村原居民代表鍾新有、大青洲村原居民代表范樹明、花坪、草灣及大轉村原居民代表胡文輝、打棚埔村原居民代表胡有財及竹篙灣、扒頭鼓村原居民代表胡文彪

17. Mr Fan Shu Ming said that residents living in the North Lantau objected to the proposed columbarium development at Sham Shui Kwok. The ash flakes from joss paper burning would pollute their water source from hillside. The development would cause visual impact and aggravate the traffic congestion problem in the area.

[Mr Franklin Yu arrived to join the meeting at this point.]

R3/C2 – Green Sense

18. With the aid of a PowerPoint presentation, Mr Tam Hoi Pong made the following points:

- (a) Green Sense did not object the Siu Ho Wan (SHW) project on the draft OZP in principle but had concern on the plan making process which was different from the usual practice. MTRCL submitted a proposal for private residential development with technical study report to the Government beforehand. The draft OZP was prepared with the proposed flat number, layout and parking provision based on MTRCL's proposal despite the Government had committed to produce some public housing flats at the railway depot site in the Policy Address 2018. According to the land lease of New Grant No. 7985, MTRCL could only use the site for railway depot and MTRCL was not entitled to any property development above the depot. The Government should execute the power under the Special Condition (4) 'Cessation or Diminution of User' of the lease to re-enter upon and take back possession of the lot, and take the lead to implement the proposed residential development in the same way as in the Nam Cheong Station development;
- (b) the proposed topside development of SHW railway depot would be subject to aircraft noise impact. The future residents' attention should be drawn to such impact before moving into the development. Owing to the aircraft noise, mitigation measures would have to be incorporated into the building design;
- (c) the scale of the proposed topside development was about 3 times of Park Island on Ma Wan Island. Owing to the limited infrastructural capacity in the North Lantau, the development intensity should be reduced. MTRCL's walled-design of the building blocks should also be avoided. There should be a mix of private and public housing at the site. The site was suitable for the Home Ownership Scheme (HOS) or Starter Homes flats with a scale of 5,000 to 8,000 units; and

- (d) according to the Hong Kong Planning Standards and Guidelines (HKPSG), one parking space should be provided for every 6 to 9 units of private housing flat. The 3,953 car parking spaces proposed in MTRCL's scheme had adopted the high end ratio and it was excessive, in particular, if the site was to be developed for public housing.

R120 - 譚凱邦議員

19. Mr Tam Hoi Pong made the following points:

- (a) the traffic congestion problem at Tsing Ma Bridge was serious in particular when there were traffic accidents. It would be necessary to impose traffic management measures to support topside development at the SHW railway depot site. Consideration should be given to restricting the use of private cars at the site, just like the arrangements for Park Island;
- (b) the traffic demand generated from the large number of housing flats (14,000) and parking spaces (3,953) as proposed by the MTRCL would take up the spare road capacity and aggravate the traffic problem. To reduce the parking demand, the housing development on site should mainly be public housing. A housing mix ratio of public to private housing at 8:2 or 9:1 should be adopted. Noting that there were many public rental housing (PRH) developments in Tung Chung New Town Extension, the provision of HOS flats at the SHW railway depot site would be appropriate to achieve a balanced mix. The housing mix ratio of public to private housing at 7:3 announced in the Policy Address 2018 should not be applied to the site;
- (c) traffic issue on Lantau Island was of wide concern. He noted that the Park Island Owners' Committee had submitted representations to the draft OZP concerning the traffic impact of the proposed SHW topside development. Also, in the consultation with Tsuen Wan District Council (TWDC) by PlanD during the plan making process, though TWDC members did not take votes on the draft OZP, they had grave concern on traffic issue. To avoid worsening the traffic problem and reduce the podium structure for car parking facilities at

the SHW railway depot site, the development intensity and parking provision should be reduced; and

- (d) nevertheless, the housing problem should fundamentally be addressed by limiting the number of immigrants from the Mainland to Hong Kong.

R5 - 土地正義聯盟

R91 - 吳卓恆

20. Mr Ng Cheuk Hang made the following points:

- (a) the Land Justice League noticed from the MTRCL Annual General Meeting in May 2018 that there would be six property developments including the proposed SHW railway depot development which would accommodate 30,000 to 40,000 populations. Given that the targeted supply of public housing flats had not yet been achieved and there was public consensus to increase the ratio of public housing, more land should be allocated for public housing development. Also, it was noted from the minutes of the Board's meeting on 5.1.2018 that some Members envisaged the railway depot development on the draft OZP to be a new community with a balanced mix of developments and facilities to meet the general public's expectation for increasing housing supply and fostering a quality living environment but not a single real estate development. The proposal of the SHW railway depot site should hence be reviewed with an aim to achieving a higher percentage of public housing development;
- (b) it had been a norm that the value of land at or near railway stations was realised by developing private housing but not public housing. There should be a breakthrough at the SHW railway depot site in that public housing with community facilities should be developed for the grassroots. With the proposed railway station at the site and comprehensive road network connecting to the urban area, it would be a convenient location for the grassroots who heavily relied on public transport to commute to work;

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

- (c) it was noted that some Members supported the provision of community facilities at the SHW depot site and social welfare facilities would be provided. These facilities could serve to provide local job opportunities for the future residents. In view of the aging population and increasing demand for elderly care facilities, the SHW railway depot site should also plan for development of elderly homes. The vision of the Elderly Services Programme Plan could be achieved if the lower floors of the residential buildings would be developed for elderly care homes and the carers of the elderly would live above the elderly care homes. This could turn the SHW development into a role model of an inclusive society and community caring for the elderly. Besides, developers and the MTRCL should not monopolise development of land at prime locations and take the development right atop railway stations for granted. Fair re-allocation of resources to the grassroots should therefore be realised through increasing the ratio of public housing on the site;

[Mr Frankie W.C. Yeung arrived to join the meeting at this point.]

21. With the aid of visuliser, Mr Au Kwok Kuen made the following points:

- (a) housing was not a commodity and the SHW railway depot site should be used for public housing development to meet the housing need of the grassroots. Also, MTR Pat Heung Maintenance Centre, any topside developments at Light Rail Transit stations and Fanling Golf Course should be developed for public housing;
- (b) according to the Land Justice League's survey, there were sites owned by developers and the Urban Renewal Authority (URA) in the urban area suitable for public housing development, including transitional housing. Assuming an average flat size of 500 sq feet, there would be about 24,000 public housing flats produced at these sites including those for URA projects in To Kwa Wan, Yau Tsim Mong and Tai Kok Tsui. Since there were many sites available for



public housing development, it was not necessary to develop agricultural land for housing and implement the East Lantau Metropolis (ELM) project; and

- (c) PlanD should provide the information on the initial planning of the SHW Reclamation such as the area to be reclaimed. Regarding the traffic impact of the proposed SHW development, he shared R3/C2's concern. The parking provision should be reduced and environmentally friendly mode of transport such as cycling should be advocated. The revised parking standards for subsidised housing based on the finding of the Study on Parking for Public Housing Developments in 2009 in which more parking spaces were recommended should not be followed. With the proposed provision of a large number of parking spaces, he questioned whether the Government would intend to develop the SHW railway depot site mainly for private housing rather than public housing.

R119/C9 – Mary Mulvihill

22. Ms Mary Mulvihill made the following points:

- (a) the topside development of SHW railway depot, together with the planned SHW Reclamation would bring in a large number of population and there should be a new railway station to resolve the traffic problem. The MTR station should be in place before population intake;
- (b) she agreed with Green Sense that the proposed topside development at SHW railway depot would be subject to adverse noise impact due to the aircraft and the highway nearby. The site should therefore be developed for industrial or commercial use;
- (c) the SHW railway depot site would be quite close to the proposed columbarium and it would not be an attractive location for a luxury housing development. Besides, a number of technical issues including air ventilation and the noise disturbance from the MTR workshop underneath the proposed topside development of SHW railway depot remained unsolved;

- (d) the original planned use of the SHW site for industrial park should be pursued due to its location close to the Hong Kong International Airport (HKIA) and this could also provide job opportunities of a higher grade requiring various expertise to promote the economy of the territory. For instance, Vocational Training Council – Hong Kong Institute of Vocational Education and the proposed Civil Service College could be provided at the SHW railway depot site;
- (e) housing issue should not override other issues of the territory and decanting population from the urban area to the New Territories or to the SHW site would result in creating more commuters to the urban area;
- (f) regarding ‘Zoo’ use, for a modern society, there should no longer be any more caged animals like those in the Ocean Park and the Hong Kong Zoological and Botanical Gardens; and
- (g) there should be a mechanism to withdraw an OZP prepared under the Town Planning Ordinance (TPO) like that for planning applications.

R139 – Fung Kam Lam

23. Mr Fung Kam Lam made the following points:

- (a) he questioned the purpose of including ‘Zoo’ use in Column 2 of the Notes of “Government, Institution or Community” (“G/IC”) and “Green Belt” (“GB”) zones on the draft OZP. He doubted if it was just for promoting economic growth, tourism development and the use of Hong Kong-Zhuhai-Macau Bridge (HZMB);
- (b) although PlanD responded that the Notes of the “G/IC” and “GB” zones generally followed the Master Schedules of Notes (MSN) agreed by the Board, he doubted that the inclusion of ‘Zoo’ use would imply there had already been a proposal for such use in accordance with the ‘Development in the North,

Conservation for the South' embraced in the Sustainable Lantau Blueprint;

- (c) as a modern society, 'Zoo' use should not be included on the OZP. To reflect the change of the society and concern on cruelty to animals, Members should raise question related to this matter; and
- (d) regarding the topside development at SHW railway depot, if Members considered that public housing should be provided which was consistent with the views of the representers and commenters; such requirement/intention should be reflected on the draft OZP or in its Explanatory Statement (ES).

#### C4 – Fu Ka Ho Wright

24. Mr Fu Ka Ho Wright made the following points:

- (a) he represented Save Lantau Alliance. He objected to any development adversely affecting the North Lantau. He also objected to Route 11 and the road network proposed in support of the ELM development;
- (b) the Government should not liaise with the MTRCL for the topside development at SHW railway depot. Despite the fact that the site was currently occupied and used by the MTRCL for a depot, the MTRCL had no development right of the site;
- (c) the Government did not commit to fully take the site back for development. The so called 'public-private partnership' requesting the developer of the SHW railway depot site to provide some public housing was not ideal;
- (d) he doubted how many PRH flats would be built at the SHW railway depot site for the need of the grassroots because there were various types of public housing including not only PRH but also HOS, Green Form Subsidised Home Ownership Pilot Scheme and Starter Homes Flats;

[Mr David Y.T. Lui left the meeting at this point.]

- (e) there was no formal consultation for the proposed topside development at SHW railway depot like the consultation conducted for the topside development of Hong Kong Boundary Crossing Facilities. Though PlanD claimed that there had been consultations carried out under the Environmental Impact Assessment Ordinance and the TPO, the development concept and context had already been decided to a certain extent and there was limited scope for the public to make a change. Since there could be other potential uses such as logistics park apart from residential use, there should be a formal consultation for the use of the site;
- (f) without the long term economic strategy formulated by the Government and an economic model for assessing the impact, he questioned how the job opportunities planned in the projects of the Three-Runway System (3RS) of HKIA and Tung Chung East development could benefit the North Lantau and the Northwest New Territories, as those job opportunities were mainly associated with retail facilities, hotel development, tourism and recreational use which could not match with the skills of the population in the North Lantau;
- (g) the traffic and transport impact assessment (TTIA) was conducted based on an assumption that external trip generation would be reduced due to the supply of local job opportunities. The assessment of the strategic road network in the North Lantau would not be accurate if such assumption was not realised; and
- (h) the initial planning of SHW Reclamation and its interface with the topside development at SHW railway depot should be taken into account. With the uncertainties of the SHW Reclamation, the draft OZP should be withdrawn and a formal consultation on the SHW topside development should be carried out.

25. As the presentation from government representatives, the representers/commenters and their representatives had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions and the Chairperson would invite the representers/commenters, their representatives and/or the government representatives to answer. The Q&A session should not be taken as an occasion for the

attendees to direct questions to the Board or for cross-examination between parties. The Chairperson then invited questions from Members.

*Implementation of Topside Development at SHW Railway Depot*

26. Some Members raised the following questions:

- (a) whether the Government or the MTRCL would take the lead to implement the topside development at SHW railway depot site; and
- (b) whether lease modification and land premium would be required if the MTRCL was to implement the SHW topside development and whether the Government would have to seek permission from the MTRCL for the implementation of the SHW topside development.

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

- (a) the implementation agent for the SHW topside development was not a relevant consideration in the plan making process. However, the Government would liaise with the MTRCL being the current grantee of the land and operator of SHW railway depot in taking forward the development proposals, to ensure that the operation of the depot would be maintained without disruption during the implementation of the SHW topside development. According to the concerned bureaux and departments, the basic principles that the project should be developed in the public interest and in a technically feasible way would be followed; and
- (b) the site was currently used as the railway workshop and maintenance depot by the MTRCL under the land lease. For residential property development at the site by the MTRCL, lease modification would be required. The detailed implementation arrangement would be subject to further consideration by the relevant bureaux/departments.

*Housing Mix*

28. The Vice-Chairperson and a Member had the following questions:
- (a) whether the concerned zoning on the draft OZP would allow for different housing mix; and
  - (b) whether the housing mix ratio could be stipulated in the OZP during the plan making process.
29. In response, Ms Donna Y.P. Tam, DPO/SKIs, PlanD made the following points:
- (a) the SHW railway depot site fell within an area zoned “Other Specified Uses” (“OU”) annotated “Railway Depot and Public Transport Interchange with Commercial/Residential Development” on the draft OZP. This zone was intended primarily to provide land for railway depot with commercial and/or residential development above with the provision of public transport interchange, G/IC and other supporting facilities. The type and mix of housing were not stipulated in the draft OZP in order to provide flexibility in housing mix and layout design. The project proponent would be required to submit a Layout Plan together with the supporting technical assessments for the Board’s consideration under section 16 of the TPO; and
  - (b) if the housing mix ratio was stipulated in the draft OZP at this juncture without detailed study as a basis, it would pre-empt the Board’s consideration of the detailed development proposals which should be supported by further technical assessments at the section 16 stage. The development restrictions stipulated under the concerned zoning of the draft OZP was to provide a broad planning framework for formulating the detailed development proposal. The development proposal submitted by the project proponent in the planning application should be subject to the Board’s approval. In addition, as stated in the Policy Address 2018, the Government intended to develop the site into a SHW community with public and private housing as well as community facilities.

*Planning Control*

30. The Vice-Chairperson and some Members raised the following questions:
- (a) the implications of MTRCL's indicative scheme on the development parameters of the SHW topside development;
  - (b) the requirement for submission of Layout Plan and technical assessments including further environmental assessment (EA) and further TTIA by the project proponent; and
  - (c) for the further TTIA to be submitted with the Layout Plan, whether the provision of the railway station, 'car-free' zone and appropriate parking facilities would be taken into account.
31. In response, Ms Donna Y.P. Tam, DPO/SKIs, PlanD made the following points:
- (a) MTRCL's indicative scheme was submitted to demonstrate that the proposed topside development in the scale of about 14,000 flats involving a population of 37,800 was technically feasible and environmentally acceptable. The indicative scheme was prepared based on some assumptions including the flat number, average flat size, BH, number of blocks, parking provision, provision of railway station, etc. It was not the final scheme for the topside development. Any development proposal submitted by the project proponent through a planning application should comply with the development restrictions stipulated in the OZP including the maximum domestic and non-domestic gross floor areas (GFA). Relaxation of the relevant GFA restrictions might be considered by the Board in accordance with the applicable procedures where justified;
  - (b) as required under the Notes of the draft OZP, a planning application in the form of Layout Plan with supporting technical assessments including further EA and further TTIA should be submitted for the Board's consideration under section 16 of the TPO. The proposed land uses, detailed development parameters,

number of parking spaces, location of railway station, if any, etc. should be included in the Layout Plan submission; and

- (c) the project proponent of the proposed topside development was required to conduct further TTIA. The traffic impact of the proposed development should be assessed taking into account the detailed development parameters and the required transport facilities and measures such as the need of a railway station, parking provision, the application of 'car-free' concept, etc.

### *Traffic Aspect*

32. Some Members raised the following questions:

- (a) how to adopt the 'car-free' concept in the long term planning;
- (b) how to address the interface issue to maintain the operation of the railway depot during the construction stage;
- (c) whether there would be provision of water-based transportation in view of the waterfront location of the SHW railway depot site;
- (d) whether the number of parking spaces should be stipulated in the draft OZP; and
- (e) taking into account the increasing passenger demand upon commissioning the 3RS and HZMB and sharing common tracks with the Airport Express Line (AEL), whether the carrying capacity of the MTR Tung Chung Line (TCL) would be able to cater for future demand.

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

- (a) regarding the adoption of the 'car-free' concept in the proposed SHW topside development, the concept of reducing the usage of private car that could improve the traffic and environmental conditions should be supported. It



should be noted that even if traffic restriction measure was imposed to the SHW topside development, given its location in North Lantau, future residents might still drive through Lantau Link and North Lantau Highway to Tung Chung for interchange of public transport to access the site. Hence, the traffic flow in the strategic road network might not be reduced. Whether there would be positive environmental impacts by adopting the 'car-free' concept would be subject to further study by the project proponent;

- (b) the TCL, Disneyland Resort Line and AEL were supported by the SHW railway workshop and maintenance depot which operated 24 hours for maintenance and stabling. Currently, major parts of the depot were not covered. For the construction of atop residential development at the site, the relocation and reconstruction of the existing facilities in the depot by phases would be required. Since the service of the depot should be maintained, it was anticipated that many complicated technical issues had to be resolved to cater for the interface arrangement;
- (c) there was no pier or landing step facilities at the man-made seawall to the north of the SHW railway depot site and no proposed land use would require marine-related facilities. The sea frontage would occasionally be used for the operational need of the depot. If there was a need for water-based transportation in the area in the future, the feasibility would have to be examined by the relevant government departments; and
- (d) the parking provision in MTRCL's indicative scheme was proposed in accordance with HKPSG and TD had no adverse comment on/objection to the provision. Any changes in the development proposal and the subsequent traffic impact should be assessed in the further TTIA to be submitted by the project proponent in the planning application for the Board's consideration.

34. In response, Mr Michael T.F. Leung, PPC/RS, HyD said that the impact on TCL and AEL should be assessed in the further TTIA by the proposed proponent of the SHW topside development. Since the TCL and AEL were sharing common tracks at a majority portion of the lines, their capacities were related to each other. For TCL, currently there were 15

trains per hour per direction (phpd) for the short loop from the Hong Kong Station to Tsing Yi and 10 trains phpd for the long loop from Hong Kong Station to Tung Chung. This could be enhanced to 18 trains phpd and 12 trains phpd respectively by deploying more trains to TCL. Upon completion of the overrun tunnel at Hong Kong Station and enhancement of the signaling system, the headways could be further increased to 24 trains phpd and 16 phpd respectively, which meant that the carrying capacity at the short loop (between Tsing Yi Station and Hong Kong Station) could be increased to 66,000 passengers per hour per direction. The details could be found in the Development Panel paper of the Legislative Council submitted by the Development Bureau in July 2017. The paper also mentioned that the carrying capacity of TCL could support the proposed developments in Tung Chung East, North Commercial District (NCD) at the HKIA and the topside development at the Hong Kong Boundary Crossing Facility (HKBCF) Island.

35. In response to Mr Raymond K.W. Lee, D of Plan's question regarding the conclusion of the TTIA submitted in support of the formulation of the draft OZP and the comments on the TTIA from the relevant government departments, Ms Donna Y.P. Tam, DPO/SKIs, PlanD said that the TTIA for the proposed topside development had been undertaken under the MTRCL's technical study to assess the traffic impact and public transport facilities requirement with the implementation of the planned infrastructural works. No insurmountable road capacity issue was envisaged as a result of the proposed topside development. Concerned government departments including TD had been consulted on the TTIA and they had no adverse comment/objection.

36. In response to the Chairperson's question on whether there was an assumption of a new railway station in the TTIA and the development programme of the new railway station, Ms Donna Y.P. Tam, DPO/SKIs, PlanD said that a new railway station was assumed in the TTIA for the proposed topside development. It was assumed that the new railway station would be available in the first phase of the topside development so that the first in-take population would be served by the railway station.

#### *Statutory Plan Making Procedure*

37. Some Members raised the following questions:

- (a) whether the statutory plan making procedure was duly followed;
- (b) noting that TWDC did not take votes on the draft OZP, whether it was necessary for TWDC's agreement on the draft OZP; and
- (c) whether the Notes and ES of the draft OZP, which were not attached to the Paper, had been considered by the Board.

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

- (a) the established statutory and administrative procedures for formulation of a new OZP had been duly followed including exhibition of the draft OZP for public inspection, consultation with the relevant DCs and hearing of representations and comments received. Besides, the project proponent was required under the OZP to submit a development proposal in the form of a Layout Plan with supporting technical documents through a planning application for the Board's approval in due course. The planning application would also be published for public comments;
- (b) TWDC was consulted on the draft OZP No. S/I-SHW/B in January 2018 after the Board's preliminary consideration on the draft OZP. Their views were reported to the Board for further consideration on the draft OZP prior to gazetting. Upon gazetting the draft OZP on 29.3.2018, the draft OZP No. S/I-SHW/1 was circulated to all members of TWDC for further consideration. According to the minutes of the meeting on 30.1.2018, members of TWDC had generally no objection to the draft OZP, and two TWDC members including Mr Tam Hoi Pong expressed concerns on traffic impacts arising from SHW topside development. As to whether a vote should be taken at the relevant DC meeting, this was an operational matter for the TWDC ; and
- (c) there was a set of the Notes and ES for each OZP. The SHW OZP No. S/I-SHW/B together with the Notes and ES was submitted for the Board's consideration on 9.3.2018. The Board agreed that the draft OZP No. S/I-SHW/B together with its Notes and ES was suitable for exhibition for

public inspection. The draft plan was re-numbered as No. S/SHW/1 for gazettal.

39. In response to a Member's question whether amendments could be made to the Notes and ES of the draft OZP, the Secretary said that this meeting was to consider the representations and comments received in respect of the draft OZP and the Board could propose amendments to the plan, its Notes and ES to meet the representations. If amendments to the draft OZP and/or its Notes were made to meet or partially meet the representations, the draft OZP would be gazetted under section 6(C)2 of the TPO for public inspection.

#### *Statutory EIA Mechanism*

40. Noting that there was scope allowed in the statutory EIA mechanism for certain changes in the development scheme approved under the EIAO while the development parameters of MTRCL's indicative scheme might be subject to change through a planning application, the Chairperson and a Member raised questions on the circumstances under which another EIA would be required and the party gatekeeping the triggering of that requirement. In response, Ms Donna Y.P. Tam, DPO/SKIs, PlanD pointed out that the indicative scheme with technical assessments including the EIA submitted by the MTRCL was to demonstrate the technical feasibility and environmental acceptability of the proposed scale of the topside development. There were two approved EIA reports for the redevelopment of the SHW railway depot with a new railway station and the topside development respectively. A further EA was required for subsequent planning application for the proposed topside development. The Director of Environmental Protection was the authority to determine if the planning application carried any material change to the designated projects covered by the current environmental permits (EPs) and whether the findings in the EIA reports were still relevant, in accordance with the provision of the EIAO.

#### *SHW Reclamation*

41. In response to a Member's question on whether there was an initial plan for SHW Reclamation including the extent of reclamation, Ms Donna Y.P. Tam, DPO/SKIs, PlanD said that no reclamation was involved in any of the development proposals envisaged in the draft

OZP. Though a preliminary feasibility study for the possible SHW Reclamation had been conducted by the concerned government department, no detailed proposal had been formulated so far. Whether reclamation would be required for the Road P1 as part of the priority transport network under the proposed 'Lantau Tomorrow Vision' would be subject to further study.

42. In response to the Chairperson's question whether there was a plan showing the relationship between the possible SHW Reclamation and the SHW railway depot site, with the aid of a PowerPoint slide, Ms Donna Y.P. Tam, DPO/SKIs, PlanD said that based on the Conceptual Development and Strategic Transport Plan of the 'Lantau Tomorrow Vision', the location of the SHW depot development was indicated for reference. It was shown that there would be no reclamation to the north of the SHW railway depot proposed under the 'Lantau Tomorrow Vision'.

*'Zoo' Use in Column 2 of the Notes of "G/IC" and "GB" Zones*

43. In response to some Members' questions about the reasons of including 'Zoo' use in the Notes of the draft OZP, with the aid of a PowerPoint slide, Ms Donna Y.P. Tam, DPO/SKIs, PlanD said that the representers' and commenters' concern on 'Zoo' use was related to the Column 2 use in the Notes of the "G/IC" and "GB" zones. The 'Zoo' use was not related to the "OU" annotated "Railway Depot and Public Transport Interchange with Commercial/Residential Development" covering the SHW railway depot site. The Notes of the "G/IC" and "GB" zones primarily followed the MSN agreed by the Board. The inclusion of 'Zoo' use in Column 2 of the Notes for this OZP simply followed the general practice and was not meant to indicate that the use was proposed specifically for the area. Such proposal, if any, would require the Board's approval under the planning application system, with justifications and technical assessments.

*Proposed Columbarium Use at Sham Shui Kok*

44. Some Members raised the following questions:

- (a) the location of the concerned villages in relation to the proposed columbarium ; and whether the proposed columbarium would affect the villagers' water source from hillside;
- (b) the reasons of proposing the columbarium at the sea frontage and whether alternative uses, such as, residential, had been explored; and
- (c) similar to the consideration of planning applications for columbarium use, whether the restriction on joss paper burning could be imposed in the draft OZP.

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

- (a) the existing village houses in Luk Keng was located about 2.8 km away from the proposed columbarium. Taking into account the distance between the village settlements and the proposed columbarium as well as the implementation of mitigation measures, the proposed location of the columbarium was considered acceptable;
- (b) a feasibility study of potential sites for columbarium development in Tsuen Wan District was completed by the Civil Engineering and Development Department (CEDD) in 2014. Under the study, preliminary technical assessments had been conducted and concluded that the site at Sham Shui Kok could be developed as columbarium. The proposed columbarium would be located on a headland adjacent to an existing refuse transfer station. The site was remote and not suitable for residential development; and
- (c) according to Food and Environmental Hygiene Department (FEHD)'s preliminary proposal, low-smoke worshipping would be encouraged in the proposed columbarium by providing communal incense holders at suitable locations instead of incense holding trough at each individual niche wall. For joss paper burning facilities, the best available technology including the use of electrostatic precipitation and water scrubbers for flue gas treatment as

mentioned in “Guidelines on Air Pollution Control for Paper Artifacts Burning at Funeral Parlours and Other Places of Worship” published by the Environmental Protection Department (EPD) would be adopted to remove smoke and ash flakes from joss paper burning. An Engineering Feasibility Study (EFS) Review would be commissioned by CEDD tentatively in 2019. Relevant planning considerations including environmental impact would be taken into account during the EFS Review and detailed design of the proposed columbarium development. The proposed columbarium fell within an area zoned “OU” annotated “Columbarium” on the draft OZP and ‘Columbarium’ was a Column 1 use, i.e. always permitted within the zone and no planning permission from the Board was required. Should the Board consider some measures related to the design and operation of the proposed columbarium should be adopted, the relevant government departments would be advised to take into account the Board’s comments.

### *Industrial Park*

46. In response to a Member’s questions regarding the proposal for an industrial park at the SHW railway depot site, Ms Mary Mulvihill said that the site was originally perceived for an industrial park development to provide logistics facilities for HKIA as a transit hub in order to minimise road freight traffic to the urban area. The proposal was put forward again by her after considering that job opportunities should be provided particularly for the planned population in Tung Chung. Taking into account the proximity to HKIA and HZMB and the noise issue of the site, she would personally consider the proposal of an industrial park appropriate. So far, she had not exchanged views with the stakeholders on the proposal.

47. In response to the Chairperson’s question on the background of the industrial park proposal, Ms Donna Y.P. Tam, DPO/SKIs, PlanD said that there was once an idea of developing a Lantau Logistics Park to the north of the SHW railway depot but the idea was not pursued by the Government due to the change in policy and planning circumstances for Lantau. Taking into account the opportunity of a proposed SHW railway station, the current proposal was for residential development at the SHW depot site. Should there be a need for logistics development, the topside development at HKBCF Island could be an option for consideration.

48. Mr Tam Hoi Pong (R120) said that the representers and commenters should be allowed to raise questions during the Q&A session. He also pointed out that the approved EIA Report under the EIAO for the proposed SHW topside development was submitted by the MTRCL. A new EIA would be required if eventually the MTRCL was not the project proponent. Given the above and that the draft OZP was prepared based on the MTRCL's indicative scheme supported by the approved EIA Report, the MTRCL would have more bargaining power to liaise with the Government in developing the site. Should the Government be empowered in the liaison with the project proponent which was presumably the MTRCL, the housing mix of public to private housing at 8:2 or 9:1 should be stated in the OZP. Also, the restriction on joss paper burning and the provision of small shops should be incorporated in the draft OZP.

49. The Chairperson explained that the Q&A session was for Members to raise questions and seek clarifications from those attending the hearing. She would regard the points raised by Mr Tam Hoi Pong as supplementary responses to questions raised by Members earlier.

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

[Mr Alex L.H. Lai arrived to join the meeting, Professor T.S. Liu left the meeting temporarily and Mr Ricky W.Y. Yu left during the Q&A session.]

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

[Mr Stephen H.B. Yau left the meeting at this point.]

Deliberation Session



51. The Chairperson said that it was the intention to set out a planning framework under the OZP and in so doing support the taking forward of further planning for the topside development at the SHW railway depot site. The suitability of the site for residential development and the appropriate development intensity had been considered by the Board in the process of formulating the OZP. The maximum GFA stated on the draft OZP was based on MTRCL's indicative scheme for residential and commercial development with community facilities which had been justified in terms of technical feasibility and environmental acceptability. For planning control, the requirement for submission of a Layout Plan and further technical assessments by the project proponent of the SHW development for the Board's consideration was also stipulated in the draft OZP. Other details and considerations including the type and mix of housing and the implementation mechanism should be subject to the housing policy and the liaison between the Government and the project proponent. For the proposed columbarium, Members could consider if it would be appropriate to specify any requirements for the design and operation of the columbarium. Regarding the concern on the inclusion of 'Zoo' under Column 2 in the Notes of the "G/IC" and "GB" zones, it was clarified in the Q&A session that the Notes of the "G/IC" and "GB" zones primarily followed the MSN agreed by the Board and there was currently no proposal for such use for the site in question.

52. In response to a Member's question, the Chairperson said that if the Board came up with any suggestions or principles for taking forward the SHW development, they could be recorded in the minutes of the Board's meeting or incorporated in the ES of the OZP for due consideration by the project proponent and the relevant government departments in the detailed design and implementation stage; or suitably reflected in the Notes of the OZP as statutory requirements for compliance. Procedurally, any changes to the Notes would have to be gazetted under the TPO for public inspection.

53. Regarding the housing mix ratio of public to private housing at 7:3, a Member considered that it should be a housing policy generally applied to overall housing provision in the territory rather than to each and every housing site. Members noted that the housing mix for the SHW development would be subject to the Board's scrutiny upon the project proponent's submission of the Layout Plan.

[Dr Lawrence K.C. Li left the meeting at this point.]

54. With regard to the proposal of developing a logistics park at the SHW railway depot site, a Member was of the view that there was certain amount of job vacancies in HKIA due to the lack of labour supply. Given that the site was suitable for residential development, the population of the proposed topside development at SHW railway depot site could become a labour source for the operation of HKIA, NCD and associated industries in the area. There was no need for a logistics park at this location.

55. Some Members pointed out that the statutory plan making procedure had been duly followed and the SHW railway depot site was considered suitable for residential development taking into account the locality, technical feasibility and environmental acceptability. Besides, a Layout Plan with supporting technical assessments would be submitted under a section 16 planning application, in which provision of public housing, if any, could be incorporated for the Board's consideration. It was not necessary, and would be premature, to impose a housing mix ratio on the draft OZP. The concerns on environmental and traffic aspects, such as noise impact and the adoption of 'car-free' concept, should be addressed in further technical assessments by the project proponent. The intention for developing the SHW railway depot site into a new community with a balanced mix of developments and facilities meeting the general public's expectation for increasing housing supply and fostering a quality living environment for the community envisaged by the draft OZP should be taken into account in formulating the development proposal at the planning application stage.

56. In response to Mr Raymond K.W. Lee, D of Plan's question in relation to the requirement of a new EIA for the SHW development, Mr Stanley C.F. Lau, Principal Environmental Protection Officer (Strategic Assessment), EPD said that the approval of EIA reports were for the designated projects but not attached to the applicants. The need for a new EIA would depend on whether there was material change to the designated projects under the EIA Ordinance but not related to the change of the project proponents.

57. For the proposed columbarium, some Members noted that there were relevant regulations and requirements monitoring the columbarium operation including the Air Pollution Control Ordinance under the purview of the Environment Bureau. Some Members considered that the Board should urge FEHD to consider adopting no-smoke worshipping in the proposed columbarium taking into account the local concerns and its proximity to the

seafront, and apply the best available technology to these facilities for low-smoke worshipping if the joss paper burning could not be avoided. The Chairperson said the Secretariat would follow up on the suggestion by issuing a letter to FEHD.

58. Regarding 'Zoo' use under Column 2 of the "G/IC" and "GB" zones, Members generally noted that any development proposal of a zoo should be submitted for the Board's approval under the planning application system. If there was such an application, the Board would consider the proposal including the suitability of the proposed use at the application site. That said, Members agreed that the concerns raised by the representers generally applied to all OZPs and would warrant a review separately in the context of a review of the relevant provisions in the MSN. The Chairperson agreed and said the Secretariat would follow up accordingly.

59. After discussion, all Members were in support of the draft Siu Ho Wan OZP. The Board agreed that there was no justification to amend the OZP to meet the adverse representations, and the major grounds of the representations and comments had been addressed by the departmental responses as detailed in the TPB Paper No. 10483 and the presentations and responses made by the government representatives at the meeting.

60. After deliberation, the Board noted the supportive views of **R1** and decided not to uphold the remaining views of **R1** and the views of **R2 to R144**, and agreed that the draft OZP should not be amended to meet the representations for the following reasons:

**“Proposed Topside Development of Siu Ho Wan Railway Depot under the “Other Specified Uses” annotated “Railway Depot and Public Transport Interchange with Commercial/Residential Development” zone (R1 to R139, R142 to R144)**

*Planning Context, Planning Intention, Development Scale and Intensity*

(a) according to the Sustainable Lantau Blueprint, the “North Lantau Corridor” covering Tung Chung New Town Extension, the topside development at Hong Kong Boundary Crossing Facility Island and Siu Ho Wan Development is proposed mainly for economic and housing development. Siu Ho Wan railway depot site is one of the important land supply sources to meet pressing

territorial housing needs. Technical assessments on various aspects including traffic and transport, air ventilation, environmental, sewerage, drainage, water supply and utilities, quantitative risk, geotechnical and structural feasibility, landscape and visual for the proposed residential and commercial development atop Siu Ho Wan depot have been undertaken to review the feasibility of the development proposal and the required supporting infrastructure. It is confirmed that the proposed development is technically feasible and no insurmountable technical problems in developing the site for residential and commercial development would be envisaged. The planning intention and development scale/intensity are considered appropriate;

*Housing Mix and Development Model*

- (b) the exact housing type/mix as well as the development model are yet to be determined by the Government. As required under the Notes of the draft OZP, planning application in the form of Layout Plan with supporting technical assessments should be submitted, in which provision of public/subsidized housing, if any, could be incorporated for the Board's consideration;

*Road and Rail Traffic Capacities*

- (c) a traffic and transport impact assessment (TTIA) for the proposed topside development has been undertaken under MTRCL's technical study to assess the traffic impact and public transport facilities requirement based on the existing and planned road and railway networks, with due consideration of various committed projects in the North Lantau. There would be sufficient road and rail capacities to support the proposed topside development upon full development by 2038. The project proponent of the proposed topside development is required to conduct further TTIA and put forward mitigation proposals so as to ensure that the transport infrastructure can cope with the additional traffic flow brought by the new development projects;

*Environmental Impacts and Urban Design*

- (d) the environmental and ecological issues of the proposed development atop Siu Ho Wan railway depot have been properly assessed and addressed in the EIA Reports to confirm its compliance with the EIAO requirement. The EIA

Reports were approved by EPD in November 2017. A further environmental assessment is required for subsequent planning application for the proposed topside development. Appropriate mitigation measures would be identified in order to minimize the potential adverse impacts;

- (e) for the future Layout Plan submission under section 16 planning application, the project proponent has to follow all the urban design requirements/measures, including connectivity proposal, as clearly stated in the ES of the draft OZP, to optimize the scheme design of the proposed topside development and give due considerations to ensure the compatibility and enhance both internal and external connectivity of the depot site with the surrounding areas;

*Provision of Open Space, Community and Social Welfare Facilities*

- (f) adequate provision of community, social welfare, recreational and educational facilities would be provided to serve the future population in accordance with the requirement under the Hong Kong Planning Standards and Guidelines (HKPSG) and based on the advice of relevant bureaux/departments. Such provision requirements have been clearly stipulated in the ES of the draft OZP;

*Public Consultation*

- (g) the statutory and administrative procedures in consulting the public on the draft OZP have been duly followed. The exhibition of the OZP for public inspection and the provisions for submission of representations and comments also form part of the statutory consultation process under the Town Planning Ordinance. Relevant information on the proposed topside development has been made available in the public consultation;

**‘Zoo’ Use in Column 2 of the Notes of “G/IC” and “GB” zones (R139)**

- (h) the Notes of the “G/IC” and “GB” zones generally follow the Master Schedules of Notes including uses which may be considered by the Board under the planning application system. This allows flexibility for proposals that may be compatible with the surrounding area. The inclusion of ‘Zoo’ use in Column 2 of the Notes does not represent that the use would be provided in the Area. The

current Notes for “G/IC” and “GB” zones are considered appropriate. Each application would be considered by the Board taking into account the prevailing planning circumstances, relevant guidelines and in consultation with departments concerned including the Agriculture, Fisheries and Conservation Department; and

### **Proposed Columbarium Development at Sham Shui Kok (R140 and R141)**

- (i) preliminary technical assessments have been conducted under a feasibility study of potential sites for columbarium development in Tsuen Wan completed by the Civil Engineering and Development Department. The Food and Health Bureau and Food and Environmental Hygiene Department consulted the Tsuen Wan District Council (DC) in November 2016 and have obtained DC’s support for the development of columbarium. The Government will carry out further technical study taken into account the local concerns for the subject columbarium in due course.”

### **Sha Tin, Tai Po & North District**

#### **Agenda Items 4 to 7**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-TKL/591

Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 658 S.A in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling

Review of Application No. A/NE-TKL/592

Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 658 S.B in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling

Review of Application No. A/NE-TKL/593

Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 658 S.C in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling

Review of Application No. A/NE-TKL/594

Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 658 S.D in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling

(TPB Paper No. 10485)

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[The meeting was conducted in Cantonese.]

61. The Secretary reported that the sites were located at Lei Uk Tsuen. Mr Alex T.H. Lai had declared an interest in the item as his father co-owned two lots of land in Ping Che area. As Mr Lai was not certain whether the concerned lots would have direct view of the application sites, he withdrew from discussion on these items.

[Mr Alex T.H. Lai left the meeting temporarily at this point.]

[Dr C.H. Hau left the meeting at this point.]

#### Presentation and Question Sessions

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

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

Ms Jessica H.F. Chu - District Planning Officer/Shu Tin, Tai Po and North (DPO/STN)

##### ***Applicants' Representatives***

###### *Honest Land Surveys Company*

Mr Ben Fong ] Applicants' Representatives

###### *Village Representative*

Mr Yik Ka Man ]

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

64. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, 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. 10485 (the Paper).

65. The Chairperson then invited the applicants' representatives to elaborate on the review application. Mr Ben Fong made the following main points:

- (a) there were 12 similar applications for Small House development approved and 14 similar applications rejected by the RNTPC or the Board on review. The latter actually involved 9 sites;
- (b) amongst those similar applications, all 12 approved applications were located to the east of Lei Uk Tsuen while all the rejected applications were in the west of the village;
- (c) the applications in the west were rejected mainly on the grounds that the proposed Small House developments were not in line with the planning intention of "Agriculture" ("AGR") zone and the approval of the applications would set undesirable precedents for similar applications in the area;
- (d) the 12 applications in the east were approved mainly on the considerations that the applications generally complied with the Interim Criteria in that more than 50% of the footprints of the proposed Small Houses fell within the Village 'Environs' ('VE') and there was a general shortage of land within the "Village Type Development" ("V") zone at the time of consideration; the proposed Small House developments were not incompatible with the surrounding rural and village environment; and the proposed developments were not expected to have significant adverse impacts on the surrounding area;
- (e) given that the subject four applications were located to the east of Lei Uk Tsuen and fell within an area surrounded by the approved applications, the



requirement of concentrating Small House development within an area to ensure an orderly development pattern was considered complied with;

- (f) it was revealed from some applications dismissed by the Town Planning Appeal Board Panel that those applications to the east of Lei Uk Tsuen were approved mainly on the considerations that the applications generally complied with the Interim Criteria. Applications to the east and west of Lei Uk Tsuen were not comparable. Also, taking into account the shortage of land within the “V” zone at the time of consideration and the land use compatibility, PlanD supported those applications to the east of Lei Uk Tsuen if there was no change in planning circumstances; and
- (g) PlanD might misunderstand that the subject applications were located to the west of the Lei Uk Tsuen and thus rejected the applications. Given the above, there should not be any rejection reason for the subject applications.

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

67. Noting that a more cautious approach had been adopted by the Board in consideration of Small House applications, a Member raised question on the reason of approval of Application No. A/NE-TKL/493 on 12.12.2014. In response, Ms Jessica H.F. Chu said that a more cautious approach was adopted by the Board in 2015 and the application was approved before then.

68. In response to Mr Raymond K.W. Lee, Director of Planning’s questions regarding the latest situation of the approved applications and whether there were some outstanding Small House applications, with the aid of a PointPoint slide, Ms Jessica H.F. Chu said that 11 out of the 12 approved applications which were located adjacent to the “V” zone had been implemented. The remaining one was being processed by the Lands Department (LandsD). According to the information from LandsD, there were some Small House applications to the north and northwest of the subject application sites being processed by LandsD but section 16 planning application for these cases had not been submitted.

69. 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 and the applicants representatives for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

70. Members generally considered that there was no major change in the planning circumstances since the consideration of the subject applications by the RNTPC on 6.7.2018 and the adoption of a more cautious approach by the Board remained unchanged.

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

- “(a) the proposed development is not in line with the planning intention of the “Agricultural” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” zone of Lei Uk Tsuen where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”

[Mr Alex T.H. Lai returned to join the meeting at this point.]

[Mr Sunny L.K. Ho left the meeting at this point.]

**Tsuen Wan & West Kowloon District**

**Agenda Item 8**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/TY/134

Proposed Temporary Concrete Batching Plant in “Other Specified Uses” annotated “Boatyard and Marine-oriented Industrial Uses”, Tsing Yi Town Lots 14 and 15 and Adjoining Government Land, Tam Kon Shan Road, Tsing Yi

(TPB Paper No. 10484)

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[The item was conducted in Cantonese and English.]

72. The Secretary reported that BMT Asia Pacific Ltd. (BMT) was one of the consultants of the application. Mr. Thomas O.S. Ho had declared an interest on this item as his firm had past business dealings with BMT and involving concrete business. Members noted that Mr Thomas O.S. Ho had tendered apologies for being unable to attend the meeting.

**Presentation and Question Sessions**

73. The following representatives of the Government and the applicant were invited to the meeting:

***Government Representatives***

*Planning Department (PlanD)*

Mr. Derek W.O. Cheung - District Planning Officer/ Tsuen Wan & West Kowloon (DPO/TWK)

Mr Stephen C.Y. Chan - Senior Town Planner/Kwai Tsing (STP/KT)

*Marine Department (MD)*

Mr Adrian F.C. Chan - General Manager/Planning, Development & Port Security (GM/PD&PS)

Mr Calvin S.F. Wong - Senior Marine Officer/Planning &

Development (2) (SMO/P&D(2))

Mr S Y Chan - Senior Surveyor of Ships/Local Vessels Safety  
(SS/LVS)

Mr K P Lee - Marine Surveyor/Local Vessels Safety  
(MS/LVS)

***Applicant's Representatives***

*Supreme Enterprises, Limited*

Mr Kelvin N.F. Lau - Director  
Mr Paul W.P. Choi

*Top Bright Consultants Ltd*

Mr Raymond Y.H. Leung - Director  
Mr Wisley Liu

*Win Well Engineering & Surveyors Ltd*

Mr C.Y. Tam - Authorised Surveyor  
Mr Raymond Poon - Engineer

*Wings & Associates Consulting Engineers Ltd*

Mr Vincent Tam - Register Professional Engineer

*Consulting Engineer*

Mr Peter Martin - Marine Engineer

*Drennan Marine Consultancy Ltd*

Mr Tom Drennan - Master Mariner

*Guangzhou Marine Engineering Corporation*

Mr H. Jiang - Associate Dean  
Mr K.L. Shi - Chief Engineer  
Mr L. Lan - Senior Engineer

Mr T.S. Li

Engineer

74. The Chairperson extended a welcome and briefly explained the procedure of the review hearing. She then invited PlanD's representative to brief Members on the review application.

75. With the aid of a PowerPoint presentation, Mr Stephen C.Y. Chan, STP/KT, PlanD briefed Members on the background of the review application including the consideration of the application by the Metro Planning Committee (MPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in the TPB Paper No. 10484 (the Paper).

76. The Chairperson then invited the applicant's representatives to elaborate on the review application. With the aid of a PowerPoint presentation, Mr Raymond Y.H. Leung made the following main points:

- (a) in response to MD's comments on the section 16 application, various technical assessments on the proposed cradle, landing and launching operation method and marine risk had been conducted by experts. The experts would provide details at this meeting. While the applicant requested to meet and liaise with MD's representatives to address their concerns, MD's representatives intended to set out the concerns and details in the Board's meeting with the attendance of both parties for the Board's consideration; and
- (b) the application site (the Site) fell partly within an area zoned "Other Specified Uses" ("OU") annotated "Boatyard and Marine Oriented Industrial Uses" on the approved Tsing Yi Outline Zoning Plan (OZP) No. S/TY/28 and partly outside the Planning Scheme Area of the OZP. Similar to other sites for industrial operations at the north coast of Tsing Yi including shipyards and the proposed temporary concrete batching plant (CBP) (Application No. A/TY/130) approved by MPC on 25.11.2016, the application involved marine-oriented operations outside the lot boundary. Historically, all these activities at the north coast of Tsing Yi fell outside the lot boundaries had been operating in order.

77. With the aid of a PowerPoint presentation, Mr Kelvin N.F. Lau as the director of the applicant's company made the following main points:

- (a) 'Mediterranean Mooring' method with anchor and tug for aggregate barge was initially proposed. However, MD considered the proposed mooring method not safe. An alternative mooring facility sitting on the existing slipway to allow vessel mooring alongside the berth was proposed. Yet, MD commented that the proposed facility changed the usage of a slipway and exceeded the lot boundary. In response to MD's comments, another alternative method was proposed that aggregate or cement barges would be pulled up by winches onto the proposed cradle and existing slipway for the delivery of raw materials within the lot boundary. Nevertheless, MD further commented that the details of barge, slipway, cradle and winches to be designed for the proposed barging operation should be prepared by qualified person;
- (b) the applicant subsequently employed Guangzhou Marine Engineering Corporation to design purpose-built pelican aggregate and cement barges of about 400 tonnes with a flat bottom which would be capable of using the existing slipway for unloading raw materials within the lots. Also, the cradle was specially designed with a platform for positioning the barges to be pulled up towards the proposed CBP for unloading. The design had been certified by authorised persons and ready for construction. The applicant would provide a LED display board and notify the nearby operators for the schedule of vessel berthing and unberthing for the proposed CBP;
- (c) an animation was played to demonstrate the proposed barging operation. When the barge arrived at the sea outside the Site, the cradle was released along the slipway from the Site to the barge. With the aid of sensors with Global Positioning System (GPS) installed, buoy and wires, the barge was pulled to position above the cradle. The barge would automatically land onto the cradle when the cradle was pulled towards the Site. After fixing the barge at the designated area within the Site, the raw materials could be unloaded to the CBP. When the unloading activity was completed, the barge on the cradle

would be launched back to the sea along the slipway by controlling winch and wires. The cradle would then return to the Site after launching the barge. The barge would be scheduled to arrive at the Site once a day and the above process would take about 2 hours each time;

- (d) the above barging operation would be carried out at the sea outside the Site, i.e. Tsing Yi Town Lots (TYTL) 14 and 15. There was currently a vessel moored at the private moorings outside TYTL 15. The applicant had reached an in-principle agreement with the vessel owner that the vessel would not be moored there, should the application be approved. There would not be many vessels at the sea outside the Site; and
- (e) the use of similar berthing method for similar pelican barges with heavier loading were observed in nearby shipyards.

78. With the aid of a PowerPoint presentation, Mr Tom Drennan made the following main points:

- (a) he had been working in the shipping industry for 47 years including experience in the aspects of risk assessment and development of safe working method;
- (b) a Formal Risk Assessment (FRA) Methodology had been adopted in the submitted Marine Risk Assessment and Methodology Statement which was widely used including the International Maritime Organisation, every harbour in the United Kingdom, many members of the International Harbour Master's Association, in the development of oil, liquefied natural gas and petrochemical port facilities globally;
- (c) taking into account the frequency and consequence of hazard, a risk assessment matrix was used to measure the level of risk rating from score 1 representing slight risk to score 25 representing an extreme of high risk. Based on the proposed structure, layout and method of handling the barges, 17 hazards had been identified in the assessment. After applying mitigation measures, none of the identified hazards was regarded high or extreme risk but all were

moderate, minor or slight which were in the 'As Low As Reasonably Practicable' (ALARP) or lower level. It should be noted that risk could not be eliminated completely but could be managed;

- (d) besides, a detailed Method Statement covered the detailed process of the proposed marine operations was developed. The Method Statement included a proposal to undertake a 'Barge Trial' after the relevant facility was constructed and before the commencement of the operation of the proposed CBP. The Barge Trial which would be open to MD's participation was intended to validate the procedures of the proposed barging operation and identify any changes which might contribute to improve safety;
- (e) responses were provided to MD's comments related to marine navigation and safety aspects. Regarding the concern of wave wash effect from passing ships, though it was MD's responsibility to have such concern, he was of view that MD was over cautious. According to a test applying a computational fluid dynamics model for the wave wash effect of passing ships by Guangzhou Marine Engineering Corporation, a 60m long vessel at a speed of 15 knot (which was the speed limited for the channel outside the Site) would generate the swell and/or wave wash effect about 190m from the vessel. The wave created by the passing ships was fully attenuated by travelling about 190m from the ship. According to some photos taken on 25.10.2018 of the sea outside the Site, no dramatic swell and/or wave wash effect was observed when the vessels including a bunker barge were passing by the Site;
- (f) there was over 200m between the proposed location for barge landing and launching operation and the public channel from the aerial photo. Also, it was observed from the photos of the shipyards nearby that a ship was not secured within a shipyard and a ship berthing at the seafront of a shipyard was not affected by the wave wash effect;
- (g) regarding MD's comments (para. 5.2.1 (b) (iii) of the Paper) that the Marine Risk Assessment had not sufficiently considered the rate and frequency of vessels that would come and go with cargoes for the proposed CBP, which



were much higher than the Site previously used as a ship repair facility, he pointed out that the frequency of barges was greater than frequency of ships being repaired which was put forward as an increased risk but the overall operation would be well designed and executed. With expertise and the barges to be built and operated to high standard, the applicant was determined to operate in a safe way;

- (h) regarding MD's comments (para. 5.2.1 (b) (iv) of the Paper) that barge was trimmed by head or stern instead of even keel, he said that barges were loaded to arrive on an even keel as the barges were flat-bottom and the cradle was also flat;
- (i) regarding MD's comments (para. 5.2.1 (b) (v) of the Paper) that the submitted Method Statement had not proposed any changes to the principles and method employed for the previously proposed barging operation and MD's concerns had not yet been addressed. He responded that the Marine Risk Assessment and Method Statement were already considerably more detailed than any other Tsing Yi facilities. He was satisfied with the Method Statement from his experience. The lesson from the Barge Trial could be incorporated in the Method Statement. The applicant was determined to get the operation right. They had made a great deal of effort in the assessment and he questioned how much reassurance was required;
- (j) regarding MD's comments that the proposed underkeel clearance (UKC) was insufficient and shallow water effect had to be taken into account (para. 5.2.1 (b) (vi) of the Paper), he explained that an UKC referred to the space between the flat-bottom of the barge and the cradle/the seabed. He also pointed out that only an UKC of 10% of the static draft would be typically required for commercial large ships like oil tankers, container ships and gas carriers in most ports. The proposed UKC of 0.5m was almost 25% of the draft and might be a bit more at the high tide period. He did not agree with MD that the proposed UKC was insufficient. As the barge eventually sat on the cradle, the UKC would be zero; and

- (k) regarding MD's comments that the landing of the barge onto the cradle in the submitted supplementary information prepared by Guangzhou Marine Engineering Corporation contradicted with the proposed Barge Trial in his Method Statement (para. 5.2.1 (b) (vii) of the Paper), he said that technically speaking, MD was correct as the descriptions of the two consultants were different. However, he pointed out that the actual operation would be subject to the captain who was trained and skilled and the results of the Barge Trial. The barges could be placed on the cradle in a number of different ways (winching, manoeuvring with engines, use of tug, or a combination of the above). It was not necessary to know for certain at this stage which was the best.

79. With the aid of a PowerPoint presentation, Mr Peter Martin made the following main points:

- (a) as a consulting engineer, he had experience over 40 years and most of his experience was related to marine civil engineering and some was about slipway design and assessment. Also, a lot of his experience was related to Hong Kong;
- (b) for the concern on the capacity of the slipway for handling the barges, the loading condition had been reviewed and a summary was provided as follows. The total load to be carried in the barge and cradle was 850 tonnes which was virtually the same as in the original design. The old cradle which was still at the slipway but not in use ran on the slipway with the plane of the keel blocks parallel to the rails. This naturally resulted in concentration of loading under the bow of a vessel on commencing slipway operations. It was because once the cradle started to pick up the weight, the bow applied about half weight of the vessel onto the cradle while the other half was taken by the buoyancy of the vessel. The original designer allowed for this by designing the slipway for 40 tonnes/m which was twice the uniform pressure resulted from the weight of the vessel and cradle. Their design had been tailored to suit this slipway and a special cradle with a flat top and sloping bottom had been designed which could pick up the load of the shallow draught barge. The use of shallow

draught barges and a modern cradle with the panel of the keel blocks horizontal ensured an even pressure on the rails throughout of 20 tonnes/m. This was in fact only 50% of the design capacity of the slipway structure. The slipway could therefore be used by the aggregate and cement barges on this basis;

- (c) regarding MD's comments that loading and discharging activities carried out on a cradle where the vessel was being raised above water level was not a common practice (para. 5.2.1 (b) (viii) of the Paper), he disagreed and pointed out that the vessel which was at flooding condition came onto the cradle and was locked off. The cradle picked up the weight of the vessel. Discharge of the raw materials took place at the top of the slipway when the barge was out of water. It was an industrial operation once the vessel was docked which would not be related to the experience of the captains;
- (d) regarding MD's comments that there was insufficient information to demonstrate how to prevent the barge from listing and slipping off from the proposed cradle (para. 5.2.1 (b) (ix) of the Paper), the contact of the barge with a flat bottom and the cradle with a flat top was just like a paper on a table. It was impossible to list or slip once the barge was positioned onto the cradle;
- (e) regarding MD's comments on the physical barge trial (para. 5.2.1 (b) (x) of the Paper), it had been largely dealt with by the presentation of Mr Tom Drennan; and
- (f) regarding MD's comments on the slipway condition and seabed condition (paras. 5.2.1 (b) (xi) and (xii) of the Paper), the historical evidence and Building Authority's (BA's) approval in 1975 indicated that the ground conditions were suitable and that could be confirmed through site investigation after the planning permission was granted. There was no scope for the ground condition to change over time which should be same as always where it was operated before.

80. With the aid of a PowerPoint presentation, Mr Raymond Y.H. Leung made the following main points:

- (a) regarding MD's comments on land matter and existing condition (para. 5.2.1 (b) (xiii) of the Paper), he said that for what facilities were in place within the existing vacant shipyard at the Site, the applicant would use these facilities and no change to the existing condition would be made. The BA only approved and recorded the structures within the lots covered by the land lease but actually the whole slipway (including a portion outside the lots) had been existed for 50 years since at the time of BA's approval. This was common in the north coast of Tsing Yi. The existing slipway was not unauthorised building works. The change was the activity but not the facilities and the activity would be subject to the regulatory control by concerned government departments. The proposed barging operation should comply with MD's requirements otherwise the operation would not commence. From the aerial photo dated 25.1.1983, the motor yacht berthed at TYTL 14 could be seen and it was now still berthing outside the Site. The weight of this yacht was twice of that of the proposed barge, which was 700 to 800 tonnes;
- (b) regarding MD's comments on the practical issue (para. 5.2.1 (b) (xiv) of the Paper), he said that the issue would be dealt with by experts. New barges and cradle would be produced in accordance with the relevant regulations in Hong Kong before the operation;
- (c) for impact of the proposed operation on the navigation in the north coast of Tsing Yi, the marine-oriented activities there had been operating in order and difficulty of navigation of vessels was not observed;
- (d) the parameters of the proposed temporary CBP with planning approval (No. A/TY/130) were similar to the subject application. Application No. A/TY/130 was approved with conditions that a barging operation plan (BOP) should be submitted to the satisfaction of the Director of Marine. The applicant of the subject application had made 8 submissions of the BOP and was willing to improve the operation for the proposed development to materialise the planning intention of the subject "OU" zone; and

- (e) he concluded that government departments had no in-principle objection to the subject application. The applicant respected MD's authority and intended to improve the scheme to obtain its satisfaction. Similar to the nearby approved scheme, the applicant was willing to accept similar approval conditions regarding the submission and implementation of a BOP, and any other conditions that the Board considered appropriate.

81. As the presentations of PlanD's representative and the applicant's representatives were completed, the Chairperson invited questions from Members.

*Further Information (FI) Provided by the Applicant*

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

- (a) whether the applicant's FI related to technical aspects presented in the meeting had been submitted to MD for comments;
- (b) whether MD's concerns had been addressed by the FI; and
- (c) whether MD had refused to meet with the applicant before the review hearing.

83. In response, Mr Calvin S.F. Wong, SMO/P&D(2), MD made the following points:

- (a) some FI including the photos recently taken had not yet been submitted to MD;
- (b) according to the submitted technical assessments, the applicant failed to demonstrate that the proposed method, which was uncommon in Hong Kong, for the delivery of raw material by the proposed barges, cradle and slipway was technically feasible and safe, and would not impose adverse impact on the shipyards nearby; and
- (c) the applicant's consultants contacted PlanD and MD and suggested a meeting before submitting FI. However, MD considered that there had been repeated liaisons between MD and the applicant's consultants for the concerns on the

proposed barging operation throughout the process of handling the application. For a more constructive liaison, written submissions that aimed to duly address MD's concerns by the applicant were thus requested.

84. Mr Kelvin N.F. Lau, the applicant's representative said that there was only one meeting with MD over the past 27 months since he had been involving in the application. Written submissions on technical aspects were requested to address MD's comments. It was common to use pelican barges for delivery of sands. The barging operation proposed under the application was in response to MD's comments that such operation should be taken place within the lots.

*The Regulatory Control of CBP and Associated Operations*

85. The Chairperson, Mr Raymond K.W. Lee, Director of Planning and some Members raised the following questions:

- (a) whether the proposed barging operation involving the cradle and the structure of the slipway would be subject to control under relevant regulations and requirements, should the application be approved;
- (b) any permit should be obtained by the applicant to operate the proposed CBP;
- (c) any regulations or ordinance for MD to regulate the marine-related operation of the proposed development; and
- (d) whether the proposed barges and the associated operation of using the slipway should be subject to the jurisdiction of MD.

86. In response, Mr. Derek W.O. Cheung, DPO/TWK, PlanD and Mr Calvin S.F. Wong, SMO/P&D(2), MD made the following points:

- (a) for planning permission granted by the Board, the proposed development would still have to conform with all relevant regulations and requirements in Hong Kong. For example, the lots within the Site were restricted to ship/boat

building and repairing purposes, the proposed CBP was not acceptable under the lease conditions. Should the application be approved, the lot owner should apply to the Lands Department (LandsD) for a temporary waiver for the amendment of the user in respect of TYTL 14 and 15. Besides, LandsD would study whether the proposed operation should be gazetted under the Foreshore and Sea-bed (Reclamations) Ordinance. For the structural matter, the proposed development should comply with the Buildings Ordinance. According to MD's comments, the applicant had yet to demonstrate that the proposed barging operation by using the existing slipway for delivery of raw materials to the proposed CBP was feasible and safe, whether it was appropriate to grant permission subject to conditions should be carefully considered;

- (b) a Specified Process Licence under the Air Pollution Control Ordinance was required for the operation of the proposed CBP, and the requirement as stipulated in the Best Practicable Means for Cement Works (Concrete Batching Plant) BPM 3/2 would have to be complied with;
- (c) there was no relevant ordinance under the purview of MD to control and regulate every single step in the entire process of the proposed barging operation which involved unloading raw materials out of water. However, MD was responsible for ensuring marine traffic safety. The maneuvering of the proposed barges might have impact on the navigation safety in the public channel. The proposed operation at the existing slipway might also have impact on the adjacent shipyards and other marine-oriented operations. MD might impose licensing conditions when issuing licenses for vessels but not for the barging operation for the proposed CBP; and
- (d) the proposed barges and the associated operation of using the slipway should be subject to the approval from MD. From marine traffic safety perspective, there were three aspects of requirements to be complied with, including the feasibility and safety of the barge design for the proposed barging operation; the slipway condition and the cradle structure allowing feasible and safe landing and launching of the proposed barges and unloading raw materials

from the barges out of the water. The submitted BOP and FI had not demonstrated that the barging operation was feasible and safe. Noting that the proposal was uncommon in Hong Kong, MD had adopted a cautious approach.

87. Mr Adrian F.C. Chan, GM/PD&PS, MD supplemented that the jurisdiction of MD covered the design of vessels and the safety of vessels. Taking the “Star” Ferry Company, Limited as an example, the structure and operation of ferries and movement of ferries and passengers within Hong Kong waters were under MD’s jurisdiction.

*Technical Feasibility of the Proposal*

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

- (a) whether the proposed barging operation was fundamentally technically infeasible or the applicant had not justified such operation with sufficient information and relevant assessments;
- (b) given that marine-oriented industrial operations were intended to be involved in the “OU” zone, from technical perspective, whether it was feasible to have marine-oriented industrial operations at the Site;
- (c) whether the proposed barging operation which was considered uncommon could be examined by the authority in certain way;
- (d) how to verify the conditions of the slipway and seabed;
- (e) any evidence had been provided by the applicant to prove the design feasibility of the barges; and
- (f) any measure to ensure the proposed barging operation would not impose adverse impacts on the marine-oriented industrial operations nearby; and how to accurately position the proposed barges onto the slipway.



89. In response, Mr S Y Chan, SS/LVS, Mr Calvin S.F. Wong, SMO/P&D(2), Mr Adrian F.C. Chan, GM/PD&PS of MD and Mr Derek W.O. Cheung, DPO/TWK, PlanD made the following points:

- (a) in general, slipways at shipyards were to position unladen vessels for maintenance and repairing. The draft of unladen vessels was not deep and the unladen vessels could hence be berthed or operated at shallow water. Also, loadings of unladen vessels onto slipways, winches and wires were low. Under the subject application, the proposed barge would be laden and the draft would be deep. The barge could not be berthed in shallow water. Therefore, the applicant proposed to berth the barge in the water with sufficient depth and then pull the barge onto the cradle with a flat platform along the slipway. However, it was an uncommon operation. Since the proposal involved some operations close to the public channel, MD had to cautiously examine the feasibility of the proposal and provide comments on the risk assessment. Yet, without providing due responses to address the concerns, the applicant just claimed that the experienced barge masters could deal with the risks and alleged MD to be over-cautious;
- (b) according to the relevant regulations, barges laden with cargoes were not allowed to be operated outside the water as loadings onto the bottom of barges would be largely imposed outside the water. As the proposal under the application involved the frequency of unloading a barge per day, risks such as erosion of the structure and the strengthening of the structure, etc. should be taken into account. It should be noted that it was the applicant's responsibility to exhaust and manage all possible risks in the Marine Risk Assessment.
- (c) there was a similar application (No. A/TY/130) for reference. A major difference between Application No. A/TY/130 and the subject application was the water depth. The water depth at the Site was about -3mCD while that at the site of Application No. A/TY/130 was more than -5mCD. Given the site condition, the barges for the proposed temporary CBP under Application No. A/TY/130 could berth at the immediate waterfront of the site for operation without the need of pulling the barges onto a slipway; and

- (d) the proposed cradle was about 75 tonnes while the laden barge was about 800 tonnes. Given the scale of the weight between the cradle and barge, how the barge could be securely positioned on the cradle was questionable.

90. In response, with the aid of the same animation, Mr Kelvin N.F. Lau, the applicant's representative made the following points:

- (a) they did not dispute MD's request to conduct the barging operation within the Site while it would not be a problem if the applicant was allowed to operate the barges in the outer water from the Site with the water depth similar to Application No. A/TY/130. The proposed method to pull the barges onto a cradle was used in the Mainland and overseas. It should be noted that there was no guideline of pulling the barge onto the slipway;
- (b) the request of detailed investigation on the slipway and seabed conditions was respected but it could be carried out in the later stage of the project after the planning permission was obtained. It should be noted that the Chief Engineer/Port Works, Civil Engineering and Development Department had no comment on the application but reminded the applicant to make necessary submissions to relevant government departments to ensure that the stability of the seawall was not affected by the proposed operation. From engineering point of view, with purpose-built barges which were smaller in size, technical issues should certainly be tackled; and
- (c) a LED display board would be provided and the nearby operators would be notified for the schedule of vessel berthing and unberthing for the proposed CBP. The operators nearby could contact the CBP for adjusting the schedule should they had comments on it. With the aid of GPS sensors, buoy and wires, the barge could be secured onto the cradle and slipway as shown in the animation.

91. In response to a Member's questions whether the barges pulled onto cradles in the overseas cases were laden or not and whether the situation in those cases was similar to the

Site that was situated in a congested environment with shipyards nearby, Mr Kelvin N.F. Lau, the applicant's representative said that the application of the method of pulling barges onto cradles to Hong Kong would be different from the situation overseas. However, no matter the barges were laden or not, the way of pulling the barges onto cradles was identical.

92. Mr Raymond Y.H. Leung, the applicant's representative, supplemented that MD's request for investigation of the actual site foundation and seabed condition in para. 5.2.1 (b) (xi) of the Paper would be met, should the application be approved with conditions, taking into account the resources to be involved for such investigation. The operation of the proposed CBP could not commence without compliance with the conditions to the satisfaction of the Director of Marine. Mr Tom Drennan, the applicant's representative said that the slipway had been used for 40 years and the seabed condition was unlikely to be changed. Site investigation would be carried out to confirm the foundation was adequate after the planning permission was obtained. Measures would be proposed to strengthen the foundation if otherwise. For the strength of the vessels and cradle, the design by Guangzhou Marine Engineering Corporation which was at a high standard would be subject to further examination.

93. Mr Peter Martin, the applicant's representative added that it was certainly the applicant's responsibility to find out and manage the risks related to the capacity of the cradle, winches and wires by design and operation. Although the proposed operation was unusual, it was confident that the applicant could manage it.

94. Noting that the substantial length of the slipway was excessive in the animation, a Member raised a question on the actual length of the existing slipway. In response, Mr Kelvin N.F. Lau, the applicant's representative said that the existing slipway was about 165m from the coast. The length of the slipway in the animation was exaggerated.

95. In relation to the slipway, the Chairperson drew Members' attention to para. 5.2.3 of the Paper regarding BD's comments on the length of the slipway recorded on the approved building plans in 1975.

*Similar Application No. A/TY/130*

96. Some Member raised the following questions:

- (a) the existing barging operation of the temporary CBP under Application No. A/TY/130;
- (b) in addition to water depth, any other differences between that application and the subject application; and
- (c) if the conventional berthing or docking method of Application No. A/TY/130 could be adopted at the Site, whether the planning considerations and MD's comments on the application would be different.

97. In response, with the aid of some PowerPoint slides, Mr. Derek W.O. Cheung, DPO/TWK, PlanD made the following points:

- (a) the operation of the proposed CBP under Application No. A/TY/130 had yet commenced since some approval conditions had not yet been complied with;
- (b) in terms of the differences, there was an actual berth located at the site of Application No. A/TY/130, hence a conventional method for berthing of the barge was possible while the proposed berthing or docking operation under the subject application was not conventional as set out above. Also, the berth at the site of Application No. A/TY/130 was located further away from the adjacent shipyards when compared with the situation under the subject application where there were shipyards in its immediate vicinity on both sides of the Site; and
- (c) being situated in the north coast of Tsing Yi with a mix of shipyards and existing concrete batching plants, the proposed CBP was considered not incompatible from land use point of view.

98. In response, Mr Adrian F.C. Chan, GM/PD&PS, MD said that MD would have no comment on the application, should the conventional barging operation method could be adopted at the Site. Mr Calvin S.F. Wong, SMO/P&D(2), MD also pointed out that the

applicant had proposed different barging operation methods taking into account the water depth. Given that the water depth in the immediate waterfront of the site was less than -2mCD excluding the tidal effect, the shallow water was considered a critical site constraint. It should be noted that MD welcomed new and innovative barging operation method and hence MD had not objected to the proposal but requested the applicant to provide sufficient proof of evidence to justify the technical feasibility and safety of the proposal. However, the applicant had not holistically assessed the proposed operation for MD's examination but only provided piecemeal responses to their comments.

### *Approval Conditions*

99. In response to the Chairperson's question, Mr. Derek W.O. Cheung, DPO/TWK, PlanD said that should the Board decide to approve the application on review, two approval conditions, among others, related to the barging operation were proposed according to para. 8.2 of the Paper, i.e. the submission of a revised BOP and the implementation of an approved BOP under conditions (g) and (h) were suggested respectively. These two conditions were essentially related to the proposed barging operation of using the slipway and cradle.

### *Occupational Safety*

100. In response to a Member's question on the comments from the Labour Department (LD), Mr. Derek W.O. Cheung, DPO/TWK, PlanD said that LD's comments were neutral without casting a view of supporting or raising objection to the proposed operation. Instead, the requirements for compliance with the relevant regulations related to the occupational safety and health issue were set out.

101. 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 representatives and the applicant's representatives for attending the meeting. They all left the meeting at this point.

[Mr Ken K.K. Yip, CE/NTE, TD left the meeting during the Q&A Session.]

[Mr Eddie S.K. Leung, CE/HK, TD and Mr H.W. Cheung arrived to join the meeting during the Q&A Session.]

### Deliberation Session

102. The Chairperson said that the proposed CBP was not incompatible from the land use perspective. Members should consider whether the application could be approved taking into account the concerns of the relevant departments, notably MD, yet to be addressed by the applicant.

103. Some Members noted that the conditions of the Site were different from those of the similar application (No. A/TY/130) and the applicant had failed to demonstrate the technical feasibility and safety of the proposed barging operation. There were still uncertainties related to the proposal, which had yet to be tested.

104. Some Members pointed out that despite the fact that the proposed development was not incompatible with the surrounding land uses, departmental comments on planning applications should duly be taken into consideration. In general, applications might be approved with conditions on the basis that the relevant government departments had no in-principle objection to the applications. However, for the subject application, MD had grave concerns on the proposed barging operation from marine traffic and safety points of view.

105. Members considered that the applicant had the responsibility to ascertain the technical feasibility and safety of the proposed barging operation as far as possible. For the current application, the applicant could not demonstrate that the proposed barging operation was feasible, practicable and safe. Constructive and proactive liaisons between the applicant and MD in processing the application were considered essential to facilitate the Board's consideration of the application while involved mainly technical issues.

106. After deliberation, the Board decided to reject the application on review for the following reason:

“the applicant fails to demonstrate that the proposed barging operation by using the existing slipway for the proposed concrete batching plant is feasible, practicable

and safe and will not have adverse impact on marine safety and the shipyards nearby.”

[Professor T.S. Liu returned to join the meeting during the above discussion.]

### **Procedural Matters**

#### **Agenda Item 9**

[Confidential Item] [Closed Meeting]

107. The item was recorded under confidential cover.

#### **Agenda Item 10**

Any Other Business

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

108. There being no other business, the meeting was closed at 3:15p.m.