

**Minutes of 1202<sup>nd</sup> Meeting of the  
Town Planning Board held on 14.6.2019**

**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 Ivan C.S. Fu

Mr Stephen H.B. Yau

Dr F.C. Chan

Mr David Y.T. Lui

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Assistant Director/Regional 1, Lands Department

Mr Simon S.W. Wang

Deputy Director of Environmental Protection (1)

Mr Elvis W.K. Au

Chief Engineer (Works), Home Affairs Department

Mr Martin W.C. Kwan

Principal Assistant Secretary for Transport and Housing (Transport) 3,

Transport and Housing Bureau

Mr Andy S.H. Lam

Director of Planning

Mr Raymond K.W. Lee

Deputy Director of Planning/District

Miss Fiona S.Y. Lung

Secretary

**Absent with Apologies**

Mr H.W. Cheung

Mr Sunny L.K. Ho

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Dr C.H. Hau

Miss Winnie W.M. Ng

**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

Mr Alex C.Y. Kiu

## **Agenda Item 1**

[Open meeting]

### **Confirmation of Minutes of the 1201<sup>st</sup> Meeting held on 24.5.2019**

[The item was conducted in Cantonese.]

1. The Chairperson said that the draft minutes of the 1201<sup>st</sup> Meeting held on 24.5.2019 were sent to Members before the meeting and tabled at the meeting. Subject to no proposed amendment by Members on or before 17.6.2019, the minutes would be confirmed without amendment.

[Post-meeting Note: The minutes were confirmed on 17.6.2019 without amendment.]

## **Agenda Item 2**

### **Matters Arising**

(i) Reference Back of Approved Development Scheme Plan and Approved Outline Zoning Plans

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

2. The Secretary reported that on 4.6.2019, the Chief Executive in Council referred the following Development Scheme Plan (DSP) and Outline Zoning Plans (OZPs) to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance :

(a) Approved Urban Renewal Authority Staunton Street/Wing Lee Street DSP No. S/H3/URA1/4;

(b) Approved Yuen Long OZP No. S/YL/23; and

(c) Approved Kwun Tong (South) OZP No. S/K14S/22.

3. The reference back of the said DSP and OZPs was notified in the Gazette on 14.6.2019.

(ii) Town Planning Appeal Decision Received

Town Planning Appeal No. 1 of 2018

Proposed House (New Territories Exempted House (NTEH) - Small House) in  
“Green Belt” zone, Lot 713 RP in D.D. 9, Yuen Leng Village, Tai Po  
application No. A/NE-KLH/528

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

4. The Secretary reported that the subject appeal was against the Town Planning Board (the Board)’s decision to reject on review an application (No. A/NE-KLH/528) for a proposed house (NTEH – Small House) at a site zoned “Green Belt” (“GB”) on the Kau Lung Hang Outline Zoning Plan (the Plan).

5. The appeal was heard by the Town Planning Appeal Board (TPAB) on 18.2.2019. On 20.5.2019, the appeal was dismissed by the TPAB for the following reasons :

Land Use Zoning

(a) the “GB” zone of the site was designated on the Plan in accordance with the Town Planning Ordinance. The Appellant had not raised objection to the Plan or applied for amendment of the Plan. The TPAB should consider the appeal in accordance with the provision of the Plan;

Connection with the existing and planned sewerage system

(b) the Appellant failed to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the existing and planned sewerage system and would not cause adverse impact on the water quality and natural landscape in the area; and

Land available within the “Village Type Development” (“V”) zone for Small House development

(c) the Appellant failed to demonstrate that there was a general shortage of land in meeting the demand for Small House development within the “V” zone of Yuen Leng and Kau Lung Hang.

6. A copy of the Summary of Appeal and the TPAB's decision had been sent to Members for reference before the meeting.

(iii) Updated Appeal Statistics

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

7. The Secretary reported that as at 6.6.2019, a total of nine appeal cases were yet to be heard by the Appeal Board Panel (Town Planning) and one decision was outstanding. Details of the appeal statistics were as follows :

Allowed	36
Dismissed	160
Abandoned/Withdrawn/Invalid	202
Yet to be Heard	9
Decision Outstanding	1
<hr/> Total	<hr/> 408

(iv) Judgment on a Leave application for Judicial Review against the Town Planning Board, the Chief Executive in Council and Others in respect of the Tai Po Outline Zoning Plan No. S/TP/25

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

8. The Secretary reported that the following Members had declared interests in this item :

Mr H.W. Cheung - owning a flat at Po Heung Street;

Dr Frankie W.C. Yeung - his company owning a flat at On Chee Road; and

Mr Daniel K.S. Lau - owning a property at Ma Wo Road, Tai Po.

9. The meeting noted that Mr H.W. Cheung and Dr Frankie W.C. Yeung had tendered apologies for not being able to attend the meeting. As the item was to report the judgment on a Judicial Review (JR) application and no discussion was required, Mr Daniel K.S. Lau was allowed to stay in the meeting.

10. The Secretary reported that the JR application was lodged by Mr Wong Yu Cho on 21.8.2018 against the Town Planning Board (the Board), the Chief Executive in Council and others arising from the rezoning of a site at 4770 Tai Po Road, Kon Hang, Tai Po (the Site) from “Green Belt” to “Residential (Group C) 8” on the draft Tai Po Outline Zoning Plan No. S/TP/25. Mr Wong was previously the tenant under a Short Term Tenancy of the Site.

11. The leave application was dismissed by the Court of First Instance on 27.5.2019. The Court ruled that Mr Wong failed to show any error of law, Wednesbury unreasonableness or procedural unfairness during the plan making process and did not provide reasonable explanation for his delay in lodging the JR. The application also had no reasonable prospect of success. Therefore, the Court refused to exercise its discretion to grant extension of time for the JR application. In addition, the Court ordered Mr Wong to pay the Board for the legal costs. A copy of the judgment had been sent to Members for reference before the meeting.

12. Separately, as reported to Members on 10.5.2019, the District Court dismissed on 29.4.2019, Mr Wong’s application for leave for appeal against the District Court’s dismissal of Mr Wong’s civil claim against the Board in respect of the same rezoning matter. Mr Wong then sought leave from the Court of Appeal on 20.5.2019 to appeal against the District Court’s judgment. The Court directed Mr Wong to submit the appeal documents in a proper manner.

13. The Board noted the judgment on the JR application, and that the Secretary would act on behalf of the Board in handling Mr Wong’s appeal in respect of his civil claim in the usual manner.

(v) **[Confidential Item] [Closed Meeting]**

14. This item was recorded under confidential cover.

**Tuen Mun and Yuen Long West District**

**Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Review of application No. A/HSK/116

Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles Not Exceeding 5.5 Tonnes) with Ancillary Car Beauty Services and Office for a Period of 3 Years in “Village Type Development” Zone, Lots 1804 (Part), 1805 (Part), 1808 RP, 1809 RP (Part) and 1817 (Part) in D.D.124, San Lee Uk Tsuen, Yuen Long (TPB Paper No. 10546)

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[The meeting was conducted in Cantonese.]

**Presentation and Question Sessions**

15. The following representative from the Planning Department (PlanD) was invited to the meeting at this point :

Mr David Y.M. Ng - District Planning Officer/Tuen Mun and Yuen Long West  
(DPO/TM&YLW), PlanD

16. The Chairperson extended a welcome and informed Members that the applicant had indicated not to attend the meeting. She then invited DPO/TM&YLW, PlanD to brief Members on the review application.

17. With the aid of a PowerPoint presentation, Mr David Y.M. Ng, DPO/TM&YLW, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), justifications provided by the applicant, departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10546 (the Paper).

[Mr Alex T.H. Lai and Ms Sandy H.Y. Wong arrived to join the meeting at this point.]



18. As the presentation of DPO/TM&YLW, PlanD had been completed, the Chairperson invited questions from Members.

19. The Chairperson and some Members had the following questions :

Submission of Condition Record of the Existing Drainage Facilities

- (a) PlanD's response to the applicant's claim that the compliance period of the approval condition on the submission of condition record of the existing drainage facilities had been shortened to three months without his notice;
- (b) whether the applicant would need to engage any contractor/specialist to submit the condition record;
- (c) noting that the condition record represented only a snapshot of the condition of the drainage facilities on-site, whether the applicant would need to submit further condition records to demonstrate the proper functioning of the drainage facilities;
- (d) whether Typhoon Mangkhut had affected the drainage facilities on-site as the applicant claimed;

Non-Compliance with Approval Conditions

- (e) whether the on-site drainage facilities were in satisfactory condition despite that the applicant had not submitted any condition record, and whether there had been any drainage complaint(s) since the revocation of application No. A/HSK/60;
- (f) noting that two previous planning permissions were revoked after a period of about 8.5 months (application No. A/YL-PS/320) and about 20 months (application No. A/YL-PS/442) respectively was lapsed since the granting of the permission, whether there was any difference in the nature/treatment for application No. A/HSK/60 as the planning permission was revoked 3 months after the planning permission was granted;

- (g) whether PlanD had issued any reminder to the applicant on the deadline for compliance with time-limited approval conditions of application No. A/HSK/60 and whether there was any non-compliance with the non-time-limited approval conditions such as that in respect of parking of heavy vehicles; and
- (h) whether planning enforcement action would be taken against the Site if the Board decided to reject the application upon review.

20. In response, Mr David Y.M. Ng, DPO/TM&YLW, made the following points :

Submission of Condition Record of the Existing Drainage Facilities

- (a) drainage facilities for the application site (the Site) were implemented to the Drainage Services Department (DSD)'s satisfaction under the approval condition of the previous application No. A/YL-PS/442. As DSD considered that such facilities were still appropriate, it only required the applicant to submit a record to demonstrate the proper functioning of the existing drainage facilities on the Site to its satisfaction within three months from the date of planning approval. It was the established practice of the Board to impose an approval condition to effect following DSD's requirement;
- (b) according to established practice, the applicant would only need to submit photos of the existing drainage facilities on-site in order to comply with the approval condition on the submission of condition record of the existing drainage facilities. Engagement of service from contractors/specialists was normally not required;
- (c) in addition to the approval condition on the submission of condition record of the existing drainage facilities, there was another approval condition requiring the applicant to maintain the existing drainage facilities at all time during the approval period;

- (d) it was noted that Typhoon Mangkhut hit Hong Kong in mid-September 2018 while the compliance deadline for the approval condition on the submission of condition record of the existing drainage facilities expired on 6.10.2018. The applicant had not submitted any photo/evidence to support its claim that the drainage facilities were damaged/blocked by the typhoon, and PlanD was unable to ascertain the effect of the typhoon on the drainage facilities;
- (e) there was no information regarding the current condition of the drainage facilities and drainage complaint(s) related to the Site;

Non-Compliance with Approval Conditions

- (f) approval conditions imposed on temporary planning approvals could be classified into two types, i.e. time-limited and non-time-limited. The applicant had to comply with the non-time-limited approval conditions (e.g. no parking of heavy vehicles) at all times during the approval period. For the first two temporary planning approvals, PlanD received complaints regarding non-compliance with non-time-limited approval conditions during the approval periods. Warning letters were issued to the applicant in accordance with the established practice. As the non-compliance persisted during PlanD's subsequent site inspections after warning, the planning permissions were then revoked;
- (g) for time-limited approval conditions, the applicant had to make technical submissions (e.g. drainage proposal) by the specified dates. A planning permission would be revoked on the specified deadline if the time-limited approval condition for the relevant technical submission was not complied with on/before the specified date. If more time was required for compliance with approval condition(s), an applicant could apply for an extension of time (EOT) for compliance with approval condition under s.16A of the Town Planning Ordinance (the Ordinance). For the subject case, application No. A/HSK/60 was revoked on 6.10.2018 as no condition record of the existing drainage facilities had been submitted. It was noted that the applicant had not applied for EOT for compliance with the said condition;

- (h) the compliance periods were clearly stated in the approval letter of application No. A/HSK/60, and the applicant should be aware of the deadline to comply with the approval conditions. There was no information on whether the other approval conditions were complied with or not; and
- (i) as the Site was currently vacant, there was insufficient evidence to prove that there was unauthorized development on-site at this stage to warrant planning enforcement action.

21. The Chairperson remarked that it was the applicant's responsibility to make timely technical submissions to comply with the approval conditions or else apply for EOT. Upon the Chairperson's enquiry, Mr Raymond K.W. Lee, the Director of Planning, confirmed that it was an established practice that no separate reminder would be issued to applicants for time-limited approval conditions. He also supplemented that the objective of requiring the submission of condition record of the existing drainage facilities was to ensure that the drainage facilities implemented under the previous planning approval were still functioning properly.

22. Noting that the site layout and configuration under the three previous planning approvals were different, a Member enquired whether the drainage requirements of the three planning approvals were the same. Mr David Y.M. Ng, DPO/TM&YLW, responded that peripheral drains were constructed under application No. A/YL-PS/442 and accepted by DSD. DSD considered such drainage facilities adequate for application No. A/HSK/60 despite the slightly smaller site area and different site layout.

23. A Member asked the following questions :

- (a) noting that the Site was located in the "Village Type Development" ("V") zone, whether approval of the application would jeopardize Small House (SH) development at the Site;
- (b) ownership details of the four lots within the Site; and
- (c) the demand and supply of land for SH development in San Lee Uk Tsuen.

24. In response, Mr David Y.M. Ng, DPO/TM&YWL, made the following points :

- (a) there was no SH application within the Site according to the Lands Department (LandsD)'s records, though seven SHs around the Site had recently been approved;
- (b) the applicant was not a current land owner of the Site, but there was no information on the ownership details of the Site in hand; and
- (c) the Site fell within the "V" zone and was included in the assessment for land availability for SH development of San Lee Uk Tsuen. According to LandsD, there were 29 outstanding SH applications in the subject "V" zone, and the 10-year SH demand forecast was 40. There was 7.6 hectares of available land capable for development of about 300 SHs in the subject "V" zone to meet the SH demand.

25. A Member enquired about the applicant's option(s) if the subject application was rejected but he still wanted to pursue temporary use of the Site. Mr David Y.M. Ng, DPO/TM&YWL, responded that the applicant could apply for a fresh planning application, which would be assessed on its individual merits. Mr Raymond K.W. Lee, the Director of Planning, supplemented that the applicant could provide additional justifications on how the approval conditions could be complied with, say, by including the outstanding condition record of the existing drainage facilities when submitting the fresh planning application to demonstrate that the drains were functioning properly. The applicant also had the option of submitting an appeal against the Board's decision on the subject application to the Town Planning Appeal Board.

26. A Member also enquired whether PlanD would recommend approval if the application were submitted by another applicant since he/she would have no record of repeated non-compliance with approval conditions. Mr David Y.M. Ng, DPO/TM&YWL, responded that even if the planning application was submitted by another applicant, PlanD would assess it comprehensively in terms of the history of the Site, the applied use, the site conditions, relevant departments' comments, and other relevant material considerations.

27. As Members had no further question to raise, the Chairperson thanked Mr David Y.M. Ng, DPO/TM&YLW, for attending the meeting, and he left the meeting at this point.

#### Deliberation Session

28. Mr Raymond K.W. Lee, the Director of Planning, drew Members' attention to the applicant's justifications for the application at the s.16 stage which were mainly commitments to comply with the approval conditions. Noting the three previous revocations, the application was rejected by the RNTPC. At the s.17 stage, the applicant added two further justifications that he was not aware of the shortening of the compliance period of the approval condition on the submission of condition record of drainage facilities to 3 months, and that the drainage facilities on the Site were damaged by Typhoon Mangkhut.

29. Some Members were sympathetic towards the application for the following reasons/considerations :

- (a) Typhoon Mangkhut was a very devastating one. The drainage facilities on-site could have been so badly blocked/damaged by the typhoon that precluded a submission acceptable to DSD within the short period between mid-September to early-October 2018;
- (b) the applicant should be given the benefit of doubt that the drainage facilities on-site were indeed functioning properly despite the applicant's inadvertent omission in submitting the condition record under application No. A/HSK/60;
- (c) the nature of the 3<sup>rd</sup> revocation was different from, and less serious than that of the 1<sup>st</sup> and 2<sup>nd</sup> revocations which involved intentional non-compliance with non-time-limited approval conditions; and
- (d) there was non-compliance with only one time-limited approval condition under the last planning approval and the applicant should be given a second chance.

30. Some Members considered that the application should be rejected for the following reasons/considerations :

- (a) the Site was zoned “V” and should be used for SH development. Temporary use of the Site should only be tolerated if the site conditions were maintained to the Board’s satisfaction. There should also be a limit as to how long could temporary use of the Site be tolerated;
- (b) the applicant, represented by an engineering consultant firm, should be fully aware of its responsibility and possess the resources to comply with all the approval conditions. The applicant’s justifications were not convincing;
- (c) the applicant should have been represented at the review hearing to provide evidence of its claim in order to secure any sympathetic consideration of the application by the Board;
- (d) the applicant claimed that the drainage facilities were repaired by 15.10.2018 but had not submitted any record to demonstrate proper functioning of the existing on-site drainage facilities;
- (e) the applicant’s justifications submitted at the s.17 stage were not directly addressing the rejection reason that there had been repeated non-compliance of approval conditions nullifying the statutory planning control mechanism; and
- (f) there was no change in planning circumstances or procedural impropriety to warrant a departure from the RNTPC’s decision to reject the application.

31. In response to a Member’s question, the Chairperson said that in assessing s.17 reviews, the Board was not bound by the considerations of the Planning Committees.

32. A Member opined that the Board and its Planning Committees should perform an administrative function rather than a judicial function; and s.17 reviews amounted to further consideration where new justifications could be submitted by the applicant. In the absence of any new justification, there was no strong reason for the Board to depart from the RNTPC’s

decision. The Member also opined that non-compliance with approval conditions should be site-related rather than applicant-related.

33. While supporting the RNTPC's decision to reject the application, a Member was concerned that the RNTPC's rejection reason seemed to suggest that the application was rejected because the applicant was considered not trust-worthy due to repeated non-compliance with approval conditions.

34. In response, the Chairperson said that the RNTPC rejected the application based on the ground of setting an undesirable precedent effect for other similar applications rather than prejudicing the applicant. Approval of the application with repeated non-compliance with approval conditions might send out a very wrong signal to the applicants of other applications for temporary uses in the New Territories that non-compliance with approval conditions would have no consequence on their operations. This would nullify the statutory planning control mechanism.

[Mr Ivan C.S. Fu, Mr Wilson Y.W. Fung and Mr Stanley T.S. Choi arrived to join the meeting during the Deliberation Session.]

35. Noting the diverse views of Members during deliberation, the Chairperson suggested a vote on the application. As the majority of Members were in support of upholding the RNTPC's decision, the Board decided to reject the application on review for the following reason :

“three previous planning permissions for the same use granted on the Site by the Board were revoked due to non-compliance of the approval condition(s). Approval of the application with repeated non-compliances with approval condition(s) would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.”

[The meeting was adjourned for a 5-minute break.]

[Mr David Y.T. Lui and Mr Stephen H.B. Yau left the meeting at this point.]



**Kowloon District**

**Agenda Item 4**

[Open Meeting (Presentation and Question Sessions only)]

Review of application No. A/K18/325

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

(TPB Paper No. 10548)

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[The meeting was conducted in Cantonese.]

36. The Secretary reported that the application site (the Site) was located in Kowloon Tong (K18). Golden Fook Co. Ltd. (Golden Fook) was the applicant and MVA Hong Kong Ltd. (MVA) was one of the applicant’s consultants. The following Members had declared interests in the item :

Mr Ivan C.S. Fu ] having current business dealings with MVA;

Mr Thomas O.S. Ho ]

Mr K.K. Cheung ] their firm having past business dealings with Golden

Mr Alex T.H. Lai ] Fook and MVA;

Mr Franklin Yu - having past business dealings with MVA;

Mr H.W. Cheung ] owning a property/properties in Kowloon Tong;

Mr Peter K.T. Yuen ]

Miss Winnie W.M. Ng ]

Mr David Y.T. Lui - co-owning with spouse a flat in Yau Yat Chuen;

Dr Lawrence W.C. Poon - working in the City University of Hong Kong and living in its quarters in Kowloon Tong; and

Mr Stanley T.S. Choi - his spouse was a director of a company which owned properties in Kowloon Tong.

37. The meeting noted that Messr H.W. Cheung and Peter K.T. Yuen and Miss Winnie W.M. Ng had tendered apologies for not being able to attend the meeting, and Mr Franklin Yu had not yet arrived at the meeting. Messr Ivan C.S. Fu and Thomas O.S. Ho had no direct involvement in the application, the interests of Messr K.K. Cheung and Alex T.H. Lai were not direct, the workplace/quarters of Dr Lawrence W.C. Poon and the properties owned by Mr David Y.T. Lui and his spouse, and the company of Mr Stanley T.S. Choi's spouse did not have a direct view of the Site. The said Members were allowed to stay at the meeting.

#### Presentation and Question Sessions

38. The Government's and the applicant's representatives were invited to the meeting :

##### Planning Department (PlanD)

Ms Johanna W.Y. Cheng - District Planning Officer/Kowloon (DPO/K)

##### Transport Department (TD)

Ms Christine N.Y. Luk - Engineer/Kowloon City (Engr/KC)

##### Hong Kong Police Force (HKPF)

Mr C.W. Tang - Inspector, Kowloon City Division

##### Applicant

*Lanbase Surveyors Ltd.* ] Applicant's representatives

Mr C.K. Chan ]

Mr Roy Cheung ]

*MVA Hong Kong Ltd.* ]

Mr Jonathan Louie ]

Mr Edmund Kwok ]

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

40. With the aid of a PowerPoint presentation, Ms Johanna W.Y. Cheng, DPO/K, 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 TPB Paper No. 10548 (the Paper).

41. The Chairperson then invited the applicant's representatives to elaborate on the review application.

42. Mr C.K. Chan, the applicant's representative, made the following points in support of the review application :

- (a) with reference to Plan R-2 of the Paper, the Site was surrounded by schools and a church on the eastern, southern and western sides. The kindergarten under application was therefore compatible with its surrounding uses. In addition, the Site had no special feature that would mandate it for residential use despite its "Residential (Group C) 3" ("R(C)3") zoning;
- (b) the kindergarten had already been in operation, and the past records had demonstrated that there was no traffic accident in the vicinity of the Site (i.e. Flint Road and Chester Road), and the applicant had not received any traffic complaint over the past year; and
- (c) a comprehensive set of traffic mitigation and proper traffic management measures were proposed to improve the present unsatisfactory traffic conditions in the area.

43. With the aid of a PowerPoint presentation, Mr Edmund Kwok, the applicant's representative, made the following points in support of the review application :

- (a) traffic surveys were carried out at six road segment locations each for five normal school days in October 2018 during the three school peak periods;
- (b) while a considerable amount of roadside parking was observed along the surveyed road segments during the peak periods, the kindergarten only contributed to part of the roadside parking problem, among the numerous other users;
- (c) the applicant would implement a number of traffic mitigation measures, namely (1) to adopt a 'school-bus-only' policy, (2) provision of parking and loading/unloading (L/UL) facilities within the Site in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG), (3) carrying out pick-up/drop-off by school buses within the Site only, (4) close coordination with the school bus company to ensure that all pick-up/drop-off activities would be carried out within the Site, (5) provision of traffic warden to manage traffic activities, and (6) shifting of the school operation hours to periods of lower traffic flows;
- (d) TD considered that the traffic impact generated from the kindergarten operation would be alleviated with effective implementation of the proposed measures;
- (e) proposed traffic improvement measures (1) to (5) mentioned above would eliminate all on-street parking and pick-up/drop-off activities associated with the subject kindergarten, and improve both traffic flow and pedestrian safety near the Site;
- (f) parents/guardians of students would be required to sign an undertaking that their children would join the compulsory school bus-only scheme. Exemption would only be granted to students residing within walking distance of the kindergarten on condition that the students would not access the kindergarten, Flint Road and Chester Road by vehicle. Thus, such exemption would not result in traffic generation;

- (g) shifting of the school operation hours would substantially reduce the peak period traffic flows, and increase the reserve capacity of the surrounding road segments; and
- (h) the applicant was willing to comply with the Board's approval conditions stated in the Paper.

44. As the presentation from DPO/K, PlanD and the applicant's representatives had been completed, the Chairperson invited questions from Members.

45. In response to a Member's question on the merits of the Site for school use, Mr C.K. Chan, the applicant's representative, advised that the applicant's reason(s) for choosing the Site could no longer be traced, but the kindergarten had been operating thereat for a considerable period of time. The kindergarten was only one of the many schools, and a small one, operating in the area. If kindergarten use was considered not suitable at the Site, then perhaps the numerous school sites surrounding the Site were also not suitable for school use. He re-iterated that there was no special feature/circumstance of the Site rendering it unsuitable for school use.

46. A Member enquired about the applicant's arrangements for its students if the application was rejected. Mr C.K. Chan, the applicant's representative, responded that the applicant was confident that its proposed traffic mitigation measures could address the departmental concerns, and had not made any arrangement for the scenario of the application being rejected by the Board.

47. Ms Johanna W.Y. Cheng, DPO/K, advised that since the rejection of the previous application in 2016, the Education Bureau (EDB) had requested the kindergarten to submit a contingency plan in the event that it had to cease operation. According to EDB, the kindergarten's reply was still pending.

#### Traffic Mitigation Measures

48. The Chairperson, Mr Andy S.H. Lam, Principal Assistant Secretary for Transport and Housing (Transport) 3 and some Members had the following questions :

- (a) whether the traffic survey was conducted based on the number of existing students or the maximum 190 students allowed under the school registration;
- (b) information on the existing students' residence locations and the applicant's definition for walking distance to qualify for exemption from the proposed 'school-bus-only' policy;
- (c) the applicant's measures, if any, to enforce against parents/guardians violating the proposed 'school-bus-only' policy or their undertaking of not accessing the kindergarten, Flint Road and Chester Road by vehicle;
- (d) what traffic measure(s) had been implemented by the applicant since the rejection of the previous application by the Board in 2016 noting that the MPC/Board's major concern was the traffic aspect;
- (e) nearby example(s) of schools implementing a 'school-bus-only' policy, if any;
- (f) HKPF's enforcement statistics on traffic matters in the area; and
- (g) TD's and HKPF's stance on the kindergarten use under application in view of the applicant's proposed traffic mitigation measures.

49. In response, Mr Edmund Kwok and Mr C.K. Chan, the applicant's representatives, made the following points with the aid of the visualizer :

- (a) the traffic survey was based on the existing number of students of the school which was about 130;
- (b) he had no information regarding the existing students' residence locations. By 'walking distance' from the school, the applicant was referring to the neighbourhood roughly bounded by Waterloo Road, Boundary Street, Norfolk Road, College Road and Kowloon Tsai Park which was about 4 to 11 minutes' walk from the Site;

- (c) while the applicant was unable to enforce against roadside pick-up/drop-off activities by parents/guardians at Flint Road and Chester Road, it would send out school observers to observe and record such incidents; and
- (d) the applicant would reserve its rights to expel students from the school should their parents/guardians violate the proposed 'school-bus-only' policy or their undertaking of not accessing the kindergarten via Flint Road and Chester Road by vehicle. In view of TD's changing requirements, the applicant had implemented some traffic mitigation measures over the past few years like employing traffic wardens to co-ordinate the arrival of school buses for orderly roadside pick-up/drop-off activities. The applicant was ready to implement the shifting of school hours, and would implement the 'school-bus-only' policy upon the Board's approval and after the completion of the campus modification works this summer.

50. Ms Johanna W.Y. Cheng, DPO/K, advised that an approved temporary kindergarten at 2 Essex Crescent had also been implementing a 'school-bus-only' policy for some time, but the kindergarten only had 22 and 16 students enrolled in the school year of 2017 and 2018 respectively (as compared to 216 student per am/pm session approved). The effectiveness of implementation of the 'school-bus-only' policy with a larger number of students remained to be tested.

51. Ms Christine N.Y. Luk, Engr/KC, advised that if the proposed traffic mitigation measures were effectively implemented, the existing traffic conditions might be alleviated. That said, TD's own observation was that school buses tended to arrive early to wait at Chester Road, while parents/guardians would wait at Flint Road for their turn to pick up/drop off. As Flint Road was rather short, traffic could tail back to Waterloo Road through Chester Road even with a relatively low traffic flow. Besides, the applicant had yet to prove to TD's satisfaction that the 5 bus lay-bys within the Site could smoothly handle the in/out movement of 12 to 13 school buses during the peak hours. TD therefore maintained its reservation on the application.

52. Mr C.W. Tang, Inspector, Kowloon City Division, advised that traffic enforcement matters in Kowloon Tong mainly involved illegal parking. Pick-up/drop-off activities by private cars and school buses had caused serious congestion along Waterloo Road, a major trunk road, that lasted continuously throughout the peak periods. A large amount of police manpower was required daily to carry out law enforcement in the area during the school hours. As the traffic on the area's road network had already been saturated, HKPF maintained its reservation on the application from the traffic enforcement point of view.

53. A Member enquired about TD's considerations in designating a certain road segment as no pick-up/drop-off zone. Specifically, if Flint Road and Chester Road were so-designated, the traffic issues associated with the current application might no longer be relevant. Ms Christine N.Y. Luk, Engr/KC, responded that TD would consider whether roadside pick-up/drop-off and L/UL activities would result in traffic congestion at/around the concerned road segment when considering designation of no pick-up/drop-off zones. Despite the fact that many road segments had already been designated as no pick-up/drop-off zones, many drivers would illegally do so when the police was not present. She cautioned against over-designating such zones as it would strain HKPF's resources.

#### Demand and Supply for Kindergarten in Kowloon Tong

54. A Member enquired about the demand for kindergarten classroom in Kowloon Tong. Ms Johanna W.Y. Cheng, DPO/K, responded that according to the HKPSG, Kowloon Tong's population would require 19 to 20 kindergarten classrooms only, but currently, there were over 300 kindergarten classrooms in Kowloon Tong.

55. In response to the Chairperson and Mr Raymond K.W. Lee, the Director of Planning's enquiries, Ms Johanna W.Y. Cheng, DPO/K, advised that there were two other school premises operated by the applicant at 109 and 143 Waterloo Road respectively. She pointed out that the former was approved by the MPC for school use in 2006 and 2008, while the latter was regarded as an existing use under the Town Planning Ordinance (Ordinance).

56. A Member followed up to enquire about the number of classrooms and students in the other two schools operated by the applicant in Kowloon Tong. Ms Johanna W.Y. Cheng, DPO/K, responded that there were 15 classrooms for a maximum of 283 students for the



pre-nursery and kindergarten at 109 Waterloo Road, and 12 classrooms for a maximum of 484 half-day students for the primary school at 143 Waterloo Road.

57. 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 in the absence of the applicant. The Chairperson thanked the representatives from the Government and the applicant for attending the meeting, and they left the meeting at this point.

[Mr Thomas O.S. Ho, Dr Lawrence K.C. Li and Mr Stephen L.H. Liu left the meeting during the Question Session.]

#### Deliberation Session

58. The Chairperson pointed out that TD and HKPF were not fully satisfied that the applicant's proposed traffic improvement measures could be effectively implemented and they had reservation on the application from the traffic management and law enforcement perspectives. She further pointed out that despite the Board's rejection of the previous application in 2016, the operation of the kindergarten had not been discontinued, and not much effort had been made by the applicant to address the Board's concerns. Members generally agreed that there was no justification to deviate from the MPC's decision to reject the application.

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

59. The Chairperson and some Members were concerned about the continued operation of the kindergarten despite repeated rejections of planning applications. It would be undesirable for a licencing authority to issue a licence to an operation for the subject kindergarten which was in contravention of the statutory land uses. The Board agreed to write to EDB requesting it to take appropriate action in reviewing the school registration. The meeting also noted EDB's previous request for the kindergarten to submit a contingency plan in the event the school had to cease operation. While a reply was pending, EDB should follow up with the kindergarten.

60. A Member enquired about the alternative mechanisms to enforce against the illegal operation of the kindergarten. In response, the Chairperson advised that the Planning Authority was not empowered under the Ordinance to take enforcement action against development not conforming with the provision of OZP in the urban areas. Both the Education Ordinance and the lease could be alternative mechanisms to carry out enforcement action against the non-compliant use.

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

- “(a) the development is not in line with the planning intention of the “Residential (Group C) 3” zone, which is for low to medium-rise, low-density residential developments;
- (b) the development is located at Flint Road/Chester Road with narrow width and busy traffic at school peak hours. The applicant fails to demonstrate the implementability and enforceability of the proposed traffic mitigation measures; and
- (c) approval of the application without implementable and enforceable traffic mitigation measures to address the traffic problem will set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications will aggravate the traffic congestion problem of the area at school peak hours.”

[Mr Lincoln L.H. Huang, Mr Lawrence W.C. Poon and Mr Ricky W.Y. Yu left the meeting at this point.]

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

**Agenda Item 5**

[Open Meeting (Presentation and Question Sessions only)]

Review of application No. A/K11/232

Temporary Place of Recreation, Sports or Culture (Sports Training Ground) for a Period of 3 Years in “Other Specified Uses” annotated “Business” Zone, Units D and E, G/F, Prince Industrial Building, 706 Prince Edward Road East, San Po Kong, Kowloon

(TPB Paper No. 10547)

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[The meeting was conducted in Cantonese.]

62. The Secretary reported that the application site (the Site) was located in San Po Kong, and Toco Planning Consultants Ltd. (Toco) and Fotton-ELA Architects Ltd. (Fotton-ELA) were the applicant’s representatives. The following Members had declared interests :

Mr K.K. Cheung ] their firm having past business dealings with Toco and  
Mr Alex T.H. Lai ] Fotton-ELA; and

Mr Stanley T.S. Choi - his spouse was a director of a company which owned a flat in Wong Tai Sin.

63. The meeting noted that as the property of Mr Stanley T.S. Choi’s spouse’s company was far away from the Site, and the interests of Mr K.K. Cheung and Mr Alex T.H. Lai were not direct, they were allowed to stay at the meeting.

**Presentation and Question Sessions**

64. The Government’s and the applicant’s representatives were invited to the meeting :

**Planning Department (PlanD)**

Ms Johanna W.Y. Cheng - District Planning Officer/Kowloon (DPO/K)

**Fire Services Department (FSD)**

Mr K.C. Lee - Senior Divisional Officer (New Projects)  
(SDO(NP))

Mr L.K. Li - Assistant Divisional Officer (New Projects) 11  
(ADO(NP)11)

Applicant

*Just Climb Association Ltd.* - Applicant  
Mr Danny S.F. Ho ] Applicant's representatives  
Ms C.Y. Kwan ]  
*Toco Planning Consultants Ltd.* ]  
Mr Ted Chan ]  
Ms Jacqueline Ho ]  
*Fotton-ELA Architects Ltd.* ]  
Mr S.M. Lee ]  
Mr Y.S. Yuen ]

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

66. With the aid of a PowerPoint presentation, Ms Johanna W.Y. Cheng, DPO/K, 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 TPB Paper No. 10547 (the Paper).

67. The Chairperson then invited the applicant's representatives to elaborate on the review application. She suggested the applicant to focus its presentation on the fire safety aspect which was the main concern of the application.

68. With the aid of a PowerPoint presentation, Mr Danny S.F. Ho, the applicant's representative, made the following points :

- (a) he was the founder of Just Climb, which had been operating in the application premises (the Premises) since 2011. The vision of Just Climb was 'Dream. Joy. Climb.' which represented its aim of giving participants joy through satisfaction in Sport Climbing;

- (b) he won the 2011 Bun Scrambling Contest and National Bouldering Championship, and represented Hong Kong to participate in many international Sport Climbing competitions over the years. He was also a qualified trainer in Sport Climbing. His specialty was Bouldering which required the climber to scale fixed routes on a wall less than 4.5m high without any safety rope. Bouldering was one of the three compulsory disciplines under Sport Climbing in the Tokyo 2020 Olympics;
- (c) as no Bouldering facility was provided in government premises, he developed this Bouldering facility at the Premises to facilitate his own training. The Premises were chosen as it had a high floor to ceiling height; and
- (d) the applicant had engaged a professional team to run the facility, which was a training ground of the Hong Kong Sport Climbing Olympic team. The applicant also provided training courses for children and non-government organizations (NGOs).

[Mr K.K. Cheung left the meeting during the applicant's presentation.]

69. Mr S.M. Lee, the applicant's representative, made the following points :

- (a) he was the Authorized Person for developing the facility;
- (b) one of the reasons for FSD's objection to the application was that the use would attract a large number of people staying in the Premises for a long period of time. While the Town Planning Board Guidelines for Development within "Other Specified Uses (Business)" Zone (TPB PG-No. 22D) allowed a maximum of 460 m<sup>2</sup> of aggregate commercial floor area on the G/F of an existing industrial building (with sprinkler systems), the Premises had an area of 348 m<sup>2</sup> only. There was no other commercial use at the G/F of the building. If the Premises were put into retail or restaurant uses, it could accommodate 116 or over 300 persons respectively according to the Buildings Ordinance. The applied use, accommodating a maximum of about 30 persons only, represented a much lower fire risks;

- (c) FSD was concerned about the safety of child participants who might not know how to respond in emergency situations. The applicant opined that such concerns were unfounded as the staff to visitor ratio was 1 to 5 or 6, which represented an ample amount of manpower to take care of the kids. It was also noted that retail or restaurant uses would not refuse patronage by children;
- (d) FSD required vertical and horizontal separation between industrial and commercial uses. In this regard, the Premises were vertically separated from industrial uses on the upper floors by a carparking floor. The Premises were also horizontally separated from industrial units on the same floor by an existing corridor of over 2m wide and partition walls with a 2-hour fire protection rating. The fire protection for the Premises was even better than that between two adjoining industrial buildings as the external walls of the industrial buildings were also of a 2-hour fire protection rating;
- (e) the applicant would seal off all exits to the common corridor with materials of a 2-hour fire protection rating, and construct an additional means of escape (MoE) with direct access to Prince Edward Road to completely isolate the Premises from other industrial units on the G/F of the building. The resulting fire protection for the Premises would be higher than FSD's requirements; and
- (f) there was a special sports training need in the society that the Government had not taken care of, and the applicant was providing services in this respect through its own resources. Rejection of the application would affect the development of this sport in Hong Kong.

70. Mr Ted Chan, the applicant's representative, made the following points :

- (a) the applicant was willing to invest in the proposed fire services installations (FSIs) to FSD's satisfaction;
- (b) the applicant would submit a detailed proposal regarding the management plan of participants in the sport training facility;

- (c) as only a temporary planning approval was sought, the Board would be in a position to reject the application on renewal should the applied use be operated unsatisfactorily; and
- (d) the Board's sympathetic consideration on the application was sought to encourage the development of this sport.

71. As the presentation from DPO/K, PlanD and the applicant's representatives had been completed, the Chairperson invited questions from Members.

#### Bouldering Facilities in Hong Kong

72. Some Members enquired about the provision of Bouldering facilities in Hong Kong and the standard of provision under the Hong Kong Planning Standards and Guidelines (HKPSG). In particular, the difference between the Premises and the applicant's other facility on Hong Kong Island.

73. Mr Danny S.F. Ho, the applicant's representative, advised that as a trainer, he was familiar with all climbing facilities in Hong Kong. To his knowledge, the Premises were the only Bouldering facility in Hong Kong. He went on to explain that climbing facilities provided in government premises and other NGOs were mostly simple climbing facilities with 15m high walls (climbers were required to attach a safety rope) at relatively small vertical angles for Speed Climbing and Lead Climbing. On the contrary, Bouldering climbers were required to tackle a wall of less than 4.5m high but with boulders protruding from the wall at large and varying vertical angles without safety ropes. The difficulty of Bouldering was very high and Bouldering facilities could not be replaced by Speed/Lead Climbing facilities. The applicant's other facilities on Hong Kong Island was located in a shopping mall, which was different in context.

74. Ms Johanna W.Y. Cheng, DPO/K, advised that there was currently no standard for provision of sport climbing recreational facilities in the HKPSG.

Fire Risks and Co-existence of Industrial/Non-industrial Uses on the Same Floor

75. In response to a Member's enquiry on whether and how the applicant could satisfy FSD's requirements, Mr K.C. Lee, SDO(NP) of FSD, made the following points :

- (a) FSD required total separation of the Premises from industrial uses both vertically and horizontally. While the applicant was able to satisfy the vertical separation requirement with the car parking floor immediately above, it was noted that there were industrial uses on the same G/F, and any chemical leak or explosion, not only fire, from the industrial uses could affect the safety of patrons of the Premises. Therefore, FSD did not support the application; and
- (b) patrons of the Premises would stay in the Premises for a relatively long period of time, focusing on the climbing activity. They might not be aware of any accidents in the surrounding industrial units.

76. Mr Ted Chan, the applicant's representative, responded that there was no Dangerous Goods (DG) godown in the subject industrial building, and the industrial units on the same G/F had been occupied by the same water pump repair/assembly workshop for over 11 years, indicating that the industrial use was very stable. The industrial units did not have large amount of chemical/DG storage, either. The fire, chemical leak and explosion risks were therefore low.

77. Mr K.C. Lee, SDO(NP) of FSD, responded that storage of DGs in a DG godown was only required if the stored amount exceeded the exempted quantity, e.g. the exempted quantity of thinner was 20 litres. A small amount of DGs might still be stored in an industrial unit with no requirement for a DG licence.

78. Noting that FSD would not accept the co-existence of industrial and recreational uses on the same floor, the Chairperson asked whether FSD would accept the applied use if the industrial uses in the other units were all converted to non-industrial uses in future, and the planning consideration on retail and restaurant uses on the G/F of industrial buildings.



79. Mr K.C. Lee, SDO(NP) of FSD, responded that if the whole G/F was used for non-industrial purpose, FSD would re-consider the case. Ms Johanna W.Y. Cheng, DPO/K, supplemented that if the whole G/F of the building was converted to non-industrial use and separated from the industrial uses above vertically by a buffer floor, the applied use would be always permitted under the OZP. She advised that restaurant, being an 'eating place' use, was not permitted under the "Other Specified Use" annotated "Business" ("OU(B)") zone and the maximum GFA for commercial use stipulated in TPB PG-No. 22D was not applicable to the proposed use which is a 'Place of Recreation, Sports and Culture'. Regarding shops and services use, which might be permitted on application to the Board in accordance with the requirements under TPB PG-No. 22D, shop patrons would normally stay in the premises for relatively shorter periods of time. The applied use, on the other hand, was a recreational use and participants would stay for a relatively longer period of time.

80. In response to some Members' enquiry on the definition of vertical and horizontal separation, Mr K.C. Lee, SDO(NP) of FSD, advised that vertical separation meant a buffer floor, e.g. the car parking floor in the subject building, to separate the non-industrial use below from the industrial uses above. On the other hand, horizontal separation meant that all the units on the same floor must not be used for industrial purposes.

81. A Member asked whether the applied use would be acceptable to FSD if the applicant could secure undertakings from the other units on the same G/F about the nature of industrial activity that would be carried out and/or the types and quantities of DGs that would be stored in the units. Mr K.C. Lee, SDO(NP) of FSD, replied that such undertakings could not prevent the change in situation due to change of ownership/operator of the concerned units.

82. Mr S.M. Lee, the applicant's representative, reiterated that the horizontal separation of Premises from the industrial uses on the same G/F was better than or at least not worse than that between two adjoining industrial buildings due to the same 2-hour fire protection rating of partition and external walls required by law. There was no guarantee that the operation of one industrial building would not be affected by incidents in the adjoining industrial buildings.

83. A Member asked whether FSD had ascertained on-site the uses in the other units on the G/F of the subject building and whether DGs were stored, and whether FSIs such as fire alarms provided in the Premises and the subject building could raise the awareness of patrons in the Premises about accidents in other parts of the subject building.

84. Mr K.C. Lee, SDO(NP) of FSD, responded that FSD's comments were based on the assessment of the fire risks from the approved building plans. As the units on the same floor could legitimately be put into industrial use any time even if they were currently vacant, the application could not be supported. He added that FSIs provided in the Premises could not reduce the fire risk arising from the industrial activities in the industrial units on the same floor.

85. 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 in the absence of the applicant. The Chairperson thanked the representatives from the Government and the applicant for attending the meeting, and they left the meeting at this point.

#### Deliberation Session

86. The Chairperson said that given the fire service authority's safety concerns, it was difficult to approve the application. She invited views from Members.

87. Most Members considered that the application should not be approved as there were fire safety concerns and the applied use should be carried out in safer places. They were concerned that the climb activity and the focus it required might prevent quick evacuation of the participants, children in particular. A Member supplemented that the Board should respect FSD's expert views.

88. Noting that the facility had been in operation for eight years without planning permission since 2011, a Member remarked that the sport training ground for Bouldering was needed to promote this sport, and the Government should explore ways to facilitate the development of this sport.

89. While agreeing that the application should be rejected, a Member observed that FSD had not fully rebutted the applicant's argument on horizontal separation in that fire protection for the Premises was better than or at least not worse than that between two adjoining industrial buildings with mixed industrial and non-industrial uses with similar fire protection rating walls. This Member considered that industrial buildings and industrial land had all along been a potential source to increase the land supply. More in-depth discussion with FSD might be required to facilitate better utilization of surplus industrial premises for more beneficial uses.

90. The Chairperson advised that the Development Bureau (DEVB) had been looking into possible measures on revitalization of industrial buildings. In the package of measures introduced in late 2018, DEVB had secured the consent from FSD to accept more uses like data centres and machinery storage as buffer floor.

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

“the sports training ground use at the application premises is considered not acceptable from the fire safety point of view.”

[Mr Wilson Y.W. Fung and Ms Sandy H.Y. Wong left the meeting at this point.]

### **Agenda Item 6**

[Open Meeting (Presentation and Question Sessions only)]

Submission of the Draft Urban Renewal Authority Kai Tak Road/Sa Po Road Development Scheme Plan No. S/K10/URA1/A Prepared Under Section 25 of the Urban Renewal Authority Ordinance and Proposed Amendments to the Approved Ma Tau Kok Outline Zoning Plan No. S/K10/24

(TPB Paper No. 10542)

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[The item was conducted in Cantonese.]

92. The Secretary reported that the Development Scheme Plan (DSP) was located in Ma Tau Kok (K10) and submitted by the Urban Renewal Authority (URA). Driltech Ground Engineering Ltd (Driltech) was the consultant of URA. The following Members had declared interests on the item for owning properties in the Ma Tau Kok area, and/or having affiliation/business dealings with URA or Driltech :

Mr Raymond K.W. Lee - being a non-executive director of the URA Board  
(as Director of Planning) and a member of its Committee;

Mr Lincoln L.H. Huang - being the Deputy Chairman of Appeal Board Panel  
of URA;

Mr H.W. Cheung - being a former co-opt member of a Committee of  
URA;

Mr Ivan C.S. Fu - being a director of the Board of the Urban Renewal  
Fund of URA and having current business dealings  
with Cheung Kong Holdings Ltd. for the URA Peel  
Street/Graham Street project;

Mr Philip S.L. Kan - being a former non-executive director of the URA  
Board and a former director of the Board of the  
Urban Renewal Fund of URA;

Dr Lawrence W.C. Poon - being a non-executive director of the URA Board, a  
member of its Committees, and a director of the  
Board of the Urban Renewal Fund of URA;

Mr K.K. Cheung ] their firm having current business dealings with  
Mr Alex T.H. Lai ] URA and Driltech;

Mr Wilson Y.W. Fung - being a director of the Board of the Urban Renewal  
Fund of URA;

- Mr Thomas O.S. Ho - having current business dealings with URA;
- Mr Stephen L.H. Liu - being a past member of the Wan Chai District Advisory Committee of URA, his former company having current business dealings with URA;
- Mr Daniel K.S. Lau - being a former Director of Hong Kong Housing Society which was currently in discussion with URA on housing development issues;
- Ms Lilian S.K. Law - being a director of the Board of the Urban Renewal Fund of URA;
- Mr Ricky W.Y. Yu - being a director of the Board of Urban Renewal Fund of URA, and Director and CEO of Light Be (Social Realty) Co. Ltd. which was a licensed user of a few URA's residential units in Sheung Wan;
- Miss Winnie W.M. Ng - her company owning two shops at Nam Kok Road; and
- Mr L.T. Kwok - the institution he was serving had received sponsorship from URA.

93. Members noted that Mr H.W. Cheung and Miss Winnie W.M. Ng had tendered apologies for not being able to attend the meeting, and Mr Lincoln L.H. Huang, Dr Lawrence W.C. Poon, Mr K.K. Cheung, Mr Wilson Y.W. Fung, Mr Thomas O.S. Ho, Mr Stephen L.H. Liu and Mr Ricky W.Y. Yu had already left the meeting.

94. Members agreed that the interests of Mr Philip S.L. Kan, Mr Alex T.H. Lai, Mr L.T. Kwok, Mr Daniel K.S. Lau and Ms Lilian S.K. Law were indirect and they could stay in the meeting. As the interests of Mr Raymond K.W. Lee, Director of Planning, and Mr Ivan C.S. Fu were considered direct, Members agreed that they should leave the meeting temporarily for the item.

[Mr Raymond K.W. Lee and Mr Ivan C.S. Fu left the meeting at this point.]

Presentation and Question Session

95. The following representatives of the Government and URA were invited to the meeting at this point :

Planning Department (PlanD)

Ms Johanna W.Y. Cheng - District Planning Officer/Kowloon (DPO/K)

Mr Mak Chung Hang - Senior Town Planner/Kowloon (STP/K)

Urban Renewal Authority

Mr Wilfred Au - Director, Planning and Design

Mr Mike Kwan - General Manager (Planning and Design)

96. The Chairperson extended a welcome and explained the procedure of the meeting. She then invited DPO/K and URA's representative to brief Members on the DSP.

97. With the aid of a PowerPoint presentation, Ms Johanna W.Y. Cheng, DPO/K, made the following main points as detailed in the TPB Paper No. 10542 (the Paper) :

- (a) on 22.2.2019, URA submitted the draft DSP, together with the Stage 1 Social Impact Assessment (SIA), for the consideration of the Town Planning Board (the Board) in accordance with section 25(5) of the URA Ordinance (URAO). URA submitted the Stage 2 SIA on 4.4.2019;
- (b) the draft DSP and the two SIA received were exhibited for public inspection in March and April 2019. During the public consultation period, a total of 38 comments from local residents, property owners, Kowloon City District Council (KCDC) members and individuals were received, all providing views on the scheme; and

- (c) the scheme covered an area similar to that recommended in the Urban Renewal Plan (URP) for Kowloon City under the District Urban Renewal Forum (DURF) study in 2014, except that the site boundary was extended southward to include a portion of Sa Po Road and the adjoining amenity areas. The buildings included in the scheme area were mainly 5-10 storeys in height.

98. With the aid of a PowerPoint presentation, Mr Wilfred Au, URA's representative, made the following main points :

- (a) the main objectives of urban renewal were to restructure and re-plan the concerned urban areas, to provide more effective and environmentally-friendly local transport and road network, to rationalise the land uses, and to enhance the townscape;
- (b) a section of Sa Po Road would be re-aligned to facilitate the provision of a split-level sunken plaza of about 1,000 m<sup>2</sup> with covered/un-covered areas and with hard/soft landscape. The plaza would be a venue for multiple activities with commercial/retail components, event space and place making elements. It would connect the subway leading to the underground shopping street (USS) in the Kai Tak Development Area (KTDA) and the future Sung Wong Toi and Kai Tak MTR Stations, with a view to enhancing the connectivity between the old district area and the new KTDA, as recommended in DURF;
- (c) in view of the sunken plaza, development within the scheme would be set back from Prince Edward Road East by about 50m and hence minimising the visual impact of the proposed development. It was proposed to revise the building height restrictions (BHR) under the existing "Residential (Group A) 2" ("R(A)2") zone from 100mPD to 120mPD to provide wider building gaps for better air ventilation. The proposed BHR had taken into consideration the two completed developments of about 144mPD and 170mPD to the north of the scheme and would be compatible with the surrounding area;

- (d) apart from the 120 ancillary car parking spaces for the proposed development within the scheme, about 300 public car parking spaces were proposed to alleviate part of the parking demand in the area, with a view to replacing some on-street metered parking spaces in the nearby streets for footpath widening so as to enhance the pedestrian environment; and
- (e) a gross floor area (GFA) of about 800 m<sup>2</sup> was proposed for the provision of government, institution or community (GIC) facilities.

[Dr F.C. Chan left the meeting during URA's presentation.]

99. Ms Johanna W.Y. Cheng, DPO/K, continued to make the following points on planning assessment and the proposed amendments to the Ma Tau Kok Outline Zoning Plan (OZP) :

- (a) the proposed development intensity was in line with the PR restriction for "R(A)" zone. The proposed increase of BHR from 100mPD to 120mPD could facilitate wider building gaps in the residential portion. While commercial/retail uses were always permitted on the lower three floors or the purpose-designed non-residential portion of a building within the "R(A)" zone, there was no objection to permit commercial uses in the sunken plaza to enhance its vibrancy. It was proposed to state in the Explanatory Statement (ES) of the draft DSP that linkage between the street level/sunken plaza and the proposed subway to KTDA would be a 24-hour barrier-free connection;
- (b) provision of a public vehicle park at the site was recommended in the URP for Kowloon City and the Transport Department (TD) had no adverse comment. To provide flexibility for the provision of public car parking, it was proposed to include 'Public Vehicle Park (excluding Container Vehicle)' use under Column 1 as a use always permitted within the "R(A)" zone and to exempt the underground parking spaces from GFA calculation;



- (c) TD had no adverse comment on the re-alignment of a section of Sa Po Road. The re-aligned road would form a private road within the scheme area. It was proposed to state in the ES of the draft DSP that the private road would be open to the public at all times;
- (d) a GFA of about 800 m<sup>2</sup> would be provided for the provision of GIC facilities. To encourage the provision of more GIC facilities, a clause is proposed to be included in the Notes of the draft DSP to exempt those GIC facilities from GFA calculation if the GIC facilities were required by the Government;
- (e) there was no insurmountable problem arising from the DSP from environmental, traffic, drainage and sewerage impact perspectives. The public comments received were mainly related to acquisition, compensation and re-housing issues, which would be dealt with by URA according to the established policies; and
- (f) subject to the Board's agreement to deem the draft DSP as being suitable for publication, the approved Ma Tau Kok OZP No. S/K10/24 would need to be amended by excising the area covered by the draft DSP from the OZP. In addition, opportunity was taken to include other technical amendments including the latest Master Schedule of Notes endorsed by the Board on 28.12.2018 regarding the subsuming of 'Market' use under 'Shop and Services' use. A set of Notes and ES for the draft DSP and the draft Ma Tau Kok OZP were attached at Annexes H-1 to H-3 and I-1 to I-3 in the Paper respectively for Members' consideration.

#### Draft DSP and OZP Amendments

100. In response to a question from the Chairperson, Ms Johanna W.Y. Cheng, DPO/K, said that the area covered by the scheme would be excised from the OZP and correspondingly, a draft DSP showing the land use zoning for the scheme area, with Notes and an ES, would be gazetted to replace the excised portion of the OZP. The draft DSP was prepared under section 25 of the URAO. A draft DSP agreed by the Board would be deemed to be a draft plan prepared by the Board and would be exhibited under the Town Planning Ordinance (the

Ordinance) and normal plan making process under the Ordinance should apply accordingly. These included exhibition for public inspection, consideration of representations and comments, and submission of the draft DSP to the Chief Executive in Council for approval.

### Visual Impact

101. Regarding a Member's question on minimizing adverse visual impact of the proposed development, Mr Wilfred Au, URA's representative, said that the geotechnical engineer had confirmed the feasibility of constructing the proposed development, with 5 levels of basement, within the DSP area to reduce the visual bulk of the development. URA had vast experience in liaising with the local residents in respect of construction safety and other related issues and would continue to liaise with adjacent residents in implementing the proposed scheme according to the established practice.

### Sunken Plaza

102. Regarding some Members' questions on the design of the sunken plaza, its connectivity and townscape enhancement, Mr Wilfred Au of URA said that the development scheme was still at an early stage and detailed design of the sunken plaza was not yet available. Nevertheless, the design of the sunken plaza would be a vital connection to the USS in KTDA and the future MTR stations. The sunken plaza would take into consideration the existing local character of retail shops at street level and the interface with the existing buildings. Subject to site constraints, provision of barrier-free access and other safety concerns, landings at different levels would be provided in the sunken plaza for various activities to enhance the vibrancy. Landscaping would be provided at street level near Prince Edward Road East for a better pedestrian environment. Apart from escalators, passenger lifts would be provided and they would be open to the public at all times.

103. In response to a Member's question, Mr Wilfred Au said that the sunken plaza was actually an open air plaza. It would be partially sunken with landings at different levels and connections between the street level and the subway of the USS in KTDA would be provided.

### Building Height Restriction, Building Gaps and Footpath Widening

104. Noting that the proposed BHR relaxation from 100mPD to 120mPD for the scheme was to allow wider building gaps between the residential towers for better air ventilation, a Member asked whether there would be any improvement in footpath widening and building gap widening, comparing the baseline scheme with BHR of 100mPD and the proposed scheme of 120mPD, the footpaths along the three other roads appeared to be of similar width as the existing pavements. In response, Mr Wilfred Au said that a section of footpath along Kai Tak Road near the sunken plaza would be widened. URA would liaise with the Highways Department on the required road works at the implementation stage. Also, the footpaths and landscaping within the sunken plaza would open up and improve the pedestrian environment. Furthermore, with the provision of 300 public vehicle parking spaces within the scheme, URA would liaise with TD on the possibility of cancelling some on-street metered parking spaces within the vicinity for footpath widening.

105. Mr Wilfred Au said that without the provision of a 1,000 m<sup>2</sup> sunken plaza, the building blocks could be widely spaced over the whole development area under the baseline scheme, and the building gaps would inevitably be narrower. As demonstrated by the air ventilation assessment (AVA), the proposed scheme would have better air ventilation than the baseline scheme. Hence, there were merits to relax the BHR to 120mPD to allow for wider building gaps.

106. Regarding some Members' concern on whether a BHR of 120mPD could achieve the target development intensity while enhancing air permeability, providing a quality urban space with place-making effect and townscape enhancement, Mr Wilfred Au said that the preliminary assessment made by URA had shown that the proposed BHR of 120mPD was adequate in achieving the above targets, while a BHR of say 140mPD would provide more flexibility.

107. In response to the Chairperson's question on whether the BHR for the scheme should be relaxed further, Ms Johanna W.Y. Cheng, DPO/K, said that the current BHR of 120mPD was proposed by URA which should be adequate in accommodating the proposed development intensity. Moreover, the BHR of 120mPD was more compatible with the BHR

of 80mPD/100mPD for the adjacent sites to its west. Any further relaxation in BHR should be supported by technical assessments.

### Infrastructure Provision and other URA Developments in Kowloon

108. A Member asked how infrastructure could be provided in a more effective manner as redevelopment gradually took place in Kowloon City. Another Member, noting that DURF had covered a much larger area, asked whether URA had any vision of taking on other schemes in Kowloon City. Mr Wilfred Au, URA's representative, said that there were more than 600 buildings in Kowloon City. Since the relocation of Kai Tak Airport, there were more than 20 ad hoc high-rise redevelopment on individual sites. The current scheme was the first URA project in Kowloon City with a baseline study prepared to provide a comprehensive picture of the infrastructure provision in the area. Given the strategic location of the area, the project could be a connection between the new development and the old district area, and hence the design of a sunken plaza was developed to strengthen the connectivity function. Mr Wilfred Au said that URA would further study the possibility of taking on other development schemes in Kowloon City. While the scheme was the first URA project in Kowloon City, which would act as a connection point between the old district area and KTDA, there would be rippling effect in spreading out environmental enhancement through street widening and street tree planting. In response to the Chairperson's question, Mr Au said that URA had just commenced the Preliminary Project Feasibility Study on Lung Tong Area of Kowloon City which was expected to take about a year to complete. URA would liaise with Kowloon City District Council throughout the study period to gauge local views on the urban renewal process.

### Social Impact Issue

109. As Kowloon City was an old district with long history and culture, a Member raised concerns on whether the local culture and festive activities organized by locals established in the area could be preserved. While some activities only took place on specific days of the year, they helped maintained the social integrity. The Member asked whether local culture and the traditional activities identified in SIA could be preserved. In response, Mr Wilfred Au said that the baseline study for the scheme had covered the social and cultural aspects. In order to preserve the local character and maintaining the cultural traditions within the area, the

phasing of the scheme development should be planned carefully to ensure the smooth transition of these activities to the redevelopment.

110. As Members had no further questions, the Chairperson thanked the representatives of PlanD and URA for attending the meeting. They left the meeting at this point.

111. The deliberation session was reported under confidential cover.

[Mr Alex T.H. Lai, Mr Stanley T.S. Choi, Dr Jeanne C.Y. Ng and Mr Martin W.C. Kwan left the meeting during the Question & Answer Session.]

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

#### **Agenda Item 7**

[Open Meeting]

Request for Deferment of Review of application No. A/NE-KLH/557 (1<sup>st</sup> Deferment)  
Proposed House (New Territories Exempted House - Small House) in “Agriculture” and  
“Village Type Development” Zones, Lot 32 S.A in D.D. 7, Tai Hang, Tai Po  
(TPB Paper No. 10550)

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[The item was conducted in Cantonese.]

112. The Secretary reported that on 14.5.2019, the applicant’s representative wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer making a decision on the review application for two months to allow more time for preparation of further information (FI) in support of the review application. This was the first time that the applicant requested deferment of the review application.

113. Members noted that the justification for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needed more time to prepare further

information in support of the review application, the deferment period was not indefinite, and that the deferment would not affect the interests of other parties.

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

### **Procedural Matters**

#### **Agenda Item 8**

[Open Meeting]

#### **Any Other Business**

115. There being no other business, the meeting was closed at 2:50 p.m.