

**Minutes of 1225th Meeting of the
Town Planning Board held on 19.6.2020**

Present

Permanent Secretary for Development
(Planning and Lands)

Ms Bernadette H.H. Linn

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Dr C.H. Hau

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Mr C.H. Tse

Mr Conrad T.C. Wong

Chief Traffic Engineer/Hong Kong

Transport Department

Mr M.K. Cheung

Chief Engineer (Works), Home Affairs Department

Mr Gavin C.T. Tse

Deputy Director of Environmental Protection (1)

Environmental Protection Department

Mr Elvis W.K. Au

Deputy Director (General), Lands Department

Ms Karen P.Y. Chan

Director of Planning

Mr Raymond K.W. Lee

Deputy Director of Planning/District

Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Mr Y.S. Wong

In Attendance

Assistant Director of Planning/Board
Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board
Ms April K.Y. Kun (a.m.)
Ms Caroline T.Y. Tang (p.m.)

Senior Town Planners/Town Planning Board
Ms Carmen S.Y. Chan (a.m.)
Mr Kelvin K.H. Chan (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1224th Meeting held on 5.6.2020

[The item was conducted in Cantonese.]

1. The draft minutes of the 1224th meeting held on 5.6.2020 were sent to Members before the meeting and tabled at the meeting. Subject to any proposed amendments by Members on or before 22.6.2020, the minutes would be confirmed.

[Post-meeting Note: The minutes, incorporating amendments to paragraphs 94 and 97 proposed by a Member, were confirmed on 22.6.2020.]

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

(i) Approval of Draft Outline Zoning Plan

2. The Secretary reported that on 2.6.2020, the Chief Executive in Council approved the draft Hebe Haven Outline Zoning Plan (OZP) (renumbered as No. S/SK-HH/8) under section 9(1)(a) of the Town Planning Ordinance. The approval of the draft OZP was notified in the Gazette on 12.6.2020.

(ii) Reference Back of Approved Outline Zoning Plans

3. The Secretary reported that on 2.6.2020, the Chief Executive in Council referred the approved Cheung Chau Outline Zoning Plan (OZP) No. S/I-CC/7 and the approved Fanling/Sheung Shui OZP No. S/FSS/24 to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the said OZPs was notified in the Gazette on 12.6.2020.

Hong Kong District

Agenda Item 3

[Closed Meeting (Deliberation only)]

Consideration of Representations and Comments in respect of the Draft Wong Nai Chung Outline Zoning Plan No. S/H7/20

(TPB Paper No. 10623)

[The item was conducted in Cantonese.]

Deliberation Session

4. The Secretary said that Members' declaration of interest was reported at the hearing session and recorded in the relevant minutes of the meeting held on 8.5.2020. No further declaration of interests had been received from Members since then. Members noted that Dr Venus Y.H. Lun had not yet arrived to join the meeting. As the interests of Messrs Lincoln L.H. Huang (the Vice-chairperson), L.T. Kwok and Ricky W.Y. Yu, Professor Jonathan W.C. Wong and Ms Lilian S.K. Law were indirect, Messrs Alex T.H. Lai, Stephen L.H. Liu, K.K. Cheung, Thomas O.S. Ho and Franklin Yu and Dr C.H. Hau had no involvement in matters related to the representation site at Caroline Hill Road (CHR), and the properties owned by Ms Bernadette Linn (Chairperson), Mr K.K. Cheung, Ms Lilian S.K. Law, and Mr Alex T.H. Lai's parents did not have direct view of the CHR site, they could stay in the meeting.

5. The Secretary also reported that Miss Clarisse Yeung, Chairperson of Wan Chai District Council (WCDC), together with some WCDC members and a group of Wan Chai residents had submitted a petition letter to all Members just before the meeting. The content of the petition was largely the same as the representations made by Miss Yeung and other representers which had already been covered in their oral submissions at the hearing held on 8.5.2020. Members noted that as the letter was submitted after the statutory publication period of the draft Outline Zoning Plan (OZP), it should not be treated as submission made under section 6(3)(a) of the Town Planning Ordinance (the Ordinance).

6. The Chairperson recapped that to meet the long-term needs of District Court-level judicial facilities and to make good use of government land, the CHR site was proposed

for district court and commercial development with government, institution and community (GIC) facilities and public open space. The proposed amendments to the Wong Nai Chung OZP was exhibited on 24.5.2019. A total of 629 valid representations and 105 comments were received. The hearing session for the consideration of representations and comments was held on 8.5.2020. The minutes of the meeting were confirmed on 8.6.2020. Today's meeting was to proceed with the deliberation of the representations and comments. The Chairperson then invited the Secretary to briefly recapitulate the items of the proposed amendments, the major points made by the representers and commenters in their written and oral submissions, and the responses of relevant government departments.

7. With the aid of a PowerPoint presentation, the Secretary made the following points:

Amendment Items

- (a) Amendment Item A involved the rezoning of part of the CHR site from "Other Specified Uses" annotated "Sports and Recreation Club" ("OU(SRC)") and "Government, Institution or Community" ("G/IC") to "Commercial (2)" ("C(2)") with revision to the maximum building height (BH) from 2 and 3 storeys to 135mPD. The Notes of the "C(2)" zone stipulated the restriction of a maximum gross floor area (GFA) of 100,000m², which should include GFA of GIC facilities as required by the government. A public transport facility for minibuses and a public vehicle park of not less than 125 parking spaces should be provided. A public open space of not less than 6,000m² should also be provided. The Explanatory Statement (ES) of the OZP also stated that not more than 10,000m² GFA should be allocated to retail uses. A District Health Centre (DHC) with a Net Operating Floor Area (NOFA) of about 1,000m² and a Child Care Centre (CCC) with a NOFA of about 531m² should be provided. The Old and Valuable Tree (OVT) and stone retaining walls along the northern and eastern peripheries of the site (except the portions being affected by the road improvement works) should be preserved. In addition, the future developer should undertake a quantitative Air Ventilation Assessment (AVA) at the detailed design stage to identify the exact alignment of the building gap and/or other enhancement measures

and to ascertain their effectiveness;

- (b) Amendment Item B involved the rezoning of the ex-Electrical and Mechanical Services Department site from “G/IC” to “G/IC(2)” with revision to the maximum BH from 3 storeys to 135mPD to accommodate a district court for future expansion of the judiciary facilities. As stated in the Notes of the OZP for the “G/IC(2)” zone, the development and/or redevelopment was restricted to a maximum GFA of 70,000m². The ES also stated that the OVT and stone retaining wall along the southern periphery of the site should be preserved. Also, a quantitative AVA should be undertaken at the detailed design stage to identify the exact alignment of the building gap and/or other enhancement measures and to ascertain their effectiveness;

Major Issues

- (c) the issues raised by representers/commenters mainly focused on the district court development, the commercial development, and the traffic aspect;
- (d) regarding the district court development, some representers/commenters expressed that the proposed GFA and BH restriction were excessive, and the court building was located too close to the residential blocks near CHR(West);
- (e) for the commercial development, the representers/commenters were concerned that the proposed GFA and BH restriction were excessive, the indicative layout prepared by the government was undesirable, and the proposed open space was fragmented. They also urged for the provision of more GIC facilities in particular elderly facilities;
- (f) on traffic aspect, the representers/commenters expressed that the methodology of the Traffic Review (TR) report was unacceptable as one weekday survey data could not truly reflect the real traffic situation and the survey conducted in 2017 was outdated. They also considered the traffic measures proposed by the government not effective in resolving the traffic

problem;

Responses of Government Departments

- (g) government departments pointed out that the BH restriction of 135mPD for the district court development was in line with the BH restriction of the “C” zone in Causeway Bay. The GFA of 70,000m² and site area of about 1 ha were considered appropriate for relocating the existing District Court, Family Court and Lands Tribunal with expansion of about 1.5 times to meet the Judiciary’s operational requirement;
- (h) government departments also considered that the BH restriction of 135mPD for the commercial development was in line with the BH restriction of the “C” zone in Causeway Bay. The maximum GFA of 100,000m² for the “C(2)” zone was appropriate, and the equivalent plot ratio (PR) was less than the maximum permissible level under the Building (Planning) Regulation (B(P)R). The indicative layout was prepared to demonstrate the feasibility of pursuing the intended development under the development parameters prescribed on the OZP. There was possibility for various design and layout arrangements at the detailed design stage;
- (i) the Planning Department (PlanD) pointed out that there was no shortfall of major GIC facilities in Wan Chai district except CCC, day care centre for the elderly and residential care home for the elderly (RCHE) according to the population-based standards reinstated in the Hong Kong Planning Standards and Guidelines in end-2018. Priority was given to the provision of DHC and CCC in the “C(2)” site was on the advice of the Social Welfare Department (SWD); and
- (j) on traffic aspect, the TR had been accepted by the Transport Department (TD). The TR concluded that with the implementation of the proposed traffic improvement measures, the proposed development at the CHR site would not generate unacceptable traffic impact on the nearby road network.

8. To allow a more structured discussion, the Chairperson suggested and Members

agreed that the deliberation should focus on five aspects, namely suitability of the “G/IC(2)” and “C(2) zones for the CHR site in terms of land uses, the specific parameters for district court development, the specific parameters for commercial development, the provision of GIC facilities in the site earmarked for commercial development, and the traffic aspect.

Suitability of the “G/IC(2)” and “C(2) Zones

9. In response to some Members’ questions on whether the district court could be relocated to other places rather than in the CHR site and whether a holistic design approach could be adopted for the commercial and district court developments, the Chairperson said that there were specific site requirements for district court and the choice of suitable sites in the urban area was very limited. Having considered different options and after a comprehensive review of other possible sites for district court development, the Judiciary considered that the CHR site, being located at the fringe of the prime business district on Hong Kong Island that was convenient to legal professionals and users, was the most suitable one to meet their operational requirements. The district court development would consist of the District Court, Family Court and Lands Tribunal with the former two relocated from the Wan Chai Government Offices Compound while the latter from Gascoigne Road, Kowloon. Considering the operational requirements of the district court and its security requirement, it might not be practical to integrate the district court and commercial developments in a combined site or in a composite building.

10. Members generally considered that the “G/IC(2)” zone for district court development was appropriate and should be maintained. They had the following views:

- (a) the CHR site had long been used for GIC purpose and the district court was a kind of GIC use that was suitable to be provided at the site;
- (b) due to security reason, a standalone site for district court development should be reserved;
- (c) relocating the district court to the CHR site gave rise to the opportunity to vacate the existing site in Wan Chai North for office development. That was in line with the Government’s policy to re-provision those government offices with no specific locational requirements away from the high-value areas, including the central business districts (CBD), to make way for the

development of Grade A office space; and

- (d) majority of the representers and commenters including the WCDC did not object to the district court development at the CHR site though some of them had concern on the building mass and building disposition.

11. Regarding the “C(2)” zone, some Members had reservation on rezoning part of the CHR site for commercial development, and made the following points:

- (a) the rezoning proposal was never supported by WCDC. Both the last and the current terms of WCDC objected to the proposal. Some representers had provided solid grounds to object to the proposed commercial development at the site. The representers, including a developer, questioned the necessity of the proposed commercial GFA of 100,000m² given the current economic situation;
- (b) once the district court was relocated to the “G/IC(2)” site, the Wan Chai Government Offices Compound site could be used for the development of convention and exhibition venues, hotel facilities and Grade A office space to meet the demand of office GFA, and there was no need for the “C(2)” zone at the CHR site;
- (c) in view of changing working habits due to the Covid-19 outbreak, work-from-home might become a trend and affect the demand for office GFA. The demand for the proposed commercial GFA at the CHR site might need to be reviewed;
- (d) commercial development would generate additional traffic and adversely affect the already overloaded situation in the area, similar to that around Times Square;
- (e) the site should be reserved for low-rise GIC use to act as a buffer between high-rise office building to its north and GIC facilities to its south and to maintain the visual openness in the area;
- (f) the site should be used for the provision of elderly facilities to meet the need

and aspirations from the public;

- (g) spaces for social enterprises that could generate job opportunities for the youth should be considered at the site;
- (h) it would be more appropriate to keep the whole CHR site in one zone, i.e. “G/IC”. “Single site, multiple use” model with comprehensive design should be adopted for the development of various GIC facilities in association with the district court development at the site; and
- (i) the site could be used for open space with quality design together with district court development. The OVT within the site would be preserved and the site could become a tourist spot for tree appreciation with sitting areas. There was a lack of such open space with sitting out facilities for visitors in Causeway Bay.

12. The Chairperson invited Mr Raymond K.W. Lee, Director of Planning (D of Plan), to comment on the demand and supply of office floor space in the territory. Mr Raymond K.W. Lee responded that there were long-term deficits of office floor space in Hong Kong, especially the supply of Grade A office. According to the “Review of Land Requirement for Grade A Offices, Business and Industrial Uses” conducted under the Hong Kong 2030+ Study in 2017 which was available online and could be shared with Members for reference, there were long-term, medium-term and short-term shortages of Grade A office of 1.06 million m², 0.31 million m² and 0.48 million m² GFA respectively in the core business area of Hong Kong. A CBD2 in Kowloon East and a CBD3 in East Lantau Metropolis near Hong Kong Island West were proposed as medium and long-term strategies to meet the demand for Grade A office. The relocation of the district court in Wan Chai North was also one of the strategies to vacate the office spaces for Grade A office development in core commercial district. As the CHR site was located at the fringe of the core commercial and business areas of Causeway Bay, the “C(2)” zone was a natural extension of Causeway Bay commercial development and was considered appropriate and compatible with the surrounding developments. Due to the limited traffic capacity in the area, the GFA of the commercial development was limited to 100,000m² which was lower than the maximum permissible level under the B(P)R.

13. Some Members supported the “C(2)” zone at the CHR site and they had the

following views:

- (a) Hong Kong, as an international metropolitan, should maintain adequate supply of Grade A office space. A continuation of deficit of Grade A office space would seriously affect the economy of Hong Kong;
- (b) to maintain a high efficiency for business operation and to maintain the economic competitiveness among other cities, a steady supply of office GFA at prime location was a must;
- (c) the “C(2)” zone at the CHR site was a logical expansion for office use in the view that several Grade A office buildings were located across Leighton Road. The commercial development at the CHR site could create a cluster effect for expansion of the core business area;
- (d) the expensive rental of Grade A office and emergence of other alternative solutions, such as co-working space, were indication by the market that Hong Kong was in lack of office space supply;
- (e) the commercial GFA of 100,000m² at the CHR site could address part of the deficit of Grade A office space in the short-term;
- (f) although one of the representers who was a development company had suggested to reduce the commercial GFA of the site, it should not be taken as the view of developers in general as that particular representer might have its own consideration. The commercial GFA of 100,000m² was lower than the maximum permissible level under B(P)R;
- (g) the OZP amendments with the proposed commercial development and district court within the CHR site were discussed by the MPC and gazetted for public inspection. Taking away the proposed commercial element from the CHR site would deflect public expectation;
- (h) there were no strong reasons to depart from the proposal of commercial and district court development at the CHR site as it was supported by technical assessments and proven to be technically feasible;

- (i) private developer could be a provider for GIC facilities. The trend for provision of GIC facilities in a commercial site was accepted and supported by the society. It was an efficient way to increase the supply of GIC facilities to cater to public needs; and
- (j) there were major public open spaces, including the Victoria Park, in Causeway Bay and there was no need for further large open space at the site.

14. The Chairperson summarized that Members in general supported the district court development at the CHR site but there were diverse views on the proposed commercial development at the site. Some Members considered that the “G/IC(2)” and the “C(2)” zones should be maintained while some Members considered that the “C(2)” zone was not appropriate. As Members’ views were divided, the meeting agreed to take a vote. A majority of Members considered that the “C(2)” and “G/IC(2)” zones under Amendment Items A and B should be maintained to facilitate commercial and district court development at the CHR site.

15. A Member said while the “G/IC(2)” and the “C(2)” zones were supported, the boundaries of the two zones could be suitably adjusted to allow for a more efficient site configuration for both the commercial and district court developments. Referring to the government’s layout, the Member said the residual open space at the southeastern corner of the site due to the configuration of the “C(2)” zone was not desirable. Another Member suggested that consideration might be given to swapping the open space at the southeastern corner of the site to a better position by adjusting the zoning boundaries. The Chairperson said that the government’s layout was indicative and it was only one of the design options. As indicated in the alternative schemes proposed by the representers, there was possibility for various design and layout arrangements. Members’ concern on the design and layout of the “C(2)” site could be addressed alternatively, say by requiring the submission of layout plan for approval by the Board. After discussion, Members agreed to maintain the boundaries of the “C(2)” and “G/IC(2)” zones under Amendment Items A and B.

District Court Development

16. For the district court development, the Chairperson recapitulated that some representers/commenters were concerned that the court buildings would be located too close to the residential blocks across CHR(West). She asked if there were possible means to address their concern in that respect. Mr Raymond K.W. Lee, D of Plan, said that according to the first indicative scheme proposed by the government appended to MPC Paper No. 1/19, the future district court building near CHR(West) could have a 20m distance from the nearby buildings. To address concern raised by some MPC members, a revised conceptual layout was prepared and appended to MPC Paper No. 5/19 submitted for MPC's further consideration. The revised layout showed that by swapping the two proposed court buildings, the distance between the south-western edge of the district court building and the residential buildings across CHR(West) could be increased to about 35m.

17. The Chairperson said that based on the two conceptual layout plans prepared by PlanD, there was scope to specify the building gap within a range of 20m to 35m between the district court building and residential blocks across CHR(West) in the ES of the "G/IC(2)" zone to address the representers/commenters' concern.

18. A few Members considered that if 20m to 35m was the possible range, the specification of a building gap of 35m would be appropriate as some representers had expressed that the building gap of 20m as shown in the indicative scheme prepared by the government was not sufficient and they requested a building gap of 40m as shown in their alternative schemes. However, some Members suggested that a balanced approach to address the public's concern on the one hand and to allow design flexibility for the district court development on the other should be adopted, and in this regard considered that it would be appropriate to specify building gap of 30m. More Members considered that it would be appropriate to specify a building gap of 30m. After discussion, Members agreed that to allow suitable building separation, a building gap of not less than 30m should be provided between the district court and residential blocks across CHR(West) and the requirement would be incorporated into the ES of the "G/IC(2)" zone.

19. Regarding the design of the district court development, a Member expressed that the design should not purely base on its functional requirements but also on its solemnity with a peaceful and silent ambience. The district court should not be blocked by massive structures. A Member asked if the public would be further engaged in the design of the district court development. The Chairperson responded that if the Amendment Items of the draft OZP including the "G/IC(2)" zone were confirmed, relevant government departments

would proceed to seek funding from the Legislative Council and commence the detailed design of the district court development. WCDC would be further consulted in that regard.

[Dr Frankie W.C. Yeung, Dr Lawrence K.C. Li and Mr Stanley T.S. Choi arrived to join the meeting at this point. Messrs Lincoln L.H. Huang and Daniel K.S. Lau left the meeting temporarily at this point. Messrs Thomas O.S. Ho and Alex T.H. Lai left the meeting at this point.]

Commercial Development

20. A Member considered that the development intensity of the proposed commercial development might have to be reviewed to reduce the possible visual impact. The overall design of the proposed commercial development should well blend with the surroundings developments at Po Leung Kuk, South China Athletic Association as well as the school to the east of the site to embrace the historic ambience in the area. Another Member, however, pointed out that the commercial GFA of 100,000m² for the “C(2)” site was already low as compared to the permitted PR under B(P)R. Mr Raymond K.W. Lee, D of Plan, said that the requirement to provide a public open space of not less than 6,000m² would, to a certain extent, ensure some openness in its design.

21. The Chairperson remarked that noting from the questions raised by Members in the hearing session, Members were concerned about the design and layout of the proposed commercial development in particular the open space arrangement within the “C(2)” zone, rather than on the development intensity. Members might consider imposing a requirement on the submission of layout plan under the section 16 planning application system to facilitate the Board to oversee the design and layout of the commercial development at the site, which was similar to some recent cases with such requirement imposed, though the circumstances of the cases might be different and layout plan submission was not a common requirement for developments in “C” zone.

22. The Secretary, at the invitation of the Chairperson, elaborated on the recent cases with imposition of requirement for submission of layout plan under section 16 planning application. For the Sai Yee Street commercial site zoned “C(4)” on the Mong Kok OZP, the submission of layout plan requirement was imposed for the zone after the hearing of the representations and comments on the OZP. Members were concerned about the heavy

pedestrian flow associated with the East Rail Station through the Sai Yee Street site, the requirements for more GIC facilities and the ease of accessibility to GIC facilities, and the need to create pedestrian networks with adjacent public open space. The layout plan submission requirement was imposed on the Cyberport 5 development in Pok Fu Lam as it was located at a prime waterfront location with distinctive architectural design building as its background. Section 16 submission was also required for any new development/redevelopment at the Hong Kong Sheng Kung Hui Compound in Central due to the uniqueness of the site with its historic context.

23. Members generally considered that the future developer of the “C(2)” site should be required to submit a layout plan for the Board’s consideration given that the commercial site was located at a prime location with district court development nearby, and a distinctive good design should be ensured taking into account the site constraints and the surrounding developments. After discussion, Members agreed to include the requirement for submission of a layout plan through planning application under section 16 of the Ordinance into the Notes of “C(2)” zone of the OZP. Members noted that it would trigger further amendment to the OZP, which would be published for further representation under section 6(C)2 of the Ordinance and the Board might need to consider the further representations, if any.

24. A Member suggested that the future developer should be guided to provide a user friendly open space which would be easily accessible by the public and well integrated with the facilities to be provided in the “C(2)” site. Another Member suggested that the future developer must preserve the OVT in a sustainable manner. The Chairperson said that the ES of the OZP could be suitably revised to incorporate Members’ suggestions.

25. A Member asked whether the BH of 135mPD for the “C(2)” site was appropriate and compatible with the surroundings. The Chairperson said that as stated in the TPB Paper No. 10623, the CHR site was located in a transition area with the Causeway Bay commercial district to the north and east having a BH profile of 100mPD, 135mPD and 200mPD; while to the west and south were a mix of high-rise residential developments of 100mPD and 170mPD and some low or medium-rise GIC facilities. The proposed maximum BH of 135mPD resembled the existing BH restriction of the neighboring areas and was considered in line with the BH restriction of “C” zone in Causeway Bay across Leighton Road. The same Member also asked whether minor relaxation of BH restriction for the future developer

could be sought and the extent of relaxation that could be allowed. Mr Raymond K.W. Lee, D of Plan, responded that the proposed BH of 135mPD at the CHR site was similar to that of commercial site to its immediate northwest as stipulated on the Causeway Bay OZP. Besides, the BH restriction of 135mPD could allow design flexibility for the CHR site, particularly in view that the future developer would be required to provide a public open space of not less than 6,000m² in a site of about 1.6 ha. Regarding the extent of the relaxation that could be allowed, there was no definite figure and such application would be assessed on the individual merits of the development proposal. The Board could consider the application having regard to the overall context and the detailed proposal in the layout plan submission stage.

Provision of GIC facilities in the “C(2)” Site

26. The Chairperson recapped that according to the table on provision of major GIC facilities in Wan Chai District in Appendix VIII of the TPB Paper No. 10623, there was deficit in the provision of CCC, day care centre for the elderly and RCHE. While a CCC and a DHC were required to be provided in the commercial development at the CHR site, there might be scope to include additional GIC facilities at the site. Members might wish to consider if additional GIC facilities should be provided. Given that the residential nature of RCHE might not be compatible with commercial development, provision of a day care centre for the elderly at the site might be more appropriate. Taking the recent developments in Kai Tak as an example, it was feasible for the provision of day care centre for the elderly, within land sale sites. Such provision was acceptable to both the developers and facility users.

27. Some Members supported the inclusion of a day care center for the elderly within the “C(2)” site and expressed that compared with a RCHE, it would be more appropriate to provide a day care centre for the elderly at the “C(2)” site.

28. A Member suggested not to specify the kind of elderly facilities at the site in order to allow flexibility in provision of such facilities. A Member expressed that day care center for the elderly should not only focus on the physical health of the elderly but also their psychological health. Some Members remarked that there was a lack of cultural, arts and performing facilities in Causeway Bay and some representer had actually requested such facilities at the site. Members generally considered that an integrated design with cultural

facilities, open space and commercial development could be appropriate at the site. Mr Raymond K.W. Lee, D of Plan, said that the future developer would make reference to market trend in deciding on facilities to be provided. For example, an art library as one of the cultural facilities was proposed by Representer R6 (Hysan Development Company Limited) at the commercial site in the hearing session.

29. The Chairperson said that noting the various possibilities and constraints in the provision of additional GIC facilities in the commercial development at the CHR site, it would be more appropriate to highlight in the ES of the OZP the intention of providing additional GIC facilities at the site such as day care center for the elderly which was in deficit in Wan Chai District and that performing arts and cultural facilities were also compatible uses at the “C(2)” site. Members agreed to revise the ES accordingly.

[Mr Stephen L.H. Liu left the meeting at this point.]

Traffic Issue and the Traffic Review (TR) Report

30. The Chairperson recapitulated that some Members and representers/commenters had raised questions on the TR report during the hearing session. At the invitation of the Chairperson, Mr M.K. Cheung, Chief Traffic Engineer/Hong Kong, Transport Department (CTE/HK, TD), explained that TD had reviewed the TR report including the proposed traffic improvement measures and considered that the data and analysis presented were acceptable. With the implementation of the proposed improvement works, the proposed developments at the CHR site would not generate unacceptable traffic impact.

31. A Member opined that the findings of the TR deviated from the public’s actual experience and traffic impact was one of the major concerns of the representers. Another Member pointed out that the representers had criticised that the survey data conducted in 2017 was outdated and the data collected in one weekday could not be representative of the real traffic situation. In response, Mr M.K. Cheung, CTE/HK, TD, said that in assessing whether the findings and the conclusion of a TR were acceptable, TD would make sure the methodology of data collection was correct. He further explained that as compared to the data obtained in recent years, the traffic data collected in 2017 was similar. Regarding the adoption of a survey conducted on a weekday instead of on weekend, it should be noted that the traffic data based on commercial and district court developments were basically office

use in nature. Thus, the traffic generated by the development would be concentrated in normal office working weekdays. As such, the TR result was still considered representative. The methodology for conducting the TR had indeed followed the standard engineering practice and procedure which had been adopted in many other projects in Hong Kong.

32. Some Members said, by experience, traffic congestion occurred all the time in Causeway Bay and they asked whether TD would suggest mitigation measures to address the public's concern. Mr M.K. Cheung, CTE/HK, TD, responded that the TR had demonstrated that with the implementation of the proposed road improvement works, the reserve capacities (in terms of percentage) of the key signalized junctions remained positive implying that the junction would operate with spare capacity upon implementation of the proposed development and was hence considered acceptable. For the priority junctions, the design flow/capacity ratio were less than 0.85, which was also considered acceptable (in general, the design flow/capacity ratio of more than 1 was considered unacceptable). TD also noted that traffic congestion in the area might be due to illegal parking. Enforcement action would be taken to address the problem. The Chairperson noted Members' interest in the methodology in conducting traffic assessment and suggested that arrangement could be made to invite representatives of TD or experts in the field to brief Members on the topic.

33. The Chairperson said that while the TR was accepted by TD, the future developer might propose alternative traffic measures and there was scope to require the future developer to undertake an updated traffic review under lease at the detailed design stage taking into account the latest circumstances.

34. A Member asked whether it was a common practice to require submission of TR under lease. Mr Raymond K.W. Lee, D of Plan, responded that the TR conducted at the planning stage was based on an indicative scheme mainly to demonstrate feasibility of the proposal from traffic perspective. Once a development scheme was formulated, an updated TR could be conducted to refine the traffic improvement measures, if required. Mr M.K. Cheung, CTE/HK, TD, also said that there was no conflict to ask the developer to conduct another TR at the detailed design stage. Usually, the TR conducted at the detailed design stage would help fine-tune the mitigation measures proposed at the preliminary design stage. It was not uncommon to include the requirement of TR under lease.

[Dr Frankie W.C. Yeung left the meeting at this point.]

35. A Member asked whether pedestrian traffic had been properly addressed in drawing up the proposed commercial development at the CHR site. Mr Raymond K.W. Lee, D of Plan, responded that the impact of the pedestrian traffic had been taken into account in the TR. The future developer was also required to reserve an underground connection point within the site for the possible pedestrian subway connecting to the MTR Station which was subject to further feasibility study. Same as the current TR report, TD would ensure that the updated TR requirement under the lease would also examine the pedestrian traffic.

36. Noting the concern of some Members and representers on the relocation of the current minibus terminus along Lan Fong Road and Lee Garden Road, Mr Raymond K.W. Lee, D of Plan, highlighted that according to the TR report, green minibus lay-bys of 105m long were proposed to be included in the CHR site. The Chairperson supplemented that the Notes of the OZP for “C(2)” zone stipulated that “A public transport facility for minibuses and a public car park of not less than 125 parking spaces shall be provided.”. While the public transport facility for minibuses could be provided within the CHR site, TD had yet to decide how the associated minibus routes would be adjusted, and whether to relocate the existing minibus terminus to the CHR site or provide en-route stops to accommodate the transport needs of the public. Consultation with stakeholders including the locals would be conducted if the minibus terminus were to be relocated to the CHR site. The Chairperson also conveyed the Vice-Chairperson’s views that the public should be clearly informed of the arrangement of the public transport facility for minibus at the site. After discussion, Members agreed to set out in the ES of the OZP that consultation with stakeholders would be conducted by TD on any proposed arrangement or adjustment to the existing services.

37. Members generally considered that other grounds and proposals of the representations and comments had been addressed by the departmental responses as detailed in the TPB Paper No.10623 and the presentations and responses made by the government representatives at the hearing session held on 8.5.2020.

38. After deliberation, the Board noted the supportive views of R1 to R5 and R6 (part).

39. The Board also decided to partially uphold Representations No. R6 (part), R7 to R401, R403 to R406, R408 to R424, R427 to R481, R483 to R634, and considered that the OZP should be amended to partially meet the representations by amending the Notes of the “C(2)” zone under Item A to allow the Board to scrutinise the design and layout of the proposed commercial development with GIC facilities and public open space. The following paragraph was proposed to be added to the Remarks of the Notes for the “C(2)” zone:

“On land designated “C(2)”, for any new development or redevelopment of an existing building, a layout plan shall be submitted for the approval of the Town Planning Board. The layout plan should include the following information:

- (i) the area of the proposed land uses, the nature, position, dimensions, and heights of all buildings (including structures) to be erected on the site;
- (ii) the proposed total gross floor area for various uses and facilities;
- (iii) the details and extent of GIC facilities, parking, loading/unloading and public transport facilities, and open space to be provided within the site;
- (iv) the alignment, widths and levels of any podium, footbridges, elevated walkways and roads to be constructed within the site;
- (v) the landscape and urban design proposals within the site;
- (vi) an air ventilation assessment report to identify the exact alignment of the building gap(s) and/or other enhancement measures for design improvements; and
- (vii) such other information as may be required by the Town Planning Board.”

40. The Board also agreed to revise the ES of the OZP with respect to the following zones:

- (a) “C(2)” zone Paragraph 8.1.3 of the ES of the Plan

For the “C(2)” site, *There is scope to include more GIC facilities taking into account the current deficit in Wan Chai District such as Day Care Centre for the Elderly. Performing arts and cultural facilities are also compatible uses in the “C(2)” site.* A public transport facility for minibuses (underground) *shall be provided and consultation with stakeholders will be conducted by the Transport Department on proposed new minibus services and adjustment to the existing services, if any.* ~~A~~ A public car park (underground) of not less than 100 private cars parking spaces and 25 commercial vehicles parking spaces shall be provided. *The future developer will be required to undertake an updated traffic review under lease.* A minimum of 6,000m² of open space shall also be provided and open to the public. *The design of the open space should well be integrated with the facilities provided in the “C(2)” site and be user friendly.* To enhance visual openness and to ensure easy accessibility by public, the open space shall be provided in the eastern portion facing Caroline Hill Road and at-grade in the northern portion fronting Leighton Road. The future developer will be required to make a landscape submission under lease. The Old and Valuable Tree (OVT No. HKP WCH/1) *shall be preserved with sensitive protection method throughout the development process.* ~~and~~The stone retaining walls along the northern and eastern peripheries of the site (except the portions being affected by the road improvement works) shall be preserved

On land designated “C(2)”, any new development or redevelopment of an existing building at the site should be submitted to the Board for approval in the form of a layout plan to ensure an integrated and compatible layout for the development at the site taking into account the site constraints and surrounding developments, etc. The layout plan should set out the proposed mix of land uses, open space, vehicular access, pedestrian circulation and connection, landscaping and tree preservation, etc.

(b) “G/IC(2)” Zone Paragraph 8.5.6 of the ES of the Plan

The “G/IC(2)” site at Caroline Hill Road The OVT (No. EMSD WCH/1) *shall be preserved with sensitive protection method throughout the development process.* *The* ~~and~~ stone retaining wall along the southern

periphery of the site shall be preserved. Existing trees found within the site including those situating on and/or abutting the stone retaining wall shall also be preserved and protected as far as possible throughout the development process with sensitive construction method and building design. ***To allow suitable building separation, a building gap of not less than 30m should be provided between the district court and residential blocks across Caroline Hill Road West.....***

41. The amended OZP would be published for further representation under section 6(C)2 of the Ordinance for three weeks and the Board would consider the further representations, if any, in accordance with the provisions of the Ordinance.

42. Other than the decision mentioned in paragraphs 39 and 40 above, the Board decided not to uphold the remaining views of Representation No. R6 (part), R7 to R401, R403 to R406, R408 to R424, R427 to R481, R483 to R634, and considered that the Plan should not be amended to meet the representations under Items A and B for the following reasons:

- “(a) the proposed “C” and “G/IC(2)” zones are considered appropriate as there is a need to ensure a continual supply of office space to maintain Hong Kong’s status as international financial centre and to meet the long-term needs of District Court-level judicial facilities;
- (b) the proposed maximum GFA of 100,000m² and 70,000m² and BHR of 135mPD for the commercial development and District Court respectively are commensurate with that of the surrounding developments. The proposed development intensity and BHR are formulated with due regard to all relevant planning factors including traffic, visual, air ventilation, landscape and surrounding land uses. It will not bring about unacceptable impacts on the surrounding areas;
- (c) the conceptual layout is only to illustrate the land use distributions serving as the basis of carrying out various technical assessments. The disposition and layout of the proposed developments will be subject to the detailed design of the future developer (for commercial site) and the project proponent (for District Court), with the former also subject to the approval

of the Board. There are existing mechanisms to ensure the provision of building gaps and public open space as well as the preservation of OVTs and stone retaining wall within the CHR Site. Nevertheless, the future developer of the “C(2)” zone will have to submit a layout plan for the consideration of the Board;

- (d) the proposed developments will not generate unacceptable traffic impact on the surrounding areas with the implementation of the proposed road junction improvement works. The Traffic Review was conducted according to the standard engineering practice and procedures which have been adopted in many previous projects in Hong Kong. The relocation of the green minibus terminus will be subject to further study by the Transport Department in due course;
- (e) despite an overall surplus of open space provision in Wan Cha District, a public open space of not less than 6,000m² will be provided within the proposed commercial development to address the deficit of local open space in the area. In addition, a DHC and a CCC will also be provided to meet the need of the local community. More GIC facilities will be included taking into account the current deficit in Wan Chai District;
- (f) the two-month statutory exhibition period and provision for representations and comments formed part of the public consultation process. Consultation with WCDC and local forums were also made;
- (g) locating the commercial developments at the northern portion fronting Leighton Road is a natural extension of the “C” zone from the commercial core of Causeway Bay. There is no strong planning justification to adjust the boundaries of the “C(2)” and “G/IC(2)” zones (**R11, R14 to R27, R29 to R30, R35 and R594 to R599**);
- (h) there are no technical justifications provided for the alternative schemes and without the necessary details, the technical feasibility of these proposals cannot be ascertained (**R11, R14 to R27, R29 to R30, R35 and R594 to R599**);

- (i) since the proposed “C(2)” and “G/IC(2)” zones are considered appropriate, there is no strong planning justifications for rezoning the whole CHR Site to “CDA” (R6) or “OU(G/IC cum Commercial)” (R35);
- (j) as the location of the public open space within the proposed commercial development is yet to be determined, the proposed designation of the open space as “O” is not supported (R19 to R26 and R29). It will also render the commercial development to be accommodated in a cramped site not conducive to an integrated design;
- (k) given the scarcity of land resources, development intensity should be optimized wherever possible as long as it will not generate unacceptable impacts on the surrounding area. As for the District Court, it is required to cater for the long-term needs of District Court-level judicial facilities. Hence, the proposed reduction of development intensity and BH of the proposed commercial development (R11, R35 and R594 to R599) and the District Court (R594 to R599) are not supported; and
- (l) there is no strong planning justification for relaxing the proposed BH of the commercial development to 150mPD (R594 to R599) which is considered excessive when compared to the BHR of the “C” zone in the vicinity.”

General

Agenda Item 4

[Open Meeting]

Further Consideration of Assessment Criteria for Considering Applications for Solar Photovoltaic System made under Section 16 of the Town Planning Ordinance
(TPB Paper No. 10657)

[The item was conducted in Cantonese.]

43. In view of the overrun of the previous agenda item, the Chairperson suggested and Members agreed that consideration of Agenda Item 4 should be deferred to the next

meeting.

[Ms Bernadette H.H. Linn, Mr L.T. Kwok, Professor Jonathan W.C. Wong and Mr Ricky W.Y. Yu left the meeting at this point.]

[The meeting was adjourned for lunch break at 1:45 p.m.]

44. The meeting was resumed at 3:30 p.m.

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

Mr Lincoln L.H. Huang Vice-chairperson

Mr Wilson Y.W. Fung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Dr C.H. Hau

Dr Lawrence K.C. Li

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Mr C.H. Tse

Mr Conrad T.C. Wong

Chief Traffic Engineer/Hong Kong

Transport Department

Mr M.K. Cheung

Chief Engineer (Works), Home Affairs Department

Mr Gavin C.T. Tse

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

Deputy Director (General), Lands Department
Ms Karen P.Y. Chan

Director of Planning
Mr Raymond K.W. Lee

[Mr Lincoln L.H. Huang and Mr Daniel K.S. Lau returned to join the meeting at this point and Miss Winnie W.M. Ng, Dr Jeanne C.Y. Ng, Dr Roger C.K. Chan and Dr Venus Y.H. Lun joined the meeting at this point.]

Sai Kung & Islands District

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/SK-SKT/21

Proposed Comprehensive Residential Development in “Comprehensive Development Area (1)” Zone, Various Lots in D.D.221 and Adjoining Government Land, Sha Ha, Sai Kung (TPB Paper No. 10641)

[The item was conducted in Cantonese.]

46. Members noted that the Chairperson had tendered an apology for being unable to attend the afternoon session of the meeting. The Vice-chairperson chaired the meeting at this point.

47. The Secretary reported that the application was submitted by Boxwin Ltd., which was a subsidiary of New World Development Company Ltd. (NWD), and others. Ove Arup & Partners Hong Kong Ltd. (Arup) and MVA Hong Kong Ltd. (MVA) were two of the consultants of the applicants. The following Members had declared interests on the item:

Mr K.K. Cheung - his firm having current business dealings with NWD and Arup;

- Dr C.H. Hau - being a principal lecturer and programme director of the University of Hong Kong (HKU). K11 Concept Limited of NWD had been sponsoring his student learning projects in HKU since 2009;
- Mr Thomas O.S. Ho - his firm having current business dealings with Arup and MVA;
- Mr Alex T.H. Lai - his former firm having current business dealings with NWD and Arup; and
- Mr Ricky W.Y. Yu - being the director and chief executive officer of Light Be which had received donations from Chow Tai Fook Charity Foundation (related to NWD). NWD planned to provide land for the development of his projects.

48. Members noted that Messrs Thomas O.S. Ho, Alex T.H. Lai and Ricky W.Y. Yu had already left the meeting, and agreed that as Messrs K.K. Cheung had no involvement in the application, and the interest of Dr C.H. Hau was indirect, they could stay in the meeting.

Presentation and Question Sessions

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

PlanD

- Ms Donna Y.P. Tam - District Planning Officer/Sai Kung and Islands (DPO/SKIs)
- Ms Katherine H.Y. Wong - Town Planner/Sai Kung

***Boxwin Ltd., Jade Spirit Ltd.,
New Hope Ltd., Regenteam***

***Investments Ltd., Shingo
Development Ltd., and Tenswin
Ltd.***

Ms Connie Yiu]

Ms Karen Ng]

Arup

Ms Theresa Yeung]

Ms Minnie Law] Applicants' representatives

Ms Natalie Leung]

Mr Mark Lim]

MVA

Mr Alan Pun]

Ms Charlotte Lo]

50. The Vice-chairperson extended a welcome and explained the procedures of the review hearing. He then invited PlanD's representative to brief Members on the review application.

51. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10641 (the Paper). Members also noted that the applicants had not submitted any document in support of the review application.

[Dr Jeanne C.Y. Ng left the meeting during PlanD's presentation.]

52. The Vice-chairperson then invited the applicants' representatives to elaborate on the review application.

53. With the aid of a PowerPoint presentation, Ms Theresa Yeung, the applicants' representative, made the following main points:

The Submitted Master Layout Plan

- (a) the Master Layout Plan (MLP) submitted in 2018 under the subject application (the 2018 MLP) was for a proposed comprehensive residential development with a maximum plot ratio (PR) of 1.5 and a maximum building height of 8 storeys (excluding basements) at the application site (the Site), which complied with the statutory requirements of the approved Sai Kung Town Outline Zoning Plan (OZP);
- (b) the proposal also complied with the design requirements of the Planning Brief (PB) for the Site endorsed by the Board in 2007, which had incorporated a non-excavation area (NEA) of 1.56 ha (or 26% of site area) in the eastern portion of the Site; a 15m wide Green Buffer Zone (GBZ) along the boundary of the Site; a 6m wide public pedestrian walkway to connect the re-aligned Tai Mong Tsai Road and Mei Fuk Street directly; a stepped height profile descending from a maximum of 8 storeys in the north to not more than 3 storeys in the south; and breezeway(s) in the east-west direction to enhance air ventilation and improve micro-climate within and around the Site;
- (c) the applicants had proposed various engineering measures within the NEA to preserve the concerned area, including covering the whole NEA with a 2.5m to 5m deep compacted fill; constructing low-rise buildings with shallow foundations with a depth of about 1.5m to 2m only; proposing no basement; and adopting suitable planning and design for underground utilities and access roads;
- (d) various government departments had no objection to or no adverse comment on the proposal;

Traffic Concerns

- (e) the Transport Department advised that on the assumption that the Hiram's Highway Improvement Stage 2 (HH2) project would be completed before population intake, they would have no in-principle

objection to the application;

- (f) the Highways Department (HyD) confirmed that the HH2 project was gazetted on 3.1.2020 and anticipated that the detailed design of HH2 could commence in 2021;
- (g) it was stated in the Executive Summary of the Traffic Impact Assessment (TIA) report of the HH2 project (November 2019) that “*Based on the current programme, it is scheduled to start construction of the road improvement works in 2023 and it will be completed in 2027*”. The population intake would tie in with the completion of the HH2 project;
- (h) an approval condition on “no population intake of the proposed development shall be taken place before the completion of the HH2 project” was recommended in the Paper to address the traffic concerns;

Non-excavation Area

- (i) in a previous application (No. A/SK-SKT/1) submitted in 2007, the NEA was proposed to be developed as a landscape area. However, the application was rejected by the RNTPC as the MLP did not fully meet the requirements of the PB in terms of the design and layout of the proposed development, including failing to create a stepped height profile, inclusion of podium structures, and failing to provide a 15m wide GBZ and a 6m wide public passenger walkway;
- (j) in another previous application (No. A/SK-SKT/9) submitted in 2014, it was proposed to develop 3-storey villa houses within the NEA. Given that all the requisite service and utility installations of the proposed low-rise buildings in the NEA would be laid within the fill layer to avoid disturbance to the archaeological remains underneath, the Antiquities and Monuments Office (AMO) had no adverse comment on that application;
- (k) although the layout and design of the 3-storey villa houses in the 2018 MLP was very similar to that in the previous application (No. A/SK-

SKT/9); AMO considered that no building works including site formation and excavation in any form should be carried out except with their prior written consent;

New MLP presented at the Meeting

- (l) to fulfill the requirements of the OZP, the PB and relevant government bureaux/departments, the applicants had come up with a new MLP by removing the 56 nos. of 3-storey villa houses within the NEA originally included in the 2018 MLP. In that connection, the PR of the proposed development would be reduced from 1.467 to 1.368;
- (m) according to the Town Planning Board Guidelines No. 32 on Submission of Further Information in Relation to Applications for Amendment of Plan, Planning Permission and Review made under the Town Planning Ordinance (TPB PG-No. 32), the new MLP with removal of the 56 villa houses within the NEA did not constitute a material change to the 2018 MLP;
- (n) with reference to the Town Planning Board Guidelines No. 36B for Class A and Class B Amendments to Approved Development Proposals (TPB PG-No. 36B), the reduction of gross floor area (GFA) in the new MLP was a Class A amendment which did not require further application to the Board;

Self-containment

- (o) the new MLP provided separate access and sufficient open space for other phases of development; and
- (p) as compared with the 2018 MLP, the phase 1 development as proposed by the applicants under the new MLP would not take up the development potential of other phases. The PR of the other phases would be about 1.5.

54. As the presentations from PlanD's representative and the applicants' representative had been completed, the Vice-chairperson invited questions from Members.

Procedural Matters

55. The Vice-chairperson and a Member raised the following questions to the applicants' representatives:

- (a) whether the applicants had discussed the new MLP with PlanD; and
- (b) the reasons for not submitting the new MLP before the meeting.

56. In response, Ms Theresa Yeung, the applicants' representative, made the following main points:

- (a) the applicants had not discussed the new MLP with PlanD; and
- (b) as the new MLP with a reduction of 56 villa houses did not constitute a material change to the 2018 MLP under TPB PG-No. 32, and the reduction of GFA was a Class A amendment which did not require further application to the Board under TPB PG-No. 36B, the new MLP would not have adverse impact on environmental, traffic, drainage, sewerage, visual and air ventilation aspects. In addition, the new MLP was only formulated recently.

57. Some Members enquired on the proper planning procedures for the applicants to submit the new MLP for the Board's consideration; whether the new MLP presented at the s.17 review hearing could be considered by the Board; and whether the new MLP constituted a material change to the 2018 MLP. In response, Ms Donna Y.P. Tam, DPO/SKIs, said that according to the Town Planning Ordinance (the Ordinance), further information in support of s.16 or s.17 planning applications, unless exempted, should be made available for public inspection. As the applicants only presented the new MLP at the s.17 review hearing, the public had no opportunity to inspect the new proposal. In addition, further information should be submitted in written form. Upon receipt of the further information, the Secretary of the Board, under the delegated authority of the Board, would

determine whether the further information could be accepted and whether it could be exempted from the publication and recounting requirements in accordance with TPB PG-No. 32. Comments from relevant government bureaux/departments would be sought on the further information received, including amendments to the original proposal, so that the application, departmental comments and public comments received could be submitted together for the Board's consideration. For the subject case, since the applicants did not submit the new MLP and relevant information before the meeting, it would be difficult to determine whether the changes incorporated into the new MLP constituted a material change to the 2018 MLP and whether the new MLP if accepted could be exempted from the publication and recounting requirements. It should, however, be noted that in addition to the reduction of GFA as mentioned by the applicants, the layout of the development had also been changed, and publication of the application for public comment might be required. In any case, departmental comments on the new MLP should be sought to facilitate the Board's consideration of the review application.

58. Since the further information was not submitted in written form, a Member was of the view that the Board should not consider the revised proposal. The Vice Chairperson considered that the question and answer session should continue to allow Members to raise questions on the 2018 MLP and the new MLP. The Board would decide whether the new MLP could be considered in the deliberation session.

[The meeting was adjourned for a short break of 5 minutes.]

The New MLP

59. The Vice-chairperson and some Members raised the following questions:
- (a) if the new MLP with a reduced GFA was approved, whether the applicants were entitled to increase the GFA in future;
 - (b) whether the reduced GFA in Phase 1 of the development could be allocated to other phases of the Site;
 - (c) whether the removal of villa houses within the NEA in the new MLP still complied with the requirement on the stepped height profile in the PB;

and

- (d) whether the development would be implemented by phases.

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

- (a) if the new MLP was approved by the Board, the development could not exceed the GFA as proposed in the new MLP; and
- (b) since the distribution of GFA in different phases was included in the new MLP, the applicants should submit a s.16 or s.16A application based on the guidelines laid down in TPB PG-No. 36B if they wished to amend the approved MLP to increase the GFA to OZP permissible level in the future.

61. In response, Ms Theresa Yeung, the applicants' representative, made the following main points with the aid of some PowerPoint slides:

- (a) a stepped height profile with 8 storeys, 6 storeys and 3 storeys descending from the north to the south could still be achieved in the new MLP to meet the requirement of the PB; and
- (b) according to the new MLP, the development would be completed by phases. Land within Phase 1 was owned by the applicants. The remaining land (i.e. Sites A to D) would be developed by other land owners.

Site History

62. At the request of Mr Raymond K.W. Lee, Director of Planning, Ms Donna Y.P. Tam, DPO/SKIs, briefed Members on the history of the Site. Ms Donna Y.P. Tam explained that the first statutory plan covering Sai Kung Town was gazetted in 2005. The applicants submitted objections in relation to the boundary and PR restriction of the subject "Comprehensive Development Area (1)" ("CDA(1)") site. After giving consideration to all objections received, the Board decided to amend the boundary of the Site, but not to

revise the PR restriction. The boundary of the “CDA(1)” site had remained unchanged since then. Subsequently, the PB of the Site, which incorporated the detailed requirements of AMO, and other urban design and technical requirements, was endorsed by the Board in 2007. In 2008, an application (No. A/SK-SKT/1) was submitted by the applicants, which was rejected by the RNTPC of the Board as the MLP did not meet the design requirements of the PB. In 2014, the same applicants submitted another application (No. A/SK-SKT/9) which was subsequently withdrawn before consideration by the RNTPC. In 2018, the applicants submitted the current application.

Non-excavation Area

63. A Member enquired about the background of the NEA. In response, Ms Donna Y.P. Tam, DPO/SKIs, said that AMO advised that the NEA and the surrounding area formed part of the Sha Ha Site of Archaeological Interest. Archaeological features of Tang dynasty was identified in 1996. The archaeological investigation in 1998 further ascertained the major and important cultural deposit areas of Neolithic period and Bronze Age. To allow the construction of roadworks in the area, a large-scale excavation was carried out from 2001 to 2002, and archaeological features and finds dating to the late Neolithic period and Bronze Age in addition to cultural deposits from the Han, Song and Ming dynasties were revealed in the rescue excavation. The archaeological features recovered included the building foundations formed by groups of postholes, stone tool workshops and burials. A large number of stone tools were also unearthed. Given that the Site comprised a large piece of fallow agricultural land which was mainly under private ownership, and a development proposal was submitted in 1990s, it was zoned “CDA(1)” on the OZP. Based on the comments of AMO, a NEA had been designated to preserve the antiquities in-situ. No building works including site formation works and excavation in any form should be carried out in the NEA except with the prior written consent from AMO. Those requirements were imposed in the PB endorsed by the Board in 2007. The PB also required the developer to integrate the NEA into the design of the development scheme, and the developer should submit an engineering proposal to allow future rescue excavation if required by the Government. She understood from AMO that the antiquities within the NEA should remain underneath and preserved in-situ as excavation works might damage those antiquities. Although the applicants had claimed that the development of low-rise houses with shallow foundations would not affect the NEA, no detailed engineering proposal was submitted regarding the preservation and maintenance of the NEA. The requirements in the PB

including the provision of right-of-access for future rescues excavation had not been complied with.

64. Some Members raised the following questions in relation to the NEA to the applicants' representatives:

- (a) under the new MLP, whether AMO could carry out archeological study and excavation works within the NEA in future;
- (b) whether the new MLP provided opportunities for future display of the antiquities on-site;
- (c) whether there would be road works and drainage works within the NEA;
- (d) whether the buildings works adjoining the NEA would affect the antiquities; and
- (e) the use of the NEA in the new MLP after removing the 56 villa houses falling within the NEA.

65. In response, Ms Theresa Yeung, the applicants' representative, made the following main points with the aid of some PowerPoint slides:

- (a) AMO could carry out archeological study and excavation works within the NEA in future;
- (b) AMO only requested that the antiquities be preserved in-situ and a right-of-access to enter the NEA to conduct site inspection and excavation be provided. AMO did not request on-site display of the antiquities;
- (c) there would be drainage works underneath the proposed road within the NEA. A Drainage Impact Assessment (DIA) had been conducted and the Environmental Protection Department advised that there was no insurmountable drainage problem for the Site. Should the application be approved, an approval condition on the submission and

implementation of a revised DIA could be imposed. Due to the level difference of the Site, a land filling of 2.5 to 5m deep in the NEA was required. The proposed road and drainage works in the NEA would be implemented in the soil filling above the original ground level of the NEA. In-situ soil underneath would not be affected;

- (d) AMO advised the applicants that they would accept the development proposal if there was no residential building development within the NEA. Should the application be approved, an approval condition on the submission of an Archaeological Impact Assessment and implementation of the mitigation measures identified therein could be imposed. Comments from AMO would be sought in the detailed design stage to ensure that the building works adjoining the NEA would not affect the antiquities; and
- (e) according to the new MLP, the NEA would be developed as a grassland or open space to facilitate the possible future excavation activities of AMO. Should the application be approved, an approval condition on the submission and implementation of Landscape Master Plan could be imposed to guide the development of open space.

66. Noting that an emergency vehicular access (EVA) was proposed within the NEA, a Member queried the traffic arrangement to be made during the excavation activities of AMO. In response, Mr Alan Pun, the applicants' representative, said that the Site had two vehicular access points. Temporary EVAs could be arranged when the excavation activities were being conducted by AMO. However, the temporary EVA arrangement was not indicated in the application. Ms Theresa Yeung, the applicants' representative, supplemented that the EVA was proposed within the NEA in the previous MLP submitted in 2007 (application No. A/SK-SKT/1) on which AMO had no adverse comment. Although AMO reserved the right to carry out excavation activities in the EVA, the chance of conducting excavation activities in the NEA would be rather slim.

Completion date of HH2

67. Mr Raymond K.W. Lee, Director of Planning, asked whether the completion

date of HH2 was available. In response, Ms Donna Y.P. Tam, DPO/SKIs said that HyD had advised that the completion date of HH2 was uncertain at the present stage.

68. Noting that it was stated in the TIA report of the HH2 project quoted by the applicants' representative that the HH2 project would be completed in 2027 tentatively, a Member enquired whether the word "tentatively" should be relevant. In response, Ms Theresa Yeung, the applicants' representative, clarified that the word "tentatively" was relevant and supplemented that should the application be approved, an approval condition could be imposed to ensure that no population intake should take place before the completion of the HH2 project.

Others

69. The Vice-chairperson requested the applicants to clarify whether they intended to request the Board to consider the 2018 MLP or the new MLP presented at the meeting or both. He noted that the new MLP was incomplete as there was no planned land use in the NEA. In response, Ms Theresa Yeung, the applicants' representative, confirmed that the Board was requested to consider the new MLP presented at the meeting. She said that given the constraints of the NEA, it would not be feasible to have uses other than a grassland or open space therein.

70. Mr Raymond K.W. Lee, Director of Planning, stated that it was understandable for layperson applicants, who were not familiar with the planning application system, to submit new information at the s.17 review hearing. However, such practice should not be encouraged. He was particularly concerned with the applicants' representative, which was an internationally renowned consulting firm well conversant with the relevant planning procedures and guidelines, requested the Board to consider a revised MLP tabled/presented at the s.17 review hearing. He strongly advised against the industry to adopt such malpractice.

71. As Members had no further question to raise, the Vice-chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application and inform the applicants of the Board's decision in due course. The Vice-chairperson thanked the representatives from PlanD and the applicants' representatives for attending the meeting. They left the meeting at this point.

[Mr Stanley T.S. Choi arrived to join the meeting and Mr M.K. Cheung left the meeting during the question and answer session.]

Deliberation Session

72. Some Members expressed concern on the improper practice of the applicants' agent in submitting further information at the review hearing (i.e. the new MLP) and opined that the Board should only consider the application based on the information made available before the review hearing (i.e. the 2018 MLP) and not new information submitted at the meeting. A consistent approach should be adopted in handling late submissions from applicants. It was noted that the Board would not accept late submissions of representations/comments on a draft plan. Following the same principle, as the applicants only presented the new MLP at the review hearing, the new MLP should not be considered.

73. At the request of the Vice-Chairperson, the Secretary explained the Board's practice in handling late submissions in the plan-making process and further information in the processing of planning applications. In the plan-making process, the periods of making representations and comments were subject to statutory time limit. According to the Ordinance, the public should make representations within a period of two months during the exhibition of draft plan, or comments on the representations within the first three weeks of the public inspection period of the representations. If the representations or comments on representations were made after the expiration of the statutory time limit, they would be treated as not having been made under the relevant provisions of the Ordinance. As such, the Board would not accept late submissions in the plan-making process. On the other hand, there were provisions in the Ordinance allowing applicants to submit further information in support of their s.16, s.17 or s.12A applications. The Secretary of the Board, under the delegated authority of the Board, would deal with the further information submitted by applicants based on the following criteria laid down in TPB PG-No. 32:

- (a) the Secretary would determine whether the further information could be accepted. If the further information resulted in a material change of the nature of the application, it would not be accepted, and a fresh application would need to be submitted; and

- (b) if the further information was accepted as not resulting in a material change of the nature of the application, the Secretary would consider whether the accepted information could be exempted from the publication and recounting requirements. In general, only minor changes without changing the major development parameters of the proposed scheme; clarification of the background information; technical clarification/responses to comments of relevant government departments; rectification of editorial and transcription errors and miscellaneous minor information could be exempted. For those further information that could not be exempted from the publication and recounting requirements, it should be published for public comment.

74. The Secretary emphasised that submissions of further information in relation to planning applications should be made in written form. In the current application, the applicants presented a new MLP at the s.17 review hearing and claimed that there was no material change to the nature of the application. As the further information was only presented at the meeting and not in the form of written submission, it would neither be fair nor responsible for the Board to determine at the spot whether the new MLP just presented at the meeting constituted a material change to the application, and whether it would be exempted from the publication and recounting requirements.

75. Notwithstanding that the applicants had requested the Board to consider the new MLP presented at the meeting only, Members generally agreed that the 2018 MLP should be considered by the Board. Members agreed that the 2018 MLP could not be approved as other than the new MLP presented at the meeting, the applicants had not submitted any further information in response to the rejection reasons of the RNTPC; and there had been no change in planning circumstances for the Site since the rejection of the application by the RNTPC. While the HH2 project was gazetted on 3.1.2020, the completion date of the project was still uncertain.

76. The Board then proceeded to discuss the new MLP submitted at the meeting and decided that the new MLP should not be considered for the following reasons:

- (a) the applicants had not followed the proper procedures in submitting further information in support of the application. There was no written

submission of the new MLP which the Board had no basis to consider the proposal. It was uncertain whether the new MLP would not constitute a material change to the review application as claimed by the applicants;

- (b) the relevant government bureaux/departments did not have an opportunity to comment on the new MLP. In that connection, departmental comments and responses were not available to facilitate the Board's consideration of the new MLP; and
- (c) noting that the new MLP involved revision of the layout and EVA network, the public did not have an opportunity to inspect and/or comment on the new MLP. In other words, public comments on the new MLP were not available for consideration by the Board.

77. After further deliberation, the Board decided to reject the application for the following reasons:

- “(a) the proposed phasing of the residential development is not in line with the Town Planning Board Guidelines No. 17A in that the applicants fail to demonstrate that the comprehensiveness of the proposed development will not be adversely affected; the resultant development would be self-contained in terms of layout design and provision of open space; and the development potential of the unacquired lots would not be absorbed in the early phases of the development;
- (b) the Master Layout Plan for the proposed residential development encroaches onto the non-excavation area (NEA) specified in the Planning Brief and the applicants fail to demonstrate that the proposed house development on top of the NEA is implementable and would not have adverse impacts on the Sha Ha Archaeological Site of Interest; and
- (c) the applicants fail to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding area.”

Agenda Item 6

[Open Meeting]

Any Other Business

78. There being no other business, the meeting was closed at 5:50 p.m.