

**Minutes of 1227th Meeting of the
Town Planning Board held on 17.7.2020**

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

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Dr C.H. Hau

Mr Alex T.H. Lai

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John 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

Mr Y.S. Wong

Chief Traffic Engineer (Hong Kong)

Transport Department

Mr M.K. Cheung

Chief Engineer (Works), Home Affairs Department

Mr Gavin C.T. Tse

Principal Environmental Protection Officer (Metro Assessment)

Environmental Protection Department

Dr Sunny C.W. Cheung

Deputy Director (General), Lands Department

Mr Simon S.W. Wang

Director of Planning

Mr Raymond K.W. Lee

Deputy Director of Planning/District

Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Dr Frankie W.C. Yeung

Mr Thomas O.S. Ho

Dr Lawrence K.C. Li

Mr Stanley T.S. Choi

Dr Jeanne C.Y. Ng

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 Christine C.M. Cheung (a.m.)

Mr Alex C.Y. Kiu (p.m.)

Opening Remarks

[Open Meeting]

1. The Chairperson said that the meeting would be conducted with video conferencing arrangement.

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1226th Meeting held on 3.7.2020

[The item was conducted in Cantonese.]

2. The draft minutes of the 1226th meeting held on 3.7.2020 were sent to Members before the meeting and tabled at the meeting. Subject to any proposed amendments by Members on or before 20.7.2020, the minutes would be confirmed.

[Post-meeting Note: The minutes were confirmed on 20.7.2020 without amendments.]

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

(i) New Town Planning Appeal Received

Town Planning Appeal No. 3 of 2020

Proposed Office, Shop and Services and Eating Place in “Residential (Group A)”
Zone and area shown as ‘Road’, 16 – 94 Pan Hoi Street and 983 – 987A King’s Road,
Quarry Bay, Hong Kong

Application No. A/H21/151

3. The Secretary reported that the application site (the site) was located in Quarry Bay. The application was submitted by Wealth First Limited, which was a joint venture of Henderson

Land Development Company Limited (HLD) and Swire Properties Limited (Swire), with Jones Lang LaSalle Limited (JLL), MVA Hong Kong Limited (MVA) and Ronald Lu & Partners (Hong Kong) Limited (RLP) as three of the consultants. The following Members had declared interests on the item:

- Mr Thomas O.S. Ho - having current business dealings with Swire and MVA and owning a flat in Quarry Bay
- Mr K.K. Cheung - his firm having current business dealings with HLD, JLL and RLP
- Mr Alex T.H. Lai - his former firm having current business dealings with HLD, JLL and RLP
- Mr Stephen L.H. Liu - having past business dealings with HLD, Swire and RLP
- Mr Franklin Yu - having past business dealings with HLD and MVA
- Dr C.H. Hau - being an employee of the University of Hong Kong which had obtained a donation from a family member of the Chairman of HLD and Swire Trust before
- Dr Lawrence K.C. Li - being the deputy chairman of the Council of the Hong Kong Polytechnic University which had obtained sponsorship from HLD and Swire before
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from an Executive Director of HLD

before

Mr Wilson Y.W. Fung]	co-owning with spouse or spouse owning a flat in
Mr Y.S. Wong]	Quarry Bay
Mr Simon S.W. Wang]	

4. As the item was to report the receipt of an appeal case and no discussion was required, the above Members who had declared interested on the item could stay in the meeting.

5. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) on 9.7.2020 against the decision of the Town Planning Board (the Board) on 17.4.2020 to reject on review an application (No. A/H21/151) for a proposed development for office, shop and services and eating place at a site zoned “Residential (Group A)” (“R(A)”) on the approved Quarry Bay Outline Zoning Plan No. S/H21/28.

6. The review application was rejected by the Board for the following reasons:

- (a) the proposed office development was not in line with the planning intention of the “R(A)” zone which was for high-density residential developments. The applicant had failed to demonstrate that there were sufficient justifications to deviate from the planning intention of the “R(A)” zone; and
- (b) approval of the application would set an undesirable precedent for similar applications in the same and other “R(A)” zones in the vicinity. The cumulative effect of approving such applications would aggravate the shortfall in the supply of housing land.

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

(ii) Town Planning Appeal Decision Received

Town Planning Appeal No. 1 of 2019

Temporary Open Storage of Construction Materials and Machineries for a Period of 3 Years in “Agriculture” Zone, Lot 1595 (Part) in D.D. 113, Ma On Kong, Kam Tin, Yuen Tong

Application No. A/YL-KTS/781

8. 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/YL-KTS/781) for temporary open storage of construction materials and machineries at the site zoned “Agriculture” (“AGR”) on the Kam Tin South Outline Zoning Plan (OZP).

9. The appeal was heard by the Town Planning Appeal Board (TPAB) on 11.3.2020. On 2.7.2020, the appeal was dismissed by the TPAB for the following reasons:

- (a) the development was not in line with the planning intention of the “AGR” zone and the appeal site possessed good potential for agricultural rehabilitation. No strong planning justification had been given by the Appellant for a departure from the planning intention of the “AGR” zone;
- (b) according to the Town Planning Board Guidelines No. 13E, the Board had the authority not to give favourable consideration to the application; and
- (c) the Appellant failed to provide justification to support that this was an exceptional case. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone.

10. The Secretary drew Members’ attention that one of the rejection reasons adopted by the Board regarding the environmental nuisance and adverse landscape impacts generated by the development on the surrounding area was not upheld by TPAB for the reason that the domestic structures surrounding the site were mainly unauthorised developments.

11. Members noted the decision of TPAB.

(iii) Appeal Statistics

12. The Secretary reported that as at 13.7.2020, a total of 15 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	36
Dismissed	163
Abandoned/Withdrawn/Invalid	203
Yet to be Heard	15
Decision Outstanding	0
<hr/> Total	417

Hong Kong District

Agenda Item 3

[Open meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/33

(TPB Papers No. 10660 and 10661)

[The item was conducted in Cantonese and English.]

Group 1

(TPB Paper No. 10660)

(R1 to R8(part) and R9 to R12)

13. The Secretary reported that the Urban Renewal Authority (URA) Staunton Street/Wing Lee Street Development Scheme Plan (DSP) area was one of the subject amendments sites of the draft Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) No. S/H3/33. The following Members had declared interests on the item for having affiliation/business dealings with URA (R1), Ms Mary Mulvihill (R8 and C3), or owning properties, or providing services in the district:

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| Mr Lincoln L.H. Huang
(Vice-chairperson) | - being the deputy chairman of Appeal Board Panel of URA |
| Mr Raymond K.W. Lee
(as Director of Planning) | - being a non-executive director of the URA Board and a member of its Committee |
| Mr Philip S.L. Kan | - being a former director of the Board of the Urban Renewal Fund (URF) |
| 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 URF |

- Mr Wilson Y.W. Fung] being directors of the Board of URF
Ms Lilian S.K. Law]
- Mr K.K. Cheung - his firm having current business dealings with URA, and hiring Ms Mary Mulvihill on a contract basis from time to time
- Mr Alex T.H. Lai - his former firm having current business dealings with URA, and hiring Ms Mary Mulvihill on a contract basis from time to time
- Mr Thomas O.S. Ho - having current business dealings with URA
- Mr Stephen L.H. Liu - his company owning an office unit at Queen's Road Central
- 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
- Mr Ricky W.Y. Yu - being a director of the Board of URF, 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
- Mr L.T. Kwok - his institution having received sponsorship from URA and provided services to URA in the district
- Mr Conrad T.C. Wong - his company having current business dealings with URA for the Pine Street/ Oak Street Project; and being a director of companies owning 6 properties at Jervois Street, Western Street and Pok Fu Lam Road

- | | |
|--------------------|---|
| Mr Y.S. Wong | - being a non-executive director of the URA Board and a member of its Committees |
| Dr Roger C.K. Chan | - spouse owning a flat at Des Voeux Road West |
| Mr C.H. Tse | - being the voluntary company secretary (non-remunerated) of the Hong Kong News-Expo, a revitalised project at the Bridges Street Market, 2 Bridges Street, Central |
| Mr Peter K.T. Yuen | - being a member of the Board of Governor of the Hong Kong Arts Centre, which rented an URA premises in Wing Lee Street before |

14. Members noted that Mr Thomas O.S. Ho had tendered apology for being unable to attend the meeting; and Messrs Lincoln L.H. Huang, Conrad T.C. Wong, Y.S. Wong, Dr Roger C.K. Chan and Dr Lawrence W.C. Poon had not yet arrived to join the meeting. Members noted that Mr Raymond K.W. Lee's interest was direct, he should be invited to leave the meeting temporarily. As the interests of Messrs Philip S.L. Kan, Wilson Y.W. Fung, L.T. Kwok, C.H. Tse, Peter K.T. Yuen and Ms Lilian S.K. Law were indirect, Messrs Alex T.H. Lai, Daniel K.S. Lau, Ricky W.Y. Yu and K.K. Cheung had no involvement in the representations, and the property owned by the company of Mr Stephen L.H. Liu did not have direct view of the representation sites, they could stay in the meeting.

[Mr Raymond K.W. Lee left the meeting temporarily at this point.]

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

Presentation and Question Sessions

16. The following government representatives, as well as representers, commenters and their representatives of Group 1 were invited to the meeting at this point:

Planning Department

- Mr Louis K.H. Kau - District Planning Officer/Hong Kong
(DPO/HK)
- Mr Mann M.H. Chow - Senior Town Planner/Hong Kong
(STP/HK)

Representers, Commenters and/or their Representatives

R1 - Urban Renewal Authority (URA)

- Mr Au Chun Ho] Representer's Representatives
Mr Law Tze Wai]

R3/C1 - Central and Western Concern Group

R6 - Ng Hoi Chi

- Ms Law Ngar Ning Katty - Representers' and Commenter's
representative

R4 - John Batten

- Mr John Batten Representer

R5 - Friends of the 30 Houses Neighbourhood

R7 - VAN WIJICK, Esther Petronella W.

C2 - Sjoerd Hoekstra

- Mr Sjoerd Hoekstra - Representers' representative and
Commenter

R8/C3 - Mary Mulvihill

Ms Mary Mulvihill - Representer and Commenter

R11 - Expert CharterLtd

R12 - Union Loyal Development Ltd

Townland Consultants Ltd.

Ms Cindy Anne Lee Tsang - Representers' Representative

17. The Chairperson extended a welcome. She said that the representers, commenters and their representatives had been informed that the hearing would be split into two groups. She then briefly explained the procedures of the hearing. She said that PlanD's representative would be invited to brief Members on the representations and comments. The representers, commenters, and their representatives would then be invited to make oral submissions. To ensure the efficient operation of the meeting, each representer, commenter or his/her representative would be allotted 10 minutes for making oral submissions. There was a timer device to alert the representers, commenters or their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after all attending representers, commenters or their representatives of each session had completed their oral submissions. Members could direct their questions to the government representatives or the representers, commenters and their representatives. After the Q&A session, the representers, commenters or their representatives would be invited to leave the meeting, while the government's representatives would be invited to leave the meeting upon completion of Group 2's Q&A session. The Town Planning Board (the Board) would deliberate on the representations and comments after the completion of all the Q&A sessions and inform the representers and commenters of the Board's decision in due course.

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

19. With the aid of a PowerPoint presentation, Mr Mann M.H. Chow, STP/HK, briefed Members on the representations and comments, including the background of the amendments, the grounds/views/proposals of the representers and commenters, planning assessments and PlanD's views on the representations and comments as detailed in the TPB Paper No. 10660 (the

Paper).

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

R1- URA

21. With the aid of a PowerPoint presentation, Mr Au Chun Ho made the following main points :

- (a) URA's revitalisation proposal was in response to the 2018 Policy Address. It was announced that having conserved the buildings in Wing Lee Street, URA would carry out further study with a view to revitalising the building clusters with special character and urban fabric at the Staunton Street site so as to promote place making and synergise with nearby revitalisation projects;
- (b) it would be up to the Board to decide the building height restrictions (BHRs) of the area and whether to designate the existing lanes/stepped streets as area shown as 'Pedestrian Precinct/Street' ('PPS');
- (c) URA had carried out the Community Making Study (CMS) for the area, and appreciated the collaborative efforts of the local community. The CMS had recommended 4 visions including Knowledge Common, Impact Common, Community Common and Wellness Common; and
- (d) based on the recommended visions, URA had set up a number of pilot points. Some of the properties owned by URA had been leased to the Hong Kong Council of Social Service (HKCSS) for providing transitional housing. Nine buildings within the Staunton Street site were owned by URA, which would be renovated or refurbished for provision of co-living spaces. URA had set up a workshop in one of the buildings to liaise with stakeholders in the local community to identify the requirements of rehabilitation and conservation design. Other pilot points included a mural creation pilot

project with primary school students in the district, a workshop for sharing knowledge on co-living projects and a community plant nursery project.

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

R3/C1 - Central and Western Concern Group

R6 - Ng Hoi Chi

22. With the aid of a PowerPoint presentation, Ms Law Ngar Ning Katty made the following main points :

- (a) the area covered by the proposed amendments was related to URA's redevelopment scheme (H19), which was a bulldozer approach to redevelopment and was terminated in 2018 after prolonged and strong public calls for conservation of the area. It was announced in the 2018 Policy Address, under 'Heritage Conservation', that *'the URA, having conserved the buildings in Wing Lee Street, will carry out further study with a view to revitalising the building clusters with special character and urban fabric under the whole Staunton Street/Wing Lee Street Project (H19) so as to promote place making and synergise with nearby revitalisation projects'*. It was clear that the historical significance and heritage value of the neighbourhood had been recognised. It was therefore important that the planning of the area had to reflect such recognition;
- (b) the project area of H19 was located at the heart of a neighbourhood historically known as "30 Houses" (卅間). A community of 30 Houses was first built in the locality in the 19th century and subsequently rebuilt after World War II. The most famous resident of the area was Dr Sun Yat-sen, who lived there as a young student of the Central School. The buildings at Nos. 88-90 Staunton Street had been accorded with a Grade-2 status by the Antiquities Advisory Board (AAB), which was the home of Shum Wai-yau, the founder of Wah Kiu Yat Po. The tenement buildings in the neighbourhood were also a centre of the local printing industry after the war. The building clusters in the area reflected the life in Hong Kong in 1940s and

50s. The spirit of the 30 Houses was embodied in the annual Yu Lan festival organised by the local residents and members of the 30 Houses Yu Lan Festival Association, which had its office in the H19 area. Guided tours and other activities were also organised for the public in the area;

- (c) there were different approaches for undertaking urban renewal. In the H19 area, the tenement buildings would be renovated for adaptive reuse and the vacant land would be opened for community use. The streets, space and trees were all important components of the cultural landscape in the area; and
- (d) they generally supported Item A1. It was considered that the area could be designated for historical conservation with proper conservation management plan. Regarding Item A5, the proposed BHR of 12 storeys was inconsistent with the existing building height profile of 3 to 6 storeys. They strongly opposed the proposal of R11 and R12 of relaxing the BHR to 160mPD in the Wing Lee Street site (Item A4) on the grounds that Wing Lee Street was narrow and might be subject to geotechnical constraints. Regarding Item A2, they proposed to retain the open space and trees and any new construction should be subject to planning permission from the Board and public consultation.

R4 - John Batten

23. Mr John Batten made the following main points :

- (a) given the significant historical value of the H19 area, it was absurd to have no conservation plan for the area. He had been living in the district since 1992. It was a vivid community before URA initiated the redevelopment;
- (b) when URA submitted a planning application in 2008, the Central and Western Concern Group collated all related information and reproduced them into understandable languages and diagrams to inform the public. They also attended URA's community participatory workshops. They organised meetings with the flat owners affected by the URA project with

the support from the Central and Western District (C&W DC) Councillor. They produced and displayed information panels, set up information stand and uploaded the information to their website to inform the public. In contrast, URA had only organised one meeting with the locals at that time; and

- (c) the proposal of R11 and R12 of relaxing the BHR would destroy the historic ambience of the Wing Lee Street site (Item A4), which was a historic site with an intact row of Tong Lau. Regarding Item A5, it was considered that the sites should be kept as they were.

R5 - Friends of the 30 Houses Neighbourhood

R7 - VAN WIJICK, Esther Petronella W.

C2 - Sjoerd Hoekstra

24. Mr Sjoerd Hoekstra made the following main points :

- (a) he was one of the members of Friends of the 30 Houses Neighbourhood with an objective to achieve conservation and regeneration of the 30 Houses neighbourhood and community with respect to the history and urban fabric of the area;
- (b) it was the first time that town planning was applied to conserving Hong Kong's heritage in a residential neighbourhood. The planning intention of the "Other Specified Uses" annotated "Residential, Institutional and Commercial Uses" ("OU (Residential, Institutional and Commercial Uses)") reflected the policy initiative of the 2018 Policy Address by conserving the urban fabric and promoting place-making as well as preserving the existing character and ambience of the Wing Lee Street area;
- (c) for the Wing Lee Street site, although there was no record on the historical value of the area nor any graded buildings within it, planning control had been imposed to safeguard the character and ambience of the site. However, while imposing BHR might be effective in limiting the scope for

redevelopment, it might not be effective in preserving the character and ambience of the area. For example, the ground floor shops had disappeared and the original Shanghai plaster facade and building features had been removed during refurbishment. As such, to preserve the existing character and ambience, the planning control should be more specific rather than just imposing BHR. For the Staunton Street site, while the planning intention was to conserve the urban fabric and promote place-making, it would be appropriate to specify what the urban fabric and place-making were;

- (d) in response to the proposal of adopting a comprehensive area conservation approach and designation of the area with a “historic neighbourhood” status, PlanD indicated that as the buildings (except 88-90 Staunton Street) had not been accorded any grading status and there was also no building pending for assessment by Antiquities and Monuments Office (AMO), the “area conservation” approach for the area was not justified under the prevailing heritage conservation policy. He opined that the prevailing heritage conservation policy was too limited for preserving pre-war buildings only. After a prolonged discussion on the historic neighbourhood of the area, no neighbourhood character study had been carried out and without which, the Board would not be able to make an informed decision on the conservation planning for the area;
- (e) it was an exceptional neighbourhood with terraces along Shing Wong Street and a number of graded historic buildings nearby including PMQ, Bridges Street Market and 88-90 Staunton Street, which showed how Hong Kong had been developed throughout the years. Most of the tenement buildings within the neighbourhood were built in the early 1950s, which was one of the first neighbourhoods completely rebuilt in Hong Kong after the war and demonstrated the architectural design at that time; and
- (f) regarding the proposal of relaxing the BHR at the Wing Lee Street site, it was considered such proposal would be out of context with the surroundings and would adversely affect the heritage values of the area. He supported the proposal of designating Wa In Fong East, Wa In Fong West and Chung

Wo Lane as area shown as 'Pedestrian Precinct/Street' as the pedestrian network demonstrated the historic lifestyle of walking on the street and it would safeguard the landscape and historic value of the area.

R8/C3 - Mary Mulvihill

25. Ms Mary Mulvihill made the following main points :

- (a) while she supported Item A1 in principle, the intention had to be considered with regard to the overall plan. The area was a historic low-rise district and an integral part of the old city of Hong Kong. It was essential that the area be kept intact;
- (b) regarding Items A2 to A7, the height of the existing buildings should be kept to retain the individual character of the buildings. Imposing a fixed height would only encourage redevelopment to the maximum allowed and result in a uniform plan that would destroy the district character;
- (c) the sitting-out areas and open spaces must be retained to protect the integrity of the existing facilities. The road and alleys must also be retained to preserve the historic layout of the area;
- (d) it was clear that overseas travel might be curtailed for years to come due to COVID-19. In the post-COVID time, there was an urgent need that more local attractions and amenities be promoted in order to fulfil the recreational and cultural needs of the society. The area was more popular with the locals, particularly young folks, as it provided an outdoor and active attraction in line with the recommendations of health experts;
- (e) she strongly objected to Item B. There was no justification for a further increase in building height of the development. It had already been subject to a number of 'minor relaxations'. As more high towers were being developed in the district, the wall effect was becoming more overwhelming. The stepped height profile long promised for the district had been abandoned.

Allowing even higher developments in the future was creating obstacles for the future while there should be a more enlightened approach to town planning; and

- (f) according to the Procedure and Practice of the Board, the Board should act fairly and impartially in making its decision. When making decision, a vote might be necessary to determine an item under consideration. However, it was noted that all official Members had a right to vote and the Chairperson also had a casting vote. Given the recent political events whereby government officials might be obliged to support the Government, it was questionable how the Board, in particular the official Members, could act fairly and reasonably in view of possible areas of conflict of interest, as all the proposals were put forth by PlanD. It was noted that not many Members attended the subject hearing meeting.

26. In response to Ms Mary Mulvihill's observation, the Chairperson clarified that a considerable number of Members attended the meeting online.

R11 - Expert Charter Ltd

R12 - Union Loyal Development Ltd

27. With the aid of a PowerPoint presentation, Ms Cindy Anne Lee Tsang made the following main points :

- (a) the representers were the lot owners of Nos. 10-11 Wing Lee Street. The representations were made in relation to Item A4, in particular the BHR of 4 storeys, which could not achieve the stated intent and would deprive private development right;
- (b) various zoning approaches for the area failed over the past 20 years without appropriate incentive for urban renewal and revitalisation. Retaining the BHR would only perpetuate the existing problem of preservation without revitalisation. The site was once proposed for comprehensive redevelopment by URA with a building height of 29 storeys and an overall

plot ratio (PR) of 8. The redevelopment approach had gradually evolved into a preservation approach. At the same time, the interest of URA in the area had been reduced from the whole of Wing Lee Street to a few lots and the efforts of preservation had fallen on the shoulders of the private lot owners. The deprivation of the private development right had resulted in planning blight of lots not owned by URA;

- (c) during the plan-making process of the draft Sai Ying Pun & Sheung Wan OZP in 2011 and 2012, the representer (R11) had lodged an objection to the amendment of the site as “Comprehensive Development Area” (“CDA”) zone and stipulation of BHR of 4 storeys on the site on the grounds that no heritage grading of the site was endorsed; the site only became popular after a local movie was shot there; the nature of the “CDA” zoning itself was non-implementable; and the radical change from the initial planning intention for full-scale redevelopment to en-bloc preservation was not supported by any material change in planning circumstances. The representer at that time proposed to rezone the site from “CDA” to “Other Specified Uses” annotated “Mixed Uses” (“OU(MU)”), to relax the BHR from 4 storeys to 75mPD and to remove the requirement in the Explanatory Statement (ES) for “planning approval before demolition”. However, the Board decided not to uphold the objection. Since then, no planning application had been submitted for developments on Wing Lee Street. Despite efforts by URA to revitalise the existing tenement buildings under its ownership, Wing Lee Street lacked human activities and the buildings not under URA’s ownership had been condemned to continued planning blight. By rezoning Wing Lee Street to “OU (Residential, Institutional and Commercial Uses)” in the current round of OZP amendments, the Board had addressed the inherited problem of the previous “CDA” zoning. Item A4 aligned with some of the remedies proposed by the representer in the objection to the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/26. That showed that the representer had envisioned the right direction for the revitalisation/ redevelopment for the representation site under Item A4 since 2011;

- (d) nevertheless, the BHR of 4 storeys was counter-productive to urban renewal and revitalisation of the Wing Lee Street area without due regard to private development rights and other innovative redevelopment approaches, and BHR in terms of number of storeys was an inappropriate planning control. When the proposed amendments to the draft OZP were discussed in the Metro Planning Committee (MPC) of the Board on 19.7.2019, a Member asked whether new structures could be built on top of the existing tenement buildings in the revitalisation area. The representative of URA indicated that technical feasibility of the proposed additional structures on top of the existing tenement buildings was yet to be ascertained by technical assessments. Incorporating new building structures above retained facade was a well-established conservation practice that had once been pursued by URA in other projects and would encourage private initiatives in urban renewal;
- (e) PlanD had explained that the stipulation of BHR in terms of “number of storeys” was due to the special circumstances of the varied heights of the existing buildings on a “sloping ground”. However, the site was located on a “level platform”. The BHR restricted the owners from attaining the permitted development potential under the Building (Planning) Regulations (B(P)R). The representers proposed to relax the BHR of the site to 160mPD, to incorporate a clause in the ES to retain the existing façades, and to designate a 2m setback from Wing Lee Street to keep the terrace ambience. It would be a balanced option respecting the representers’ legitimate expectations and the site context of Wing Lee Street, and this would act as a catalyst for urban renewal and benefit the general public; and
- (f) in response to the comments of C1, the proposed BHR of 160mPD aligned with the surrounding height band, which would form a stepped height profile and would not jeopardise the visual condition of the area. Removing or relaxing the BHR would not induce any adverse air ventilation impact as the site was not identified as any important air corridor nor situated within any identified air paths according to the Expert Evaluation on Air Ventilation Assessment of Sai Ying Pun and Sheung Wan Area. In response to C2, it

was considered that neighbourhood vitality required sustained activity and facadism was recognised as a viable solution that promoted economic sustainability without destroying the whole cultural value. Preservation of existing buildings in situ was not the only option. Also, PlanD's responses revealed their perspective of preserving the character and ambience of Wing Lee Street but not the architectural features of the existing buildings or the human-centric elements.

28. As the presentation from the government representatives, representers, commenters and their representatives of Group 1 had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions and the Chairperson would invite the government representatives, representers, commenters and their representatives to answer. The Q&A session should not be taken as an occasion for the attendees to direct questions to the Board or for cross-examination between parties. The Chairperson then invited questions from Members.

Preservation of the Character and Ambience of the Area

29. A Member asked how the planning control could effectively safeguard regeneration of the area and preservation of the ambience. In response, Mr Louis K.H. Kau, DPO/HK, said that for Item A3 site, a BHR of 4 storeys was imposed to reflect the intent of URA in preserving the existing urban fabric by adaptive reuse of its owned tenement buildings at the site. 'Shops and Services' would also be allowed on the ground floor of the tenement buildings so as to provide a variety of activities and enhance the vibrancy of the area. For the Wing Lee Street site (Item A4), the BHR of 4 storeys, which had been imposed on the site since 2011, was also considered appropriate to preserve the existing character and ambience of the area and to reflect and contain the existing building height of the tenement buildings. The ground floor uses which had been in operation would be allowed to continue with a view to maintaining the vitality of the area.

30. Noting that some of the representers had advocated an "area conservation" approach, a Member asked whether the area should be designated as a 'Heritage Conservation Area' in order to facilitate URA's revitalisation project and whether there was any similar practice in the territory. In response, Mr Louis K.H. Kau, DPO/HK, pointed out that in 2011, when the Board

deliberated on whether and how the buildings at Wing Lee Street should be preserved under a “complete conservation” approach, it was considered that the buildings should be preserved for their social value or the existing character/ambience of Wing Lee Street, rather than the buildings per se. There was a need for the Board to strike a balance between public aspiration for preservation and the resources implications on the concerned owners. Also, it was noted that, generally speaking, the Board would not designate a preservation zoning for buildings which were not declared monuments/graded historic buildings. There were no other similar cases in the territory to designate an area covering various buildings some of which were not declared monuments/graded historic buildings for historic preservation. Even without designating a preservation zoning, URA’s intent to preserve the ambience of the concerned area would not be affected.

31. Some Members raised the following questions to the government representatives:
- (a) whether there would be any plan for managing the existing lanes in the area in a holistic manner;
 - (b) the aim of the 2018 Policy Address in conserving the area;
 - (c) how the preservation of the area would relate to other revitalisation projects in the district; and
 - (d) whether the reason for not grading the tenement buildings by AAB was that they were built after 1950.
32. In response, Mr Louis K.H. Kau, DPO/HK, made the following points:
- (a) URA would work with relevant government departments including the Highways Department in enhancing the existing lanes from design perspective;
 - (b) in the 2018 Policy Address, it was announced that having conserved the buildings in Wing Lee Street, URA would carry out further study with a view to revitalising the building clusters with special character and urban fabric at the Staunton Street site so as to promote place making and synergise with

nearby revitalisation projects. To respond to the 2018 Policy Address, the existing buildings owned by URA would be kept intact and the existing urban design and street ambience could be preserved in collaboration with the local community;

- (c) it was learnt that URA would work in collaboration with proponents of the nearby revitalisation projects, including PMQ and Hong Kong News-Expo, to generate more synergy effect; and
- (d) the grading of historic buildings by AMO was not limited to the 1,444 Historic Buildings surveyed by AMO. Any building could be suggested to AMO for grading purpose subject to its available resource. In fact, AMO had conducted a preliminary assessment on the historic value of the area in 2011 when the Wing Lee Street site was taken out from URA's H19 development scheme plan (DSP). It advised that most of the houses in the area concerned were damaged and demolished during the World War II and they were replaced by tenement houses built in the post-war years.

URA's Revitalisation Proposal

33. Some Members raised the following questions to the representatives of URA (R1):
- (a) how URA would implement the revitalisation proposal, noting from the Paper that URA would keep all the existing URA-owned buildings intact and would preserve the existing urban design and street ambience;
 - (b) how URA would promote the heritage value of the area;
 - (c) how URA would handle the properties which had not been acquired by them;
 - (d) how the vitality and ambience of the area could be preserved by ways of enhancing the streetscape and landscape design;

- (e) how URA maintained its financial prudence in the revitalisation project of the area; and
- (f) what a “community” was and how a community could be built up.

34. In response, Mr Au Chun Ho, URA’s representative, made the following points:

- (a) nine buildings within the Staunton Street site were owned by URA, which would be renovated or refurbished for adaptive reuse. Some of the properties owned by URA (Nos. 60-62 Staunton Street) had been leased to HKCSS for providing transitional housing;
- (b) revitalisation of the neighbourhood in the area would be the target for the current project, which was different from other URA projects in the past. The community-making process mainly adopted a bottom-up approach to gauge community aspirations and local stakeholders including members of C&W DC and local community were actively engaged. During the community-making process, it was noted that the local residents preferred to maintain the tranquility of the area. URA would continue to work with different stakeholders and government departments in revitalising the area;
- (c) as the area was no longer included in URA’s redevelopment project, URA would not further acquire any properties in the area. However, they would invite the residents and tenants of those properties to participate in the revitalisation project;
- (d) it would be subject to the discussion with the local residents on how to maintain the ambience and the types of activities that they expected. For example, some of the local residents expressed that they desired for more common space for hanging out;
- (e) in fulfilling its social responsibility, URA would continue to strictly abide by the prudent financial principle to ensure that urban renewal could be implemented in a sustainable manner. To ensure the revitalisation project

to be financially sustainable, the renovated properties would be leased out; and

- (f) according to the Urban Renewal Strategy 2011, one of the objectives of urban renewal was to preserve as far as practicable the social networks of the local community. The community-making process being carried out in the area was to strengthen the community network in collaboration with different stakeholders.

35. In response to a Member's enquiry, Ms Law Ngar Ning Katty, the representative of R3, said that a community was the people who lived, worked and studied in the area. To facilitate the heritage education in the area, she suggested to use the ground floor space of the tenement buildings renovated by URA for public activities, such as exhibition.

The Proposed Community Hub under Item A2

36. A Member enquired how the proposed community hub at Item A2 site would be compatible with the surrounding. Mr Au Chun Ho, the representative of URA, replied that the site at Item A2 would be reserved for a proposed community hub in response to the findings of the CMS. While the detailed design of the proposed community hub had not yet commenced, the proposed building height would tally with the surrounding tenement buildings.

"OU (Residential, Institutional and Commercial Uses)" Site under Item A4

37. A Member enquired why the BHR for the area was in terms of number of storeys and the reasons for a BHR of 4 storeys of Item A4 site. In response, Mr Louis K.H. Kau, DPO/HK, said that the stipulation of BHR for the area in terms number of storeys had taken into consideration the special circumstances of the varied heights of the existing buildings on a sloping ground and the intention to maintain the low-rise character while keeping a stepped building height profile. Regarding the BHR of 4 storeys of Item A4 site, the Board in 2011 considered that the buildings should be preserved for their social value or the existing character/ambience of Wing Lee Street and a BHR of 4 storeys had subsequently been imposed to reflect and contain the existing building height of the tenement buildings in order to preserve the ambience.

38. Regarding the representers' proposal of relaxing the BHR of Item A4 site for a proposed redevelopment of 21 storeys, a Member asked whether the proposal was practical if URA did not take part in it. Ms Cindy Anne Lee Tsang, the representative of R11 and R12, pointed out that Item A4 site was no longer part of the DSP area and URA had no intention to purchase the privately owned properties there. As such, any redevelopment projects would be private sector initiatives. The proposed BHR of 160mPD was not incompatible with the building height profile of the area as the site was located next to building height bands of 160mPD and 150mPD. She reiterated that the current BHR of 4 storeys restricted the owners from attaining the permitted development potential under the B(P)R.

39. In response to a Member's enquiry, Mr Au Chun Ho, the representative of URA said that the properties of URA on Wing Lee Street had been occupied for uses such as social housing. They had no redevelopment plan for those properties for the time being. URA had also no objection to the BHR of 4 storeys at Wing Lee Street site on the OZP.

"R(C)" Site under Item A5

40. A Member enquired the relationship between Item A5 site with the surrounding developments. Mr Louis K.H. Kau, DPO/HK, with the assistance of a section plan prepared by URA for a s16 application at the Staunton Street site approved by the MPC on 24.5.2013, demonstrated the relationship between the site, with a proposed building of 12 storeys, and the surrounding buildings, which was considered not visually incompatible.

41. The Chairperson enquired the existing building height in the site under Item A5, the reasons for imposing a BHR of 12 storeys, noting that most of the existing tenement buildings in the area were of 4 storeys, and how it would relate to the private development right of the land owners. In response, Mr Louis K.H. Kau said that the height of the existing buildings in Item A5 site, which was occupied by privately owned tenement buildings, ranged from 2 to 4 storeys. The site was under unrestricted lease and any development on the site would be subject to restrictions on the OZP and the Buildings Ordinance. It was zoned "R(C)" before it was included in URA's H19 DSP. As the site was no longer part of the DSP area, it was hence proposed to revert the zoning from "CDA" to "R(C)" with a PR of 5 and a BHR of 12 storeys, which was the same as other stepped street sites on the OZP. The BHR of 12 storeys was not

incompatible with the existing height profile in the area as the site had already been surrounded by high-rise buildings.

42. Mr Louis K.H. Kau, in response to a Member's enquiry, said that the owners of lots falling within the "R(C)" zone under Item A5 site could carry out redevelopment with a PR of 5 and a building height of 12 storeys in accordance with the restrictions under the OZP and other statutory regulations.

43. As Members had no question to raise, the Chairperson said that the hearing procedures for Group 1 were completed. The Board would deliberate on the representations and comments in closed meeting after the hearing procedures for Group 2 were completed and would inform the representers and commenters of the Board's decision in due course. The Chairperson thanked the representers, commenters, their representatives for attending the hearing. They left the meeting at this point.

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

[Mr Ricky W.Y. Yu and Mr Wilson Y.W. Fung left the meeting at this point.]

[Mr Raymond K.W. Lee returned to join and Mr Conrad T.C. Wong joined the meeting at this point.]

Group 2

(TPB Paper No. 10661)

(R8(part) and R13 to R57)

44. The Secretary reported that the amendment items related to Group 2 (i.e. Items C1 to C4) were located at Tak Sing Lane (TSL) in Sai Ying Pun. The following Members had declared interests on the item for having affiliation or business dealings with Ms Mary Mulvihill (R8/C3) or owning properties in the district :

Mr K.K. Cheung

- his firm hiring Ms Mary Mulvihill on a contract basis from time to time;

- | | |
|---------------------|--|
| Mr Alex T.H. Lai | - his former firm hiring Ms Mary Mulvihill on a contract basis from time to time; |
| Mr Stephen L.H. Liu | - his company owning an office unit at Queen's Road Central; |
| Mr Conrad T.C. Wong | - being a director of companies owning 6 properties at Jervois Street, Western Street and Pok Fu Lam Road; and |
| Dr Roger C.K. Chan | - spouse owning a flat at Des Voeux Road West |

45. Members noted that Dr Roger C.K Chan had not yet arrived to join the meeting. As Messrs K.K. Cheung and Alex T.H. Lai had no involvement in the representer's/commenter's submission, and the properties owned by the company/companies of Messrs Stephen L.H. Liu and Conrad T.C. Wong did not have direct view of the representation site, they could stay in the meeting.

46. The Chairperson said that notification had been given to the representers and commenters of Group 2 inviting them to attend the hearing, but other than those who were present or had indicated that they would attend the hearing, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representers and commenters, Members agreed to proceed with the hearing of the representations and comments in their absence.

47. The following representers, commenters and their representatives of Group 2 were invited to the meeting at this point.

Representers, Commenters and their Representatives

R8 /C3- Mary Mulvihill

Ms Mary Mulvihill - Representer & Commenter

R24 – Cheung Kai Yin

Ms Cheung Kai Yin - Representor

R38 – Chan Tsui Hung

Ms Chan Tsui Hung - Representor

C10 – Christina Monique Themar

Ms Christina Monique Themar - Commentor

C25 – Leung Chung Ching Edwin &

Wong Fung San Hanny

Mr Leung Chung Ching Edwin - Commentor

Kenneth To & Associates Ltd.

Ms Lam Tsz Kwan - Commentors' representative

48. The Chairperson extended a welcome. She then briefly explained the procedures of the hearing. She said that Planning Department's (PlanD) representatives would be invited to brief Members on the representations and comments of Group 2. The representors, commentors, and their representatives would then be invited to make oral submissions. To ensure the efficient operation of the meeting, each representor, commentor or his/her representative would be allotted 10 minutes for making oral submissions. There was a timer device to alert the representors, commentors or their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after all attending representors, commentors or their representatives had completed their oral submissions. Members could direct their questions to the government representatives or the representors, commentors and their representatives. After the Q&A session, the representors, commentors or their representatives and the government's representatives would be invited to leave the meeting. The Town Planning Board (the Board) would deliberate on the representations and comments and inform the representors and commentors of the Board's decision in due course.

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

50. With the aid of a PowerPoint presentation, Mr Mann M.H. Chow, STP/HK, briefed Members on the representations and comments, including the background of the amendments, the grounds/views/proposals of the representers and commenters, planning assessments and PlanD's views on the representations and comments as detailed in the TPB Paper No. 10661 (the Paper).

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

R8/C3 – Mary Mulvihill

52. Ms Mary Mulvihill made the following main points:

- (a) the TSL site was zoned “Open Space” (“O”) since 1970 and should become a public open space by development through acquisition and urban renewal. Annex VI of the Paper showed that there was a deficit of about 5 ha of local open space, the site should therefore be retained for open space use;
- (b) the TSL site was the subject of a s.12A application which was rejected by the Metro Planning Committee (MPC) of the Board in 2015 and the applicant subsequently lodged a judicial review (JR) application against the decision of the MPC. The Court of First Instance (CFI) in January 2018 handed down the Judgment allowing the JR. The CFI did not rule that retaining the site for open space was unjustified, it merely stated that there were procedural issues and that the Board should again consider the application. The s.12A application was turned down by the MPC in 2015 as the “O” zoning was considered appropriate for the TSL site. The relevant minutes of the MPC meeting also stated that the loss of “O” for development uses would permanently deprive the built environment of the much needed spatial and visual reliefs, and the proposal to open the private open space for public use could not fully address the permanent loss of an area zoned “O” in terms of quantity;

- (c) noting that the Leisure and Cultural Services Department (LCSD) had no programme to implement the TSL site which was zoned “O”, the land owners had never requested the Government to resume the site. The Government held up the development right of the TSL site on the one hand, and there was no compensation proposal offered to address the deficit of local open space;
- (d) the proposal to open up the private open space on 1/F of the proposed residential development to the general public mentioned in the revised scheme of the s.12A application was entirely at the discretion of the applicant. There was no effective mechanism to require the provision of public open space within the private residential development;
- (e) an area zoned “Government, Institution or Community” (“G/IC”) was located adjacent to the TSL site. Except the existing public toilet, there was no planned government, institution and community (GIC) facility at the site. The possibility to encourage site amalgamation with the TSL site to provide a larger open space should be explored; and
- (f) comparing the GIC tables as shown in the Paper on proposed amendments to the draft Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) No. S/H3/32 (MPC Paper No. 10/2019) and the Paper submitted for this meeting, the shortfall of number of beds for Residential Care Homes for the Elderly (RCHE) dropped from 167 to 15.6. She was puzzled at the drastic drop of the shortfall and requested an explanation.

R24 – Cheung Kai Yin

53. Ms Cheung Kai Yin made the following main points:

- (a) she was a member of the Central and Western District Council (C&W DC) (Centre Street);
- (b) most of the residents near the TSL site had raised objection to the rezoning proposal since the s.12A application was published for comment in 2014. Although some public open spaces could be found in the Sai Ying Pun and

Sheung Wan area, there was still a deficit of local open space as indicated in the Paper, and hence the planned public open space at TSL should be implemented. Obviously, that local open space if implemented could address the deficit;

- (c) as the site was zoned “O” since 1970, it was questionable why there was no implementation programme for 50 years;
- (d) similar cases involving private sites zoned “G/IC” or “O” were found in the district including the “G/IC” site adjacent to TSL and a piece of land zoned “O” at Ui On Lane. If the TSL site was successfully rezoned from “O” for residential development, it would set an undesirable precedent for rezoning other “G/IC” and “O” sites for other developments;
- (e) the applicant indicated in the revised scheme of the s.12A application the provision of a 24-hour accessible walkway connecting Second Street and Third Street as a planning merit. However, a 24-hour access connecting Second Street and Third Street had already existed as escalators had been provided along Centre Street (50m east of TSL) and pedestrian staircases connecting the two streets were also available at Sheung Fung Lane (50m west of the TSL). Although the public would not raise objection to the provision of another 24-hour access connecting Second Street and Third Street through the TSL site, the usage of the access and whether it could be regarded as a planning merit for the rezoning was questionable; and
- (f) although the proposed amendments to the OZP were submitted to the previous term of the C&W DC for consultation in September 2019, majority of the DC members of the current term objected to the rezoning of the TSL site.

R38 – Chan Tsui Hung

54. Ms Chan Tsui Hung made the following main points:

- (a) she had been a resident of Goodwill Garden for over 20 years. Goodwill Garden was located to the immediate south of the TSL site;
- (b) TSL was the 'city lung' to residents. She was not opposed to redevelopment in old district but a massive residential building constructed at the TSL site would fill up the precious breathing space for local residents. Concerning about the health of residents, breathing spaces between buildings were needed in this high density development area; and
- (c) she also shared the same views of R8/C3.

C10 – Christina Monique Themar

55. Ms Christina Monique Themar made the following main points:

- (a) she had been living in an apartment in TSL area for 2 years; and
- (b) she treasured the current living environment with breathing space and the interesting architecture of the old buildings in the area. The openness of the area should be maintained. The development of public open space at TSL site would benefit young children, and it could be a breathing space for people to take rest. There were some schools in the neighbourhood. The open space could provide mental health benefit. Although the Sun Yat Sen Memorial Park with a swimming pool might serve the same purpose, the open space at TSL site would be a kind of different open space with simple design to support good physical and mental health for residents.

C25 – Leung Chung Ching Edwin &

Wong Fung San Hanny

56. With the aid of a PowerPoint presentation, Ms Lam Tsz Kwan and Mr Leung Chung Ching Edwin made the following main points:

- (a) the commenters (C25) and the company of their family were the land owners

of No. 1-7 TSL (Item C1);

- (b) the buildings at No. 1-7 TSL were built in 1952-53. The TSL site was zoned “O” since the first OZP gazetted in 1970. In 2006, the MPC decided to retain the “O” zone for the site after taking into account the findings of a review of “O” zones carried out by PlanD, while both LCSD and Urban Renewal Authority (URA) subsequently indicated they had no intention to implement the “O” zone;
- (c) in 2014, the land owners submitted a s.12A application to the Board to rezone the TSL site from “O” and area shown as ‘Pedestrian Precinct/Street’ (‘PPS’) to “Residential (Group A)” (“R(A)”) with building height restriction (BHR) of 120mPD but the application was not agreed to by the MPC in 2015. Subsequently, the land owners lodged a JR application against the decision of the MPC. In 2018, the CFI handed down the Judgement allowing the JR and quashed the decision of the MPC and ordered that the application be remitted to the Board or its Committee for reconsideration. In 2019, the land owners submitted further information including a revised scheme for the MPC’s reconsideration. The MPC decided to partially agree to the s.12A application by rezoning the site to an appropriate sub-zone of “R(A)” with BHR of 120mPD;
- (d) over the past 50 years, high-rise buildings were built in the surrounding sites while the existing 3-storey buildings were still kept at the TSL site. The land owners had once paid effort to renovate the existing buildings at the TSL site to beautify the area but the buildings had reached a critical age and most residents had moved out. The land owners had made their effort to contact LCSD and URA regarding their implementation of the TSL site on the one hand, and to submit a s.12A application to seek the Board’s approval to rezone the site on the other;
- (e) the land owners planned to redevelop the about 400m² site (excluding the setback area) for providing 80 residential units with building height of 120mPD with a 24-hour access connecting Second Street and Third Street

and an open space on the 1/F platform to serve the residents of the building as well as the nearby residents. Although several means of pedestrian access connecting Second Street and Third Street were available, the distance from Centre Street to Sheung Fung Lane was about 80-90m. Since the TSL site was located between Centre Street and Sheung Fung Lane, the 24-hour access via the site could provide a more convenient access for nearby residents to and from Second Street and Third Street as well as to the Sai Ying Pun MTR station which was opposite to the TSL site;

- (f) the traffic volume arising from the proposed 80 domestic units at the site upon redevelopment would be minimum. It was expected that residents would take MTR to the site as such no parking space within the site would be provided;
- (g) an open space on 1/F of the residential tower was planned to connect to Third Street. Such design would enhance the visual openness when viewing from Third Street after redevelopment. In addition, there were reasonable separations between the proposed residential tower and the residential portion of the surrounding developments. The building separation between the proposed development and Goodwill Garden was about 5-6m and only the rear façade of the two buildings would be facing each other. Majority of the windows of Goodwill Garden were facing Third Street while most of the windows of the new development would be facing Second Street. The back-to-back façade design would avoid disturbing Goodwill Garden residents' view. Air ventilation assessment was also submitted in the s.12A application which demonstrated that the wind corridors were mainly along the existing streets, and the TSL site would not affect the wind corridors; and
- (h) while LCSD and URA had no intention to implement the TSL site, the land owners considered that redevelopment of the site for residential use with provision of open space and public access could bring benefits to the nearby residents and the community.

and their representatives had been completed, the meeting proceeded to the Q&A session for Group 2. The Chairperson explained that Members would raise questions and the Chairperson would invite the government representatives, representers, commenters and their representatives to answer. The Q&A session should not be taken as an occasion for the attendees to direct questions to the Board or for cross-examination between parties. The Chairperson then invited questions from Members.

58. The Chairperson and some Members raised the following questions to the government representatives:

- (a) the reasons of the MPC for not agreeing to the s.12A application in 2015 and why the application was approved in 2019 upon reconsideration;
- (b) what the difficulties were to implement the TSL site into a public open space;
- (c) what the rationale behind was to zone the TSL site as “O” on the first statutory plan in 1970 while there were some existing residential buildings at the site;
- (d) the reasons to retain the TSL site as “O” after consideration of the review on “O” zones in the Sai Ying Pun area in 2006 and whether there was any privately owned land zoned “O” other than the TSL site;
- (e) whether there was any URA project involving public open space in the area;
- (f) whether there was any other local open space near the TSL site;
- (g) whether there was any constraint for construction works to take place within the TSL site;
- (h) as there was a lack of RCHE facilities and local open space in the district, whether such facilities could be provided at the TSL site;

- (i) the land status and the planned use of the “G/IC” site adjacent to the TSL site; and
- (j) the land status of Items C3 and C4 sites.

59. In response, Mr Louis K.H. Kau, DPO/HK, made the following main points with the aid of PowerPoint slides and visualiser:

- (a) the land owners submitted a s.12A application to rezone the TSL site from “O” and ‘PPS’ to “R(A)” for a proposed 25-storey residential development with shops on G/F to 1/F in 2014. On 17.4.2015, the MPC decided not to agree to the application for the reasons that (a) the “O” zoning for the site was considered appropriate to alleviate the congested living environment and meet the needs of the local residents; (b) the rezoning would result in a permanent loss of open space and further aggravate the shortfall of local open space provision in the district; (c) no strong planning justification nor merit for the rezoning proposal; and (d) the approval of the application would set an undesirable precedent for similar application in the “O” zone and the cumulative effect of which would deprive the built environment of the much needed spatial and visual reliefs;
- (b) on 16.7.2015, the applicants lodged a JR application against the decision of the MPC not to agree to the application. On 21.1.2018, the CFI handed down the Judgment allowing the JR and quashed the decision of the MPC. In gist, the JR application was allowed on two grounds: (i) procedural irregularity for the MPC to take into account the Vice-Chairperson’s remark on ‘orientation of the proposed building’ in arriving at its decision; and (ii) the rejection reason (d) in respect of setting an undesirable precedent for similar applications was *Wednesbury* unreasonable as the MPC had failed to explain on what basis, despite the differences between the TSL site (i.e. the whole site was privately owned) and another “O” site at Ui On Lane (i.e. only 1/3 of the site was privately owned and 2/3 of the site was government land) on the same OZP, it should treat them alike for considering rezoning applications. Following the CFI’s judgment, the

application was remitted to the MPC for reconsideration;

- (c) on 18.1.2019, the MPC reconsidered the application together with the further information submitted by the applicant which included a revised scheme and updated technical assessments. Having considered that the technical assessments were accepted by the relevant departments, and the Government had no implementation programme for the planned “O” zone at the TSL site, the MPC decided to partially agree to the application by rezoning the site to an appropriate sub-zone of “R(A)” with stipulation of a BHR of 120mPD and the requirement for provision of a 24-hour public access through the site on the OZP;
- (d) the TSL site was privately owned. Although the site had been zoned “O” on the OZP since 1970, LCSD had indicated that there was no programme to resume private land for open space development. The Government might invoke the Lands Resumption Ordinance (LRO) to resume private land, having regard to government’s needs, only for an established ‘public purpose’ pursuant to the LRO. However, there was no priority to resume private land for public open space at the moment. URA was also consulted whether the TSL site could form part of their redevelopment programme. URA replied that acquisition of land for redevelopment might not be considered if the land was in single ownership unless that piece of land would affect their whole project;
- (e) the seven 3-storey residential buildings at No. 1-7 TSL were completed in 1952 and 1953 before the site was zoned “O” on the first statutory plan, namely Urban Renewal District OZP No. LH3/48, which was gazetted on 20.3.1970. In the Explanatory Statement (ES) of the OZP No. LH3/48, it was stated that *‘There is a deficiency of public open space and recreational facilities in the district so as to provide centres of recreation within walking distance of most of the commercial/residential and residential zones. However, these sites are on private land and it may be many years before they can be acquired and used for recreational purposes.’* Under the Notes of OZP No. LH3/48, ‘Flat’ was a Column 2

use under “O” zone;

- (f) on 3.3.2006, the MPC considered the proposed amendments to the approved OZP No. S/H3/20 to incorporate the amendment to delete ‘Flat’ use from Column 2 of the Notes of the “O” zone in accordance with the revised Master Schedule of Notes on the OZP. There were three “O” sites involving private land, namely Yu Lok Lane, Ui On Lane and TSL at that time. The MPC noted that majority part of the “O” site at Yu Lok Lane together with the adjoining area zoned “R(A)” and a small area shown as ‘PPS’ would be rezoned to “Comprehensive Development Area” on the draft URA Yu Lok Lane/Centre Street Development Scheme Plan. The remaining part of the “O” site had been used as an open play area of Kau Yan School to the west and would be retained as “O” on the OZP. For the two “O” sites at Ui On Lane and TSL, the MPC considered that they should be retained for “O” use for the reasons that the implementation of the open space development would depend on the programme of the LCSD; there was shortage of local open space in the area; the sites were surrounded by buildings and with no direct street frontage nor direct vehicular access; and the sites were considered not suitable for other types of uses other than public open space;
- (g) in terms of ownership, the TSL site was different from the Ui On Lane site. The TSL site was completely privately owned while only about 27% of the “O” zone at Ui On Lane was privately owned and about 73% was government land. Upon reconsideration of the s.12A application in 2019, the MPC agreed to rezone the TSL site to an appropriate sub-zone of “R(A)”;
- (h) the URA project at Queen’s Road West/In Ku Lane included part of an area zoned “O”. The project involved land along Queen’s Road West, the In Ku Lane refuse collection point cum public toilet and a 5-a-side soccer pitch of Li Sing Street playground. The existing open space was managed by LCSD. URA would re-plan the public open space in association with the redevelopment project;

- (i) there were a number of public open spaces in the Sai Ying Pun and Sheung Wan area. The nearest one was the King George V Memorial Park which was a local open space managed by LCSD located east of the TSL site. In addition, there was an existing public open space within the private residential development near Yu Lok Lane which was previously a URA project;
- (j) there was no information on the constraints regarding construction on the TSL site. Although there was no direct vehicular access to the site, special arrangement could be made during the construction period;
- (k) given that there was deficit in RCHE facility in various districts, the Social Welfare Department (SWD) had adopted a multi-pronged approach to identify suitable accommodation for RCHE use which included purchasing RCHE places as well as requesting provision of RCHE in development/redevelopment projects to meet the social needs. In view that the TSL site was privately owned and the development was in small scale, SWD did not request such GIC facilities to be provided at the site;
- (l) according to the *Summary of Refined Arrangement for Provision of Public Open Space in Future Private Development* published by the Development Bureau in 2009, relevant departments should not recommend the Board to accept public open space in a private development governed by an unrestricted lease or require the provision of public open space that could not practically be imposed in the lease. Since there was no requirement on provision of public open space in the existing lease of the TSL site and implementation of the proposed residential development would not require lease modification, there was no effective mechanism to require the provision of public open space within the private residential development. Notwithstanding that, the land owners had indicated in the revised scheme of the s.12A application that spaces on 1/F of the proposed residential tower would be accessible for public use and government departments had no objection to such proposal;

- (m) the site zoned “G/IC” adjacent to the TSL site was privately owned with no planned GIC use at the moment; and
- (n) a strip of land located to the south of No. 1-7 TSL was previously shown as ‘PPS’ on the OZP which had been amalgamated as part of an existing development known as Goodwill Garden at 83 Third Street, when it was redeveloped back in 1990s with the ‘PPS’ relocated to its west. To reflect the existing uses of the concerned areas, the area previously shown as ‘PPS’ was rezoned to “R(A)8” (i.e. Item C4), and the strip of land to the west of Goodwill Garden was rezoned from “R(A)8” to an area shown as ‘PPS’ (i.e. Item C3), which was currently a piece of government land.

60. Some Members raised the following questions to Commenter C25:

- (a) whether No. 1 to 7 TSL was owned by the same owners since 1970;
- (b) the total number of households or residents currently resided at the TSL site; and
- (c) whether there would be any building separations between the proposed residential building and the nearby buildings according to the redevelopment proposal.

61. In response, with a PowerPoint slide, Mr Leung Chung Ching Edwin (C25) and Ms Lam Tsz Kwan (the representative of C25) made the following main points :

- (a) the commenters and their family’s company were not the owners of the buildings at the TSL site in 1970. They owned the first property of the TSL site in 2003/04 and progressively consolidated ownership of the TSL site in subsequent years;
- (b) there were about five residents of two households currently living at the TSL site; and

- (c) the seven existing buildings fully covered the whole site and hence they were closely abutting the surrounding residential buildings. Upon redevelopment, there would be reasonable separations between the proposed residential tower and the residential portion of the surrounding developments, i.e. Yee Shun Mansion, Yue Sun Mansion and Goodwill Garden, at about 6.8m, 12m, and 5 to 6 m respectively.

62. In response to the concern raised by a representer/commenter on the difference in the estimation of number of beds for RCHE required in the Sai Ying Pun and Sheung Wan area as shown in the MPC Paper No. 10/19 and the TPB Paper No. 10661, Mr Louis K.H. Kau, DPO/HK, explained that the difference was due to the adoption of a set of updated population projection figures in estimating the number of beds for RCHE in the TPB Paper No. 10661.

63. As Members had no further question to raise, the Chairperson said that the hearing procedures for Group 2 had been completed. The Board would deliberate the representations/comments in closed meeting and would inform the representatives/commenters of the Board's decision in due course. The Chairperson thanked the representatives, commenters, and their representatives, and the government representatives for attending the meeting. They left the meeting at this point.

64. The Chairperson suggested and Members agreed to proceed with the deliberation on Group 2 after a break.

[The meeting was adjourned for a short break of 20 minutes.]

[Mr Philip S.L. Kan left the meeting at this point.]

Deliberation Session (Group 2)

[Mr Lincoln L.H. Huang and Dr Roger C.K. Chan joined the meeting at this point but refrained from the discussion as they had not participated in the presentation and Q&A sessions of Group 2.]

65. In response to a Member's enquiry on the JR judgment of the case, the Secretary

said that the CFI ruled against the Board on two grounds, namely (1) the MPC's rejection reason (d) regarding setting undesirable precedent being Wednesbury unreasonable; and (2) procedural irregularity. According to the Judgment, the Court ruled that, among others, the rejection reason (d) in respect of setting an undesirable precedent for similar applications was Wednesbury unreasonable as the MPC had failed to explain on what basis, despite the differences between the TSL site and another "O" site on the same OZP, it should treat them alike. Also, the CFI found procedural irregularity as the MPC had considered a remark made by the Vice-chairman during the deliberation session about the disposition of the proposed residential tower, which had never been raised in the MPC paper or at the meeting in the presence of the applicant, hence the applicant was not able to respond to the concern before a decision was made by the MPC. Following the CFI's judgment, the application was to be remitted to the MPC for consideration. When reconsidering the application, in response to the previous rejection reasons of the MPC, the applicant had revised the scheme by reducing the development scale, providing open space and public passageway for public use, and updated the technical assessments in support of the application. According to the applicant's indicative scheme, an open space of about 127m² for public use and a public passageway of 1.65m wide through the site connecting TSL and Third Street would be provided. The MPC agreed to the s.12A application upon consideration in 2019 of the revised scheme. The zoning amendments were gazetted in August 2019. The requirement for provision of a 24-hour public passageway through the site was included in the Notes of the OZP.

66. In response to Members' queries on the rationale to zone the TSL site as "O" on the first statutory plan in 1970 while there were existing residential buildings at the site, Mr Raymond K.W. Lee, the Director of Planning (D of Plan) said that at that time, it was not uncommon for designating private land as "O" and "G/IC" zones in densely developed areas such as Wanchai, Mong Kok, and Central and Western districts to address local community needs. Some of those sites had been resumed by the Government and implemented for the designated purposes. Mr Lee further elaborated that 'Flat' use was previously a Column 2 use in the Notes of "O" zones. At that time, there was a mechanism that if the lot owners of those sites failed to obtain planning permission for development, the Government would resume those sites for open space or government uses. However, 'Flat' use was deleted from Column 2 of the Notes of the "O" zone on the Sai Ying Pun & Sheung Wan OZP in 2006. Besides, resumption of private land for public open space purpose was no longer the priority under the government's prevailing policy. He quoted a recent example of "O" site on private land at Nam Koo Terrace in Wanchai and

explained that as the Government had no programme to implement the “O” zone, the land owner had submitted a s.12A application to facilitate a comprehensive development, which was subsequently approved.

Development Right

67. A Member opined that the land owners should be well aware of the “O” zoning when they acquired the properties at the TSL site, and hence the claim of deprivation of development right was not justified. The Member also had concerns that the rezoning would set a precedent to the adjacent “G/IC” site. Another Member shared similar views and said that in processing various planning proposals in the New Territories, the development right of land owners was not the major consideration. The Chairperson clarified that the land in the New Territories as referred to by the Member was mostly held under Block Government Lease demised for agricultural use and with restrictions on erection of structures, while the TSL site was held under unrestricted lease (except non-offensive trades and rate and range clause) and there were existing residential developments at the site. Block Government Lease and unrestricted lease were of different nature and the lease of the TSL site did not restrict redevelopment although “O” zone did not allow residential development. Mr Simon S.W. Wang, Deputy Director of Lands, supplemented that premium would not be charged upon redevelopment of the TSL site since no lease modification was required.

The “R(A)” Zoning

68. A Member recalled that the MPC agreed to rezone the TSL site from “O” to “R(A)” was on sympathetic consideration as rezoning the site to residential use to facilitate redevelopment could break the deadlock, noting that LCSD had no programme to resume private land for open space development and the prospect for implementing the planned open space would be slim. Besides, the applicant was willing to provide a 24-hour public access through the site connecting Second Street and Third Street, and to open the podium open space within the site for public use. There was no strong reason to overturn the decision of the MPC. Another Member added that one of the MPC’s considerations for the s.12A application was to address the housing demand in Hong Kong.

BHR and Plot Ratio (PR) Control

69. A Member said the representers and commenters treasured the TSL site as a breathing space. If the intensity of the residential development proposed by the land owners could be reduced by lowering the building height, reducing the building footprint and preserving the mature trees on the site, it would help reduce the adverse impacts on the neighbourhood. Other planning control, such as building setback and non-building area, could also be imposed on the OZP to address the concerns of the representers and to relieve the congested urban environment.

70. Another Member, however, pointed out that when the MPC agreed to the s.12A application, it was not anticipated that the proposed development would generate adverse environmental impacts, including visual and air quality, on the surrounding area. The BHR of 120mPD was also considered appropriate as the site was surrounded by buildings with a height of about 120mPD. A Member raised concern on imposition of a more stringent BHR on the site as it might not be conducive to a good living environment for people living in a development surrounded by much taller buildings all around. A Member said the local residents' concern was noted but opined that it was not practical to protect private views in the highly developed context of Hong Kong. The current proposal was considered acceptable as the land owners had attempted to provide some benefits to the neighbourhood. A Member was of the view that the permitted development scale could offer incentives for the land owners to provide the pedestrian access and open up the spaces on 1/F from Third Street for public use.

71. The Chairperson noted that Members in general supported the rezoning of the TSL site from "O" to "R(A)24". However, she remarked that while the MPC's decision was a basis for the proposed amendments to the TSL site, the development parameters as shown in the indicative scheme of the s.12A application were not necessarily binding. In response to the Chairperson's remarks, Mr Raymond K.W. Lee, D of Plan, pointed out that there was no PR restriction for "R(A)" zone on the OZP and the 120mPD BHR was to tally with that within the same street block. If BHR for the TSL site were to be reviewed, it would be necessary to have a justifiable basis in setting the new BHR. Without any technical assessment, it might be arbitrary to look for different reference points for reviewing the BHR. A Member considered that there was no basis for the Board to tighten the BHR or to impose PR control for the TSL site at the current stage.

Provision of Open Space and Government, Institution and Community (GIC) Facilities

72. Some Members put forward suggestions to require the land owners to provide more public open space and social welfare facilities in the site upon redevelopment. A Member considered that the whole ground floor should be opened up as public passage upon redevelopment.

73. A Member was of the view that the deficit of local open space and social welfare facilities in the area could be dealt with by provision in other locations, instead of incorporating them into the development at the TSL site which was of small scale and subject to constraints. PlanD might take the opportunity to review and explore the provision of necessary facilities in the adjoining “G/IC” site which was located at a more convenient location fronting Centre Street to serve the nearby residents. Mr Raymond K.W. Lee, D of Plan, supplemented that no government departments had raised any request for social welfare facilities and public open space in the TSL site. A Member considered that it would be unfair to the land owners if additional requirements for community facilities were imposed at the current stage.

74. In response to a Member’s enquiry on whether the GIC facilities would be accountable for gross floor area (GFA), Mr Raymond K.W. Lee, D of Plan, said that some OZPs would specify that GIC facilities as requested by government would not be counted for the purpose of GFA calculation. For the TSL site, there was no PR control on the OZP. The maximum permissible GFA/PR would be controlled under the B(P)R.

75. Noting some Members’ concerns on the deficit of GIC facilities in particular elderly services in various districts, the Chairperson suggested that a separate forum could be arranged to have a focused discussion on the subject.

Submission of Layout Plan

76. The Chairperson said that upon consideration of the representations and comments on other OZPs recently, the Board had imposed the requirement for submission of a layout plan for the Board’s approval such that the Board could scrutinise the design and layout of the new development. She asked Members’ view whether the TSL site warranted special monitoring on its design and layout. Mr Raymond K.W. Lee, D of Plan, said that given the small site area of the TSL site of about 400 m² and the layout as shown in the indicative scheme presented by

the land owners was considered logical and reasonable, there might not be a need to impose such a requirement. The meeting agreed to take a vote on the requirement. A majority of Members considered that a layout plan submission was not necessary for the “R(A)24” zone.

77. Members generally considered that other grounds and proposals of the representations and comments had been addressed by the departmental responses as detailed in the Paper and the presentations and responses made by the government representatives at the meeting.

78. After deliberation, the Board decided not to uphold Representations R8(part) and R13 to R57 and considered that the draft OZP should not be amended to meet the representations and the reasons were:

- “(a) the designation of “Residential (Group A)24” (“R(A)24”) zone with a building height restriction (BHR) of 120mPD for the Representation Site C1 is considered appropriate having regard to its compatibility with the surrounding high-rise built-up context and the findings of various technical assessments. There would be no insurmountable impacts on the surroundings in terms of traffic, air ventilation, sewerage, fire safety, and natural light penetration aspects (**R8(part), R13 to R24, R30, R32 to R35, R37, R38, R44 to R47 and R53 to R56**);
- (b) the designation of Tak Sing Lane and the existing pedestrian access at Third Street to area shown as ‘Pedestrian Precinct/Street’ (‘PPS’) is considered appropriate, as the ‘PPS’ together with the 24-hour public passageway provided at the Representation Site C1 would enhance the connection between Third Street and Second Street and retain the urban fabric of streets and lane. Hence, there is no strong planning justification for retaining the “Open Space” (“O”) zone for the Representation Site C2 (i.e. Tak Sing Lane) (**R8(part), R25 to R30 and R37 to R57**); and
- (c) there is no programme to resume the private land for open space development and there is an overall surplus of open space provision in the Central and Western District. The original “O” zoning of the

Representation Site C1 has held up the owners' development right of the site for about 50 years and is considered inappropriate. There is no strong planning justification for retaining the "O" zone for the site (**R8(part) and R13 to R57**)."

79. As the representatives of Agenda Item 4 had arrived, the Chairperson suggested and Members agreed to proceed with the consideration of the review application under Agenda Item 4 before continuing with the deliberation of the Group 1 representations and comments.

[Ms Winnie W.M. Ng, Mr Franklin Yu, Mr Alex T.H. Lai and Professor Jonathan W.C. Wong left the meeting at this point.]

[Dr Lawrence W.C. Poon and Mr Y.S. Wong joined the meeting at this point.]

Tuen Mun & Yuen Long West District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-LFS/359

Filling and Excavation of Land for Permitted Agricultural Use in "Green Belt" Zone, Lot 1236 S.B in D.D. 129, Lau Fau Shan, Yuen Long

(TPB Paper No. 10664)

[The meeting was conducted in Cantonese.]

Presentation and Question Sessions

80. The following Planning Department (PlanD)'s representative and the applicants were invited to the meeting :

PlanD's Representative

Mr Kepler S.Y. Yuen - District Planning Officer/Tuen Mun & Yuen Long West
(DPO/TM&YLW)

Applicants

Mr So Shu Yuen] Applicants
Ms Tang Lai Ha]

81. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited DPO/TM&YLW to brief Members on the review application.

82. With the aid of a PowerPoint presentation, Mr Kepler S.Y. Yuen, 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), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10664 (the Paper).

83. The Chairperson then invited the applicants to elaborate on the review application.

84. With the aid of the visualiser, Mr So Shu Yuen, the applicant, showed some site photos and made the following main points:

- (a) the application site (the Site) was bought in 2018;
- (b) the Site was used by the previous landowner as an open storage yard for gravels;
- (c) despite the Planning Authority (PA)'s requirement to reinstate the land, the previous landowner did not remove the gravels completely, but simply covered the gravels with a layer of soil before grassing the Site. That resulted in a cliff-like slope and rendered some areas inaccessible within the Site;

- (d) to remedy, the applicants excavated the cliff-like slope into a more gentle slope for safe access within the Site; and
- (e) the applicants would put the majority part of the Site into agricultural use.

85. As the presentation from DPO/TM&YLW and the applicants had been completed, the Chairperson invited questions from Members.

86. Upon the Chairperson's enquiry, Mr So Shu Yuen, the applicant, confirmed that the filling and excavation of land on site was mainly intended for slope stabilisation.

87. A Member raised the following questions:

- (a) the planning enforcement history of the Site, and whether the applicants were aware of such enforcement history and the liabilities involved when they purchased the land;
- (b) clarification of the 'review' mentioned in paragraph 4 of the Paper; and
- (c) elaboration of the three similar approvals within the subject "Green Belt" ("GB") zone, and whether the location of the Site within the Wetland Buffer Area (WBA) was a relevant consideration in the rejection of the subject application by the RNTPC.

88. In response, Mr Kepler S. Y. Yuen, DPO/TM&YLW, made the following main points:

- (a) the Site was the subject of three planning enforcement cases. The first case was initiated in 2015 and completed in 2016. The one cited by the applicant in his presentation was the second case No. E/YL-LFS/433 under which an Enforcement Notice (EN), a Reinstatement Notice (RN) and Compliance Notices to EN and RN respectively were issued to the previous landowner in October 2017, February 2018 and July 2018 respectively;

- (b) there was a change in land ownership in 2018, and since then, a fresh round of active enforcement action (case No. E/YL-LFS/490) had been instigated against filling of land at the Site and an EN was issued to the current landowners, i.e. the applicants, in 2019. Upon discontinuation of the unauthorized filling of land, the PA issued a RN requiring the applicants to reinstate the land. The ‘review’ mentioned in paragraph 4 of the Paper was referring to the applicants’ application to the Secretary for Development to review the RN under s.24 of the Town Planning Ordinance, rather than the subject s.17 review application;
- (c) the three similar applications approved within the same “GB” zone were detailed in paragraph 7 of Annex A of the Paper. Two of the approved applications were for pond filling for agricultural use. As WBA was intended for the protection of wetland within the Wetland Conservation Area, the location of the application sites outside the WBA was a relevant consideration. The remaining approved application No. A/YL-LFS/132, though located within the WBA, was for land filling. It was noted that the fill materials in that application were soil rather than hard paving as compared with the subject application. The planning circumstances of the subject application were different from those of the three approved applications; and
- (d) the RNTPC rejected the subject application because the excavation and filling of land under application was not in line with TPB-PG No. 10 and the undesirable precedent effect of approving the application. The location of the Site within the WBA was not a relevant consideration in the rejection of the subject application as no pond filling was involved.

89. In response, Mr So Shu Yuen, the applicant, advised that the applicants were not aware of the previous planning enforcement actions against the Site, and any related liabilities belonged to the previous landowner. He claimed that any transaction of the Site could only be effected after all notices issued by the PA against the Site had been complied with to the satisfaction of the PA.

90. As Members had no further question on the application, the 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 Chairperson thanked PlanD's representative and the applicants for attending the meeting. They left the meeting at this point.

Deliberation Session

91. Members noted that the applicant claimed that the excavation and filling of land carried out mainly intended for slope stabilisation. They further noted that the relevant government departments considered that the provision of cement paved area at the Site was not necessary from the slope safety point of view. There was insufficient information to assess the applicants' claim was justified. They generally agreed that there was no strong reason to depart from the RNTPC's decision.

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

- “(a) the application is not in line with the planning intention of the “Green Belt” zone and the Town Planning Board Guidelines No. 10 for ‘Application for Development within the Green Belt Zone under Section 16 of the Town Planning Ordinance’ in that the filling and excavation of land, which has been completed, involves clearance of natural vegetation, thereby adversely affecting the natural landscape and being incompatible with the surrounding areas; and
- (b) the applicants fail to justify the need for land filling and excavation.”

[Dr Lawrence W.C. Poon, Dr Roger C.K. Chan, Messr Lincoln L.H. Huang, Stephen L.H. Liu, Conrad T.C. Wong and Y.S. Wong left the meeting at this point.]

[Mr Raymond K.W. Lee left the meeting temporarily at this point.]

Hong Kong District

Agenda Item 3 (Cont'd)

[Closed meeting (Deliberation Session)]

Consideration of Representations and Comments in respect of the Draft Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/33
(TPB Papers No. 10660 and 10661)

[The item was conducted in Cantonese]

Deliberation Session (Group 1)

93. The Chairperson remarked that the representation sites under Group 1 mainly covered the Staunton Street and Wing Lee Street sites which were no longer included in URA's DSP for redevelopment and URA had adopted a revitalisation approach to deal with the properties it owned on those sites.

Heritage Preservation of the Area

94. The Chairperson remarked that some representers had requested to have a zoning specified for heritage preservation. However, in view of the fact that there were only two graded historic buildings within the area, DPO/HK had explained that the general practice was not to designate a preservation zoning for buildings which were not declared monuments/graded historic buildings. She also said that while some representers had requested for preserving a particular building within the area, the Board should focus on the appropriate land use planning of the area instead of details on how an individual building should be preserved.

95. A Member considered that the area should be preserved in a comprehensive manner, noting that there were a number of un-coordinated preservation schemes in past years. While it was not an established practice to designate a zoning for heritage conservation when there was no declared monuments/graded historic building, the intention to preserve the area should be clearly conveyed to the public so as to facilitate the revitalisation works and community-making process in the area.

96. A Member indicated that the area was not easily accessible and therefore difficult to attract visitors to nearby revitalisation projects such as PMQ and Hong Kong News-Expo.

There was a need to review how the historic ambience of the area could be enhanced and promoted.

97. Noting Members' concerns, the Chairperson suggested and Members agreed that the Explanatory Statement (ES) of the Sai Ying Pun & Sheung Wan OZP could be revised to include a paragraph to emphasize the historic importance of the area and the planning intention to preserve the ambience and urban fabric of the area to provide guidance for the future development and/or redevelopment in the area.

Community-Making Process

98. A Member asked whether land use planning could help promote heritage preservation education in the area. In response, the Chairperson indicated that Antiquities and Monuments Office and Home Affairs Bureau would be in a better position to champion cultural and heritage preservation education.

99. A Member said that there was a need to study how land use planning could encourage community-making. Another Member doubted whether URA's approach in community-making could achieve the aim of community building and opined that the provision of more public space might help generate the sense of community. However, a Member opined that URA's work was a starting point of community-making and was of an appropriate scale. More proactive approach could be adopted by URA when more experience was accumulated. Another Member expressed that it took time and resources to achieve community building. Notwithstanding the above, the meeting generally considered that Items A2 to A4, with a BHR of 4 storeys, were acceptable in facilitating place-making in the area. The Chairperson also suggested that Members' views on community building could be conveyed to URA to facilitate its formulation of detailed revitalisation proposals in the area.

"R(C)" Site under Item A5

100. Regarding a Member's concern on the BHR of Item A5 site, Members noted that the BHR of 12 storeys was not incompatible with the existing height profile as the site had already been surrounded by high-rise buildings. As shown on Plan H-2b of the Paper, the building height of Centre Point and King Ho Building, which were next to the site, were 30 storeys and

18 storeys respectively. A Member opined that the facade treatment of the future development on the site should be harmonised with the existing streetscape. Another Member shared the same view.

“R(A)25” Site under Item B

101. In response a Member’s enquiry, the Secretary said that the site was currently occupied by a residential development known as Centre Point which was completed in 2011. It was previously zoned partly “R(A)” and partly “R(C)” on the OZP and was subject to a number of approved planning applications. The current zoning amendments were mainly to reflect the existing development. While the building height of the existing building was only about 137mPD, the BHR of 150mPD was adopted to follow the same height band covering the “R(A)” zone.

102. A Member pointed out that as revealed by the zoning history of the area, the current zonings and development control on the OZP had struck a reasonable balance on various aspects and this had been recognised by some representers as reflected in their representations.

103. The Chairperson summarised that Members in general supported Items A1 to A7 and B and no proposed amendments to the OZP would be necessary to meet the representations, while the ES of the Sai Ying Pun & Sheung Wan OZP would be revised to emphasize the historic importance of the area and the planning intention to preserve the ambience and urban fabric of the area bounded by Wing Lee Street, Shing Wong Street, Wa In Fong West and Staunton Street. Besides, Members’ views on community building would be conveyed to URA to facilitate its formulation of detailed revitalisation proposals in the area.

104. Members generally considered that other grounds and proposals of the representations and comments had been addressed by the departmental responses as detailed in the Paper and the presentations and responses made by the government representatives at the meeting.

105. After deliberation, the Board noted the supportive views of Representations R1 and R2.

106. The Board decided not to uphold the remaining part of Representation R1 as well as Representations R3 to R7, R8(Part) and R9 to R12 and considered that the draft OZP should not be amended to meet the representations and the reasons were:

- “(a) the designation of the “Other Specified Uses” (“OU”) annotated “Cultural, Community, Commercial and Open Space Uses”, “OU” annotated “Residential, Institutional and Commercial Uses”, “Residential (Group C)” and “Residential (Group A)” zones for the Staunton Street Site and Wing Lee Street Site is considered appropriate, having regard to the Urban Renewal Authority’s (URA) revitalisation proposal, land ownership, existing characters of Wing Lee Street and private development right (**R3 and R4**);
- (b) as the representation sites as a whole are not graded by the Antiquities Advisory Board (except the two buildings at 88-90 Staunton Street), there is no planning justification for designating the area as “OU” annotated “Historic Neighbourhood” (**R3, R4 and R10**);
- (c) the building height restriction (BHR) imposed for the two new “OU” zones is considered appropriate as it has struck a balance among various factors including the preservation of the existing character and ambience of Wing Lee Street, URA’s revitalisation proposal for the building clusters with special character and urban fabric of the area, private development right and provision of more floor space and design flexibility for residential, community and welfare uses to meet the local needs (**R1, R3 to R7, R8(part) and R9**);
- (d) the relaxation of the BHR of the Wing Lee Street Site to 160mPD or removal of the BHR will encourage out-of-context development and jeopardise the planning intention for the area which is to preserve the existing character and ambience of the area (**R11 and R12**);
- (e) as the Outline Zoning Plan (OZP) is intended to show the broad land use zonings, the designation of the existing pedestrian lanes, stepped streets,

back lanes between lots and Chung Wo Lane sitting out area as ‘Pedestrian Precinct/Street’ or “Open Space” (“O”) are not necessary (**R1, R3 to R7, R8(part) and R9**);

- (f) as there is an overall surplus in the open space provision in the district, and the Representation Sites A6 and A7 are not conducive to open space development, there is no strong planning justification for rezoning them to “O” (**R3 to R7 and R8(part)**); and
- (g) there is no strong planning justification for imposing a more stringent BHR for Representation Site B, which is to follow the existing height band as stipulated on the OZP (**R8(part) and R9**).”

107. The Board also agreed to revise the ES of the Plan with respect to the “OU” zone (Paragraph 8.6 (1)) as follows:

“The existing developments in the area bounded by Wing Lee Street, Shing Wong Street, Wa In Fong West and Staunton Street were developed in the 1950s which included a number of tenement buildings ranging from three to six storeys in height on different platforms and connected by narrow pedestrian lanes and stepped streets. In the 1980s, many printing shops were established in this area when the printing industry was flourishing due to the growth of commercial activities since the 1960s. The existing Chinese tenement buildings form a cluster of post-war low-rise domestic buildings and shophouses, and are a showcase of early urban settlement in Hong Kong after World War II. Among them, the existing tenement buildings at the Wing Lee Street site, covering 1 to 12 Wing Lee Street and 17 and 19 Shing Wong Street are of Chinese tenement style with Art Deco influence and are special in terms of their rather uniform design and contextual setting on a terrace. The two “OU” zones intend to preserve the distinct character and ambience of the area and to conserve the urban fabric through promotion of place-making in the area:

- (i) the “OU” annotated “Residential, Institutional and Commercial Uses” ~~includes~~ *involving* sites in Wing Lee Street, Shing Wong Street/Staunton Street, Wa In

Fong West and 60-66 Staunton Street. ~~The existing buildings in this zone were built in the 1950's ranging from three to six storeys in height. They form a cluster of post-war Chinese tenement buildings and are a showcase of early urban settlement with low rise domestic buildings connected by narrow pedestrian lanes. Among them, the existing tenement buildings at the Wing Lee Street site, covering 1 to 12 Wing Lee Street and 17 and 19 Shing Wong Street are of Chinese tenement style with Art Deco influence and are special in terms of their rather uniform design and contextual setting on a terrace. The "OU" zone is intended for revitalisation of the area for residential, institutional and commercial uses, with a view to conserving the urban fabric and promoting place-making. For the Wing Lee Street site, this zone is also intended to preserve the existing character and ambience of the area. Development within this "OU" zone is restricted to a maximum building height of 4 storeys, or the height of the existing building, whichever is the greater. **Residential uses are permitted on all floors, while commercial and institutional uses are permitted on ground floor only.**~~

- (ii) ~~the "OU" annotated "Cultural, Community, Commercial and Open Space Uses" covers an area of about 452m² and is intended for the development of a low-rise Community Hub by the Urban Renewal Authority comprising cultural, community and, commercial **and open space** uses. The site is restricted to a maximum building height of 4 storeys, or the height of the existing building, whichever is the greater. A public open space of not less than 135m² shall be provided within the site and, of which, not less than 90m² shall be provided at-grade. Not less than 50% of the total gross floor area of the future development/redevelopment within the site shall be provided for cultural and community uses."~~

108. The Board also agreed that the draft Sai Ying Pun & Sheung Wan OZP, together with their respective Notes and updated ES, were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council for approval.

[Mr Raymond K.W. Lee returned to join the meeting at this point.]

Sha Tin, Tai Po & North District

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Request for Deferment of Review of Application No. A/NE-LYT/720 (1st Deferment)
Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone,
Lot 586 S.B RP in D.D. 85, Lau Shui Heung, Fanling
(TPB Paper No. 10662)

[The meeting was conducted in Cantonese.]

109. The Secretary reported that on 23.6.2020, the applicant requested deferment of consideration of the review application for two months to allow time for preparation of further information (FI) to support the application. It was the first time that the applicant requested deferment of the review application.

110. Members noted that the justifications 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 FI to support the application, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

111. After deliberation, the Board decided to defer a decision on the review application as requested by the applicant pending the submission of FI from the applicant. The Board agreed that the review application should be submitted for its consideration within three months from the date of 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 two months were allowed for preparation of the submission of the FI, and no further deferment would be granted unless under very special circumstances.

Sai Kung & Islands District

Agenda Item 6

[Open Meeting (Presentation and Question Sessions only)]

Request for Deferment of Review of Application No. A/SK-SKT/22 (1st Deferment)
Proposed 19 Houses in “Residential (Group E) 2” Zone, Lots 8 S.B, 9 S.A and 9 S.B in
D.D. 212 and Adjoining Government Land, 1 Hong Kin Road, Sai Kung
(TPB Paper No. 10663)

[The meeting was conducted in Cantonese.]

112. The Secretary reported that on 23.6.2020, the applicant’s representative requested deferment of consideration of the review application for two months to allow time for preparation of supplementary materials in support of the application. It was the first time that the applicant requested deferment of the review application.

113. Members noted that the justifications 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 supplementary materials in support of the application, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

114. After deliberation, the Board decided to defer a decision on the review application as requested by the applicant pending the submission of further information (FI) from the applicant. The Board agreed that the review application should be submitted for its consideration within three months from the date of 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 two months were allowed for preparation of the submission of the FI, and no further deferment would be granted unless under very special circumstances.

Agenda Item 7

[Open Meeting]

Any Other Business

115. There being no other business, the meeting was closed at 5:45 pm.