

**Minutes of 1318th Meeting of the
Town Planning Board held on 17.5.2024**

Present

Permanent Secretary for Development
(Planning and Lands)
Ms Doris P.L. Ho

Chairperson

Mr Stephen L.H. Liu

Vice-chairperson

Ms Sandy H.Y. Wong

Mr Daniel K.S. Lau

Mr Stanley T.S. Choi

Mr K.W. Leung

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Mrs Vivian K.F. Cheung

Mr Vincent K.Y. Ho

Mr Timothy K.W. Ma

Professor Bernadette W.S. Tsui

Mr Daniel K.W. Chung

Dr Tony C.M. Ip

Mr Ryan M.K. Ip

Mr Rocky L.K. Poon

Professor Simon K.L. Wong

Mr Simon Y.S. Wong

Mr Derrick S.M. Yip

Chief Traffic Engineer (New Territories East)
Transport Department
Mr K.L. Wong

Chief Engineer (Works)
Home Affairs Department
Mr Paul Y.K. Au

Principal Environmental Protection Officer (Territory North)
Environmental Protection Department
Ms Clara K.W. U

Director of Lands
Mr Andrew C.W. Lai

Director of Planning
Mr Ivan M.K. Chung

Deputy Director of Planning/District
Ms Donna Y.P. Tam

Secretary

Absent with Apologies

Professor Roger C.K. Chan

Dr Venus Y.H. Lun

Mr Ben S.S. Lui

Ms Kelly Y.S. Chan

Dr C.M. Cheng

Professor B.S. Tang

In Attendance

Assistant Director of Planning/Board
Ms Caroline T.Y. Tang

Chief Town Planner/Town Planning Board
Miss Josephine Y.M. Lo

Senior Town Planner/Town Planning Board
Mr Kenny C.H. Lau

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1317th Meeting held on 26.4.2024

[The item was conducted in Cantonese.]

1. The Secretary reported that subsequent to circulation of the draft minutes of the 1317th meeting to Members, amendments to paragraph 2(o) incorporating a Member's comments as shown on the screen were proposed. Members agreed that the minutes were confirmed with incorporation of the said amendments.

[Mr Vincent K.Y. Ho joined the meeting at this point.]

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

(i) Town Planning Appeal Decision Received (Decision on Costs)

Town Planning Appeal No. 2 of 2022

Proposed Extension of Time for Commencement of the Approved Residential Development (Flat) and Minor Relaxation of Building Height Restriction for a Period of 2 Years at Lots 464 S.A. ss.1, 464 S.B, 465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun, New Territories

2. The Secretary reported that on 22.11.2023, the subject appeal was allowed by the Town Planning Appeal Board (TPAB), and the Decision of the appeal was reported to the Town Planning Board (the Board) on 2.2.2024. The appeal was against the Board's decision to reject on review a section 16A application No. A/TM-LTY/337-1 for proposed extension of time for a period of two years until 23.6.2023 for commencement of the approved residential development (flat) and minor relaxation of building height restriction at the application site.

3. Subsequent to the Decision of the appeal, the Appellant applied for an award of costs on 13.12.2023. On 24.4.2024, TPAB dismissed the Appellant's application for awarding costs as TPAB did not consider that the Appellant had discharged its onus to show exceptional circumstances to justify a costs order.

4. Members noted TPAB's decision on costs in relation to the subject appeal.

(ii) Two New Judicial Reviews Received

(1) Judicial Review Application (HCAL 640/2024) Lodged against the Decision of the Town Planning Board on s.12A Application No. Y/SK-SKT/4

5. The Secretary reported that a judicial review (JR) application was lodged on 23.4.2024 by Wisdom Glory Limited and Salechoice Properties Limited (the JR Applicants) against the decision of the Rural and New Town Planning Committee of the Town Planning Board (the Board) on 26.1.2024 not to agree to a section 12A application No. Y/SK-SKT/4 (the s.12A application) for rezoning a site at Sha Ha, Sai Kung (the Site) from "Village Type Development" ("V") to "Residential (Group B)6" ("R(B)6") for a low-density development with a maximum plot ratio of 1.5 and a maximum building height of 10 storeys. The JR Applicants were the applicants of the s.12A application.

6. The major grounds of the JR application as set out in the JR Applicants' Form 86 which was circulated to Members on 14.5.2024 were as follows:

- (a) the Board took into account an irrelevant consideration that the s.12A application, if agreed, would reduce the land available to 'Dings' (i.e. eligible indigenous villagers) to build Small Houses. Small Houses could still be built on the Site even if it was rezoned from "V" to "R(B)6";
- (b) the Board took into account an irrelevant consideration that the s.12A application, if agreed, would make it more expensive or difficult for eligible indigenous villagers to acquire land for Small Houses on the Site or in its vicinity;

- (c) the Board's decision was tainted by error of fact or was irrational as the Board proceeded on the basis that there was a strong actual or potential demand for Small Houses in the vicinity of the Site, and failed to give reasons for such basis or conclusion; and
- (d) the Board's decision was tainted as the Board took into account Small House demand that had no sign of imminent realisation, which was speculative and hence, an irrelevant consideration.

7. The JR Applicants requested the Court to quash the Board's decision in whole, or alternatively, to direct the Board to re-consider the s.12A application in accordance with the law and/or the reasons given in the judgement in respect of the decision. On 25.4.2024, the Court directed a rolled-up hearing be held on 30.7.2024 for both the application for leave to apply for JR and the substantive application for JR.

8. Members noted the hearing arrangement of the JR application and agreed that the Secretary would represent the Board in all matters relating to the JR application in the usual manner.

[Ms Sandy H.Y. Wong joined the meeting during the reporting of the above JR application.]

(2) Judicial Review Application (HCAL 647/2024) Lodged against the Decision of the Town Planning Board on s.16 Application No. A/HSK/474

9. The Secretary reported that a judicial review (JR) application was lodged on 23.4.2024 by an individual, Tang So Shan (the JR Applicant), against the decision of the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) on 26.1.2024 to approve a section 16 application No. A/HSK/474 (the s.16 application) for minor relaxation of the domestic plot ratio restriction for a site zoned "Other Specified Uses" annotated "Mixed Use" ("OU(MU)") at Kiu Tau Wai, Yuen Long (the Site). The JR Applicant was a commenter of the s.16 application.

10. The major grounds of the JR application as set out in the JR Applicant's Form 86 which was circulated to Members on 14.5.2024 were as follows:

- (a) the s.16 application was incompatible with the surrounding environment of the Site, and would cause degradation of landscape quality in the vicinity and adversely affect the original life of the villagers in Kiu Tau Wai; and
- (b) the Site was located within Scheduled Area No. 2 (cavernous marble area) under the Schedule 5 of the Buildings Ordinance. Works for the proposed development at the Site would highly likely cause severe damage to the nearby village houses at Kiu Tau Wai and hence, casualties. However, the Planning Department did not include the relevant concern of the Civil Engineering and Development Department in the summary of departmental comments in the RNTPC paper or recommend any related approval condition.

11. The JR Applicant requested the Court to quash the Board's decision made on 26.1.2024 in respect of the s.16 application, and to grant an interim injunction order to restrain, prior to the completion of the current JR proceedings, commencement of any works (including demolition, site formation, excavation, piling, infrastructural works and structural works) in relation to the s.16 application. The Court had not yet granted leave to the JR application.

12. Members noted that the leave to the JR application had not yet been granted and agreed that the Secretary would represent the Board in all matters relating to the JR application in the usual manner.

Sai Kung and Islands District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representation in respect of the Draft Tseung Kwan O Outline Zoning Plan No. S/TKO/29

(TPB Paper No. 10969)

[The item was conducted in Cantonese and English.]

13. The Secretary reported that Amendment Item A (Item A) on the draft Tseung Kwan O Outline Zoning Plan (OZP) was related to the proposed film studio redevelopment at Ying Yip Road, and Amendment Item B (Item B) was to take forward the decision of the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) on a section 12A application No. Y/TKO/5 to rezone a site at Hang Hau Road for proposed house redevelopment. The following Members had declared interests on the items:

Professor B.S. Tang - engaged by the consultant of the film studio owner objecting to the zonings of the film studio site on the first draft Tseung Kwan O OZP in 1992; and

Dr C.M. Cheng - owning a flat in Tseung Kwan O.

14. Members noted that Professor B.S. Tang and Dr C.M. Cheng had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

15. The following government representatives and the representer were invited to the meeting at this point:

Government Representatives

Planning Department (PlanD)

Mr Walter W.N. Kwong	- District Planning Officer/Sai Kung and Islands (DPO/SKIs)
Ms Florence Y.S. Lee	- Senior Town Planner/Tseung Kwan O
Ms Sylvia W.I. Chun	- Town Planner/Tseung Kwan O (TP/TKO)

Representer

R1 – Mary Mulvihill

Ms Mary Mulvihill	- Representer
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16. The Chairperson extended a welcome. She then briefly explained the procedures of the hearing. She said that PlanD’s representatives would be invited to brief Members on the representation. The representer would then be invited to make an oral submission. To ensure efficient operation of the hearing, the representer would be allotted 10 minutes for making presentation. There was a timer device to alert the representer two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after the representer had completed her oral submission. Members could direct their questions to the government representatives or the representer. After the Q&A session, the government representatives and the representer would be invited to leave the meeting. The Board would then deliberate on the representation in their absence and inform the representer of the Board’s decision in due course.

17. The Chairperson invited PlanD’s representatives to brief Members on the representation. With the aid of a PowerPoint presentation, Ms Sylvia W.I. Chun, TP/TKO, PlanD briefed Members on the representation, including the background of the amendments to the OZP, the grounds/views of the representer, planning assessments and PlanD’s views on the representation as detailed in TPB Paper No. 10969 (the Paper). The amendment items were:

- (a) Item A – rezoning of a site at Ying Yip Road (Item A Site) from “Comprehensive Development Area” (“CDA”) to “Other Specified Uses” annotated “Film Studio and Related Uses” (“OU(FSRU)”) for film studio

redevelopment (the Redevelopment) with a building height (BH) restriction of 7 storeys; and

- (b) Item B – rezoning of a site at Hang Hau Road (Item B Site) from “Residential (Group C)1” (“R(C)1”) to “Residential (Group C)2” (“R(C)2”) for house redevelopment with a plot ratio (PR) restriction of 1 and a BH restriction of 4 storeys over one level of carport.

18. The Chairperson then invited the representer to elaborate on her representation.

R1 – Mary Mulvihill

19. With the aid of a visualiser, Ms Mary Mulvihill made the following main points:

Item A

- (a) she strongly objected to Item A, in particular on the nil PR restriction and deletion of paragraph 8.1.3 of the Explanatory Statement in relation to control of gross floor area (GFA), which would result in unlimited GFA for and provide no guarantee to the eventual impact of the Redevelopment;
- (b) the Redevelopment would be extremely bulky and significantly impact the views of the ridgeline behind. Item A Site was not an appropriate location for such a large and bulky facility, which was not compatible with the environs. Site A Site should be swapped with a site at the San Tin Technopole as a state-of-the-art film studio would be complementary with the planned developments at the Technopole;
- (c) it appeared that the requirement of a s.12A application for amendment to the OZP was skipped. Members should question the legitimacy of such arrangement for expediting the redevelopment project and whether any project in line with Government policy could skip the necessary procedures in the town planning process. The streamlining initiative obviating the s.12A application should not be abused;

- (d) in relation to streamlining the development process, it was recalled that the Board had not inquired about the legitimacy of approving the plan for the Urban Renewal Authority to take over the cycle track portion in the Carpenter Road Park which resulted in reduction of the district open space;
- (e) another case of redevelopment of a “Government, Institution or Community” (“G/IC”) site in North Point, which was yet to be materialised due to changes in implementation agents, also demonstrated the pitfall in streamlining the development process;

Item B

- (f) she strongly objected to Item B;
- (g) the PR and BH for Item B Site were almost doubled. The proposed development was out of character with the surrounding area and would cause significant visual impact, diminishing public enjoyment of the existing green backdrop;
- (h) people living at the periphery of the proposed development in the future would complain about trees obstructing their views and the disturbance of mosquitoes. This would lead to possible clearance of vegetation on the adjoining government land in the “Green Belt” (“GB”) zone;
- (i) even if the proposed development would not encroach onto the adjoining “GB” zone, it would not only diminish the integrity of the “GB” and its existing ecosystem, but also encourage applications for similar development in the “GB” zone in the future;
- (j) the recent torrential rains in the district that resulted in flooding and landslide underlined the dangers associated with rapid development, which had gradually reduced the extent of the “GB” and interfered with the drainage capacity of the district; and

Others

- (k) compared with the Metro Planning Committee, there was too much work for the RNTPC. She suggested redistributing the workload by sub-regions, e.g. east and west of Hong Kong, so that the two Committees could scrutinise the development proposals more properly with more balanced workload.

20. As the presentations of the PlanD's representative and the representer had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions to the representer and/or the government representatives. 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.

Streamlined Town Planning Procedures for Item A

21. Some Members noted the representer's concern on the streamlined approach adopted to facilitate the Redevelopment, i.e. amending the OZP direct under s.5 of the Town Planning Ordinance (the Ordinance) without going through the process of s.12A application. While such streamlined approach might be beneficial and timely for the development of the local film industry, it might arouse public speculation and perception of collusion between the Government and the private sector. In that regard, Members raised the following questions:

- (a) compared with the normal practice of amending the OZP after approval of a s.12A application, how the streamlined approach could facilitate the Redevelopment from the perspective of the project proponent and the procedures and time involved;
- (b) given the Redevelopment was a private commercial project, what considerations were involved in adopting the streamlined approach and which party made the decision on adopting the streamlined approach; and
- (c) whether such streamlined approach would be applicable to all projects with policy support from the Government and whether there were previous

examples.

22. In response, with the aid of some PowerPoint slides, Mr Walter W.N. Kwong, DPO/SKIs, PlanD made the following main points:

- (a) for a private project, the project proponent, usually the lot owner, would submit an application for amendment to a plan under s.12A of the Ordinance. Upon receipt of the application, PlanD would seek comments from relevant government bureaux/departments (B/Ds). The application would then be submitted to the Board for consideration within two months, and if it was approved by the Board, the relevant amendment(s) would be incorporated in a draft plan which would be published for public inspection for two months under s.5 of the Ordinance. If representations on the draft plan were received, the hearing process would be conducted according to s.6 of the Ordinance. After the hearing, the draft plan incorporated with amendment(s) would be submitted to the Chief Executive in Council for approval. The streamlined approach would eliminate the time required for preparing and processing the s.12A application (i.e. two months statutory period or more if including the time required for handling further information submission during the application process), while the public consultation and hearing process under s.5 and s.6 of the Ordinance respectively would remain the same. Under the Ordinance currently in force (since 1 September 2023), the provision for public comment on s.12A applications was removed as public consultation of a rezoning proposal would be carried out under s.5 of the Ordinance. The streamlined approach for zoning amendment for Item A Site had not undermined the public consultation of the rezoning proposal;
- (b) with policy support given by relevant policy bureau i.e. the Culture, Sports and Tourism Bureau (CSTB), the streamlined approach was adopted to facilitate the rezoning process for the Redevelopment, though being a private project. To warrant such streamlined arrangement, similar to a government project, a non-government project including private project should be conducive to the government policy initiative and hence, facilitating the execution of the relevant policy and offering public benefits for the society as

a whole. For the Redevelopment, CSTB confirmed that the proposed film studio was favourable to the development of the local film industry as well as its policy initiatives on arts and cultural development for Hong Kong. In addition to the policy support from CSTB, PlanD, in consultation with relevant B/Ds, had ensured that the project was technically feasible and acceptable with all required technical assessments properly conducted before initiating OZP amendment under s.5 of the Ordinance; and

- (c) a streamlined approach in statutory procedures had been adopted in recent years. Examples included campus expansion by the University of Hong Kong, residential and/or commercial developments by MTR Corporation Limited in association with railway station/facility, Cyberport expansion by the private sector, and social welfare facility redevelopment by non-governmental organisations (NGOs). With stringent gatekeeping exercised by relevant policy bureaux, non-government projects which were able to secure policy support for undergoing such streamlined approach were mostly initiated by NGOs or non-profit making organisations.

23. The Chairperson supplemented that CSTB's consideration was pivotal for adopting the streamlined approach for the Redevelopment. She stressed that obtaining policy support for a private commercial project was no easy task, and for the Redevelopment, CSTB should have thoroughly considered the policy on film industry development under its ambit before granting policy support to the Redevelopment for a Film Production Park at Item A Site. As stated in paragraph 2.2 of the Paper, the Redevelopment would revitalise Item A Site to promote the development of film production in Hong Kong from various fronts, such as upgrading facilities for developing digital movie shooting and post-production, upscaling local production and encouraging co-production with other places by providing accommodation for the production team, as well as providing an incubation area for nurturing young film talents in Hong Kong. Besides, the actual time saved in adopting the streamlined approach should be more than two months as two months were merely the statutory time limit for submitting a s.12A application to the Board for consideration upon receipt of the application. More time was normally required for preparing and processing a s.12A application. Under the streamlined approach, implementation of the Redevelopment could be expedited while enabling public views to be taken into account through representations received during the two-month

exhibition of the OZP. The Chairperson also clarified that for the amendment to the North Point OZP (i.e. relaxation of BH restriction) to facilitate the redevelopment of an existing social services building at a site zoned “Government, Institution or Community” without going through the s.12A application process, as mentioned by R1 in her oral submission, the relevant bureaux including the Labour and Welfare Bureau had given policy support. Despite the change in circumstances that the redevelopment proposal was put on hold for the time being, the site with relaxed BH could still offer opportunities for the relevant NGOs to seek collaboration with other organisations for putting the site for more beneficial uses in future.

Development Restrictions for the Redevelopment under Item A

24. A Member asked how the maximum PR or GFA of the Redevelopment could be controlled with only a BH restriction of 7 storeys imposed for the “OU(FSRU)” zone and whether a PR of 7 could be achieved if Item A Site was developed to the full coverage. Another Member remarked that it might be difficult to determine the PR or GFA control for the Redevelopment at this juncture given that film studio was not a conventionally-designed facility, and asked whether absolute height control in metres above Principal Datum (mPD), instead of number of storeys, had been considered to control the building bulk.

25. In response, with the aid of some PowerPoint slides, Mr Walter W.N. Kwong, DPO/SKIs, PlanD made the following main points:

- (a) Item A Site had been used as a film studio since 1958. Under the previous “CDA” zone intended for low-density residential development, Item A Site was subject to a GFA restriction of 15,700m² and a BH restriction of 6 storeys over one level of carport. Unlike typical low-rise residential development, the proposed Film Production Park involved special-purpose buildings (e.g. film shooting studio) which might require special building design and spatial requirement to meet the operation needs where exact GFA/PR could only be confirmed at the detailed design stage. For example, the film shooting studio might require a high headroom up to 24.5m. As the GFA could not be ascertained without the detailed design at the current stage, PR/GFA restriction was not imposed for the “OU(FSRU)” zone. Instead, the development intensity of the proposed Film Production Park could be

governed by the land lease and the building plans at a later stage. Under the current control of the Building (Planning) Regulations, a site subject to a BH restriction of 7 storeys would not result in a development with 100% site coverage (SC) under normal circumstances. Coupled with the fact that an outdoor filming area as shown in the indicative development scheme was required, it was technically impossible to adopt a SC of 100% to achieve a PR of 7 for the Film Production Park;

- (b) under the existing land lease of Lot 368 at Item A Site, there were a BH restriction of 4 storeys and a maximum built over area control of 30%, which were roughly equivalent to a PR of about 1.2. The proposed GFA of about 20,512.8m² in the indicative development scheme of the Film Production Park was calculated based on the existing lease restrictions. With essentially the same BH restriction as for the previous “CDA” zone, the imposition of BH restriction of 7 storeys, instead of absolute BH in mPD, for the “OU(FSRU)” zone was considered appropriate to provide flexibility for the special building design of the Film Production Park while ensuring compatibility with the surrounding areas, particularly the low-rise residential dwellings in Hang Hau Village and Shui Bin Village in the south.

26. In response to a Member’s enquiry on how the Column 2 uses for the “OU(FSRU)” zone were drawn up, Mr Walter W.N. Kwong, DPO/SKIs, PlanD said that the Column 2 uses were related to the Film Production Park but might have impacts on the environment and other technical aspects that might require further assessments. This provision could also provide flexibility for the Redevelopment in case any further changes in the development scheme were needed in the future. Any Column 2 use would require planning permission from the Board via s.16 application, under which the Board could scrutinise the development proposal and relevant technical assessments.

Proposed Dormitories for the Film Production Park under Item A

27. Noting the existing staff quarters in Lot 371 and the proposed dormitories in Lot 368 in the Film Production Park, two Members asked about how to prevent the proposed dormitories in the Film Production Park from being turned into a real estate project, how the sale, rental

period or rental concession to the staff of the domestic units in the dormitories could be controlled and whether restriction on the domestic GFA/PR should be imposed for the “OU(FSRU)” zone. In response, with the aid of some PowerPoint slides, Mr Walter W.N. Kwong, DPO/SKIs, PlanD referred to the indicative development scheme of the Film Production Park and said that Item A Site covered two lots, namely Lot 368 and Lot 371. As shown on the scheme, the existing staff quarters providing 60 units in Lot 371 would remain in-situ and continued to be governed by the existing land lease, whereas the proposed dormitories in Lot 368 were intended to provide accommodation for short stays of the film production teams or other related talents. According to the redevelopment proposal, the project proponent had pledged not to sell or rent the dormitories to the public in open market. As lease modification for Lot 368 might be required, relevant clauses similar to the current restrictions for Lot 371 could be considered for Lot 368 later under the lease modification to ensure that the proposed dormitories would not be turned into a residential development. With the lease control and to allow flexibility for the special design of the Film Production Park, it was considered appropriate not to impose restriction on domestic PR under the “OU(FSRU)” zone.

28. Mr Andrew C.W. Lai, Director of Lands, remarked that unlike private residential developments, dormitories for staff could not be sold or rented to the general public under land leases. The Lands Department would investigate and take necessary enforcement actions if such user clause was violated. However, rental levels to be offered to staff was normally not controlled under leases.

29. As Members had no further questions to raise, the Chairperson said that the hearing procedures for the presentation and Q&A sessions had been completed. The Board would further deliberate on the representation in closed meeting and inform the representer of the Board’s decision in due course. The Chairperson thanked the representer and the government’s representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

30. Members generally expressed support to both Items A and B, and had the following views or observations on Item A.

Public Interest of the Film Production Park

31. A Member appreciated that the project proponent decided to develop Item A Site as a Film Production Park instead of a residential development, and considered that the Film Production Park was not merely a commercial project but also a project beneficial for the development of the local film industry with public interest in a wider context. Other Members echoed and acknowledged CSTB's policy support for the Film Production Park and valued the contribution of the project to the local film industry regardless of the nature of the project proponent. The development of the Film Production Park would provide the infrastructure necessary for the growth of the local film industry, paving the way for future development and investment in need.

32. A Member suggested that consideration could also be given to opening the Film Production Park as a tourist attraction in the future. In that regard, some Members remarked that it might be difficult to open up the Film Production Park for visit by the public due to the operational arrangement of film production and consideration could be given to opening the Park for public visit once or twice a year.

The Streamlined Approach

33. Members generally supported the streamlined approach to facilitate the early implementation of the Film Production Park as long as the project was in line with the public policy/interests and there were objective planning and technical assessments conducted for the project without undermining the public consultation process. Members also recognised that the relevant policy bureau should have carefully scrutinised and considered the development proposal before granting policy support. Taking into account the time and resources required for preparing the submission for a s.12A application, some Members reckoned that the Redevelopment could be expedited by more than two months under the streamlined approach.

34. Mr Ivan M.K. Chung, Director of Planning, elaborated for Members' information that the provision for s.12A application was incorporated into the Ordinance in 2004. Before 2004, rezoning of sites for projects, whether public or private, that were technically feasible and supported/accepted by relevant B/Ds could only be initiated by the Government. Since 2004, a two-pronged approach, either going for a s.12A application followed by amendment to

the OZP under s.5 of the Ordinance or just going directly to the latter, was adopted for different projects, which enabled rezoning of sites initiated by the private sector. Under the Ordinance currently in force (i.e. since 1.9.2023), project proponents who were not the owners of the sites/premises were not allowed to submit s.12A application, and such proponents could submit their proposals to PlanD for consideration. It was envisaged that there still would be cases adopting the rezoning procedures similar to the streamlined approach. He also emphasised that policy support could only be given after serious consideration by the concerned policy bureau.

35. To allow the public to better understand the relevant policy initiative and the considerations for giving policy support to a particular project, a Member suggested that for similar projects in the future, the concerned policy bureau should be invited to attend the Board meeting to elaborate its policies. In response, the Chairperson suggested that alternatively, the issue could be addressed by incorporating proper elaborations on the policy support and the rationale for adopting the streamlined approach in the relevant paper for the Board's information and consideration.

36. Another Member observed that, in general, the concerns of the representers would be clearly and fully addressed by PlanD's responses, in consultation with relevant B/Ds, presented in the paper or in the presentation at the meeting with a view to avoiding unnecessary misperception or misunderstanding by the public. In response, the Chairperson agreed that more specific and meticulous responses to controversial issues raised in the representations could be included in the relevant paper for consideration by the Board.

Development Restrictions for "OU(FSRU)" Zone

37. Members noted that the detailed design for the Film Production Park was not yet available and the indicative development scheme was subject to change at the detailed design stage. Noting that there would be appropriate restrictions under the future land lease and taking into account the high-rise public housing development being constructed to the immediate north of Item A Site, some Members were in support of providing more design flexibility for the Film Production Park and considered a BH restriction of 7 storeys for the "OU(FSRU)" zone appropriate and adequate in terms of planning control.

38. Some Members noted that the staff quarters/dormitories amounted to about 40% of the total GFA in the indicative development scheme for the Film Production Park and enquired if a restriction could be incorporated to cap the domestic GFA of the proposed dormitories. The Secretary explained that the “OU(FSRU)” zoning for Item A Site was specified for film studio and related uses only, subject to a maximum BH of 7 storeys and the planning intention was duly reflected in the Notes of the OZP. Those stipulations on the OZP had statutory effect under the Ordinance.

39. Other Members opined that film production process might last from a few days to several months. The crews, staff or related talents, especially those from overseas, did need a place for rest or short-term accommodation during the process. The Members also considered that as an ancillary facility to the Film Production Park, the proposed dormitories could not be sold and turned into a real estate project, and without detailed design, it was difficult to set a cap on domestic GFA at the current stage.

40. The Chairperson considered that the proportion of the proposed dormitories in the Film Production Park was reasonable to cater for productions of different scales. In consultation with the project proponent and relevant B/Ds, appropriate control on the domestic GFA could be imposed during the lease modification and the building plan submission stages.

Conclusion

41. The Chairperson concluded that Members generally supported all the amendments on the OZP, and agreed that the OZP should not be amended to meet the adverse representation and that all grounds of the representation had been addressed by the departmental responses as detailed in the Paper and the presentation and responses made by the government representatives at the meeting.

42. After deliberation, the Town Planning Board (the Board) decided not to uphold R1 and agreed that the draft Tseung Kwan O Outline Zoning Plan (OZP) should not be amended to meet the representation for the following reasons:

“Item A

- (a) the “Other Specified Uses” annotated “Film Studio and Related Uses” zone is intended primarily for the provision of film studio and related uses which involve special design and spatial requirement to meet operational needs. The current zoning with a maximum building height restriction of 7 storeys is considered as an appropriate statutory planning control. The proposed development is considered not incompatible with the surrounding neighbourhood;
- (b) with relevant policy support, and given no adverse comment or objection from relevant government bureaux/departments, it is appropriate to initiate the rezoning through proposed amendments to the OZP under section 5 of the Town Planning Ordinance direct in lieu of section 12A application to streamline the statutory process; and

Item B

- (c) the amendment item is to reflect a section 12A application partially agreed by the Rural and New Town Planning Committee of the Board. The proposed house redevelopment with a maximum plot ratio of 1 and a maximum building height of 4 storeys over one level of carport is not incompatible with the surrounding urban fringe setting. The adjoining “Green Belt” zone will not be affected by the proposed house redevelopment.”

43. The Board also agreed that the draft Tseung Kwan O OZP, together with its Notes and updated Explanatory Statement, was suitable for submission under section 8(1)(a) of the Town Planning Ordinance to the Chief Executive in Council for approval.

Agenda Item 4

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

44. There being no other business, the meeting was closed at 11:05 a.m.