

**Minutes of 852nd Meeting of the
Town Planning Board held on 20 January 2006**

Present

Permanent Secretary for Housing, Planning and Lands
(Planning & Lands)
Mrs. Rita Lau

Chairperson

Hon. Patrick S.S. Lau

Vice-Chairman

Dr. Rebecca L.H. Chiu

Dr. Peter K.K. Wong

Mr. Michael K.C. Lai

Professor K.C. Ho

Mr. Alex C.W. Lui

Mr. Francis Y.T. Lui

Mr. S.L. Ng

Dr. Greg C.Y. Wong

Mr. C.K. Wong

Mr. Erwin A. Hardy

Professor Nora F.Y. Tam

Mr. Tony W.C. Tse

Mr. David W.M. Chan

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Mr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Principal Assistant Secretary (Transport),
Environment, Transport and Works Bureau
Ms. Ava Chiu

Assistant Director (2), Home Affairs Department
Ms. Margaret Hsia

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. Elvis W.K. Au

Director of Lands
Mr. Patrick L.C. Lau

Director of Planning
Mr. Bosco C.K. Fung

Deputy Director of Planning/District
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Dr. Alex S.K. Chan

Mrs. Angelina P.L. Lee

Mr. Keith G. McKinnell

Ms. Carmen K.M. Chan

Dr. Lily Chiang

Professor Peter R. Hills

Mr. Alfred Donald Yap

In Attendance

Assistant Director of Planning/Board
Mr. P.Y. Tam

Chief Town Planner/Town Planning Board
Ms. Brenda K.Y. Au (a.m.)
Mr. C.T. Ling (p.m.)

Senior Town Planner/Town Planning Board
Mr. Tom C.K. Yip (a.m.)
Ms. Teresa L.Y. Chu (p.m.)

1. The Chairperson extended a welcome to all Members.

Agenda Item 1

Confirmation of Minutes of the 851st Meeting held on 6.1.2006

2. The minutes of the 851st meeting held on 6.1.2006 were confirmed without amendment.

Agenda Item 2

Matters Arising

- (i) Town Planning Appeal Decision Received
Town Planning Appeal No. 11 of 2004 (11/04)
Temporary Open Storage of Containers for Storing Sauces
with Canteen Use for a Period of 3 Years in “Residential (Group D)” Zone
Lot 172 (Part) in DD 108, Pat Heung, Yuen Long
(Application No. A/YL-PH/458)

3. The Secretary reported that the decision of the Town Planning Appeal Board (TPAB) on an appeal had been received. The appeal was against the decision of the Board to reject on review an application for temporary open storage of containers for storing sauces with canteen use for a period of three years (Application No. A/YL-PH/458) at a site zoned “Residential (Group D)” (“R(D)”) on the draft Pat Heung Outline Zoning Plan No. S/YL-PH/7. The appeal was heard by the TPAB on 25.10.2005 and was allowed by the TPAB on 11.1.2006 for a period of one year with conditions.

4. The Secretary continued to say that the TPAB’s decision was not unanimous. Some TPAB Members took the minority view that the proposed use was not in line with the planning intention of the “R(D)” zone and the appellant had not shown that he could not move his operation to land zoned for open storage or for purposes suited his intended use. However, the majority considered that planning permission should be granted for the

applicant to use the site for storage of food sauces, food seasoning materials, bleaching agents, and caustic soda power and a canteen for the appellant and his bona fide employees for a period of one year based on the following major considerations:

- (a) the locality was thinly populated;
- (b) the appellant's operation had not brought serious adverse impacts on the locality. The local community rather supported the application;
- (c) the issue of water pollution had been resolved with the grant of licence by the Environmental Protection Department in February 2005 and other departmental concerns could be addressed by imposing suitable approval conditions for the permission;
- (d) the proposed use created jobs for the locality and generally for Hong Kong; and
- (e) the appellant should be given a chance to demonstrate that his operation would not generate adverse drainage, traffic, visual and environmental impacts on the surrounding areas.

5. The Summary of Appeal and the TPAB's decision were tabled at the meeting for Members' reference.

[Dr. Peter K.K. Wong and Ms. Sylvia S.F. Yau arrived to join the meeting at this point.]

(ii) Town Planning Appeal Received

Town Planning Appeal No. 1 of 2006 (1/06)

Temporary Lorry and Visitor Car Park for a Period of 3 Years

in "Comprehensive Development Area (2)" Zone

Lots 1212DRP(Part) in DD 115 and Adjoining Government Land,

Chung Yip Road, Nam Sang Wai, Yuen Long

(Application No. A/YL-NSW/163)

6. The Secretary reported that the TPAB received on 11.1.2006 an appeal against the

decision of the Board to reject on review an application for a temporary lorry and visitor car park for a period of three years (No. A/YL-NSW/163) at a site zoned “Comprehensive Development Area(2)” on the draft Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/7. The s.17 review application was rejected by the Board on 4.11.2005 on the ground that there was insufficient information to demonstrate that the proposed use would not have adverse environmental, traffic, drainage and landscaping impacts on the surrounding areas. The Secretariat would represent the Board on all matters relating to the appeal in the usual manner. The hearing date of the appeal was yet to be fixed.

(iii) Town Planning Appeal Statistics

7. The Secretary reported that as at 20.1.2006, 26 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	15
Dismissed	:	83
Abandoned/Withdrawn/Invalid	:	111
Yet to be Heard	:	26
Decision Outstanding	:	1
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Total		236

Agenda Item 3

A Report on the Updated Area Assessments
of Industrial Land in the Territory
(TPB Paper No. 7496)

(Open Meeting)

[The meeting was conducted in Cantonese.]

8. The following representatives from the Planning Department (PlanD) were invited to the meeting:

Ms. Heidi Chan - Senior Town Planner/Metro Group

- Mr. Jerry Austin - Senior Town Planner/Standards and Studies
Mr. Paul Tso - Senior Statistician/Central Data

Presentation Session

9. The Chairperson extended a welcome and invited Ms. Heidi Chan to introduce the Paper. With the aid of a PowerPoint presentation, Ms. Chan covered the following main points as detailed in the Paper:

Background

- (a) based on the recommendations of the Area Assessments of Industrial Land in the Territory (the Area Assessments) agreed by the Board in October 2000, a total of 196 ha and 50 ha of land zoned “Industrial” (“I”) had been rezoned to “Other Specified Uses” annotated “Business” (“OU(B)”) and other non-industrial uses respectively since January 2001;
- (b) in considering two rezoning requests for incorporating ‘Hotel’ use in Column 2 of the Notes for the “I” zones at Siu Lek Yuen, Sha Tin and Area 12, Tuen Mun on 4.4.2003, the Rural and New Town Planning Committee requested the PlanD to update the Area Assessments;

Updated Area Assessments

Methodology

- (c) a detailed land use survey and a sample land use survey were carried out for industrial buildings in the “I” and “OU(B)” zones respectively;

“I” Zones

- (d) as at December 2005, a total of 305 ha of land was zoned “I”, providing a total industrial floor space of about 10.82 million m². The overall vacancy rate of the industrial buildings in the “I” zones was about 6.9% in 2005, consistent with the decreasing trend from 2001 (10.9%) to 2004 (8.3%). The overall take-up in 2005 was about 102,200 m², consistent with the trend of improvement between 2002 (39,870 m²) and 2004 (174,900 m²);

- (e) most of the floor space (64.4%) of these industrial buildings was used for storage/warehouse purpose with manufacturing (10.6%) as the second largest user;

[Dr. C.N. Ng arrived to join the meeting at this point.]

- (f) some existing industrial areas were incompatible with the surrounding land uses, e.g. Kennedy Town, Fanling Area 48, Po Chong Wan and Ap Lei Chau Praya Road;

“OU(B)” Zones

- (g) about 200 ha of land was zoned “OU(B)”, providing about 15.7 million m² industrial floor space. The overall vacancy rate of industrial buildings in the “OU(B)” zones was about 6.4% in 2005, the lowest in the past six years. The overall take-up in 2005 was 88,750 m²;
- (h) since January 2001, 42 planning applications for non-industrial developments in the zones, mostly hotel use, had been approved by the Board; and 48 applications for lease modifications for non-industrial developments, mostly office and hotel uses, had been executed or under processing by the Lands Department;
- (i) storage/warehouse (25.9%), ancillary office (19.4%) and manufacturing (14.5%) were the three largest users in these industrial buildings;

[Mr. Patrick L.C. Lau arrived to join the meeting at this point.]

Demand and Supply of Industrial Floor Space

- (j) the total supply of industrial floor space was slightly above the demand between 1990 and 2004. There was a surplus of 40.5 ha of industrial land in 2005 but there would be a projected shortfall of 20.5 ha in 2017;

Key Observations

“I” Zones

- (k) there was a growing demand for industrial-related non-manufacturing activities, particularly those involving technical, high-quality and value added components, and storage/warehouse use;

“OU(B)” Zones

- (l) there was positive market response to the “OU(B)” zoning but the trend of restructuring had yet to be ascertained;

[Mr. Nelson. W.Y. Chan arrived to join the meeting at this point.]

Mainland-Hong Kong Closer Economic Partnership Arrangement (CEPA)

- (m) according to a recent survey conducted by the Commerce, Industry and Technology Bureau (CITB), manufacturers and traders had positive comments on CEPA Phase I. CEPA was expected to bring about increase in export trade to the Mainland and capital investments in Hong Kong;

Hotel Demand

- (n) according to the Commissioner for Tourism, with the implementation of the Individual Visit Scheme, there was a substantial growth in tourism and high occupancy rates for different types of hotels in 2005, resulting in some pressure for rezoning industrial land for hotel use;

Recommendations

- (o) the existing “I” sites should continue to be reserved to meet the future demand and large-scale rezoning of industrial land was not recommended;
- (p) however, consideration could be given to rezoning the industrial areas at Kennedy Town, San Po Kong, Fanling Area 48 and Siu Lek Yuen to or allow for environmentally compatible uses;
- (q) consideration could also be given to incorporating ‘Hotel’ as a Column 2 use in the Notes for all “OU(B)” zones in the New Territories; and

- (r) the land requirement of the industrial sector should continue to be monitored and reviewed.

Discussion Session

10. Members raised the following questions and comments:

Demand and Supply

- (a) in estimating the long-term demand for industrial land, one major consideration was the forecasted trend of industrial restructuring in future. The Government should critically examine the types of industrial premises required in the long term, and carry out forward planning to meet the demand. Further research on such aspects would be useful;
- (b) whether the projected demand for industrial land was based on projection of the past trend, or some other methods. There was limitation in trend-based projection as the situation in future might differ from that in the past, and close monitoring was required to ensure accuracy of the projection;
- (c) how accurate was the 2000 Area Assessments in forecasting the development of the industrial sector in the past several years;
- (d) the projected floor space demand for industrial-related non-manufacturing activities seemed to be on the low side;
- (e) there was query on the rental level for storage/warehouse use in industrial buildings. The low vacancy rate of industrial buildings might be attributed to low rental level, rather than strong demand for industrial floor space. Such economic factor should be duly taken into account when considering rezoning of individual industrial areas;
- (f) question was raised on the plot ratio assumption in converting the industrial floor space into land area;

[Mr. Francis Y.T. Lui arrived to join the meeting at this point.]

Special Industries, Logistics Industry and Open Storage Uses

- (g) whether the three existing industrial estates in Hong Kong were included in the Area Assessments;
- (h) whether the Area Assessments had addressed the need of land-extensive industries, e.g. high-tech and logistics industries. Sufficient land should be reserved to attract such special industries, particularly those from overseas. The newly emerged industry of providing “just-in-time” services to cater for specific requirements of purchasers would also have good potential to develop in Hong Kong;
- (i) there was also insufficient land in Hong Kong to promote environmentally friendly industries. More land should be planned and reserved to meet the demand of such industries;
- (j) despite the economic policy of promoting high-tech and logistics industries and financial services, the current planning system did not provide sufficient flexibility for conversion of industrial buildings to meet such economic needs. For the logistics industry, technology and port-related infrastructure were more crucial than storage areas. The gap between economic policy and the planning system should be addressed;
- (k) storage/warehouse use was more related to logistics industry rather than general industrial use. The design of the existing industry buildings might not be suitable for such use. Moreover, logistics industry might have traffic implications on the surrounding areas. A comprehensive review of the demand for storage/warehouse use should be carried out;
- (l) the open storage uses in the New Territories had caused a lot of problems. There should be more comprehensive planning for open storage and related uses. Consideration could be given to regularizing such undesirable uses, e.g. vehicle repair workshops, by relocating them into industrial buildings;

[Mr. Alex C.W. Lui arrived to join the meeting at this point.]

“OU(B)” Zones

- (m) the “OU(B)” zoning had provided a catalyst for restructuring of industrial areas and the Government should formulate policies to further facilitate the process;
- (n) while the inclusion of ‘Hotel’ use into Column 2 of the Notes for the “OU(B)” zones in the New Territories was generally supported, there should be a more comprehensive assessment on the land requirement for hotel use;
- (o) whether inclusion of ‘Hotel’ use into Column 2 would be in conflict with the recommendation of not making large-scale rezoning of industrial land. The “OU(B)” sites, which were usually close to industrial buildings, might not be the ideal locations for hotel developments. The co-existence of hotel and industrial uses in the same area might result in land use incompatibility problem;
- (p) the landscape and local environment in the “OU(B)” zones should be improved to cater for possible hotel use;

CEPA

- (q) CEPA had provided both opportunities and challenges to Hong Kong. On the one hand, it would lead to the return of some industrial production processes from the Mainland to Hong Kong. On the other hand, the products and services of Hong Kong would no longer enjoy preferential access to the Mainland after 2007 and had to compete with the overseas counterparts on level terms. Some service industries might also move to the Mainland. All these might have an impact on the demand for industrial land;

Rezoning of Industrial Areas

- (r) what the total land area involved in the four areas recommended for rezoning was;
- (s) given the projected shortfall of industrial land in the long term, rezoning of

individual industrial areas to other uses should be carefully considered; and

- (t) unlike manufacturing activities, storage/warehouse use in industrial buildings would not generate environmental nuisances on the surrounding areas and was more compatible with residential use. Also, it would support the commercial activities in the district. Rezoning should be confined to sites with industrial uses causing environmental nuisances to the surrounding areas.

11. In response, Ms. Heidi Chan, Mr. Jerry Austin and Mr. Paul Tso made the following main points:

Demand and Supply

- (a) the CITB was closely monitoring the changes in the industrial sector at the policy level, and would take into account the views of industrialists in formulating suitable strategy to meet the demand of the industrial sector. The PlanD would also assess the demand for industrial land in consultation with the concerned bureaux and departments. The Chairperson added that many issues raised were related to the economic policy of the Government which fell outside the ambit of the Board. The role of the Board was primarily to ensure its planning policy/strategy would be complementary with the changing demand of the industrial sector;

[Professor Bernard V.W.F. Lim left the meeting at this point.]

- (b) the projection of demand for industrial floor space had taken into account the past trend and some estimated figures provided by the Census and Statistics Department and the Government Economist. The total floor space required was derived by multiplying the projected total number of workers in the industrial sector and the floor space required per worker. According to the estimated figures, the number of workers in the manufacturing industry would decrease, but the workforce in other industries and the floor space required per worker would both increase. As a result, the total demand for industrial floor space was expected to increase steadily in the long term. The Chairperson suggested that some follow-up

studies could be conducted to closely monitor the situation;

- (c) the forecasting method used in the 2000 Area Assessments was mainly based past trends and the projection of specific elements of the industrial production function. Such forecasting approach was considered not very accurate and had therefore not been adopted in the current assessments. The current employment-based projection was more accurate as it was based on the past trend as well as qualitative assessments including the views of the stakeholders so that structural changes in the economy and new economic factors could be factored into the projection;
- (d) the rental level for storage/warehouse use varied from area to area. Generally speaking, it was higher in the urban area and lower in the New Territories, but there were variations at individual locations;
- (e) the current 40.5 ha of surplus industrial land was derived by dividing the surplus industrial floor space by the plot ratio normally allowed on industrial zone in individual districts;

[Mr. Elvis W.K. Au left the meeting temporarily at this point.]

Special Industries, Logistics Industry and Open Storage Uses

- (f) the Area Assessments focused mainly on general industrial uses in industrial buildings in the “I” and “OU(B)” zones and excluded special industrial uses, e.g. industrial estates, oil depots, port-related industries, which were usually zoned “Other Specified Uses” on statutory plans;
- (g) about 85% of the floor space of industrial buildings in the “I” zones was used for industrial purposes, including 64.4% for storage/warehouse use and the remaining 20.6% for manufacturing, ancillary office and workshop uses. Storage/warehouse use was an important part of logistics industry. According to site observation, there was frequent loading and unloading activities associated with such use. There was also a clear market demand for the use, e.g. two new warehouse buildings were under construction in the “I” zone in Tuen Mun Area 16;

- (h) the Chairperson remarked that adequate land supply was vital in maintaining the competitiveness of Hong Kong, but flexibility should be provided in the planning system to cater for the fast-changing demand. Mr. Bosco C.K. Fung added that a flexible approach could cater for the market needs better and tie in with the overall economic policy of the Government. He explained that there were different tiers of activities including (i) land-extensive special industries, (ii) general industrial uses in industrial buildings, and (iii) open storage uses in the New Territories. The Area Assessments focused on general industrial uses in industrial buildings and how the Board could provide greater flexibility in the use of such buildings in the “I” and “OU(B)” zones. The long-term land requirement for special industries was being considered in the ongoing “Hong Kong 2030: Planning Vision and Strategy”. The findings of study, when available, would be submitted to the Board for consideration;

“OU(B)” Zones

- (i) ‘Hotel’ was already a Column 2 use in the Notes for the “OU(B)” zones in all urban OZPs and some new town OZPs. The amendment to the remaining new town OZPs with “OU(B)” zone was intended to provide flexibility and facilitate applications for such use at various locations in the New Territories. ‘Hotel’ use was currently not permitted in the “I” zone. As such, the proposal should have no conflict with the recommendation of retaining the existing “I” zones;
- (j) the Chairperson said that while an assessment of the demand for hotel might be beneficial, the inclusion of ‘Hotel’ use in Column 2 of the Notes for more “OU(B)” zones could provide a greater flexibility to meet the demand for hotel;
- (k) PlanD recognized the importance of improving the local environment of the “OU(B)” zones. In considering applications for hotel use in the “OU(B)” zone, the Board could impose requirements for landscaping and local area improvement as approval conditions; and

Rezoning of Industrial Areas

- (1) there might be changes to the projected shortfall of 20.5 ha of industrial land in 2017 as the forecast would be affected by a number of factors, e.g. the mode of industrial operation in future. Given the existing surplus of industrial land, rezoning of areas suffering from land use incompatibility problem would help address the existing interface problems and achieve better utilization of land resources. The recommended rezoning of Kennedy Town, San Po Kong and Fanling Area 48 would involved only about 8.8 ha of industrial land. These areas were subject to environmental problems caused by uses other than storage/warehouse use. For the Siu Lek Yuen area, the planning intention was to maintain the “I” zoning while building in flexibility in allowing some compatible uses.

[Professor K.C. Ho left the meeting at this point.]

12. In summing up the discussion, the Chairperson noted that Members generally supported the recommendations of the Paper. Although some of the comments and suggestions raised by Members fell outside the scope of the Area Assessments and the ambit of the Board, the PlanD could refer them to the relevant bureaux and departments for consideration.

13. After deliberation, the Board agreed to the recommendations as detailed in paragraph 7 of the Paper.

14. The Board also agreed to the following actions:

- (a) to take forward the proposals in paragraph 7(d) of the Paper in the district planning context for consideration of the Board as and when appropriate; and
- (b) to incorporate ‘Hotel’ as a Column 2 use in the Notes for all “OU(B)” zones in the New Territories.

15. The Chairperson thanked the PlanD’s representatives for attending the meeting. They left the meeting at this point.

[The meeting adjourned for a break of 10 minutes and resumed at 11:00 a.m.]

[Mr. C.K. Wong arrived to join the meeting at this point.]

Agenda Item 4

Consideration of Representations and Comment in Respect of the
Draft Urban Renewal Authority Lai Chi Kok Road/Kweilin Street
and Yee Kuk Street Development Scheme Plan No. S/K5/URA1/1
(TPB Papers No. 7497 to 7501)

[Open Meeting (Presentation and Question Session only)]

[The hearings were conducted in Cantonese.]

16. The Secretary reported that as the subject draft Development Scheme Plan (DSP) was prepared and the comment on the representations to the draft DSP was submitted by the Urban Renewal Authority (URA), the following Members had declared interests on this item:

- | | |
|------------------------|--|
| Dr. Alex S.K. Chan | - being a co-opt member of the Review Committee of the URA |
| Mrs. Angelina P.L. Lee | - having current business dealings with the URA |
| Dr. Greg C.Y. Wong | - having current business dealings with the URA |
| Mr. Tony W.C. Tse | - having past business dealings with the URA |
| Mr. Michael K.C. Lai | - being an ex-member of the URA |
| Mr. Bosco C.K. Fung | - being a non-executive director of the |

as the Director of Planning	URA
Mr. Patrick L.C. Lau as the Director of Lands	- being a non-executive director of the URA
Ms. Margaret Hsia as the Assistant Director (2) of the Home Affairs Department	- being a co-opt member of the Planning, Development and Conservation Committee of the URA

17. Members noted that Dr. Alex S.K. Chan, Mrs. Angelina P.L. Lee, Mr. Michael K.C. Lai and Dr. Greg C.Y. Wong had tendered their apologies for being unable to attend either the meeting or the a.m. session of the meeting, and Mr. Tony W.C. Tse, Mr. Bosco C.K. Fung and Mr. Patrick L.C. Lau had left the meeting temporarily while Ms. Margaret Hsia had already left the meeting.

18. Dr. Rebecca L.H. Chiu declared an interest on this item as one of the representatives of the URA, Mr. Joseph K.C. Lee, was a guest speaker in some of her lectures in the university. Mr. Nelson W.Y. Chan also declared an interest as he and Mr. Joseph K.C. Lee both served on a consultation committee for Kwun Tong. Members considered that the interests of these two Members were not direct and they could be allowed to stay in the meeting and participate in the discussion of the item.

19. The Chairperson recapitulated that the Board had previously agreed to hear the 5 representations to the draft DSP and the comment on these representations itself, and to divide the hearing into three groups, i.e. collective hearing for Representations No. 1, 3 and 5 and Comment No. 1, individual hearing for Representation No. 2 and Comment No. 1, and individual hearing also for Representation No. 4 and Comment No. 1.

Hearing of Representations No. 1, 3 and 5 and Comment No. 1

(TPB Papers No. 7497, 7499 and 7501)

Presentation and Question Session

20. Mr. Louis Kau, the District Planning Officer/Tsuen Wan and West Kowloon

(DPO/TWK) of the Planning Department (PlanD), and the following representer and representatives of the representers and commenter were invited to the meeting at this point:

Representer No. 1

Mr. Leung Yau-fong) Representer's representatives
Mr. To Lap-kei)

Representer No. 3

Ms. Yiu Shuk-chung) Representer's representatives
Mr. Brandon Kwok Kin Yeung)
Ms. To Wai Chun)
Mr. Shum Wai Hung)
Mr. Ko Kwong Pui)
Ms. Sin Wai Fong)
Mr. Chau Chun Yam)

Representer No. 5

Mr. Wai Woon-man - Representer
Ms. Leung Yim Ping - Representer's representative

Commenter No. 1

Ms. Y.Y. Pong) Commenter's representatives
Mr. Joseph K.C. Lee)
Mr. Hiroshi Ikegaya)
Mr. Bernie Harrad)

21. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She then invited Mr. Louis Kau to brief Members on the background to the representations and comment.

22. With the aid of a PowerPoint presentation, Mr. Louis Kau covered the following main aspects as detailed in the Papers:

- (a) background to the draft DSP – the draft DSP was exhibited for public inspection under section 5 of the Town Planning Ordinance (TPO) on

12.8.2005. During the 2-month exhibition period, a total of 5 representations were received. The representations were published for public comments on 21.10.2005. One comment from the URA was received;

- (b) representers – Representations No. 1, 3 and 5 were submitted by the Working Group on the Problems of Urban Renewal of the Sham Shui Po District Council (SSPDC), Urban Renewal Monitor and Mr. Wai Woon-man respectively;
- (c) the subject of the representations – against the draft DSP;
- (d) the grounds of representations – lack of details of the draft DSP, incompatibility with the local environment, adverse environmental and ventilation impacts on the surrounding areas, reservation on the Social Impact Assessment (SIA), unsatisfactory compensation and rehousing arrangements, lack of suitable premises for relocation of the affected businesses, and rental increase and eviction faced by the commercial tenants;
- (e) representers' proposals – Representer No. 1 proposed that the Board should not approve the draft DSP pending the provision of an SIA conducted by a third party, better compensation and rehousing arrangements and inclusion of the details of the redevelopment scheme into the statutory plan. Representer No. 3 supported the draft DSP subject to regular consultation with the District Council (DC) and the locals, provision of more Government, Institution or Community (GIC) facilities in the scheme, minimization of environmental nuisances, and affordable flat prices after redevelopment. Representer No. 5 proposed to request the URA to make concrete arrangements to allow the affected residents and commercial tenants to continue their living and businesses in Sham Shui Po (SSP);
- (f) subject of comment – the only comment was submitted by the URA. The URA pointed out that the draft DSP set out the planning intention and objectives for the area covered by the plan, and detailed design would be

provided in the Master Layout Plan (MLP) to be submitted to the Board after approval of the DSP. There would not be insurmountable traffic noise and visual impacts on the surrounding areas. According to the Urban Renewal Strategy (URS), the carrying out of the SIA was the duty of the URA and could not be delegated to a third party. Detailed compensation and rehousing arrangements would be available in the acquisition stage. The affected residents and commercial owners had been briefed on the compensation and rehousing arrangements; and

[Dr. Rebecca L.H. Chiu left the meeting temporarily at this point.]

- (g) PlanD's view – the draft DSP should not be amended to meet the representations as it was mainly to indicate the broad land use for the scheme area. Under the “Comprehensive Development Area” (“CDA”) zoning, a planning application accompanied by a MLP for a detailed scheme and relevant impact assessments were required to be submitted to the Board for consideration. The public could comment on the MLP under section 16 of the TPO. The compensation and rehousing matters were outside the ambit of the TPO and should be dealt with by the URA through established policies. The Social Welfare Department (SWD) advised that the URA had conducted the SIA in accordance with the URS.

23. The Chairperson then invited the presenter and representatives of the presenters to elaborate on their representations.

24. Mr. Leung Yau-fong and Mr. To Lap-kei (representatives of Representer No. 1) make the following main points:

- (a) the PlanD's assessments did not reflect the crux of the matter. The URA was vested with great power to resume land under the Lands Resumption Ordinance but its policy-making was not transparent nor subject to monitoring, e.g. the meetings of the URA's Board were not open;
- (b) there was doubt on whether the proposed redevelopment, with a maximum building height of 175mPD, was compatible with the low-rise buildings in

the surrounding areas;

[Dr. Rebecca L.H. Chiu returned to join the meeting at this point.]

- (c) urban renewal involved the use of public power in intervening private property rights. Its effectiveness should be evaluated comprehensively taking into account the compensation arrangements and public participation in the process, not merely the physical redevelopment. The vital role of vetting the draft DSP and considering representations to it were vested with the Board. The Board's blessing to the scheme would give a legal support to the URA's subsequent acquisition actions, making the redevelopment process irreversible. Being the gate-keeper, the Board should carefully consider the representations and assess whether the draft DSP had covered all the information stipulated in section 25(3) of the URA Ordinance (URAO), including the arrangements for implementation of the scheme and relevant impact assessments;
- (d) the SSPDC had raised concern on the project as it had not been directly consulted. Although an information paper had been circulated to the SSPDC, the Planning Brief (PB) of the draft DSP and detailed compensation and rehousing arrangements had not been presented to the SSPDC and other local organizations. The URA conducted the freezing survey, offered purchase prices and applied to the Chief Executive in Council for land resumption in 2004. However, the SSPDC was consulted on the SIA only after publication of the draft DSP. The SSPDC did not object to the scheme but considered that it should fully meet the requirements in the URAO;
- (e) the submission of detailed impact assessments was required for applications for amendment of plan submitted by private developers and such assessments had to be published for public comments under section 12A of the TPO. The URA enjoyed a differential treatment in that it was not required to provide any such assessments to support the draft DSP. It would be too late to consider such issues at the MLP stage as the land resumption process would have already commenced at such stage;

- (f) the SIA for the draft DSP was only based on a few questions in the questionnaire of the freezing survey. This was unsatisfactory as the respondents had to bear statutory responsibilities for their responses. Although the URA would separate the SIA from the freezing survey in future projects, the current project could not benefit from such arrangement;
- (g) the URA had not complied with section 25(3)(c) of the URAO in that it had not assessed the feasibility of the proposed rehousing arrangements. According to a survey conducted by the SSPDC's consultants, only 3% of the residents affected by the URA projects would be able to purchase a flat with an age of less than 10 years of similar size in the SSP area. The URA should assess whether there was adequate provision of suitable and affordable flats in the Nam Cheong district of SSP for the affected residents. A summary of the survey was tabled at the meeting for reference of Members. It was unfair that the residents, commercial owners and tenants displaced by the project could not enjoy the benefit of urban renewal; and
- (h) the SSPDC did not have other channel to voice its concern on the draft DSP, apart from making representation to the Board. The Board should exercise its power to improve the scheme and request the URA to provide more information before the approval of the DSP.

25. In relation to the views on the role of the Board, the Chairperson explained that the Board had duly considered the PB of the draft DSP and the views of the Housing Committee (HC) of the SSPDC on the draft DSP before publication of the draft DSP. According to section 25(5) of the URAO, the URA was only required to submit the draft DSP to the Board for consideration. The Board could not deal with matters outside its statutory functions, e.g. the compensation and rehousing arrangements.

26. Referring to a written submission tabled at the meeting, Ms. Yiu Shuk-chung, Mr. Brandon, Kwok Kin Young and Ms. To Wai Chun (representatives of Representer No. 3) made the following main points:

- (a) the Urban Renewal Monitor was formed by some affected residents and

concerned people, and aimed to monitor the urban renewal process. There was concern on insufficient compensation for people affected by the draft DSP, particularly commercial owners and tenants. The land resumption would affect not only commercial operators and their employees, but also the livelihood of their families;

- (b) according to the URS, the goal of urban renewal was to improve the living conditions of residents and the SIA was an important process to achieve such goal. However, the SIA for the draft DSP was fraught with problems. It failed to provide a proper assessment on the social impacts of redevelopment and to identify appropriate mitigation measures. It did not comply with section 25(3) of the URAO, which provided that the draft DSP should contain implementation arrangements and necessary impact assessments. There was worry that the mistakes in previous renewal projects would be repeated in this project. Before the completion of an effective SIA, the Board should not allow the project to proceed;
- (c) the results of the SIA would affect the criteria for compensation and rehousing. There was a role conflict for the URA to conduct both the SIA and the subsequent compensation and rehousing. The SIA should be conducted by a third party to ensure its independency and reliability. The URA's comment that the SIA could not be delegated to other party was misleading as the URAO and URS did not forbid the URA to do so;

[Mr. Erwin A. Hardy left the meeting temporarily at this point.]

- (d) the questionnaire for the SIA survey was vague and incomprehensive, and its reliability was doubtful. For example, the residents were asked whether the redevelopment would affect their 'social network', an academic term difficult to be understood by layman. Without knowing the purpose of the survey, the respondents were requested to make a statutory declaration on the accuracy of the information they provided. This would exert pressure on the residents, rendering the results of the SIA biased. It would also set an undesirable precedent for subsequent renewal projects;

- (e) it was unfair that the SIA did not cover people working but not living in the area, e.g. commercial tenants. Based on the people-oriented approach claimed by the URA, these people, being part of the local network, should be covered in the SIA as the local environment would be affected if they were forced to move out. Their needs could not be addressed by the current compensation and rehousing arrangements and the assistance offered by the SWD;
- (f) the URA was independent from the Government and was not subject to the control of the Legislative Council. The objective of the TPO was to promote the health, safety, convenience and general welfare of the community. The Board should speak for the local residents and safeguard their interests in urban renewal;
- (g) the GIC facilities in the SSP area were inadequate. Opportunity should be taken to provide more GIC facilities in the scheme; and

[Mr. Erwin A. Hardy returned to join the meeting at this point.]

- (h) to enable the affected residents to continue living in the area, there was a need to ensure that the flats after the redevelopment were affordable to the residents.

27. Mr. Wai Woon-man and Ms. Leung Yim Ping (Representer No. 5 and his representative) made the following main points:

- (a) Mr. Wan was the DC Member for the SSP district. After the freezing survey, many local residents complained to him that the SIA ignored the characteristics of the Nam Cheong area in that there were few flats with an age of less than 7 years available to the affected owners;
- (b) commercial owners and tenants had not been informed of the compensation and rehousing arrangements. They were offered compensation at the last moment in previous Land Development Corporation projects. There was worry that the compensation was inadequate to allow them to continue their

businesses in other areas. Apart from commercial owners and their employees, their families would also be affected;

- (c) the URA had mentioned in the SIA that the affected tenants would be rehoused in the same district, i.e. the West Kowloon. Surprisingly, the West Kowloon area had widely covered SSP, Yau Tsim Mong, Kowloon City, and even part of Tsuen Wan, Kwai Chung and Tsing Yi. Many tenants did not want to be relocated to a remote area;
- (d) with the implementation of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 2004 on 9.7.2004, owners and tenants could negotiate to terminate the tenancy upon agreement by both sides. After the freezing survey, many owners got the wrong impression that they would get more compensation if their tenants were evicted. Since the URA had not clarified such important fact in the freezing survey, many tenants were evicted by their owners. The URA should also rehouse these evicted tenants. To follow the rehousing practice adopted by the Housing Authority (HA), affected tenants who were temporarily rehoused in other areas should be rehoused in the same district after completion of the redevelopment; and
- (e) as there was a lack of buildings with an age of below 7 years in the SSP area, there was doubt on the basis for calculating cash compensation for flat owners. The option of 'flat-to-flat' compensation should be offered to the affected flat owners.

28. The Chairperson then invited representatives of the commenter to elaborate on their comment.

29. Ms. Y.Y. Pong and Mr. Joseph K.C. Lee made the following main points:

- (a) the subject DSP was the second project implemented under the URAO. The URA would carefully consider the views of the SSPDC with a view to improving its work. The URA's power to enter domestic premises to conduct survey was subject to the permission of the Secretary for Housing,

Planning and Lands (SHPL). If the SIA and freezing survey were conducted separately, this would cause more inconvenience to the residents and further permission from the SHPL would be required. According to the advice of the Independent Commission Against Corruption, the coverage of the draft DSP and the timing of implementation should be kept confidential. There might be risk of leakage of such information and the personal data of the residents if the SIA was contracted out to an outside body. Moreover, the URA could gain a better understanding of the needs of the residents by conducting the SIA itself;

- (b) the URA's staff were well trained to conduct the SIA. Explanation and examples had been provided to ensure that the respondents fully understood the questions in the survey. Regarding the statutory declaration, residents should not feel pressurized as long as the information provided was true. Nevertheless, the URA would separate the SIA from the freezing survey in future projects to address the concern;
- (c) the URA's acquisition policy was based on the proposals approved by the Finance Committee of the Legislative Council in 2001. Owners of self-occupied flats would be offered a compensation adequate to purchase a flat with an age of about 7 years of similar size in the same district. The URA had also reserved sufficient units in the nearby public rental housing (PRH) estates managed by the HA and Housing Society for rehousing purpose. However, rehousing of all the affected residents within the Nam Cheong area would be difficult as the PRH units available in the district were insufficient. According to URA's experience in other renewal projects, some residents actually preferred units in other areas for various reasons, e.g. proximity to public transport, working places or relatives. The area for rehousing therefore covered the West Kowloon and a wide area to provide more choices for the residents. The URA would try its best to meet the needs of the affected owners and tenants, who were their clients and the focus of their urban renewal work;
- (d) since the project was still at an early stage, it was premature to conduct consultation on its details. Nevertheless, the URA would consult the

SSPDC and the local organizations in implementing the project, and concrete compensation and rehousing arrangements would be provided in the acquisition stage. The URA had set up a district consultation committee which comprised members from different sectors and the DC member of the concerned area to collect public views on the project. The URA's social services team would also address the needs of the residents;

- (e) it was the goal of the URA to improve the living environment in the area. According to the survey mentioned by Representer No. 1, over half of the rehoused residents considered that their living environment and quality of life had been improved after redevelopment; and
- (f) the URA had reminded the owners of domestic units that the compensation to them would not be increased by evicting their tenants.

[Professor N.K. Leung left the meeting at this point.]

30. Noting HA's involvement in providing PRH housing units to rehouse the affected residents, Mr. S.L. Ng declared an interest on the item for being a member of the HA and the Chairman of the Rental Housing Committee of the HA. The Chairperson considered that as rehousing matter fell outside the ambit of the Board, Mr. Ng's interest was indirect and he should be allowed to continue to stay at the meeting and participate in the discussion of the item. Members agreed.

31. In response to a question from Mr. Brandon Kwok Kin Young, Ms. Y.Y. Pong said that the URA could not enter any domestic premises to conduct survey. The Chairperson added that it was against the rule of law to enter domestic premises without a warrant issued by the court.

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

32. Members sought clarifications from the DPO/TWK on the following issues:

- (a) the adequacy of GIC facilities in the SSP area based on the requirements in the Hong Kong Planning Standards and Guidelines (HKPSG), particularly

in terms of land area;

- (b) the visual impact of the proposed redevelopment on the surrounding areas and the criteria to be adopted to assess such impact; and
- (c) the coverage of the SIA and the SWD's comments on the independency of the SIA.

33. In response, Mr. Louis Kau made the following main points:

- (a) there were shortfalls of some GIC facilities, e.g. schools and local open space, in the SSP area, but he had no information at hand on whether the GIC facilities in the area could meet the requirements in the HKPSG. In addition, some provisions were facility-based the requirement of which was not measured by site area, e.g. residential places for the elderly. During the preparation of the PB of the draft DSP, the concerned Government departments had only proposed to include a 400m² public open space in the scheme. The inclusion of additional GIC facilities into the project, if required, could be considered when the planning application and MLP were submitted to the Board for consideration. The Chairperson requested the PlanD to provide the information on the adequacy of GIC facilities in the SSP area to Members for reference;
- (b) there was no restriction on the maximum building height under the draft DSP. The Board would have an opportunity to examine details of the scheme when the MLP for the "CDA" zone and relevant impact assessments were submitted to the Board. The Chairperson added that proper assessment would have to be provided by the URA to justify the proposed building height but the issue could not be assessed at this stage. Nevertheless, she requested the PlanD to take note of the concern raised by Members; and
- (c) the SWD advised that the URA had conducted the SIA in accordance with the URS, but had not commented on the independency of the SIA.

34. Noting the representers' expectations of the Board, the Chairperson reiterated that the Board could not deal with matters outside its ambit under the TPO.

35. As the representer and representatives of representers and commenter had finished their presentations and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the representations and comment had been completed, and the Board would deliberate on the representations and comment in their absence and inform the representers and commenter of the Board's decision in due course. The Chairperson thanked the representer, representatives of representers and commenter, and DPO/TWK for attending the meeting. They all left the meeting at this point.

Deliberation Session

36. Acknowledging the concerns of the residents on the compensation and rehousing issues notwithstanding, the Chairperson said that under section 25(5) of the URAO, the URA was only required to submit the DSP prepared under section 25(3)(a) to the Board for consideration. She also recalled that in agreeing to the exhibition of the draft DSP for public inspection under the TPO in July 2005, the Board had considered the boundary and the PB of the scheme as well as the views of the HC of the SSPDC. The Board would have the opportunity to scrutinize the details of the scheme at the MLP submission stage. As the representers had not provided sufficient justifications for withholding or amending the scheme, there were no grounds not to allow the draft DSP to proceed. Members shared the Chairperson's views. The Secretary pointed out that although the draft DSP, the PB and SIA had been submitted to the Board for consideration, the submission of the SIA was only an administrative arrangement stated in the URS rather than a statutory requirement stipulated under the URAO. As such, the Board's consideration should focus on the boundary of the draft DSP gazetted under the TPO, but not the implementation issues. The Chairperson added that according to a recent High Court judgment relating to the draft DSP for Staunton Street/Wing Lee Street, the Court had held that the Board needed not to consider the implementation details when deciding whether to deem the draft DSP as being suitable for publication.

Representation No. 1

37. After deliberation, the Board decided not to propose any amendment to the plan to

meet Representation No. 1 for the following reasons:

- (a) the development intensity of the “Comprehensive Development Area” (“CDA”) development was in line with that of the residential developments in the area. The “CDA” zoning could ensure appropriate control on the overall scale and design of development as details of the development scheme would be submitted to the Town Planning Board (the Board) in the form of a Master Layout Plan (MLP) for consideration and approval. The local community would be further consulted under the Town Planning Ordinance upon the submission of the MLP under section 16 application for the development of the CDA. Concerns on the possible environmental and ventilation impacts of the proposed development scheme could be addressed when the MLP and the associated assessments were submitted for consideration by the Board and through the imposition of relevant approval conditions; and
- (b) the concerns on rehousing and compensation arrangements being acquisition issues could be addressed during the acquisition and implementation stages.

Representation No. 3

38. After deliberation, the Board decided not to propose any amendment to the plan to meet Representation No. 3 for the following reasons:

- (a) the Urban Renewal Authority (URA) had consulted the public on the development scheme in accordance with section 23 of the URA Ordinance;
- (b) a total area of 400m² public open space at grade with direct street frontage had been proposed to be provided within the scheme area. If considered necessary by concerned departments, additional Government, institution or community facilities could be incorporated when the Master Layout Plan (MLP) was submitted to the Town Planning Board for consideration and approval; and
- (c) the impact assessments conducted by the URA indicated that there would be no insurmountable traffic noise impact nor significant visual impacts.

According to the Notes of the draft Development Scheme Plan, technical assessments would be required upon the submission of the MLP under section 16 application for the development of the CDA. Any further possible environmental impacts could be addressed when the MLP and the associated assessments were submitted to the Board for consideration and approval and through the imposition of relevant approval conditions.

Representation No. 5

39. After deliberation, the Board decided not to propose any amendment to the plan to meet Representation No. 5 for the reason that the concerns on rehousing and compensation arrangements were considered as acquisition issues which could be addressed during the acquisition and implementation stages in accordance with the established compensation policy.

Hearing of Representation No. 2 and Comment No. 1

(TPB Paper No. 7498)

Presentation and Question Session

40. Mr. Louis Kau, the DPO/TWK of the PlanD, and the following representer, his representatives and representatives of the commenter were invited to the meeting:

Representer No. 2

Mr. Chung Po-chuen	- Representer
Mrs. Angelica Chung) Representer's representatives
Mr. Craig Ma)
Mr. Kevin Chan)

Commenter No. 1

Ms. Y.Y. Pong) Commenter's representatives
Mr. Joseph K.C. Lee)
Mr. Hiroshi Ikegaya)
Mr. Bernie Harrad)

41. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She then invited Mr. Louis Kau to brief Members on the background to the representation and comment.

42. With the aid of a PowerPoint presentation, Mr. Louis Kau covered the following main aspects as detailed in the Paper:

- (a) the subject of the representation – against the inclusion of Nos. 213-215, Yee Kuk Street (the representation site) into the draft DSP;
- (b) the grounds of representation – a set of building plans for redevelopment of the representation site had already been approved by the Buildings Department (BD) in 1995 and the draft DSP would deprive the representers of the right to redevelop their land;
- (c) representers' proposal – to exclude the representation site from the draft DSP;
- (d) subject of comment – the buildings on the representation site were similar to other buildings within the draft DSP in terms of building age and conditions, there was no sign of the approved building plans being implemented, there would be a reduction in the amount of public open space to be provided at Site B (i.e. Nos. 213-219, Yee Kuk Street) if the representers' lots were excised, and compensation would be provided for the loss of development right in accordance with the URA's acquisition policy; and
- (e) PlanD's view – the draft DSP should not be amended to meet the representation. Comprehensive redevelopment of the whole scheme area would be more effective in bringing about environmental improvement. The excision of the representation site from the draft DSP would frustrate such planning intention. There had been no application for consent to commence the building works approved in 1995. The loss of representers' right would be compensated in accordance with established policy.

43. The Chairperson then invited the representer and his representatives to elaborate

on his representation.

44. Referring to a submission tabled at the meeting, Mrs. Angelica Chung, Mr. Craig Ma and Mr. Kevin Chan make the following main points:

- (a) Mr. Ma was an authorized person under the Buildings Ordinance (BO) appointed by the two representers, i.e. the owners of the representation site, to redevelop the site. He was also the director and shareholder of the Highail Company Ltd, the representer owning No. 213, Yee Kuk Street. Mr. Ma had worked as an architect for more than 30 years and participated in many comprehensive residential development projects. Therefore, he had abundant experience to handle the proposed redevelopment on the representation site. The building plans approved by the BD on 23.5.1995 still complied with the requirements of the BO;
- (b) after the building plan approval in 1995, the representers had tried to purchase the two adjacent buildings at Nos. 217-219, Yee Kuk Street for a more comprehensive redevelopment. No building works had therefore commenced. Due to fragmented ownership of these two lots, the purchase was unsuccessful. The representers now intended to redevelop their land on their own. Further building plans were under preparation and would be submitted to the BD in due course;
- (c) according to s.16(1)(da) of the BO, the Building Authority might reject building plans which contravened the Master Layout Plan approved by the Board for a "CDA" zone on a statutory plan prepared under the TPO. The representation site had to be excised from the "CDA" zone under the draft DSP before the representers' proposal could proceed;
- (d) the purpose of the TPO was to promote the health, safety, convenience and general welfare of the community. As the representers were capable of redeveloping the site on their own and achieving the objectives of the TPO, there was no need to entrust the project to the URA;
- (e) Site B was separated from the remaining portion of the "CDA" zone, i.e.

Site A, by a road. The representation site had a site area of about 216m², accounting for only an insignificant portion, i.e. 6.4%, of the “CDA” zone. The proposed open space could be relocated from Site B to Site A without affecting the planning intention of the “CDA” zone. The inclusion of the representation site into the draft DSP was unnecessary;

- (f) the properties on the representation site were not subject to any outstanding mortgage. The building on No. 213, Yee Kuk Street was vacant and all the tenancies for the building on No. 215 would terminate within 6 months. The site was ready for redevelopment; and
- (g) it was irrelevant to consider the compensation issue as the representers all along intended to redevelop their land themselves. The draft DSP would deprive them of their right to do so. Articles 6 and 29 of the Basic Law provided that the Government should protect the right of private ownership of property in accordance with law, and arbitrary intrusion into a residential premises should be prohibited. The URA would be seen as taking away the benefits and investment opportunity from the owners, which was against the principle of fair competition in a free economy. Apart from public interest, the Board should also respect the development right of private landowners.

45. The Chairperson then invited representatives of the commenter to elaborate on their comment.

46. Ms. Y.Y. Pong said that as the four buildings at Site B were in poor conditions, they were included into the draft DSP in order to bring about environmental improvement to the concerned area. As Site B was too small for residential development, a 400m² public open space was proposed at the site to serve the local residents. If the representation site was excluded from Site B, the remaining area of about 200m² would be insufficient for the development of a decent open space.

47. As the representer, his representatives and the commenter’s representatives had finished the presentation and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the representation and comment had been completed, and the Board would deliberate on the representation and comment in their

absence and inform the representers and commenter of the Board's decision in due course. The Chairperson thanked the representer, his representatives, commenter's representatives and DPO/TWK for attending the meeting. They all left the meeting at this point.

Deliberation Session

48. A Member was sympathetic with the representers as diversity in built-form should be tolerated in the subject location and private initiative for redevelopment should be encouraged. As there were many open spaces in the adjacent areas, e.g. SSP Park and Tung Chau Street Park, the URA's argument that there was a need to provide a small open space at Site B was not really convincing. Other Members, however, considered that the draft DSP should be maintained as a whole to ensure comprehensive development and to avoid undesirable pencil-like development on the representation site. The Chairperson added that the exclusion of the representation site was against the planning intention for comprehensive development. The exhibition of the draft DSP under the TPO had provided a channel for the concerned parties to raise their comments on the redevelopment proposal. The representers' development right would be fully compensated.

49. After further deliberation, the Board decided not to propose any amendment to the plan to meet Representation No. 2 for the following reasons:

- (a) redevelopment of the whole scheme area in a comprehensive manner was considered to be a more effective and flexible way to bring about environmental improvement, better urban design and co-ordinated provision of public facilities/public open space; and
- (b) subject to verification, the loss of development right would be compensated in accordance with the established acquisition policy.

Hearing for Representation No. 4 and Comment No. 1

(TPB Paper No. 7500)

Presentation and Question Session

50. Mr. Louis Kau, the DPO/TWK of the PlanD, and the following representer and commenter's representatives were invited to the meeting:

Representer No. 4

Mr. Wong Tak-chuen, Joe - Representer

Commenter No. 1

Ms. Y.Y. Pong) Commenter's representatives

Mr. Joseph Lee)

Mr. Hiroshi Ikegaya)

Mr. Bernie Harrad)

51. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She then invited Mr. Louis Kau to brief Members on the background to the representation and comment.

52. With the aid of a PowerPoint presentation, Mr. Louis Kau covered the following main aspects as detailed in the Paper:

- (a) the subject of the representation – concern over the location, future management and maintenance of the proposed public open space within the draft DSP;
- (b) the grounds of representation – safety concern on the access to the open space, and the burden on the future residents in respect of the management and maintenance of the open space;
- (c) representer's proposal – to exclude Site B from the draft DSP, or relocate the open space from Site B to Site A, or entrust the management and maintenance of the open space to the Government;
- (d) subject of comment – the URA would consider how to promote safe access to the open space site at the detailed design stage. The URA or its joint venture partner would take up the management and maintenance of the open space and this requirement would be stipulated in the land grant. Residents of the future development would not be burdened with such responsibilities; and

- (e) PlanD's view – the draft DSP should not be amended to meet the representation. The location of the proposed open space was intentionally not specified in the Notes for the draft DSP to allow design flexibility. There were two pedestrian crossings at the concerned section of Yee Kuk Street. The location, design and access arrangement of the proposed open space could be considered at the MLP submission stage.

53. The Chairperson then invited the representer to elaborate on his representation.

54. Mr. Wong Tak-chuen, Joe made the following main points:

- (a) it was unreasonable to expect the residents of the new development to have to cross a public street in order to reach the proposed open space. Such design was undesirable and rare for residential developments;
- (b) the quality of the open space and GIC facilities constructed by private developers were often unsatisfactory. The typical examples were the Lai Chi Kok Park and the Mong Kok Community Hall. There were concerns on the design, management and ownership of the proposed open space, the transfer of unused development intensity on Site B, compliance with the standards of the Leisure and Cultural Services Department (LCSD) and the mechanism to monitor the works of the URA and its joint venture partners. It was not clear whether the URA had any experience in developing and managing public open space. It was possible to construct the proposed open space and residential development separately; and
- (c) why the SSP District Office (SSPDO) had not been consulted on the representation.

55. The Chairperson then invited representatives of the commenter to elaborate on their comments.

56. Ms. Y.Y. Pong made the following main points:

- (a) the proposed public open space at Site B was to serve the residents in the SSP area, not just the residents of the future development. Private open space would be separately provided in accordance with the HKPSG at Site A to serve the residents of the new development. Therefore, the distance between the proposed open space and the new residential development should not be a concern; and
- (b) some public open spaces, e.g. those at Grand Millennium Plaza and the Center in Central, were managed by the URA or its joint venture partners. The whole redevelopment covered by the draft DSP including the proposed open space would be solely owned by the URA. The design of the open space had been discussed at the URA's SSP district consultation committee, which included the DC member of the concerned district. The URA would further consult the SSPDC in the design of the open space.

57. In response to the question raised by Mr. Wong Tak-chuen, Joe on the consultation with the SSPDO, the Secretary said that the SSPDO should have been consulted on all the representations but might have been inadvertently missed out from the list of departments consulted in paragraph 6 of the Paper.

[Post-meeting note: It has been confirmed that the SSPDO was consulted on all the representations.]

58. In response to a Member's question on how to ensure the quality of the proposed public open space, Mr. Louis Kau said that a landscape master plan for the "CDA" site including the proposed open space would have to be provided by the URA at the MLP submission stage and, if planning permission was granted, an approval condition could be imposed to monitor the provision and design of the open space. Ms. Y.Y. Pong added that the URA had considered the views of the LCSD in developing and managing various public open spaces. To safeguard the quality of the proposed open space and to meet the needs of the residents, the URA would collect local views from its district consultation committee. The Board could also retain effective control through vetting the landscape master plan and imposing an appropriate approval condition.

59. The Chairperson said that the proposed open space was of community interest and the Board would carefully consider its location and design when the planning application and

MLP were submitted to the Board for consideration. The URA should consult the public in the management and maintenance of the open space, and look into the matter raised by the representer in respect of the Mong Kok Community Hall.

60. As the representer and commenter's representatives had finished the presentation and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the representation and comment had been completed, and the Board would deliberate on the representation and comment in their absence and inform the representer and commenter of the Board's decision in due course. The Chairperson thanked the representer, commenter's representatives and DPO/TWK for attending the meeting. They all left the meeting at this point.

Deliberation Session

61. The Chairperson said that the representer's concerns were related to design and implementation aspects, which could be addressed at the MLP submission stage. There were insufficient grounds to support the excision of Site B from the draft DSP.

62. After further deliberation, the Board decided not to propose any amendment to the plan to meet Representation No. 4 for the following reasons:

- (a) the "Comprehensive Development Area" zoning could ensure appropriate control on the overall layout, scale and design of development through the submission of the Master Layout Plan (MLP) and other assessment reports. The concerns on the accessibility, location and design of the public open space could be further addressed when the MLP was submitted to the Town Planning Board for consideration and approval; and
- (b) the public open space would be developed, maintained and managed by the URA or its joint venture partner and such responsibilities would not be placed on the residents of the new development.

63. The meeting adjourned for lunch at 2:00 p.m.

64. The meeting was resumed at 2:45 p.m.
65. The following Members were present in the afternoon session:

Mrs. Rita Lau

Dr. Rebecca L.H. Chiu

Mr. Michael K.C. Lai

Dr. Greg C.Y. Wong

Mr. C.K. Wong

Mr. Erwin A. Hardy

Professor Nora F.Y. Tam

Mr. Tony W.C. Tse

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Ms. Sylvia S.F. Yau

Principal Assistant Secretary (Transport)
Environment, Transport and Works Bureau

Ms. Ava Chiu

Assistant Director of Environmental Protection

Mr. Elvis Au

Director of Lands

Mr. Patrick L.C. Lau

Director of Planning

Mr. Bosco C.K. Fung

Agenda Item 5

Review of Application No. A/YL-PS/230

Proposed Temporary Open Storage of Construction Materials

for a Period of 3 Years in “Undetermined” Zone,

Lot No. 743 in D.D. 122, Yung Yuen Road, Ping Shan, Yuen Long

(TPB Paper No. 7503)

[Open meeting (Presentation and Question Session Only). The hearing was conducted in Cantonese.]

Presentation and Question Session

66. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL) of the Planning Department (PlanD) and the following applicant and his representatives were also invited to the meeting at this point:

Mr. To Ping-nam

Mr. Tang Hing-ip

Mr. To Moon-tong

67. The Chairperson extended a welcome and apologized for the delay of this hearing due to overrun of other items in the morning session. She explained briefly the procedures of the review hearing. The Chairperson then invited Mr. Wilson So to brief Members on the background to the application. With the aid of some plans, Mr. So did so as detailed in the Paper and made the following main points:

- (a) the reasons of the Rural and New Town Planning Committee (RNTPC) to reject the application for temporary open storage of construction materials on 9.9.2005;
- (b) further justifications put forth by the applicant in support of the review application;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as loading and unloading of construction materials would generate dust and noise nuisance to nearby sensitive receivers, and vehicle traffic would cause noise nuisances to sensitive receivers along the access road, Yung Yuen Road and Long Ping Road, which could unlikely be addressed by site specific mitigation measures via planning approval conditions. The Chief Engineer/Mainland North, Drainage Services Department considered a drainage proposal was required;
- (d) during the public inspection period one public comment was received from a Yuen Long District Council (YLDC) Member on grounds of adverse impact on the natural landscape and village setting of the surrounding areas and pollution to the underground water, soil and ecological environment; and

- (e) PlanD's view – not supporting the application as the proposed development fell within Category 2 areas of the TPB Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13D) and was not in line with the guidelines due to no previous approval, incompatibility with nearby residential structures, and adverse drainage and environmental impacts. A previous application on the site for similar use, No. A/YL-PS/194, was rejected by the RNTPC in 2004 for the same reasons. There was no change in planning circumstances to justify a departure from the previous decision.

68. The Chairperson then invited the applicant and his representatives to elaborate on the application. Mr. Tang Hing-ip informed Members that he was a YLDC Member and a resident of Ping Shan area but had no relationship with the applicant. He tabled some site photos for Members' information and made the following main points:

- (a) the area around Yung Yuen Road was once a burial ground while the remaining area was mainly used for livestock rearing and farmsheds. As part of the land was later resumed for the West Rail project while the pigsties were closed down due to government's control policy on livestock, the area became deserted and was gradually turned to open storage and workshop uses;
- (b) there was no drainage problem in the area;
- (c) there were no recognized villages around Yung Yuen Road or nearby residential buildings that would be subject to potential environmental nuisances; and
- (d) he was not aware of any objection from the YLDC on this proposed development as the site was located in a deserted area.

69. Members sought clarification from Mr. Wilson So on the following:

- (a) any noise sensitive receivers nearby; and
- (b) any planned use for the "U" zone.

70. Mr. Wilson So replied as follows:

- (a) according to Plan R-2, the residential structures to the immediate southwest and further west of the application site were found to be inhabited during recent site visits conducted by PlanD staff; and
- (b) as explained in paragraph 9 of Annex A of the Paper, detailed studies would be necessary to assess the future land use for these areas which were affected by the West Rail alignment. Technical assessments and Master Layout Plan would be required for development within the “U” zone to demonstrate its acceptability and the long-term use would be subject to detailed consideration upon the completion of the West Rail.

71. The applicant and his representatives supplemented with the following main points:

- (a) the 2 residential structures nearby were previous pigsties and currently used for storage with no residents while the others were at a distance away and hence not affected by the proposed use;
- (b) the proposed development was compatible with the surrounding open storage and workshops which had been in operation for a long time;
- (c) given that there was existing drain pipe in the area that could be intercepted with the application site, flooding would not be an issue;
- (d) as the site was zoned “U” without specific use and had been abandoned for a long time, it would be desirable for using it for temporary open storage purposes pending long term development, and
- (e) the proposed development was small in scale compared with other larger operations in the vicinity and should not generate significant impacts.

[Mr. C.K. Wong left the meeting temporarily at this point.]

72. As the applicant and his representatives had no further comment to make and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board’s decision in due course. The Chairperson thanked the applicant, his representatives and PlanD’s representative for

attending the meeting. They all left the meeting at this point.

Deliberation Session

73. One Member noted that as the majority of applications in the area were rejected while the surrounding open storage yards were mostly suspected unauthorized development subject to enforcement actions, there was no strong grounds to tolerate such uses. However, he remarked that in order to address the proliferation of temporary storage in the area, more definite planning of the “U” zone would be required to facilitate suitable use of the area.

[Mr. C.K. Wong returned to join the meeting at this point.]

74. The Chairperson concurred that as it was important to make way for longer term development of the “U” zone in a comprehensive manner, it would be prudent not to regularize the subject temporary open storage use which would set an undesirable precedent and compromised the future planning of the area. Given the technical concerns and local objection to the proposed development and the long-term planning implications, Members agreed that the application could not be supported.

75. After further deliberation, the Board decided to reject the application on review and the reasons were:

- (a) the proposed development was not compatible with the residential structures located to the immediate southwest and west of the site; and
- (b) the application was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses as there was insufficient information to demonstrate that there would not have adverse drainage impacts and environmental nuisances on the surrounding areas, and there were adverse departmental comments and local objection on the application.

Agenda Item 6

Review of Application No. A/TM-LTYT/128

Temporary Vehicle Repair Workshop, Sales and Purchases of Vehicles and Ancillary Office for a Period of 3 Years in “Village Type Development” zone,

Lots 3659B3RP(Part), 3669RP(Part), 3670, 3671(Part), 3675D, 3675E(Part),
3675RP, 3676RP(Part), 3721(Part) and Adjoining Government Land in DD 124,
Shun Tat Street, Tuen Mun
(TPB Paper No. 7502)

[Open meeting (Presentation and Question Session Only). The hearing was conducted in Cantonese and English.]

Presentation and Question Session

76. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL) of the Planning Department (PlanD) and the applicant's representative, Mr. Leung Kam-wing, were also invited to the meeting at this point.

77. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited Mr. Wilson So to brief Members on the background to the application. With the aid of some plans, Mr. So did so as detailed in the Paper and made the following main points:

- (a) the reasons of the Rural and New Town Planning Committee (RNTPC) to reject the application for temporary vehicle repair workshop, sales and purchases of vehicles and ancillary office for 3 years at the application site on 23.9.2005;
- (b) the applicant had not submitted further justifications in support of the review application;
- (c) departmental comments – the Director of Environmental Protection did not support the application as the potential off-site traffic impacts on nearby sensitive uses could not be addressed by on-site mitigation measures while on-site operations would lead to adverse environmental impacts on adjacent village houses in future. The Assistant Commissioner for Transport/NT, Transport Department (AC for T/NT, TD) considered the location of vehicular access not acceptable which should be at least 45m away from the junction measuring from the stop line of the opposite lane;

- (d) no public comment was received during the public inspection period and no local objection was received from the District Officer/Yuen Long; and
- (e) PlanD's view – not supporting the application as the proposed development was not compatible with the residential character of the area and the planning intention of the “V” zone. Two applications for similar uses on this site, Application Nos. A/TM-LTY Y/83 and 124, were previously rejected in 2001 and 2005 respectively. Although Application No. A/TM-LTY Y/126 in the vicinity was granted in 2005, the application was not for vehicle repair workshop and was subsequently revoked due to non-compliance with approval conditions.

78. The Chairperson then invited the applicant's representative to elaborate on the application. Mr. Leung Kam-wing tabled a letter by the applicant, Mr. To Chai-fook, for Members' information. He then made the following main points:

- (a) as processing of Small House (SH) application within the “V” zone would likely take two to three years, it would be appropriate for the proposed use to operate in the interim. The business could be terminated at any time if there was SH development;
- (b) the proposed use was compatible with the similar open storage business in the vicinity and the application site was not close to residential dwellings;
- (c) there was an existing vehicular access along Shun Tat Street which was even closer to the road junction than the access proposed in the subject application; and
- (d) there would be no adverse drainage or environmental impacts as the site comprised flat land with a nullah in front and no excavation would be required. Water consumption and discharge would be low as the vehicles would be cleaned by mops rather than washed by water spraying, while the chemical wastes would be collected and disposed of by licensed companies.

79. In response to Ms. Ava Chiu's query on the vehicular access, Mr. Wilson So clarified that the applicant's proposed access point was unable to satisfy the 45m junction clearance required by TD. Mr. Leung Kam-wing said he could consider other alternative access arrangements, such as ingress/egress along the Castle Peak Road, to satisfy TD's

requirements. The Chairperson pointed out the application should only be considered based on the information already submitted in the subject application.

80. In response to one Member's question, Mr. Wilson So replied that the open storage and workshop use in the vicinity were mostly unauthorized development subject to enforcement action. For Application No. A/TM-LTYYY/126, it was approved for car sale purpose without repair workshop, and involved a small scale operation with only 6 parking spaces. The permission was revoked due to non-compliance with approval conditions.

81. As the applicant's representative had no further comment to make and Members had no further question to raise, the Chairperson informed him that the hearing procedures for the review had been completed and the Board would further deliberate on the application in his absence and inform the applicant of the Board's decision in due course. The Chairperson thanked the applicant's representative and PlanD's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

82. The Chairperson noted that the additional information provided by the applicant was inadequate to address the traffic and environmental concerns. Members generally agreed that there was insufficient grounds to deviate from the RNTPC's decision.

83. After further deliberation, the Board decided to reject the application on review and the reasons were:

- (a) the development was not in line with the planning intention of the "Village Type Development" ("V") zone which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion. Land within the "V" zone was primarily intended for development of Small Houses by indigenous villagers. There was no strong justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development was not compatible with the residential dwellings in the surrounding areas;
- (c) the proposed vehicular access point at Shun Tat Street was considered unacceptable; and

- (d) there was no information in the submission to demonstrate that the development would not have adverse drainage and environmental impacts on the surrounding areas.

Agenda Item 11

Submission of the Draft Chek Lap Kok Outline Zoning Plan
No. S/I-CLK/9A under section 8 of the Town Planning Ordinance
to the Chief Executive in Council for Approval
(TPB Paper No. 7508)

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

125. The Secretary briefly introduced the Paper.

126. After deliberation, the Board:

- (a) agreed that the draft Chek Lap Kok Outline Zoning Plan (OZP) No. S/I-CLK/9A and its Notes were suitable for submission under section 8 of the Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Chek Lap Kok OZP No. S/I-CLK/9A as an expression of the planning intention and objectives of the Board for various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 12

Submission of the Draft Lam Tei & Yick Yuen Outline Zoning Plan
No. S/TM-LTYYY/5A under Section 8 of the Town Planning Ordinance
to the Chief Executive Council for Approval
(TPB Paper No. 7510)

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

127. The Secretary briefly introduced the Paper.

128. After deliberation, the Board:

- (a) agreed that the draft Lam Tei & Yick Yuen Outline Zoning Plan (OZP) No.

S/TM-LTY Y/5A and its Notes were suitable for submission under section 8 of the Ordinance to the Chief Executive in Council (CE in C) for approval;

- (b) endorsed the updated Explanatory Statement (ES) for the draft Lam Tei & Yick Yuen OZP No. S/TM-LTY Y/5A as an expression of the planning intention and objectives of the Board for various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 13

Any Other Business

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

129. There being no other business, the Chairperson wished Members a happy Chinese New Year. The meeting was closed at 5.45 p.m.