

**Minutes of 864th Meeting of the
Town Planning Board held on 11.8.2006**

Present

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

Dr. Peter K.K. Wong Vice-chairman

Dr. Greg C.Y. Wong

Mr. Erwin A. Hardy

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Mr. Edmund K.H. Leung

Professor N.K. Leung

Dr. Daniel B.M. To

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Director of Environmental Protection
Dr. Michael Chiu

Director of Lands
Mr. Patrick L.C. Lau

Director of Planning
Mrs. Ava S.Y. Ng

Assistant Director (2), Home Affairs Department
Miss Linda Law

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

Secretary

Absent with Apologies

Mr. Michael K.C. Lai

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Mr. Tony C.N. Kan

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

Mr. Y.K. Cheng

Mr. Felix W. Fong

Dr. James C.W. Lau

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

In Attendance

Assistant Director of Planning/Board
Mr. S. Lau

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

Town Planner/Town Planning Board
Ms. Endless S.P. Kong (a.m.)

Senior Town Planner/Town Planning Board
Ms. Teresa L.Y. Chu (p.m.)

Agenda Item 1

(Open Meeting)

Confirmation of Minutes of the 863rd Meeting held on 28.7.2006

1. The minutes of the 863rd meeting held on 28.7.2006 were confirmed without amendment.

Agenda Item 2

Matters Arising

(Open Meeting)

- (i) Request for Making Presentation to the Town Planning Board on Review of Yau Tong Bay “Comprehensive Development Area” Zone

2. As the matter was related to a request submitted by Henderson Real Estate Agency Limited, Mr. Raymond Y.M. Chan, who had current business dealings with Henderson, declared an interest in this item.

[Mr. Raymond Y.M. Chan left the meeting temporarily at this point.]

3. The Secretary said that taking into account the relevant recommendation in the Metroplan Study, Yau Tong Bay was incorporated into and zoned “Comprehensive Development Area” (“CDA”) on the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) in 1993. In 2002, the area of the “CDA” site was further expanded at the request of the proponent. There were objections to the relevant amendments to the OZP. On 11.4.2003, the OZP, together with the unwithdrawn objections, was submitted to the Chief Executive in Council for approval in accordance with section 8 of the Town Planning Ordinance. On 8.7.2003, the High Court quashed the Board’s decision on the draft Wan Chai North OZP in relation to reclamation in the Harbour. The Chief Executive in Council on 2.12.2003 ordered that the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP should be referred to the Board for further consideration under section 9(1)(c) of the Town Planning Ordinance. In February 2004, the Board agreed to review the future development of Yau

Tong Bay. Since then, the proponent had been closely involved in the review of the “CDA” zone.

4. The Secretary continued to say that the proponent had submitted a letter on 4.5.2006, together with a planning report, and requested for making a presentation to the Board on the review of the “CDA” zone. On 7.7.2006, the proponent submitted a further letter, providing detailed justifications to support the request for presentation. In brief, the proponent considered that they were in the best position to explain this unique exceptional case in light of its planning history. The presentation and direct conversation with the Board would make the meeting more open and transparent, which was in line with the spirit of the Town Planning (Amendment) Ordinance, and the presentation would not set an undesirable precedent case as it was the only case involving reclamation which was submitted before the Amendment Ordinance. The Secretary said that legal advice had been sought on the issue, which confirmed that the consideration of the proponent’s development proposal was not provided for under the Town Planning Ordinance. Whether to allow the proponent an opportunity to be heard was purely a matter of discretion for the Board.

5. A Member asked whether it would be desirable to accede to the proponent’s request as it could enhance the transparency of the Board. In response, the Chairperson noted that it was not a formal submission for which the Board should give consideration under the Town Planning Ordinance. Acceding to the request would set a precedent for other project proponents.

6. Some Members considered it not appropriate to allow the proponent to make a presentation to the Board and had the following views:

- (a) there was concern that it would set an undesirable precedent for similar requests as there was no provision under the Ordinance to hear the proponent’s proposal which was not submitted under the provisions of the Ordinance. Should the proponent be allowed to make presentation to the Board, it might also be necessary to allow other parties to express their views on the proposal;
- (b) there was proper channel for the proponent to submit a development proposal to the Board for consideration under s.12A of the Town Planning

Ordinance;

- (c) the Board's meeting was a formal meeting to transact businesses submitted under the Town Planning Ordinance. It would not be appropriate to hear the proponent's presentation in an informal way; and
- (d) while the proponent's request should not be acceded to, the proponent's proposal could be submitted for the Board's information.

7. The Secretary remarked that the Secretariat had already received the proposal submitted in form of a planning report by the proponent. Any amendment to the OZP after the review of the "CDA" zone would be gazetted for public inspection under the Town Planning Ordinance and there were statutory provisions for the public to attend the Board's meeting to make representations.

8. The Chairperson said that in view of Members' views, the Board would act in accordance with the provisions of the Ordinance and would not accede to the proponent's request. This could also avoid giving an impression to the public that the Board had a prior agreement with the proponent on the proposal, which might affect the consideration of any future representation on the amendment to the OZP. However, it should be clearly explained in the Secretariat's reply to the proponent that the Planning Department (PlanD) would continue to engage the proponent in the review of the future development of Yau Tong Bay.

9. Mrs. Ava S.Y. Ng confirmed that this would be done. She further supplemented that PlanD's review would be submitted to the Board, together with the proponent's planning report, so that Members could consider the proposal thoroughly.

10. After deliberation, the Board decided not to allow the proponent to make presentation to the Board for the following reasons:

- (a) the submission was not made pursuant to any provision of the Town Planning Ordinance. According to the prevailing practice and procedures of the Board, there was no provision for the proponent to make presentation to the Board; and

- (b) allowing the project proponent to make presentation to the Board would set an undesirable precedent for similar requests by other project proponents.

[Mr. Raymond Y.M. Chan returned to join the meeting at this point.]

(ii) Town Planning Appeal Decision Received

- (a) Town Planning Appeal No. 9 of 2005
Temporary Public Car Park for Private Cars and Light Goods
Vehicles for a Period of 3 Years in “Undetermined” zone
Lot 1510 and Ext. RP in DD 115 and Adjoining Government Land,
Nam Sang Wai, Yuen Long
(Application No. A/YL-NSW/152)

11. The Secretary reported that the decision of the Town Planning Appeal Board (TPAB) on an appeal was received. The appeal was against the decision of the Board to reject on review an application (No. A/YL-NSW/152) for temporary public car park for private cars and light goods vehicles for a period of 3 years at a site zoned “Undetermined” on the Nam Sang Wai Outline Zoning Plan (OZP). The s.17 review application was rejected by the Board on 4.2.2005 on the ground that there was no information to demonstrate that the proposed development would not have adverse traffic, drainage and visual impacts on the surrounding areas. The appeal was heard and allowed by the TPAB on 14.7.2006.

12. In considering the appeal, the TPAB noted that the matters, especially the ingress and egress points for the temporary public car park, could be resolved by further discussions between the Appellant and the relevant Government departments. After a 4-week adjournment of the hearing, an agreement was reached between the Appellant and the relevant Government departments as to the precise ingress and egress points for the subject temporary public car park. The TPAB decided to grant permission for the applicant to use the site for temporary public car park for private cars and light goods vehicles for a period of 3 years subject to a set of approval conditions, including the condition of reinstatement of the site upon expiry of the permission.

- (b) Town Planning Appeal No. 24 of 2005
Proposed Film Studio in “Recreation” and “Green Belt” Zones
Lots 289A, 289RP, 295 and 299 in DD 247,
Ho Chung, Sai Kung
(Application No. A/SK-HC/121)
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13. The Secretary reported that the decision of the TPAB on an appeal in relation to an application (No. A/SK-HC/121) for Film Studio use in “Recreation” and “Green Belt” zones on the draft Ho Chung OZP was received. The application was approved by the Board on 16.9.2005 for a temporary period of three years subject to conditions including no outdoor activity should be carried out within the development between 11:00p.m. and 7:00a.m. at any time during the planning approval period. The Appellant requested the TPAB to grant permanent planning permission and to remove the said condition. The appeal was heard by the TPAB on 17.5.2006 and dismissed by the TPAB on 17.7.2006 based on the following considerations:

- a. the TPAB agreed with the Board that planning permission should be granted only for a limited period of three years. The reasons were that the access to the site was substandard and the Appellant had not satisfied the relevant authority that serious traffic concerns could be overcome in order to support the permanent use of the site for the proposed use. The proposed use posed a threat to water safety and the Appellant had not shown convincingly how water contamination concerns could be effectively addressed; and
- b. the TPAB was of the view that the condition relating to the operation hours was reasonable since outdoor filming activities on the application site were infrequent (less than 10 a year) and night time filming activities were rare (not more than 3 last year) and the previous activities complained of were other recreational activities such as karaoke parties. Given that the site was so located that noise emanating from there could spread to a much wider area than its immediate neighbourhood, a restriction of operation hours could ensure that relevant authorities could monitor activities on the site in order to minimize abuse of the planning permission.

14. The Secretary went on to say that the TPAB affirmed the Board’s decision to

grant temporary permission subject to all the conditions attached to it.

(iii) Town Planning Appeals Received

- (a) Town Planning Appeal No. 12 of 2006 (12/06)
Temporary Container Tractor/Trailer Park and Open Storage of Building Materials for a Period of 12 Months in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lot 769(Part) in DD 99, San Tin, Yuen Long
(Application No. A/YL-ST/298)

- (b) Town Planning Appeal No. 13 of 2006 (13/06)
Proposed Comprehensive Development with Government, Institution or Community Facilities and Public Transport Interchange in “Comprehensive Development Area (1)” zone, East Rail Fo Tan Station and Its Adjoining Area at Au Pui Wan Street and Lok King Street, Sha Tin
(Application No. A/ST/630)

- (c) Town Planning Appeal No. 14 of 2006 (14/06)
Proposed Houses in “Village Type Development” zone, Lots 1371C(Part), 1371RP and 1372D-1372H in DD 120, Ma Tong Road, Yuen Long
(Application No. A/YL/126)

15. The Secretary reported that three appeals against the decisions of the Board to reject on review three applications were received by the TPAB. The first appeal was related to an application for a temporary container tractor/trailer park and open storage of building materials for a period of 12 months in the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone on the draft San Tin OZP. The second and third appeals were related to two applications for a proposed comprehensive development with Government, institution or community facilities and public transport interchange in the “Comprehensive Development Area(1)” zone on the draft Sha Tin OZP, and for proposed houses in the “Village Type Development” zone on the approved Yuen

Long OZP respectively. The hearing dates of the three appeals were yet to be fixed. The Secretariat would represent the Board in these appeal cases in the usual manner.

(iii) Appeal Statistics

16. The Secretary said that as at 4.8.2006, 30 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed :	17
Dismissed :	85
Abandoned/Withdrawn/Invalid :	116
Yet to be Heard :	30
Decision Outstanding :	1
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Total :	249

17. The Chairperson hoped that both the PlanD and the TPAB would make appropriate arrangements to expedite the processing of the outstanding appeal cases.

Agenda Item 3

Information Paper on Kwun Tong Town Centre Redevelopment Project (K7)

(TPB Paper No. 7659)

(Open Meeting)

[The meeting was conducted in Cantonese.]

18. The Secretary reported that as the Paper was related to the Kwun Tong Town Centre (KTTC) redevelopment project undertaken by the Urban Renewal Authority (URA), the following Members had declared interests on this item:

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| Mrs. Ava S.Y. Ng
as the Director of Planning | - being a non-executive director of the
URA |
| Mr. Patrick L.C. Lau
as the Director of Lands | - ditto |
| Ms. Linda Law
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 |
| Dr. Greg C.Y. Wong | - having current business dealings with the
URA |
| Professor Bernard V.W.F Lim | - ditto |
| Mr. Michael K.C. Lai | - being an ex-member of the URA |
| Mr. Nelson W.Y. Chan | - being a member of the Kwun Tong
District Advisory Committee of the URA |

19. Members noted that Professor Bernard V.W.F Lim had tendered his apologies for being unable to attend the meeting, and Mr. Michael K.C. Lai and Dr. Greg C.Y. Wong had tendered their apologies for being unable to attend the a.m. session of the meeting. The

Chairperson said that as the Paper was related to a general briefing on the progress of URA's KTTC redevelopment project, the other Members could be allowed to stay in the meeting and participate in the discussion on the item. Members agreed.

Presentation Session

20. The following representatives from the URA and the Planning Department (PlanD) were invited to the meeting at this point:

- Mr. Billy Lam - Managing Director, URA
- Mr. Michael Ma - Director of Planning and Design, URA
- Mr. Roger Tang - Senior Manager/Planning and Development, URA
- Mr. Mike Kwan - Manager/Planning and Development, URA
- Mr. Anthony Kwan - Assistant Director of Planning/Metro, PlanD

21. The Chairperson extended a welcome and invited Mr. Billy Lam to introduce the Paper. With the aid of a video and a PowerPoint presentation, Mr. Billy Lam introduced the background and progress of the KTTC redevelopment project as detailed in the Paper. Mr. Lam then highlighted that the following five guiding principles were adopted in the project:

- (a) wider public consultation and participation in planning and design so as to facilitate consensus building on the proposal;
- (b) adoption of a creative design for a modern town centre to serve as the paradigm of quality living, and the commercial, transportation, shopping and civic centre as well as the impetus for economic development for East Kowloon;
- (c) phased development over 12 years to minimize impact on the on-going activities in the area and to sustain economic vibrancy of the area during the redevelopment process;

- (d) acceptance of the URA's prevailing compensation and rehousing policies by those affected owners and residents; and
- (e) prudent financing strategies for the project with a total investment of \$30 billion to ensure financial sustainability and to balance the risk over the redevelopment period.

22. With the aid of a PowerPoint presentation, Mr. Michael Ma and Mr. Billy Lam went on to explain the proposed design concepts for the project and made the following main points:

- (a) the community design workshop formed by local residents and professionals came up with six different notional redevelopment concept schemes. Taking into account these six schemes, three design concepts were formulated for public consultation, namely the "Civic Hub" involving the creation of a civic square at Yue Man Square, the "Metamorphosis" respecting the existing street pattern with emphasis on a vehicle-free environment, and the "Model City for Tomorrow" with unobstructed breezeway stretching from east to west passing through the Yue Man Square Garden;
- (b) these design concepts embodied several common design elements derived from previous public consultation. Commercial developments with a landmark building were proposed along Kwun Tong Road to serve as a catalyst for transformation of the industrial area to the south and a buffer against air and noise impacts from the road. The existing Yue Man Square Garden in the central part would be expanded. Five residential towers were proposed in the northern part of the area, with specific disposition to enhance air circulation in the area. More space would be reserved in the eastern part to tie in with the prevailing easterly wind. Taller buildings were proposed so as to allow more space on the ground level. A preliminary air ventilation assessment concluded that the three design concepts would improve the air circulation on the ground level by 20%. At some locations, the improvement was more than 50%. The

suspended air particles and sulphur dioxide in the area would also drop by 20%;

- (c) having regard to the planning principles in the Hong Kong Planning Standards and Guidelines, internal roads and at-grade open space in the future layout, equivalent to about 25% of the area, would be excluded from the gross site area for the purpose of plot ratio (PR) calculation. The current development restrictions in the Kwun Tong South Outline Zoning Plan, i.e. a PR of 12 for the “Commercial” zone, a domestic PR of 7.5 and a non-domestic PR of 1.5 for the “Residential (Group A)” zone and a PR of 5 for the “Residential (Group B)” zone, would be followed. Discounting the area for commercial developments, the overall domestic PR of the project was about 4.5;
- (d) the project covered an area of about 5.3 ha. On average, the project would provide about 2,000 residential units, not less than 8,000m² at-grade open space (i.e. double of the currently zoned open space) and 21,000m² podium open space, 19,000m² gross floor area (GFA) for Government, institution or community facilities, 237,000m² commercial GFA, and an all-weather public transport interchange with a GFA of 15,700m²;
- (e) to create a vehicle-free environment, all streets in the area would be restricted for use by pedestrians. Bulky podium design would be avoided and buildings would be set back to facilitate street widening and tree planting, providing a total roadside landscaped area of not less than 5,000m². The existing trees in the area, particularly the three tall trees in Yue Man Square, would be preserved. The character of the existing streetscape would also be preserved so as to achieve harmonious relationship between people and the environment. The elements in the three design concepts could be integrated;
- (f) through various design initiatives, the project responded to the general call of the community for a quality living environment. The KTTC area would become not only the heart of Kwun Tong, but also the focal point for East Kowloon as well as the paradigm for modern city; and

- (g) a two-month Stage IV public consultation on the three design concepts, comprising roving exhibitions, consultation with stakeholders and opinion surveys, commenced on 10.8.2006. After obtaining the public views, the URA would refine the design concepts. It was intended to submit the finalized proposal to the Board for consideration in March 2007.

[Ms. Sylvia S.F. Yau arrived to join the meeting at this point.]

Discussion Session

23. Members raised the following questions and comments:

- (a) the focus of the project should not be confined to the KTTC area. Its relationship with the surrounding areas, particularly in terms of traffic and pedestrian connections, should be strengthened. The existing pedestrian connection between Yue Man Square and the Fuk Tong Road/Tsui Ping Estate area was inadequate. There was also an over-reliance on using the MTR station as the point of connection;
- (b) the possibility of developing underground roads to address the existing traffic congestion along Kwun Tong Road and its junctions with Hip Wo Street and Hoi Yuen Road should be considered;
- (c) the proposed all-weather public transport interchange was supported, but measures should be taken to ensure acceptable air quality and smooth pedestrian circulation inside the interchange;
- (d) the consultation process and various urban design concepts for the project were generally supported;
- (e) the proposed town centre was in lack of imaginative design and resembled some shopping centres in other cities, e.g. Tokyo and Singapore. To enhance its attraction to tourists and the locals, the history of the KTTC area should be respected and a more orderly and spacious design should be

adopted;

- (f) the major development parameters of the three design concepts should be listed out individually to facilitate comparison;
- (g) the design of the residential towers should integrate with the surrounding areas. While taller buildings could allow more space on ground level, skyscrapers should be avoided as far as possible;
- (h) it might be difficult to complete the redevelopment within 12 years as proposed if there was economic downturn in the period. As the project required a huge investment, there was doubt on whether it was financially viable, and whether Government subsidies or cross-subsidization from projects in other districts would eventually be required. More details on the implementation programme should be provided;
- (i) whether the URA and concerned Government departments could take any immediate measures to address the unacceptable living conditions of the dilapidated buildings in the area, e.g. through revoking the occupation permits and vacating such buildings. The redevelopment should be expedited so as to solve the problems earlier; and
- (j) the social impact of the project on affected residents should be properly assessed. Detailed assessments on the traffic and environmental impacts of the project should also be conducted.

24. In response, Mr. Billy Lam made the following main points:

- (a) the three design concepts were only preliminary concepts and would be further refined based on the public views collected in the consultation process. The preliminary air and ventilation assessment concluded that the air circulation in the area would be improved by 22% to 75%. Various technical assessments, including Traffic Impact Assessment, Environmental Impact Assessment, Visual Impact Assessment, Social Impact Assessment and an Underground Utility Feasibility Study would be conducted. The

air quality and pedestrian circulation in the all-weather public transport interchange would be assessed in detail. Connectivity study would also be conducted to examine the traffic and pedestrian connections to the surrounding areas, with a view to enhancing the integration of the KTTC with its surrounding areas, including the Fuk Tong Road/Tsui Ping Estate area. It was intended to submit the finalized proposal to the Board after completion of the consultation and relevant detailed impact assessments;

- (b) the URA's rehabilitation scheme would help improving the poor conditions of dilapidated buildings in the area through building maintenance in the interim period;
- (c) the financial viability of the project would be affected by the overall economic condition. Due to high resumption and construction costs and a long redevelopment timeframe, it was expected that the project would only yield an internal return of about 7% and a deficit would emerge if the property price dropped by more than 5% in the period. The development intensity proposed for the project was therefore necessary to ensure the financial viability of the project. Prudent commercial principles would be adopted in planning the project. Subsidies from the Government or cross-subsidization from projects in other districts would not be required; and
- (d) measures to improve the quality of life in the area, e.g. separation of people and traffic, would be investigated. To respect the history of the area, the ground floor space of the shopping centre would be reserved for the provision of traditional shops. Detailed proposals would be submitted to the Board for consideration at the Master Layout Plan submission stage.

25. In response to the Chairperson's question on the proposed redevelopment timeframe of 12 years, Mr. Billy Lam said that it was only a preliminary estimate. Due to the complexity of the project and the need for phased development, a redevelopment period of 12 years was required. There would be more updated estimate and detailed phasing programme upon finalization of the development proposal.

26. Mr. Billy Lam also invited Members to pay a visit to their exhibition venue at the former temporary hawker market at Hip Wo Street.

27. The Chairperson requested the URA to take into account Members' comments in revising the design concepts. The Chairperson thanked the representatives from the URA and PlanD for attending the meeting. They all left the meeting at this point.

28. The meeting adjourned for a break of 10 minutes and resumed at 11:05 a.m..

[Mrs. Ava S.Y. Ng and Mr. Patrick L.C. Lau left the meeting temporarily while Miss Linda Law and Dr. Daniel B.M. To left the meeting at this point.]

Agenda Item 4

Consideration of Respresentations and Comments in Respect of
Draft Urban Renewal Authority Yu Lok Lane
/Centre Street Development Scheme Plan No. S/H3/URA2/1
(TPB Papers No. 7645 and 7646)

29. The minutes of this item were recorded under confidential cover.

Agenda Item 5

Consideration of Representations and Comments in Respect of the Draft Aberdeen and Ap Lei Chau Outline Zoning Plan No S/H15/23
(TPB Paper No. 7648)

[Open Meeting (Presentation and Question Session only)]

[The hearing was conducted in Cantonese and English.]

30. The Secretary said that as Representations No. 6 and 7 were submitted by subsidiaries of Sun Hung Kai Properties Ltd. (SHKPL) and Comment No. 1 was submitted a subsidiary of K. Wah Properties (Holdings) Ltd., Mr. Alfred Donald Yap, Mr. Y.K. Cheng and Dr. Greg C.Y. Wong who had current business dealings with SHKPL, and Mr. Raymond Y.M. Chan who had current business dealings with both companies, had declared interests in this item. Members noted that Mr. Alfred Donald Yap and Mr. Y.K. Cheng, and Dr. Greg C.Y. Wong had tendered their apologies for being unable to attend the meeting, and the a.m. session of the meeting respectively.

[Mr. Raymond Y.M. Chan left the meeting at this point.]

31. The Chairperson said that on 24.3.2006, the draft Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/23 was exhibited for public inspection under section 7 of the Town Planning Ordinance. 7 valid representations and 1 valid comment were received during the 2-month exhibition period of the OZP and 3-week publication period of the representations respectively.

Presentation and Question Session

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

Ms. Christine K.C. Tse	- District Planning Officer/Hong Kong
Mr. Kevin C.P. Ng	- Senior Town Planner/Hong Kong

33. The following representatives of the representers and commenter were invited to

the meeting at this point:

Representation No. 1

Ms. Ma Yuet-ha) Representers' representatives
Mr. Chu Hing-hung)
Ms. Lam Yuk-chun)
Ms. Lam Sin-hang)

Representations No. 2 and 3

Ms. Mabelle Ma) Representers' representatives
Mr. Desmond Ng)

Representation No. 4

Mr. M.Y. Wan) Representers' representatives
Mr. Roger Lau)
Miss Mabel Lam)

Representation No. 5

Mr. Sunny Yeung) Representers' representatives
Mr. Julius Lau)
Miss Maggie Lau)

Representations No. 6 and 7

Mr. Ian Brownlee) Representers' representatives
Ms. Jessica Lam)

34. Members noted that sufficient notice had been given to the commenter but the commenter had indicated that no representative would attend the hearing.

35. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She then invited Ms. Christine K.C. Tse to brief Members on the background to the representations and comment.

36. With the aid of a PowerPoint presentation, Ms. Christine K.C. Tse covered the following main aspects as detailed in the Paper:

- (a) the background of the amendments to the Aberdeen and Ap Lei Chau OZP as detailed in paragraph 1.1 of the Paper;
- (b) subjects of the representations – these 7 representations were against the building height restrictions incorporated into the OZP. Representation No. 1 considered the restrictions too relaxed while the remaining 6 representations considered the restrictions not necessary or too stringent;
- (c) the grounds of the representations as summarized in paragraphs 2.3 to 2.7 of the Paper;
- (d) the representers' proposals as summarized in paragraphs 2.8 and 2.9 of the Paper;
- (e) the commenter's comments on the representations as detailed in paragraph 2.10 of the Paper. In brief, the commenter did not support all the representations and considered the building height restrictions appropriate; and
- (f) PlanD's views – the PlanD did not support any amendment to the OZP to meet Representations No. 1 to 7. The planning considerations and assessments of the representers' proposals were as detailed in paragraph 4 of the Paper.

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

37. The Chairperson then invited the representatives of the representers to elaborate on their representations.

Representation No. 1

38. With the aid of a PowerPoint presentation, Ms. Ma Yuet Ha, representing the Planning, Works and Housing Committee of the Southern District Council (SDC), made the following points on Representation No. 1:

- (a) the PlanD had previously consulted the SDC on the incorporation of building

height restrictions in the “Other Specified Uses” annotated “Business” (“OU(B)”) zone of the Wong Chuk Hang Business Area (WCHBA). The SDC had already indicated their view that the building height restrictions should be reduced to 100mPD or below;

- (b) the existing buildings along this section of Wong Chuk Hang Road, with building heights of around 50mPD to 100mPD, had already created crowdedness and wall effect;
- (c) air ventilation in the district was poor and the situation would further deteriorate if more taller buildings were allowed;
- (d) the capacity of the roads in the area was nearly saturated. Traffic would increase with an increase in building height resulting in more traffic congestion;
- (e) developers would usually construct buildings up to the maximum building height permitted under the OZP. A long barrier would be formed if high-rise buildings of 120mPD and 140mPD were allowed to be built along this section of Wong Chuk Hang Road. The high-rise buildings would block the view of the ridgeline, affect the townscape, and adversely affect the scenery of the Southern District. The building height should not be further increased in order to preserve the existing character of the area;
- (f) less stringent building height restriction was not an important factor to encourage redevelopment of the WCHBA. Instead, better planning and provisions of transport infrastructure were more essential elements. As such, the Board should look into the overall planning of the Wong Chuk Hang area; and
- (g) to conclude, the SDC strongly requested the Board to restrict the building height of the WCHBA to 100mPD or below and to comprehensively review the overall planning of the Wong Chuk Hang area so as to protect the beautiful scenery and maintain the air quality of the Southern District.

Representation No. 5

39. Mr. Sunny Yeung and Mr. Julius Lam, tabled a letter submitted by the REDA dated 11.8.2006 and made the following points on Representation No. 5:

- (a) they were not employed by any developers with interests in the representation site;

Concerns on building height restrictions

- (b) the REDA had concern on the imposition of building height restrictions on the OZPs in various areas throughout Hong Kong, including the WCHBA;
- (c) it was understood that the objective for building height control in the WCHBA was to reinforce the natural attributes and intrinsic character of the Wong Chuk Hang and Aberdeen area. However, the appropriateness of imposing a blanket control on building height was questionable;
- (d) the existing mechanism by way of planning application and lease modification had already provided effective means in controlling the building height of the potential redevelopment while maintaining the existing character of the WCHBA;
- (e) a lower building height restriction would result in shorter and bigger buildings while the stepped height approach was detrimental to the cityscape as it would result in monotonous clusters of buildings with uniform height;
- (f) building height control should not be generally applied without thoroughly considering other better alternatives as it would stifle any initiative to develop innovative building design such as provision of sky gardens and enhancing the refuge floors;
- (g) building quality office and hotel developments was essential to maintain Hong Kong's competitive edge. A generous building height for office and hotel developments was a notable trend in view of the current demand for higher

internal headroom for accommodating modern building services, and better quality of office space;

- (h) the building height restrictions would result in buildings with larger site coverage and less space around the buildings, which would limit the scope for designing buildings of better quality;

Representer's proposal

- (i) a 140mPD height limit was originally recommended by the PlanD for the whole WCHBA. If a stepped height approach was considered appropriate by the Board, it was suggested to take 140mPD as a minimum and increase the building height restriction of part of the area to 160mPD;

Approved hotel developments

- (j) there were 10 approved hotel developments in the WCHBA. However, the developers might not opt for the approved hotel developments in view of high land premium, high labour cost and the long-term investment involved;

Application for minor relaxation of building height restriction

- (k) the planning application procedure, which was time-consuming, would add cost to any development and in turn would have negative impact on investment in Hong Kong; and
- (l) there was also concern that improvement in internal design had never been considered as a merit for granting minor relaxation of building height restriction by the Board.

Representations No. 2 and 3

40. Ms. Mabella Ma made the following points on Representations No. 2 and 3:

- (a) their views were generally similar to those of the REDA;

- (b) there was no need to include the statutory building height restrictions in the WCHBA as the existing mechanism through planning application and lease modification would be effective in controlling the building height of the potential redevelopment in the area;
- (c) the building height restriction of the Government sale site at Welfare Road was only stipulated in the sale conditions, and not in the OZP. This indicated that the Government also considered the building height control under the lease sufficient; and
- (d) if the Board considered statutory building height restriction was more effective, the building height restriction for the Government sale site should also be incorporated in the OZP so that there would be a fair treatment for all development sites in the area.

Representation No. 4

41. With the aid of a PowerPoint presentation, Mr. M.Y. Wan made the following points on Representation No. 4, which was against the rezoning of the representation site at No. 2 Heung Yip Road from “OU(B)” to “OU(B)1” with a building height restriction of 120mPD:

- (a) the proposed development at Representation Site No. 4 would not be visible when viewed from two sensitive viewpoints at the Aberdeen Lower Reservoir and Aberdeen Country Park Pavilion. The proposed development would only be visible when viewed from the Jumbo Floating Restaurant. However, it would be blocked substantially by the future development at the Government sale site at Welfare Road and the redevelopment of Wong Chuk Hang Estate. Even before the redevelopment of Wong Chuk Hang Estate, the proposed development at the far end of the “OU(B)1” zone would not be so visible;
- (b) paragraph 3.3 of the Paper stated that a maximum building height of 140mPD for the “OU(B)” zone was recommended in the Study on “Building Height Restrictions for Wong Chuk Hang Business Area” (the Study). The

recommendation was in line with the building height of 134.7mPD for the hotel development at the representation site approved by the Board on 17.12.2004;

- (c) the stepped height profile would not be achieved as the adjoining sites, with a smaller area of about 1,000m² or 2,000m², would unlikely be redeveloped to a building height of 120mPD;
- (d) a more relaxed building height should be allowed for the representation site with an area of about 4,500m², which was almost the largest in that zone;
- (e) paragraph 4.5 of the Paper stated that a building height of 120mPD provided a reasonable benchmark for considering the minimum building height necessary for a commercial building without depriving the development potential. It was unfair to adopt the minimum building height of 120mPD as the maximum building height of the “OU(B)1” zone stipulated in the OZP;
- (f) the Board would need to consider more applications for minor relaxation if the building height restrictions were maintained at 120mPD and 140mPD;
- (g) the approved hotel scheme, which was submitted by the previous owner of the representation site, could not be implemented as the development scheme would not work and there was a need to amend the proposal;
- (h) the incorporation of building height restrictions in the “OU(B)” zone was supported in principle but the building height restriction for the representation site was considered not appropriate; and
- (i) the previous proposal to delete the building height restriction for the representation was withdrawn and the representer requested for the rezoning of the representation site from “OU(B)1” to “OU(B)2” with a building height restriction of 140mPD.

[Mr. David W.M. Chan left the meeting temporarily at this point.]

Representations No. 6 and 7

42. With the aid of a PowerPoint presentation and some figures tabled, Ms. Jessica Lam and Mr. Ian Brownlee made the following points on Representations No. 6 and 7, which were against the rezoning of two representation sites at 8 Heung Yip Road and 4 Yip Fat Street, and 50 Wong Chuk Hang Road respectively from “OU(B)” to “OU(B)1” with a building height restriction of 120mPD:

Need for building height restrictions in WCHBA

- (a) according to the OZP, the main reasons for the imposition of the building height restrictions was to preserve the existing green, visual and ventilation corridor and to minimize building protrusions that might result in reducing hillside backdrop, water backdrop or sky exposure when viewed from sensitive viewpoints. However, the WCHBA, especially its eastern part, had minimal impact on the identified green, visual and ventilation corridor. Developments in the WCHBA would not affect the views from three viewpoints identified in the Study, i.e. the Aberdeen Country Park pavilion, Aberdeen Lower Reservoir dam, and Jumbo Floating Restaurant;
- (b) only the western part of the developments under the representers’ proposal would be visible when viewed from the Country Park pavilion and Aberdeen Lower Reservoir dam as the remaining part was mainly blocked by mature trees and Bennet’s Hill, and the natural topography respectively. Therefore, the visual impact of the representers’ proposal when viewed from the higher ground at these two viewpoints to the north of the WCHBA was minimal;
- (c) although the representers’ proposal was noticeable when viewed from Jumbo Floating Restaurant, the difference between the views of the developments with the height profile based on the building height restrictions and the representers’ proposal from such a close distance of 500m and at the ground/pedestrian level was not significant. The ridgeline would already be breached by the developments with a height of 120mPD there;
- (d) there were 10 previously approved hotel developments within the WCHBA,

with the building height ranging from 121.1mPD to 144.7mPD and averaging to a height of 133mPD. The building heights of the approved hotel developments at Representation Sites No. 6 and 7 were 127mPD and 133mPD respectively;

- (e) the approved hotel developments for the WCHBA would not be materialized as office buildings rather than hotels would be developed in view of the high land premium involved for lease modifications;
- (f) the building height restriction of 120mPD would result in office or industrial/office buildings with the same site coverage, building design and height;

Representers' proposal

- (g) the building height restriction for the representation sites should be relaxed to 140mPD to allow greater flexibility in building design and use. The proposed building height restriction was reasonable and in line with that recommended by the PlanD in the Study and those approved hotel developments to the south of Wong Chuk Hang Road;
- (h) if a stepped height profile was considered appropriate for the area by the Board, the building height restriction of 160mPD was suggested for sites to the north of Wong Chuk Hang Road, which would create two different height bands stepping up towards the north;

[Mr. David W.M. Chan returned to join the meeting at this point.]

Impact of different height levels on design flexibility

- (i) the building height restriction of 120mPD would result in monotonous built-form with uniform height. With a building height restriction of 140mPD, some variation in the building height profile would be resulted as some buildings would be developed to 140mPD while those at the smaller sites would still be developed to 120mPD. With a further relaxation of the

building height to 160mPD, a more interesting built-form would be resulted as some buildings at the larger sites would be developed up to 160mPD; and

Factors considered for minor relaxation of building height restriction

- (j) there was no indication of the factors that would be considered as merits when considering applications for minor relaxation of the building height restrictions in paragraph 8.9.4 of the Explanatory Statement of the draft Ap Lei Chau and Aberdeen OZP. Specification of relevant factors was common in other OZPs and was considered necessary to ensure certainty. These factors might include innovative building design, good internal design, variation in building height profile and improvement of townscape.

43. In response to a Member's enquiry on why the building height restriction for the Government sale site at Welfare Road was only incorporated into the lease but not the OZP, Ms. Christine K.C. Tse said that the site, which was located to the south of the WCHBA, was zoned "Residential (Group A)" on the OZP. The building height restrictions for the whole Wong Chuk Hang area were under review and would be incorporated in the OZP later. Before the comprehensive building height review was completed, the building height restriction for the Welfare Road site was included in the lease conditions for land sale purpose.

44. As the representatives of the representers 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 decisions in due course. The Chairperson thanked the representer, the representatives of the representers and the PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

45. By way of background, the Chairperson said that a building height restriction of 140mPD for the "OU(B)" zone within the WCHBA was originally recommended by the PlanD in the Study. After considering the findings of the Study, the Metro Planning

Committee (MPC) decided to impose the building height restrictions of 120mPD and 140mPD with the intention of achieving a stepped height profile. Representer No. 1 requested the Board to tighten the building height restrictions to 100mPD or below. Regarding the traffic concern raised by the SDC, it should be noted that traffic generation was related to the plot ratio permitted instead of building height restriction. The remaining representers sought to relax the building height restrictions and have put forth similar grounds to support their views. It was a fact that the building heights of the approved hotel developments already exceeded 120mPD. Part of the WCHBA was therefore subject to a less stringent building height restriction of 140mPD. The building height restrictions of 120mPD and 140mPD were finally agreed by the Board for incorporation in the OZP after public consultation and a reasonable balance had been struck.

46. A Member said that in MPC's previous consideration of the findings of the Study, the building height restrictions of 120mPD and 140mPD were already considered too high by some Members. However, more stringent building height restriction was considered not realistic having regard to the maximum permissible plot ratio of 15 and the fact that there were some approved development schemes with building height exceeding 120mPD. The current building height restrictions were considered as a reasonable compromise. This Member suggested that consideration could be given to elaborating on the factors that the Board would take into account when considering applications for minor relaxation of the building height restriction in the Explanatory Statement of the OZP, in response to the suggestion made by one of the representers.

[Dr. Michael Chiu left the meeting temporarily at this point.]

47. Other Members also considered that the building height restrictions stipulated on the OZP should be maintained and had the following views on the representations and comment:

- (a) the current building height restrictions were stipulated on the OZP after detailed study and careful consideration;
- (b) they should not be amended, particularly in view of the concerns raised by the SDC;
- (c) the comprehensive visual impact assessment undertaken by the PlanD had

demonstrated that the building height restrictions stipulated on the OZP were appropriate;

- (d) some representers had actually expressed in-principle support for imposition of building height control on the WCHBA;
- (e) applications for minor relaxation of building height restrictions would be assessed based on individual merits. A relaxation of the building height restrictions of 10% or slightly more might be considered, if the applicants could demonstrate that there were planning and design merits and the visual impact of their schemes was acceptable; and
- (f) elaboration of the factors that would be taken into account when considering applications for minor relaxation of the building height restrictions in the Explanatory Statement of the OZP might address the concerns raised by some of the representers.

48. The Chairperson concluded that given Members' views and advice, it would not be appropriate to amend the OZP to meet the representations. The Explanatory Statement of the OZP should be revised to set out more clearly the considerations that the Board would take into account in considering applications for minor relaxation of the building height restrictions.

Representation No. 1

49. After deliberation, the Board decided not to propose any amendment to the plan to meet Representation No. 1 for the following reasons:

- (a) the current height restrictions of 120mPD and 140mPD for the Wong Chuk Hang Business Area (WCHBA) had balanced a wide range of considerations including the character and attribute of Wong Chuk Hang and Aberdeen, the discernible townscape, developments with planning approval, local setting, topography and visual impact. In assessing the appropriate level of height restrictions for the WCHBA, it was necessary to strike a balance between preservation of public view and private development rights; and

- (b) future developments/redevelopments within the WCHBA might not be able to achieve the maximum permissible non-domestic plot ratio under the Building (Planning) Regulations if the building height limit was further reduced to 100mPD or below. The current height restrictions would not lead to additional traffic in the WCHBA as traffic generation was related to the maximum permissible non-domestic plot ratio, which remains the same, instead of the building height restrictions.

Representations No. 2 and 3

50. After deliberation, the Board decided not to propose any amendment to the plan to meet Representations No. 2 and 3 for the following reasons:

- (a) Wong Chuk Hang Business Area (WCHBA) was undergoing transformation with considerable development pressure for high-rise commercial development. There was an urgent need to formulate building height control to ensure that the transformation would not result in negative impacts on the visual quality of the area;
- (b) the stipulation of statutory building height restrictions in the Outline Zoning Plan (OZP) was considered an effective measure to regulate the height profile of the built environment. It could provide clear guidelines and certainty for developers and designers in upkeeping the objective of height control in WCHBA;
- (c) the current height restrictions of 120mPD and 140mPD for WCHBA had balanced a wide range of considerations including the character and attribute of Wong Chuk Hang and Aberdeen, the discernible townscape, developments with planning approval, local setting, topography and visual impact. In assessing the appropriate level of height restrictions for WCHBA, it was necessary to strike a balance between preservation of public view and private development rights;
- (d) the building heights at 120mPD and 140mPD could accommodate the

maximum permissible non-domestic plot ratio under the Building (Planning) Ordinance while allowing flexibility in the building height profile. With the provision of minor relaxation clause in the OZP and the presence of open space and “Government, Institution or Community” uses with lower heights within the WCHBA, there would be more variation in overall building height profile for the area. The possibility of monotonous building height profile, substandard building and poor ventilation/natural lighting could be minimized by careful planning and special architectural and layout design; and

- (e) PlanD had also undertaken to carry out a comprehensive review of the building height control for the area surrounding the WCHBA after the building height restrictions are agreed by the Committee. It should also be noted that the building height for the sale site at Welfare Road had also recently been revised to a lower height level after taking into account the proposed building height restrictions in WCHBA.

Representation No. 4

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

- (a) Wong Chuk Hang Business Area (WCHBA) was undergoing transformation with considerable development pressure for high-rise commercial development. There was an urgent need to formulate building height control to ensure that the transformation would not result in negative impacts on the visual quality of the area;
- (b) the stipulation of statutory building height restrictions in the Outline Zoning Plan was considered an effective measure to regulate the height profile of the built environment. It could provide clear guidelines and certainty for developers and designers in upkeeping the objective of height control in WCHBA;
- (c) the current height restrictions of 120mPD and 140mPD for WCHBA had balanced a wide range of considerations including the character and attribute of

Wong Chuk Hang and Aberdeen, the discernible townscape, developments with planning approval, local setting, topography and visual impact. In assessing the appropriate level of height restrictions for WCHBA, it was necessary to strike a balance between preservation of public view and private development rights; and

- (d) the approved hotel scheme at the representation site with a building height of 134.7mPD would not be affected by the imposition of the proposed building height restrictions. It was therefore considered not necessary to withdraw or amend the proposed building height restrictions of 120mPD and 140mPD.

Representation No. 5

52. After deliberation, the Board decided not to propose any amendment to the plan to meet Representation No. 5 for the following reasons:

- (a) Wong Chuk Hang Business Area (WCHBA) was undergoing transformation with considerable development pressure for high-rise commercial development. There was an urgent need to formulate building height control to ensure that the transformation would not result in negative impacts on the visual quality of the area;
- (b) the stipulation of statutory building height restrictions in the Outline Zoning Plan was considered an effective measure to regulate the height profile of the built environment. It could provide clear guidelines and certainty for developers and designers in upkeeping the objective of height control in WCHBA;
- (c) the current height restrictions of 120mPD and 140mPD for WCHBA had balanced a wide range of considerations including the character and attribute of Wong Chuk Hang and Aberdeen, the discernible townscape, developments with planning approval, local setting, topography and visual impact. In assessing the appropriate level of height restrictions for WCHBA, it was necessary to strike a balance between preservation of public view and private development rights; and

- (d) PlanD had also undertaken to carry out a comprehensive review of the building height control for the area surrounding the WCHBA after the building height restrictions are agreed by the Committee. It should also be noted that the building height for the sale site at Welfare Road had also recently been revised to a lower height level after taking into account the proposed building height restrictions in WCHBA.

Representations No. 6 and 7

53. After deliberation, the Board decided not to propose any amendment to the plan to meet Representations No. 6 and 7 for the following reasons:

- (a) Wong Chuk Hang Business Area (WCHBA) was undergoing transformation with considerable development pressure for high-rise commercial development. There was an urgent need to formulate building height control to ensure that the transformation would not result in negative impacts on the visual quality of the area;
- (b) the stipulation of statutory building height restrictions in the Outline Zoning Plan (OZP) was considered an effective measure to regulate the height profile of the built environment. It could provide clear guidelines and certainty for developers and designers in upkeeping the objective of height control in WCHBA;
- (c) the current height restrictions of 120mPD and 140mPD for WCHBA had balanced a wide range of considerations including the character and attribute of Wong Chuk Hang and Aberdeen, the discernible townscape, developments with planning approval, local setting, topography and visual impact. In assessing the appropriate level of height restrictions for WCHBA, it was necessary to strike a balance between preservation of public view and private development rights;
- (d) the building heights at 120mPD and 140mPD could accommodate the maximum permissible non-domestic plot ratio under the Building (Planning)

Ordinance while allowing flexibility in the building height profile. With the provision of minor relaxation clause in the OZP and the presence of open space and “Government, Institution or Community” uses with lower heights within the WCHBA, there would be more variation in overall building height profile for the area. The possibility of monotonous building height profile, substandard building and poor ventilation/natural lighting could be minimized by careful planning and special architectural and layout design;

- (e) PlanD had also undertaken to carry out a comprehensive review of the building height control for the area surrounding the WCHBA after the building height restrictions are agreed by the Committee. It should also be noted that the building height for the sale site at Welfare Road had also recently been revised to a lower height level after taking into account the proposed building height restrictions in WCHBA; and
- (f) to relax the building height limit up to 145mPD and 170mPD would adversely affect the visual impacts especially when viewed from the selected vantage points at the Aberdeen Country Park and Aberdeen Channel and was considerable undesirable from urban design point of view.

54. The meeting was resumed at 2:30 p.m.
55. The following Members and the Secretary were present in the afternoon session:

Mrs. Rita Lau
Dr. K.K. Wong
Dr. Greg C.Y. Wong
Mr. David W.M. Chan
Mr. Edmund K.H. Leung
Ms. Sylvia S.F. Yau
Mr. B.W. Chan
Mr. Walter K.L. Chan
Ms. Anna S.Y. Kwong
Mr. K.Y. Leung
Deputy Director of Environmental Protection
Dr. Michael Chiu
Director of Planning
Mrs. Ava S.Y. Ng

Agenda Item 6

[Open meeting.]

Review of Application No. A/K9/206

Proposed Conversion of an Existing Commercial/Office Building for Hotel Use
in “Residential (Group A)” zone,

83 Wuhu Street, Hung Hom, Kowloon

(TPB Paper No. 7653)

Supplementary Paper

(TPB Paper No. 7653)

[The hearing was conducted in Cantonese.]

56. The Secretary briefed the meeting that after issuing TPB Paper No. 7653, the applicant submitted a letter on 4.8.2006 with 3 bundles of legal and technical submission in support of the review application. A full set of the submission was deposited with the Secretariat for Members' reference at the meeting. The further information (FI) submitted by the applicant's legal representative was previously related to the legal interpretation of the Remarks column under the Notes of the "Residential (Group A)" zone and advice from the Department of Justice (DoJ) would be necessary to facilitate consideration of the application by the Board. As the FI was submitted on 4.8.2006, only a week before the meeting of the Board, there was insufficient time to consult DoJ before this meeting. Planning Department (PlanD) recommended to defer a decision on the review application and the case would be re-submitted to the Board for consideration upon DoJ's comments. A supplementary paper for TPB Paper No. 7653 was issued to Members and the applicant on 10.8.2006

57. The Secretary added that after issuing the supplementary paper, the applicant's legal representative submitted a letter on 11.8.2006 objecting to PlanD's recommendation for deferral on the grounds that no definite date was proposed for the resubmission of the review application; PlanD did not request for the written representation earlier than one week before the review meeting and the written representation was not a complicated one. The applicant requested the review application to be heard at the next Board meeting on 25.8.2006. A copy of the letter was tabled for Members' reference at the meeting.

58. The Chairperson said the concern of the applicant was appreciated, but given the FI was quite substantial and related to legal issues, departments should be allowed sufficient time to provide comments. The Chairperson suggested and Members agreed that it would be reasonable for the case be resubmitted to the Board in a month's time.

Deliberation Session

59. After further deliberation, the Board agreed to defer a decision on the review application and the case would be re-submitted to the Board for consideration within a month.

Agenda Item 7

[Open meeting.]

Review of Application No. A/K2/177

Proposed Hotel (Guesthouse) in “Residential (Group A)” zone,
G/F, 1/F, 2/F to 4/F(Part) and 5/F to 14/F, Wgrlex Building,
61-63 Portland Street, Yau Ma Tei, Kowloon
(TPB Paper No. 7654)

Supplementary Paper

(TPB Paper No. 7654)

[The hearing was conducted in Cantonese.]

60. The Secretary briefed the meeting that the current review was similar in nature to Application No. A/K9/206 considered by the Board under Agenda Item No. 6 in this meeting. As the further information submitted in support of the review application might have legal implications on the current review application, and taking into account the Board’s decision on Application No. A/K9/206, it was suggested that the review application should also be deferred and resubmitted to the Board in a month’s time. Members agreed to the deferment.

Agenda Item 8

[Open meeting (Presentation and Question Session Only).]

Review of Application No. A/YL-KTS/366

Temporary Warehouse, Workshop and Office for a Period of 2 Years
in “Village Type Development” zone,
Lot 393(Part) in DD109, Kam Tin, Yuen Long
(TPB Paper No. 7650)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Mr. Lau Wai-lun

Applicant

62. 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 proposed application for temporary warehouse and office for a period of 2 years on a site zoned “Village Type Development” (“V”) on the Kam Tin South Outline Zoning Plan (OZP) on 7.4.2006;
- (b) the justifications put forth by the applicant in support of the review application;
- (c) departmental comments – the Director of Environmental Protection was not in support of the application even if no workshop was involved, due to the presence of nearby residential dwellings to the immediate north, west and south and environmental nuisance was expected. There was a complaint in 2005 against the noise nuisance and traffic impact of the activities on the site. The Chief Engineer/Mainland North, Drainage Services Department (DSD): considered that a drainage proposal should be submitted and implemented, should the case be approved;
- (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 land within the “V” zone

was primarily intended for development of Small Houses by indigenous villagers. The subject warehouse use would frustrate the permanent development of the site for Small House development for local villagers. There was insufficient information to demonstrate that relocation to alternative sites could not be made. There was insufficient information to demonstrate that the proposed development would not cause adverse environmental and drainage impacts on the surroundings.

63. The Chairperson then invited the applicant to elaborate on the application. Mr. Lau Wai-lun made the following main points:

- (a) the proposed temporary warehouse would not involve any workshop activity, and there was no adverse environmental impact on the local villagers. A support letter from the Tso Tong of Tai Hong Wai was tabled at the meeting;
- (b) regarding the visual concern, the applicant was willing to reduce the height of the warehouse; and
- (c) the proposed use was compatible with similar land uses in the vicinity.

64. A Member sought clarification on the following:

- (a) the status of the adjoining 3 storey buildings in the site photos at Plan R-3; and
- (b) the future development in the area.

65. Mr. Wilson So replied as follows:

- (a) as indicated in Plans R-2 and R-3, there were Small House development and residential structures to the east, north and south of the application site; and
- (b) the area was zoned "V" and primarily intended for SH development.

66. As the applicant had no 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 his absence and inform the applicant of the Board's decision in due course. The Chairperson thanked the applicant and PlanD's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

67. One Member noted that given the presence of Small House development in the surrounding area, the temporary use under application, even for 2 years, would be incompatible and frustrate permanent development of the site which was intended for Small House for local villagers. The Chairperson concurred with such view. Members agreed that the application could not be supported.

68. 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 "V" zone which was to designate both existing and recognized villages and areas of land considered suitable for village expansion. There was insufficient information in the submission to demonstrate that relocation to alternative sites could not be made;
- (b) the development was not compatible with residential dwellings which located adjacent to the application site would be susceptible to adverse environmental nuisance generated by the development on site; and
- (c) there was insufficient information in the submission to demonstrate that the development would not cause adverse environmental and drainage impacts on the surrounding areas.

Agenda Item 9

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-ST/301

Proposed Temporary Public Vehicle Park (Private Cars and Lorries)

for a Period of 3 Years in “Green Belt” zone

Lots 246 RP, 247, 248, 249, 250 S.B RP (Part), 276 S.B RP, 277 S.B RP (Part),

279 S.B RP (Part), 286, 287 (Part), 288, 289, 290, 291, 292, 293 and 294 (Part) in D.D. 99,

Lok Ma Chau Road, San Tin, Yuen Long

(TPB Paper No. 7651)

[The hearing was conducted in English and Cantonese.]

Presentation and Question Session

69. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD) and the following applicant’s representatives were invited to the meeting at this point:

Mr. Poon Ka-lok	Applicant
Mr. Kwok Chi-man]
Mr. Tang fong-yau] Applicant’s Representatives
Mr. Tang Chi-bun]

70. 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 proposed application for temporary public vehicle park (private cars and lorries) for 3 years on a site zoned “Green Belt” (“GB”) on the San Tin Outline Zoning Plan (OZP) on 17.3.2006;

- (b) the justifications put forth by the applicant in support of the review application;
- (c) the applicant had proposed to delete parking of lorries; reduce the proposed parking spaces from 100 to 40, and shorten the approval period applied for from 3 years to 12 months, as well as submitted revised site layout with landscape plan and support letter from villagers of Pun Uk Tusen;
- (d) departmental comments – the subject application was not supported by the Assistant Commissioner for Transport/NT, Transport Department (AC for T/NT, TD) as the adjoining roads and junctions in Lok Ma Chau Road were operating near capacity while more vehicles would be expected with provision of a new Public Transport Interchange (PTI) near the terminus of the Lok Ma Chau Spur Line in 2007. The Commissioner of Police (C of P) considered that Lok Ma Chau Road was the sole vehicular access to the Spur Line Boundary Control Point annexed to the PTI as well as the only emergency vehicle access to the subject location along this road, and traffic congestion or accident due to additional traffic affecting the operation of the PTI could not be tolerated. The Director of Environmental Protection raised concern about the environmental nuisance to nearby sensitive uses to the northeast of the site and along the access road. The application was not supported by the Director of Agriculture, Fisheries and Conservation (DAFC) as the application site had high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD considered that the proposed use would reduce the vegetation coverage of the “GB” zone and Wetland Buffer Area (WBA) and degrade the rural landscape character. The landscape proposal with trees along the boundary was inadequate to compensate for the loss of vegetation and change of landscape character;
- (e) no public comment was received during the public inspection period and no local objection was received from the District Officer/Yuen Long; and
- (f) PlanD’s view – not supporting the application as there was no previous

approval for similar uses in the “GB” zone north of Chau Tau West Road. Approval would set an undesirable precedent with degradation of the environment. The 4 cases for similar uses in the vicinity (Applications No. A/YL-ST/83, 116, 117 and 140) quoted were approved in 1999 to 2000 on the consideration that these sites, located within the scheme boundary of the Spur Line rail project and further south near the Castle Peak Road, would provide interim parking for local residents and cross-boundary passengers prior to the construction of the project. Application No. A/YL-ST/292, located south of Chau Tau West Road, was approved to facilitate cross-boundary travellers. The current case did not warrant the same consideration.

[Ms. Anna S.Y. Kwong arrived to join the meeting at this point.]

71. The Chairperson then invited the applicant’s representatives to elaborate on the application. Mr. Poon Ka-lok tabled some additional information (including reference letters 1-6 and support letter from a rural committee) for Members’ reference. With the aid of some plans and made the following main points:

- (a) as indicated in reference letters 1-6, he had recently written to the Government hotline and relevant departments requesting for provision of car park in Pun Uk Tsuen but to no avail as public parking facilities would not normally be provided for private residential areas, and government land around Pun Uk Tsuen was not considered suitable for development of public fee-paying car park;
- (b) given the suburban location, there was a need to rely on private cars as a means of transport. The public transport facility serving Pun Uk Tsuen was limited. The majority of the villagers, who were elderly, had to cross the road with heavy vehicles and wait for public light buses at Lok Ma Chau Road;
- (c) there was a lack of suitable parking space in the village due to the compact development while parking demand would increase with completion of new

residential developments. Some 140 parking spaces would be required for the 50 existing 3-storey houses and 150 residents within Pun Uk Tsuen, as 60% of the population were car-owning while 30% had more than one car. Together with an additional 10 spaces reserved for new developments, the total demand would be about 150. Taking into account the 30 current parking spaces outside some houses, 120 spaces would still be required. The proposed reduction of car parks up to 40 would just be able to meet the imminent needs. The subject site, conveniently located within 5-minute walk from the village, was the only preferred site identified. Agreement was obtained from over 20 owners and the Tso Tongs for the proposed use; and

- (d) the intention of the subject application was to provide orderly and centralized car park for the convenience of local villagers and to avoid haphazard parking and security problems which had resulted in criminal incidents in the past. It also helped to improve the safety of elderly villagers.

72. With the aid of some plans Mr. Kowk Chi-man and made the following additional main points:

- (a) the proposed car park fell within Column 2 uses of the “GB” zone and the Board should given sympathetic consideration to the application as the application was intended to meet the basic parking need of the local villagers. Similar applications (Nos. A/YL-ST/83, 116, 117, 140 and 292) for temporary car park had been approved in the “GB” zone south of Chau Tau West Road;
- (b) agricultural activity was not found in the application site and area north of Chau Tau West Road north, but could be found in the south where similar applications had been approved. The proposed use would not compromise the rehabilitation potential, as the site could be reverted to agricultural uses such as nursery on termination of the proposed car park;

- (c) the proposed use was a solution in response to local needs, with a view to solving haphazard parking problem. The landscape proposal would provide a 30m buffer, retain the existing trees and improve the visual quality;
- (d) technical concerns raised by departments were due to misunderstanding or could be resolved through imposition of planning conditions. The Drainage Services Department had not raised objection to the subject application. The existing trees (90mm- 1,000mm in diameter) would be retained to address the concern of the CTP/UD&L. The 40 parking spaces proposed, intended to serve existing traffic on the Lok Ma Chau Road, would not generate significant additional traffic. Contrary to the views of TD and C of P, the lack of proper parking provision in Pun Uk Tsuen would further aggravate the traffic problem in the area;

[Dr. Michael Chiu arrived to join the meeting at this point.]

- (e) approval of the current application would not set a precedent given the uniqueness of the site conditions. The application was selected to avoid a knoll to its north. There were specific natural and physical constraints in the surrounding areas which precluded development for similar car park, including the village area to the east, pond in the south, road along the east and upland with burial ground to its north. As the site had been formed and vacant, it could be readily used as car park without any additional works;
- (f) instead of leaving the parking issue unattended or allowing illegal conversion of private land for uncontrolled parking, it would be prudent to use this site for a properly managed car park which would cause least environmental nuisances while also satisfying local needs;
- (g) the applicant had secured the written support from the San Tin Rural Committee and agreed to terminate such use should there be new parking facilities in the vicinity in future; and

- (h) in view of the uniqueness of the site and the improvement to existing parking problem; the Board should give sympathetic consideration to the application as such use was to meet the basic parking need of the local villagers.

73. A Member sought clarification from Mr. Wilson So on the following:

- (a) while noting only 40 parking spaces would be provided at the application site which was as big as 5,600 m², what was the estimate of future parking demand for Pun Uk Tsuen; and
- (b) the status of car parks in the neighbouring areas and whether these facilities were for local villagers or cross-boundary travellers.

74. By referring to a plan tabled at the meeting, Mr. Wilson So replied as follows:

- (a) there was no available information on the estimate of parking demand for the village. Nevertheless, from the site photos in Plan R-3, there were vacant land in the village parked with lorries and cars. There appeared to be land available for parking; and
- (b) there were a number of approvals for similar uses in other zones along the opposite side of Lok Ma Chau Road with a different setting which were granted due to previous approvals and demonstration of technical acceptability. The recently revised TPB Guidelines No. 13D on assessment of open storage provided flexibility for provision of car parks in the border area to alleviate cross-boundary traffic. There were no previous approval in the “GB” zone north of Chau Tau West Road. The subject site was previously a fish pond and subsequently filled up. But the surrounding areas were still rural in character compared to the area west of Lok Ma Chau Road.

75. Mr. Kowk Chi-man supplemented that the site photos in the Paper might not reflect the peak period situation, i.e. before 9am and after 6pm, where a lot of cars were parked in the village.

[Mr. Edmund K.K. Leung left the meeting temporarily at this point.]

76. Members sought clarification from the applicant's representatives on the following:

- (a) the accessibility from Pun Uk Village to the application site; and
- (b) total residents and number of new parking demand.

77. Messrs. Poon Ka-lok and Kwok Chi-man replied as follows:

- (a) the application site was less than 5 minute walk from the village and there was also an access road connecting to the north of the village; and
- (b) there were about 100-200 residents and the total demand of parking spaces was about 100-120. The number applied for in the previous application was 100 but now reduced to 40 so as to reduce the impacts and to address the departmental concerns although this would only be able to cater for imminent demand.

78. As the applicant's 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's representatives and PlanD's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

79. A Member was of the view that the information provided did not fully support

the application which was to serve local parking demand. The Chairperson concurred that the need for a local car park was not clearly demonstrated and there were departmental concerns on its technical acceptability. It was also noted that land was available in the village for parking purposes. Members agreed that the subject application could not be supported.

80. 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 “Green Belt” zone which was to define the limits of urban development areas by natural features and to contain urban sprawl. There was no strong justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) there was insufficient information in the submission to demonstrate that the development would not have adverse drainage, traffic and landscape impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zones to the north of Chau Tau West Road. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Mr. Walter K.L. Chan left the meeting at this point.]

Agenda Item 10

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-TYST/310

Proposed Flats and Minor Relaxation of Plot Ratio Restriction
of “Residential (Group B)1” zone,

Lot 2131 in DD 121, Tong Yan San Tsuen, Yuen Long

(TPB Paper No. 7652)

[The hearing was conducted in Cantonese.]

81. The Secretary briefed the meeting that after issuing TPB Paper No. 7652, a letter was received from the applicant on 10-8-2006 seeking a deferment of the subject review for two months to allow time for preparation of supplementary information to address the comments of Director of Environmental Protection and Planning Department in paragraphs 4.1.1 and 6.2 of the Paper respectively. A copy of his letter was tabled at the meeting for Members' reference.

82. The Secretary explained that in considering the request for deferment, reference should be drawn from the criteria set out in TPB Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications Made Under the Town Planning Ordinance, i.e. whether there were reasonable grounds, whether the right or interest of third parties would be affected, and whether the application would be delayed for an indefinite period. If deferment was allowed, the applicant would normally be given two months for preparation of further submission and the case would be re-submitted to the Board for consideration within two months upon receipt of the further information.

83. After further deliberation, the Board decided to accept the request for deferment. Two months would be given to the applicant for preparation of further information. The case would be resubmitted to the Board for consideration within two months upon receipt of the further information. The rescheduled date should be adhered to and no further deferment should be granted except under very special circumstances.

Agenda Item 11

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/SK-PK/147

Proposed 29 New Territories Exempted Houses (NTEHs) (Small House)

in "Green Belt" zone,

Lots 1250, 1252, 1254, 1255, 1256, 1257, 1259, 1261, 1262, 1264, 1265, 1266, 1268,

1269, 1270, 1273, 1274, 1276, 1277, 1278, 1280RP, 1281RP, 1282RP and 1283 in DD 222,

Uk Cheung, Sai Kung

(TPB Paper No. 7649)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

84. Mr. Michael Chan, District Planning Officer/Sai Kung and Islands (DPO/SKIs) of the Planning Department (PlanD) and the following applicant's representatives were invited to the meeting at this point:

Mr. Kenny Lau]	
Mr. T.S. Chu]	
Mr. Lau Kwai-hung]	
Mr. Chung Tin-seng]	
Mr. Lau Fuk]	Applicant's Representatives
Mr. Lau Kwai-chun]	
Mr. Lau Ngau]	
Mr. Lau Nga-ming]	
Ms. But Wai-ling]	

85. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited Mr. Michael Chan to brief Members on the background to the application. With the aid of some plans, Mr. Chan 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 proposed application for for development of 29 NTEHs (Small Houses) in Uk Cheung for their villagers within an area zoned "GB" on the Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) on 7.4.2006;
- (b) the applicant submitted further information (FI) on 3.7.2006, but advised that the FI could be neglected if publication and recounting were required. As the Secretary of the Board considered that the FI should be published for public comments and taking into account the applicant's advice, the applicant had been informed that the FI would not be processed further;

- (c) departmental comments – the District Lands Officer/Sai Kung, Lands Department commented that as the application sites fell outside the ‘VE’ of Uk Cheung Village, the Small House application should not be supported based on prevailing policy. The Assistant Commissioner for Transport/NT, Transport Department (AC for T/NT, TD) did not support the application as the existing road link was via Pak Kong Road and Hiram’s Highway leading to the rest of the territory, with no spare capacity for unplanned development. Small House development within the “GB” zone would set an precedent resulting in cumulative traffic impact thus overloading the limited road network. There was insufficient information to demonstrate the traffic acceptability. The Geotechnical Engineering Office of Civil Engineering and Development Department commented that the application sites were overlooked by steep natural terrain with past failure records and located near natural drainage line subject to potential hazard. There was insufficient information elaborating on the slope stability of the area. The Chief Engineer/Mainland North, Drainage Services Department (DSD) was of the view that the application site was located in an area without stormwater nor sewage connection. The Chief Town Planner/Urban Design and Landscape, PlanD pointed out that as the area had been identified with high landscape value but recently cleared and formed. The proposed development and associated works would adversely affect the landscape quality and create development pressure on the intervening lots between the application sites resulting in further degradation of the existing landscape. The application sites, though with no vegetation of significance, was likely to regenerate naturally in future if there was no disturbance;
- (d) 9 public comments and local views were received during public inspection period. The District Officer/Sai Kung advised that a Sai Kung District Councillor supported the case as the application site was located below the water gathering ground (WGG) and accessible. With a similar approval for Wong Chuk Shan New Village in 2004, the application should be favourably considered by rezoning part of the “GB” site to “V”. A similar comment from the New Territories Association of Societies to the Board

was tabled for Members' reference; and

- (e) of the 9 public comments, 2 raised objections and 7 were in support. The objectors were concerned about the environmental impacts and additional land requirement for the proposed access road; incompatibility with the planning intention of the "GB" zone; and non-compliance with the Interim Criteria for Small House and TPB guidelines for development within "GB" zone. The supporters considered that the "V" zone was not suitable for Small House development, while the "GB" zoning would deprive the villagers' of their development right. The application site fell outside the WGG and was accessible. The swapping of the existing "V" zone of Uk Cheung with the application site would not have adverse impact on the local ecology and visual characteristics. Similar swapping of "GB" to "V" zone at Po Lo Che was approved in 2004 on conservation grounds. The application site could serve as replacement site for Uk Cheung Village; and

- (f) PlanD's view – not supporting the application as there were departmental objections on traffic and technical grounds; the application site was outside "VE" and the "V" zone; and the guidelines for development within the "GB" zone nor the Interim Criteria for Small House developments were not met. It was undesirable to support the Small House development due to the changed site conditions which was caused by unauthorized excavation and filling works with extensive vegetation clearance. Approval would set a precedent and encourage similar activities, resulting in encroachment of the "GB" zone and adverse impacts on the landscape, traffic and infrastructure provision in the area. The proposed relocation of Uk Cheung village to the application site outside the 'VE' was not in line with the land policy. Amendment to OZP for rezoning could be made under section 12A of the Town Planning Ordinance. The precedent case quoted was related to rezoning of a "V" site at Mau Pin San Tsuen to "GB" and rezoning of a replacement site at Tang Cheung from "GB" to "V" to preserve a site of significant ecological value with no village relocation. Given the different nature and scale, the subject application did not warrant the same consideration.

86. The Chairperson then invited the applicant's representatives to elaborate on the application. With the aid of some plans and information (including a letter from PlanD to the applicant), Mr. Kenny Lau made the following main points:

- (a) the applicant had requested for resite of Uk Cheung village and was advised by PlanD that development of 'Small House' in the "GB" zone could be pursued by way of s16 application under the Town Planning Ordinance;
- (b) the villagers were unable to obtain permission for development of Small House due to issues related to fire access and WGG. The road to Uk Chueng, constructed in 1975 by the Water Supply Department (WSD) as maintenance access for reservoir catchment, had sub-divided the village area without giving due regard to the development needs of villagers. The principle for approving the rezoning for Mau Pin San Tusen in the same OZP on conservation grounds was relevant and should be adopted in this case, i.e. rezoning of existing "V" zone in Uk Cheung to "GB" and application site from "GB" to "V". The planning intention for "GB" zone would not be compromised by the proposed swapping. The villagers would undertake the necessary assessments and works if the case was approved. The proposal was supported by the Sai Kung Rural Committee, a Legislative Councillor and Sai Kung District Councillor.

[Mr. Edmund K.H. Leung returned to join the meeting at this point.]

87. Mr. Lau Kwai-hung and Ms. But Wai-ling supplemented with the following main points:

- (a) the villagers were not able to build Small Houses in the existing "V" zone given the dilapidated access;
- (b) when the access was built by WSD, villagers was in support of the project and were not given compensation;

- (c) the existing access was not adequate to support Small House development. As request for new roads and expansion of existing access were not entertained by Government due to the small size of the village, relocation of the “V” zone to the subject site was the only alternative.

88. Members sought clarification from Mr. Michael Chan on the current number of houses and residents; and forecast of Small House demand for Uk Cheung Village. Mr. Michael Chan replied that during the recent site visit, there were a few deserted houses and one was considered to be inhabitable but without signs of residents. As there was currently no village representative for Uk Cheung Village, updated Small House demand was not available and the latest figure obtained by DLO/SK in 1999 was 10.

89. In reply to the query from the Chairperson, Mr. Kenny Lau responded that all the representatives were indigenous villagers of Uk Cheung Village.

90. As the applicant’s 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’s representatives and PlanD’s representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

91. The Chairperson explained that as the villagers were unable to obtain permission to develop Small House given the technical problem and remote location of Uk Cheung, they had identified the subject sites as replacement. She noted that there were insufficient assessment to support the proposal. The planning intention and integrity of the “GB” zone would likely be compromised as the application sites comprised small pieces of land scattered in dispersed locations. The rezoning of Mau Pin San Tsuen was to preserve a site of significant ecological value with no village relocation and hence was not a directly relevant precedent case.

92. Members were generally not in support of the subject application from planning

and technical point of view, due to the lack of justification to support Small House development in the subject “GB” zone. However, Members had expressed the following general views on the issue in the ensuing discussion:

- (a) even though the village was deserted, the villagers were still entitled to return to live there;
- (b) the crux of the issue was not the need for Small Houses but the realization of the Small House rights of villagers due to lack of access and presence of the WGG in the existing “V” zone;
- (c) as the “VE” had been established as a basis for Small House development according to the land policy, any change in the village area and boundary would be subject to further discussion and agreement between LandsD and the villagers; and
- (d) given that there were many other deserted and remote villages elsewhere in NT, it would be prudent not to allow swapping to facilitate Small House development without regard to the overall policy.

93. The Chairperson pointed out that the application sites were agricultural lots not intended for building purposes. The Uk Cheung villagers could apply to build Small Houses within the subject “V” zone and the outstanding Small House demand was only 10. The lack of emergency vehicular access was not uncommon in village areas in NT and could be resolved through other technical means. Mrs. Ava S.Y. Ng considered it useful to liaise with the District Officer to find out the number of indigenous villagers and forecast of Small House demand of Uk Cheung village. Proposals to allow Small House development away from the village proper might have land and other implications which should be considered within a wider policy context.

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

- (a) the application sites were rural in character and predominantly surrounded

by natural woodland. The planning intention of the “Green Belt” zone was primarily for defining the limits of sub-urban development areas by natural features and there was a general presumption against development. The proposed developments were considered not compatible with surrounding areas and not in line with the planning intention of the “Green Belt” zoning. Moreover, there were no exceptional circumstances and planning merits to justify the approval of the application;

- (b) the application did not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New Territories as the sites entirely fell outside both the village ‘environs’ and “Village Type Development” zone of Uk Cheung Village;
- (c) Small House sites had already been reserved within the “Village Type Development” zones of Uk Chueng Village and there was insufficient information in the submission to demonstrate that land could not be made available for Small House developments within the “Village Type Development” zones;
- (d) the application also did not meet the guidelines for development within “Green Belt” zone because the proposed developments would adversely affect the landscape quality of the application sites and their surrounding areas;
- (e) the proposed developments might affect the stability of the natural slopes. There was insufficient information in the submission to demonstrate that the proposed developments would not have adverse impacts on the slope stability of the area;
- (f) the proposed developments would generate additional traffic, thereby aggravating the traffic conditions of the Pak Kong Road and Hiram’s Highway. There was insufficient information in the submission to demonstrate that the proposed developments would not generate adverse traffic impact on the area; and

- (g) the approval of the application would set an undesirable precedent for similar applications within the “Green Belt” zones. The cumulative effect of approving such applications would result in encroachment on the “Green Belt” zone by developments, and creation of adverse impacts on the natural landscape, traffic and infrastructure provisions in the area.

[Mr. B.W. Chan left the meeting at this point.]

Agenda Item 12

95. The Chairperson said that Item 12 in the Agenda would not be open for public viewing as it was in respect of application submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.

Agenda Item 13

[Open Meeting]

Submission of the Draft Clear Water Bay Peninsula North Outline Zoning Plan No. S/SK-CWBN/2A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval
(TPB Paper No. 7657)

[The meeting was conducted in Cantonese.]

96. The Secretary informed the meeting that Mr. Edmund K.H. Leung declared an interest in this item as he owned a property in the Clear Water Bay area. The Chairperson said that as no deliberation was required for this procedural item, Mr. Leung did not need to declare an interest in this item.

97. The Secretary briefly introduced the Paper.

98. After deliberation, the Board:

- (a) agreed that the draft Clear Water Bay Peninsula North Outline Zoning Plan (OZP) No. S/SK-CWBN/2A and its Notes respectively 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 Clear Water Bay Peninsula North OZP No. S/SK-CWBN/2A as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES for the draft Clear Water Bay Peninsula North OZP No. S/SK-CWBN/2A was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 14

[Open Meeting]

Submission of the Draft Ha Tsuen Outline Zoning Plan No. S/YL-HT/7A
to the Chief Executive in Council for Approval
under Section 8 of the Town Planning Ordinance
(TPB Paper No. 7658)

[The meeting was conducted in Cantonese.]

99. The Secretary briefly introduced the Paper.

100. After deliberation, the Board:

- (a) agreed that the draft Ha Tsuen Outline Zoning Plan (OZP) No. S/YL-HT/7A together with its Notes were suitable for submission under section 8 of the Ordinance to Chief Executive in Council (CE in C) for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Ha Tsuen

OZP No. S/YL-HT/7A as an expression of the planning intention and objectives of the Board for various land-use zones on the draft OZP and issued under the name of the Board; and

- (c) agreed that the updated ES for the draft Ha Tsuen OZP No. S/YL-HT/7A was suitable for submission to CE in C together with the draft OZP.

Agenda Item 15

Proposed Reference of the Approved Pok Fu Lam Outline Zoning Plan
No. S/H10/15 for Amendment
(TPB Paper No. 7656)

[Confidential Item.]

101. The minutes of this item were recorded under separate confidential cover.

Agenda Item 16

Any Other Business

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

102. There being no other business, the meeting was closed at 5.00 p.m.