

**Minutes of 885th Meeting of the
Town Planning Board held on 18.5.2007 and 22.5.2007**

Present

(The following Members were present at the meeting on 18.5.2007)

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

Chairperson

Dr. Peter K.K. Wong

Vice-Chairman

Mr. Michael K.C. Lai

Dr. Greg C.Y. Wong

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Mr. Nelson W.Y. Chan

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor N.K. Leung

Professor Bernard Vincent W.F. Lim

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Alfred Donald Yap

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

Director of Planning

Mrs. Ava S.Y. Ng

Deputy Director of Environmental Protection

Dr. Michael Chiu

Director of Lands

Mr. Patrick L.C. Lau

Deputy Director of Planning/District

Mr. Raymond T.L. Chiu

Secretary

Absent with Apologies

Ms. Carmen K.M. Chan

Mr. Leslie H.C. Chen

Mr. Stanley Y.F. Wong

Mr. Y.K. Cheng

Mr. Felix W. Fong

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. K.Y. Leung

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

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

In Attendance

Assistant Director of Planning/Board
Mr. S. Lau

Chief Town Planner/Town Planning Board
Mr. C.T. Ling

Senior Town Planner/Town Planning Board
Miss Fiona S.Y. Lung

Agenda Item 1

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

Confirmation of Minutes of the 884th Meeting held on 4.5.2007

1. The minutes of the 884th meeting held on 4.5.2007 were confirmed without amendments.
2. Shortly after the confirmation of minutes, the meeting was disrupted by a group of people, representing various interests of the affected parties in the Lee Tung Street Development Scheme area, who forced their way into the Board's meeting room. Members decided to adjourn the meeting at this point to allow time for the Secretariat to resolve the matter.
3. After over two hours, Members noted that despite detailed explanations and repeated appeals to the people to return to the Public Viewing Room to observe the meeting, they refused to leave the Board's meeting room. Members thus decided to adjourn the meeting to another day and requested the Secretariat to issue a press release to explain the Board's decision.
4. The meeting was adjourned at 11:15 a.m. on 18.5.2007.
5. The meeting was resumed at 9:30 a.m. on 22.5.2007. However, due to some technical problems on broadcasting, the meeting was commenced at 10:00 a.m..

6. The following Members and the Secretary were present at the meeting on 22.5.2007:

Mrs. Rita Lau

Dr. Peter K.K. Wong

Mr. Michael K.C. Lai

Dr. Greg C.Y. Wong

Ms. Carmen Chan

Prof. Nora F.Y. Tam

Mr. Leslie H.C. Chen

Mr. Tony C.N. Kan

Professor N.K. Leung

Dr. C. N. Ng

Dr. Daniel B.M. To

Mr. Alfred Donald Yap

Mr. B.W. Chan

Mr. Raymond Y.M. Chan

Ms. Anna S.Y. Kwong

Deputy Director of Environmental Protection
Dr. Michael Chiu

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

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

Director of Lands
Mr. Patrick L.C. Lau

Director of Planning
Mrs. Ava S.Y. Ng

Absent with Apologies

Mr. David W.M. Chan

Mr. Nelson W.Y. Chan

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Mr. Edmund K.H. Leung

Professor Bernard Vincent W.F. Lim

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. K.Y. Leung

7. The Chairperson welcomed Members to the meeting. She said that the minutes of the 884th meeting held on 4.5.2007 had already been confirmed at the Board's meeting held on 18.5.2007, shortly before it was disrupted by the group mentioned in paragraph 2 above who forced their way into the meeting room and refused to leave. The meeting was resumed today to consider the Agenda Items 2 to 8.

Agenda Item 2

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

Matters Arising

- (i) Application for Judicial Review of the Town Planning Board's Decision to Exhibit the Draft Wong Nai Chung Outline Zoning Plan No. S/H7/12

8. The Secretary reported that on 25.4.2007, the Court of First Instance granted leave to an application lodged by Newick Limited, the owner of No. 20 Shan Kwong Road, for judicial review (JR) (No. HCAL 23/2007) of the Board's decision to exhibit the draft Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/12 under s.5 of the Town Planning Ordinance (the Ordinance) for public inspection. The draft OZP was exhibited on 8.12.2006 incorporating, inter alia, an amendment to rezone the subject site and adjacent sites at Shan Kwong Road from "Residential (Group B)" ("R(B)") (with no restriction on development intensity) to "R(B)6" with restrictions of a maximum plot ratio (PR) of 5 and building height (BH) of 115mPD.

9. The Secretary continued to say that the date for hearing of the JR had not yet been fixed. The Chairperson said that the Secretary would represent the Board on all matters relating to the JR in the usual manner. Members agreed.

(ii) Town Planning Appeal Received

Town Planning Appeal No. 8 of 2007
Proposed Comprehensive Development Comprising 'Office',
'Eating Place', 'Shop and Services' and
'Place of Recreation, Sports or Culture' in
"Comprehensive Development Area (1)" Zone, on the
Approved North Point Outline Zoning Plan No. S/H8/19
14-30 King Wah Road, North Point, Hong Kong
(Application No. A/H8/377)

10. The Secretary reported that an appeal against the decision of the Board to reject on review the captioned application was submitted to the Town Planning Appeal Board on 30.4.2007. The review application was rejected by the Board on 9.2.2007 for the reason that there was insufficient information to demonstrate that the proposed development, with the proposed development intensity and building height, would not result in adverse visual impact on the waterfront. The hearing date of the appeal was yet to be fixed. The Chairperson said that following the established practice, the Secretariat would act on behalf of the Board in dealing with the appeal. Members agreed.

(iii) Appeals Statistics

11. The Secretary reported that as at 18.5.2007, 23 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows:

Allowed	:	17
Dismissed	:	97
Abandoned/Withdrawn/Invalid	:	122
Yet to be Heard	:	23
Decision Outstanding	:	7
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Total	:	266

Agenda Item 3

[Open Meeting (Presentation and Question Session Only)]

Section 16 Application No. A/H5/356

Comprehensive Commercial and Residential Development with the Provision of Government, Institution and Community Facilities and Public Open Space in “Comprehensive Development Area” zone, Two Sites of Urban Renewal Authority’s Development Scheme at Lee Tung Street and McGregor Street, Wan Chai

(TPB Paper No. 7831)

[The hearing was conducted in Cantonese.]

12. The Secretary reported that as the planning application was submitted by the Urban Renewal Authority (URA), with Hyder Consulting Ltd. (Hyder) as one of its consultants, the following Members had declared interests in this item:

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)	
Mr. Walter K.L. Chan)	
Ms. Margaret Hsia		Being a co-opt member of the Planning,

as the Assistant Director (2) of the Home Affairs Department	Development and Conservation Committee of the URA
Mr. Michael K.C. Lai) Being a member of the URA Wan Chai District Advisory Committee, and the Chief Executive Officer of St. James Settlement, which had submitted comments on the application
Dr. Greg C.Y. Wong) Having current business dealings with the URA
Prof. Bernard Vincent W.F. Lim)
Dr. James C.W. Lau	Having current business dealing with Hyder

[Mrs. Ava S.Y. Ng left the meeting temporarily at this point.]

13. Members noted that Mr. Walter K.L. Chan, Professor Bernard Vincent W.F. Lim and Dr. James Lau had sent apologies for being unable to attend this meeting. Dr. Greg C.Y. Wong, Mr. Michael K.C. Lai, Mr. Patrick L.C. Lau and Ms. Margaret Hsia had not yet arrived to join the meeting, and Mrs Ava S.Y. Ng had already left the meeting temporarily.

14. The Secretary reported that immediately prior to and during this meeting and the Board's meeting on 18.5.2007, comments were received from various parties, including a group of local residents and business operators affected by the H15 project, a group of local residents concerning about the future of Wan Chai, Chairman of the Urban Renewal Taskforce of the Wan Chai District Council (WCDC), H15 Concern Group, and individual local residents. The earlier comments so received were dispatched to Members and those lately received prior to and during this meeting were tabled at the meeting for reference.

15. Members noted that the public comments were submitted out of time and should be treated as not having been made under the Town Planning Ordinance (TPO). Regarding some requests for the Board to defer the consideration of the application, the Chairperson said that in accordance with the rules and procedures established by the Board, reasonable grounds must be provided to support the request for deferment and the proposed deferment period should not be indefinite. Noting that there was insufficient justification provided and no specified period for deferment had been proposed, Members decided not to accede to the request. Regarding the

queries on why some submissions of further information by the applicant were exempted from the publication and recounting requirements, Members agreed to invite the representatives of the Planning Department (PlanD) to provide clarifications to the Board in the presentation session.

Presentation and Question Session

16. Ms. Christine Tse, District Planning Officer/Hong Kong and Ms. Donna Tam, Senior Town Planner/Hong Kong of the PlanD were invited to the meeting at this point.

17. The Chairperson extended a welcome and invited Ms. Christine Tse to explain whether and if so, why the various submissions of further information by the applicant were exempted from the publication and recounting requirements. Ms. Tse said that the various submissions of further information were mainly provided by the applicant in response to departmental and public comments on the proposed scheme. As those information mainly involved clarification on technical matters with no material change to the proposed development parameters, the Secretary under the delegated authority of the Board accepted that the further information could be exempted from the publication and recounting requirements, in accordance with the criteria set out in the Town Planning Board Guidelines No. 32. Noting the clarification, Member decided to proceed with the consideration of the application.

18. With the aid of a powerpoint presentation, Ms. Christine Tse covered the following main points as detailed in the Paper:

- (a) background to the application;
- (b) the proposed comprehensive commercial and residential development with the provision of Government, Institution and Community (GIC) facilities and public open space;
- (c) the proposed main development parameters and other key elements were summarised in paragraphs 1.4 and 2 of the Paper;
- (d) departmental comments – comments made by Government departments were summarised in paragraph 9 of the Paper. In gist, relevant Government

departments had no adverse comments on the traffic, environmental, water supplies, drainage and sewerage aspects, though some concerns were raised by the Antiquities and Monument Office (AMO), Leisure and Cultural Services Department (LCSD), Social Welfare Department (SWD) and Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD on preservation of historical buildings, tree preservation and replanting, provision of Residential Care Home for the Elderly (RCHE), and some technical details of the Air Ventilation Assessment (AVA) respectively;

- (e) 279 public comments were received during the statutory publication period: 5 were in support of, while the remaining objected to or provided comments/suggestions on the application. The public comments were summarised in paragraph 10.6 of the Paper. The main grounds of objections and comments were that no concrete measures were proposed to preserve the social network; not in line with the planning intention and ‘people-centred’ approach; re-creation of shop houses at Lee Tung Street was not true preservation; proposed development intensity and building height were excessive; public open space and public street should be excluded from plot ratio (PR) calculation; proposed parking provision was excessive and proposed vehicular thoroughfare at Amoy Street/Queen’s Road East (QRE) was not supported; proposed open space could not address the open space deficiency in the neighbourhood; no solid suggestion on tree transplantation; the landing steps at Amoy Street should be preserved; the consultation period was too short and the consultation was not genuine; public participation in the implementation of scheme should be allowed; and further assistance to the affected business operators should be provided. Those in support of the application considered that the existing buildings were old, dangerous and in poor sanitary conditions and should be demolished, and the living conditions of the residents should be improved; and

- (f) PlanD’s view – PlanD had no objection to the application for reasons stated in paragraph 11.1 of the Paper. The proposed development was in line with the planning intention of the “Comprehensive Development Area” (“CDA”) site to achieve environmental improvement through comprehensive redevelopment, restructuring the land use pattern, promoting efficient land

use and providing public open space, and was generally in compliance with requirements set out in the endorsed Planning Brief (PB). The special layout design adopted with stepped height design, buildings setback from the main roads, and provision of sky garden and green façade of the tower blocks, etc. would help create a more interesting profile and increase visual permeability. The three Grade II historical buildings at Nos. 186-190 QRE would be preserved for adaptive re-use. While the conservation of the existing tenement buildings along Lee Tung Street was not recommended in the structural assessment, the streetscape of Lee Tung Street would be preserved in the future building design through maintaining the height, scale and style of the shop-houses, with rows of small shops. A central open space would be provided as a focal point to enhance social integration, and commercial/community floor spaces for social enterprises. The provision of 3,000m² public open space greatly exceeded the PB requirement and would help alleviate the shortfall of local open space in the area. The proposed open space network and footpath widening would provide north-south and east-west linkages and help improve the pedestrian circulation in the area. The provisions of various GIC facilities were agreeable to relevant Government departments. Comments/concerns raised by AMO, CTP/UD&L, LCSD and SWD could be addressed by imposition of approval conditions.

19. Members raised the following questions/comments:

Development Intensity

- (a) whether divergent lanes/streets were included in the site area for PR calculation, resulting in excessive development intensity in the proposed scheme;
- (b) the increase in net site areas and gross floor area (GFA) of the proposed development if Lee Tung Street was included in PR calculation;

Traffic Aspects

- (c) whether the proposed car parking provision was excessive, noting the proximity of the application site to the Mass Transit Railway (MTR) station;

- (d) referring to paragraph 9.1.1 (d) of the Paper, whether the applicant had obtained the owners' consent for the proposed road improvement works at the southern portion of Amoy Street;
- (e) whether there was any parking and loading/unloading (L/UL) provision for the RCHE and how the RCHE in Site B would be connected to Site A;

Preservation Aspects

- (f) whether the landing steps at the junction of Amoy Street and QRE, which were the remaining original steps along the original Wan Chai seashore could be preserved together with the three Grade II historical buildings at Nos. 186-190 QRE as a whole;
- (g) whether Tower B at Site A was too close to the three historical buildings at QRE and whether a wider buffer between the historical buildings and the residential tower could be provided;
- (h) noting the applicant's proposals of including small shops and small units to provide the opportunity for the original residents and business to purchase/return and of providing commercial/community floor spaces for social enterprises to preserve the social network, whether there was any mechanism to ensure that the proposals would be implemented;
- (i) the Board had repeatedly requested the applicant to pay due regard to the need for preserving the local character and social network in the preparation of the development proposal. It would be the responsibility of the applicant to implement the planning intention of the Board;
- (j) whether the street stalls along Cross Street and Tai Yuen Street would be affected by the proposed development, which would also affect the existing social network;

Air Ventilation

- (k) clarification was sought on the findings of the AVA summarised in paragraph

9.1.3 of the Paper;

GIC Facilities and Open Space Provision

- (l) noting that the RCHE was proposed to be located above the Refuse Collection Point (RCP) in Site B, whether there were any measures to deal with the possible odour/ventilation problem; and
- (m) whether the existing Sam Pan Street Sitting-out Area could be integrated with the proposed open space in Sites A and B.

20. In response to Members' queries, Ms. Christine Tse made the following main points:

Development Intensity

- (a) the total site area was about 8,900m². The divergent lanes/streets and the existing Amoy Street Sitting-out Area were excluded from the site area, and the net site area for PR calculation was thus about 8,214m². The concern of the local residents was mainly on the inclusion of Lee Tung Street for PR calculation;
- (b) Lee Tung Street had a site area of about 1,000m². Taking a PR of 9, the resultant increase in GFA due to the inclusion of Lee Tung Street in the net site area was estimated at 9,000-10,000m²;

Traffic Aspects

- (c) the proposed car parking provision followed the HKPSG requirements and had been adjusted in light of the proximity to the MTR station. The proposed 80 short-term parking spaces were to meet the shortfall for public car parks in the Wan Chai district;
- (d) the applicant only indicated that consideration might be given to connecting Amoy Street with QRE, but it did not form part of the proposed traffic arrangement under the current scheme;
- (e) a parking and L/UL bay would be provided for the use of the RCHE. The

RCHE would be connected to Site A either via the existing Sitting-out Area at Sam Pan Street, through Spring Garden Lane to the public open space at Site A, or via the widened footpath at Cross Street, through the planned landscaped area at junction of Cross Street/Spring Garden Lane to Site A;

Preservation Aspects

- (f) an approval condition was recommended requiring the applicant to submit a conservation plan for the historical buildings to be preserved;
- (g) the historical buildings would be left intact, and be connected to the 4-storey commercial podium, upon which residential Tower B would be built. The suggestion of providing a wider buffer between the historical buildings and the residential tower had been explored, but not pursued by the applicant in consideration that it would adversely affect the provision of the proposed central open space;
- (h) the implementation details were not included in the planning application. The land use proposals contained in the MLP were in line with the planning intention of preserving the local character and social network;
- (i) some market stalls along Cross Street and Tai Yuen Street would be affected by the URA project at Tai Yuen Street, but the subject project would not affect the remaining stalls;

Air Ventilation

- (j) the AVA generally followed the guidelines and requirements of the Technical Guide on AVA issued by the Government. From the AVA findings, the proposed development had, in general, improved the overall ventilation within the assessment area. The proposed development might however reduce ventilation for some spots around the project. The applicant had proposed mitigation measures to address these problem areas, but the effectiveness of such measures was yet to be demonstrated. An approval condition was thus recommended, requiring the applicant to submit a revised AVA and implement the mitigation measures identified therein with the detailed design. Should there be major changes to the layout of the

residential towers arising from the revised AVA, the applicant would need to submit an application for amendments to the approved scheme for consideration by the Board;

GIC facilities and Open Space Provision

- (k) regarding the juxtaposition of the RCHE and the RCP, the applicant had proposed to add a commercial/community floor above the RCP to separate it from the RCHE. Separate access for visitors to the RCHE would be provided. The windows of the RCHE would be facing the existing Sitting-out Area at Sam Pan Street, providing a more tranquil living environment; and
- (l) the applicant had indicated the intention to join effort with the relevant Government departments to integrate the existing Sam Pan Street Sitting-out Area with the proposed open space in Sites A and B. The applicant was also willing to landscape the existing public toilet at junction of Cross Street/ Spring Garden Lane upon its re-provisioning at Site B.

21. The Chairperson said that in considering the planning application, the focus should be on the merits of the proposed scheme. It would not be appropriate for the Board to get involved in the implementation aspects, which were matters outside the ambit of the TPO. Such matters should be dealt with administratively by Government.

22. As Members had no further question to raise, the Chairperson thanked PlanD's representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

23. Members' views were summarized as follows:

- (a) while the Board supported the 'People-centred' approach and the need to preserve the social network, it could only vet the land use proposal, i.e. the 'hardware' of the proposed scheme, but not the implementation mechanism, i.e. the 'software' of achieving the planning intention of preserving the social network. The applicant should be requested to pay due regard to

re-establishing the social network upon the redevelopment;

- (b) the affected tenants and business operators might have relocated elsewhere during the redevelopment, which took years to complete. In considering a planning application, the Board should strike a balance between the merits of the proposed scheme and the local concern;
- (c) the Board should exercise its power within the confine of the TPO, and should not take up the role of an implementation agent;
- (d) it was inevitable that a redevelopment scheme was objected by some and supported by others. Due consideration should be given to the fact that the current scheme was supported by the WCDC and some local residents;
- (e) consideration might be given to increasing the proposed number of public car parks, while reducing those for residents in view of the proximity of the application site to the MTR station. The car parking provision would be adequate if it could satisfy the minimum requirement stipulated in the HKPSG; and
- (f) locating residential Tower B on the top of a 4-storey commercial podium at the back of the three historical buildings was considered acceptable. The historical buildings, the 4-storey commercial podium and the residential tower were well integrated in the proposed scheme. Similar arrangements for integrating historical buildings and new buildings were found in overseas countries, such as Vancouver.

24. The Chairperson said that through the “CDA” zoning on the OZP, the Board had clearly indicated its planning intention of achieving environmental improvement through comprehensive redevelopment of the area. The existing buildings were dilapidated and in poor sanitary conditions and their redevelopment would be beneficial to the society at large. The Board was not the implementation agent, and control on implementation matters should be dealt with by the relevant Government departments.

25. Members generally supported the redevelopment proposal, noting that the applicant

had made genuine efforts to address local concerns, and come up with a scheme that could satisfy the requirements set out in the approved PB.

26. After further deliberation, the Board decided to approve the Master Layout Plan (MLP) and the application, under sections 4A and 16 of the Town Planning Ordinance, on the terms of the application as submitted to the Board. The permission should be valid until 22.5.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission and implementation of a revised MLP to take into account the approval conditions as stated in paragraphs (b) to (k) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the design and provision of car parking facilities, loading/unloading bays and laybys, vehicular access points, divergent streets/lanes and pedestrian connection for the proposed development to the satisfaction of the Commissioner for Transport and Director of Highways or of the Town Planning Board;
- (c) the implementation of the junction and road improvement works as proposed by the applicant to the satisfaction of the Commissioner for Transport and Director of Highways or of the Town Planning Board;
- (d) the provision of a residential care home for the elderly and day care unit to the satisfaction of the Director of Social Welfare or of the Town Planning Board;
- (e) the reprovisioning of a public toilet and a refuse collection point within the application site to the satisfaction of the Director of Food and Environmental Hygiene or of the Town Planning Board;
- (f) a reprovisioning public open space for the Amoy Street Sitting-out Area with an area not less than 335m² to be handed over to the Leisure and Cultural Services Department for future maintenance and management as well as the

provision of public open space to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;

- (g) the submission and implementation of a tree preservation and tree replanting scheme and a landscape master plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (h) the submission of a conservation plan for the buildings to be preserved within the application site to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;
- (i) the submission of a revised air ventilation assessment and the implementation of mitigation measures identified therein to the satisfaction of the Director of Planning or of the Town Planning Board;
- (j) the submission and implementation of drainage diversion proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (k) the design and provision of water supplies for fire fighting and fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

27. The Board also agreed to advise the applicant of the following:

- (a) to consider how best to promote and preserve the social network;
- (b) that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the Town Planning Board and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (c) to seek prior consent from the owners of IL 4337 RP (No. 8 Amoy Street) and

IL 4341 RP (No. 16 Amoy Street) for the proposed upgrading works at the southern portion of Amoy Street;

- (d) to seek prior consent from the Director of Leisure and Cultural Services for the release of the Amoy Street Sitting-out Area and on the proposed upgrading of Sam Pan Street Sitting-out Area, and to seek prior consent from the Director of Food and Environmental Hygiene for the release of the Spring Garden Lane Refuse Collection Point;
- (e) the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Fire Fighting and Rescue administered by the Buildings Department;
- (f) to liaise with relevant Government departments on the landscape works on public pavement;
- (g) to observe the guidelines as stipulated in the Environment, Transport and Works Bureau Technical Circular (Works) No. 3/2006 and to forward detailed tree survey report with photos of individual trees to the Lands Department and relevant Government departments if tree felling was involved;
- (h) to provide a waterworks reserve within the centreline of the water main to the Water Supplies Department and to undertake diversion works if required;
- (i) to note the Code of Practice for Residential Care Homes (Elderly Persons) that no RCHE should be accommodated on top of certain commercial uses such as cinemas;
- (j) to clarify the management and maintenance responsibilities of the areas to be landscaped and improved by URA with relevant departments;
- (k) to arrange road closure of Lee Tung Street, McGregor Street and various rear lanes for gazettal/authorization under the Roads (Works, Use and Compensation) Ordinance (Cap. 370); and

- (l) to take note of Director of Environmental Protection’s advisory/technical comments on the Environmental Assessment Report at Appendix III of the Paper to address the deficiencies.

[Mr. Michael K.C. Lai and Ms. Margaret Hsia arrived to join, while Mr. B.W. Chan left, and Dr. C.N. Ng temporarily left the meeting at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/H15/221

Minor Relaxation of Building Height Restriction in “Other Specified Uses” annotated “Business (1)” zone, 2 Heung Yip Road, Wong Chuk Hang – Aberdeen Inland Lot 374
(TPB Paper No. 7830)

[The hearing was conducted in Cantonese.]

28. The Secretary reported that the application was submitted by a subsidiary of Wheelock Properties (Hong Kong) Ltd. (Wheelock). Dr. Greg Wong had declared an interest in this item as he had current business dealings with Wheelock. Members noted that Dr. Greg Wong had not yet arrived to join the meeting.

Presentation and Question Session

29. Ms. Christine Tse, District Planning Officer/Hong Kong of the Planning Department (PlanD) and the following applicant’s representatives were invited to the meeting at this point:

Mr. Frankie Cheng)	Applicant’s Representatives
Mr. M.Y. Wan)	
Ms. Mabel Lam)	

30. The Chairperson extended a welcome and explained briefly the procedures of the

review hearing. The Chairperson then invited Ms. Christine Tse to brief Members on the background to the application.

31. With the aid of a powerpoint presentation, Ms. Christine Tse covered the following main points as detailed in the Paper:

- (a) the reasons for the Metro Planning Committee (MPC) to reject the application on 2.2.2007 as set out in paragraph 1.2 of the Paper;
- (b) a previous application for hotel development (No. A/H15/207) with a building height (BH) of 134.7mPD was approved with conditions on 17.12.2004, i.e. prior to imposing the height restriction on the OZP. The previously approved scheme would not be affected by the BH restriction subsequently imposed on the OZP. The current application should however be considered as a new application under the prevailing OZP restrictions as it involved an industrial development, not a hotel;
- (c) departmental comments – the Architectural Services Department (ArchSD) had reservation on the application as the proposed development would still look visually massive and the design merit might not be adequate to significantly reduce the visual mass. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD did not support the application on the ground that the proposed scheme did not involve any remarkable urban design and visual merits. The Transport Department (TD) also did not support the application as the proposed 37 car parking space and 37 loading and unloading (L/UL) bays did not comply with the latest requirements as stated in the Hong Kong Planning Standards and Guidelines (HKPSG), which should be 91 and 40 respectively;
- (d) three public comments on the review application were received during the statutory publication period, raising objection mainly on the grounds of setting a precedent for other similar applications, and contravening the objective of imposing BH restriction and the aspirations of the local community for lower BH profile for the area; and

- (e) PlanD's view – PlanD did not support the application for reasons stated in paragraph 5.1 of the Paper. There were insufficient planning and design merits to justify the proposed BH relaxation. The approval of the application would set an undesirable precedent for similar applications. The proposed number of parking and L/UL provision did not comply with the HKPSG requirements.

32. The Chairperson then invited the applicant's representatives to elaborate on the application.

33. With the aid of a powerpoint presentation and some materials tabled at the meeting, Mr. Frankie Cheng made the following main points:

- (a) further information (FI) in support of the application had been withdrawn by the applicant owing to the decision of the Board's Secretary that the FI needed to be published for public comments which in turn would delay the subject application. There was an urgency for the applicant to ascertain whether the proposed minor relaxation of height restriction was allowed by the Board as piling work at the site was now underway;
- (b) when the draft OZP was exhibited on 24.3.2006 and a BH restriction of 120mPD was imposed on the subject site, the applicant had made a representation against the BH restriction. During hearing of the representation, the applicant had demonstrated to the Board that erection of a building up to 134.7mPD would not cause any adverse visual impact and defeat the principal objectives for imposing BH restrictions in Wong Chuk Hang Business Area (WCHBA) nor in contravention of the major principles adopted in formulating the BH concepts;
- (c) after hearing the representation, the Board had decided not to propose any amendment to the OZP but considered that "a relaxation of the BH restriction 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";

- (d) the proposed building would be set back at the ground level to allow a wider pavement along Heung Yip Road and Yip Fat Street. There would be a 5.3m high sky garden to improve the natural ventilation of the surrounding areas. Greening would be provided on the 4/F flat roof, main roof and setback area at ground level. The pleasant building design would bring about improvement to the townscape. ArchSD's view that the merits were not "too sufficient" was unreasonable and not in line with the previous consideration of the representation by the Board as stated in (c) above;
- (e) the building design of the proposed industrial building was almost identical to the previously approved hotel development in terms of BH and the layout of the tower. It was unjust for ArchSD to change its former stance;
- (f) CTP/UD&L's comments that the merits of the proposed development were not "remarkable" had not been elaborated and were also not in line with the previous consideration of the representation by the Board as stated in (c) above;
- (g) as to TD's comments, the applicant was willing to provide parking and L/UL in accordance with the HKPSG and an approval condition to that effect could be imposed by the Board;
- (h) in response to PlanD's view that the approval of the application would set an undesirable precedent for similar applications in the area, it should be noted that there were only six sites including the subject site in the southern side of Wong Chuk Hang Road which had been granted planning permission with BH exceeding 120mPD. Other sites without similar planning history could not cite this as precedent. Approval of the application would not give rise to any cumulative effect defeating the planning objective of imposing the BH restrictions in the WCHBA;
- (i) the current submission had met the criteria for minor relaxation as stipulated in the Explanatory Statement of the OZP in the light of the design merits of the current scheme and its improvement to townscape;

- (j) the proposed 3.85m floor height for the typical floors was designed to allow better penetration of natural lighting and ventilation which would provide a better working environment. A floor height of 6m for the 1/F and 2/F was necessary to facilitate the provision of L/UL spaces and/or lorry parking; and
- (k) with respect to the public comments on the application, the proposed BH of 134.7mPD would not defeat the objective of imposing the BH restriction nor create an undesirable precedent.

34. In response to a Member's enquiry, Ms. Christine Tse explained that in imposing the BH restriction in the WCHBA in early 2006, the Board was mindful that there were a number of sites that had already obtained planning approval for development with their BH exceeding the recommended restrictions, including the subject site. To respect the development rights of the lot owners, the Board had agreed that the previously approved schemes would not be affected by the BH restrictions subsequently set out in the OZP, unless there were major amendments to the approved schemes. She added that the imposition of two height bands in the WCHBA to the southern and northern side of Wong Chuk Hang Road was to create a stepped height profile with a discernible townscape for the area. Minor relaxation of BH should only be allowed unless there were strong justifications and design merits. Notwithstanding the previously approved hotel development, the current application involved the development of an industrial building exceeding the stipulated height limits on the OZP and should therefore be considered as a new application under the prevailing OZP restriction.

35. 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.

[Mr. Patrick L.C. Lau arrived, and Mrs. Ava S.Y. Ng returned to join the meeting at this point.]

Deliberation Session

36. Some Members considered that the current scheme had some improved design

features but they were not sufficient to merit a relaxation of the BH restrictions. Also, without tangible and concrete justifications, the proposed typical floor height of 3.85m which resulted in the overall BH to be exceeded was considered unjustified.

37. The Chairperson summed up that in requesting the Board to allow minor relaxation of the current BH restrictions on the OZP, the applicant had to provide sufficient information and justifications to demonstrate the planning and design merits of his application. There were insufficient planning and design merits in the current application to justify such a relaxation. As to the applicant's reference to the previously approved BH of 134.7mPD, the previously approved scheme for hotel development would not be affected by the BH restrictions subsequently imposed on the OZP, but new development proposal for industrial use had to comply with the current restrictions on the OZP. In other words, a BH of 134.7mPD for the subject site should not be taken as applicable to all types of developments. Members agreed.

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

- (a) there were insufficient planning and design merits to justify the proposed relaxation of building height restriction;
- (b) the number of parking and loading/unloading provision for the industrial development did not comply with the requirements in the Hong Kong Planning Standards and Guidelines; and
- (c) the approval of the application would set an undesirable precedent for similar applications for minor relaxation of building height in the Wong Chuk Hang Business Area.

[Dr. Greg C.Y. Wong arrived, and Dr. C.N. Ng returned to join, the meeting, while Ms. Anna S.Y. Kwong, Ms. Margaret Hsia and Dr. Michael Chiu left the meeting at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/TM-LTYT/149

Proposed Temporary Car Park (Private Car) for a Period of 3 Years in “Residential (Group B)2” zone, Lot 2291 in DD 124 and Adjoining Government Land, Lam Tei, Tuen Mun (TPB Paper No. 7833)

[The hearing was conducted in Cantonese]

Presentation and Question Session

39. The Chairperson said that reasonable notice on the date of the review hearing had been given to the applicant, but the applicant had indicated that he would not attend or be represented at the meeting. Members agreed to proceed with the hearing in the absence of the applicant.

40. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD) was invited to the meeting at this point.

41. The Chairperson extended a welcome and invited Mr. Wilson So to brief Members on the background to the application.

42. With the aid of some plans, Mr. Wilson So covered the following main points as detailed in the Paper:

- (a) the reason for the Rural and New Town Planning Committee (RNTPC) to reject the application on 2.2.2007 as set out in paragraph 1.2 of the Paper;
- (b) further information submitted by the applicant in support of the review application as summarised in paragraph 3 of the Paper;
- (c) departmental comments – the Transport Department (TD) had reservation on the proposed new ingress/egress (I/E) onto Castle Peak Road with 70km per hour speed limit;
- (d) three public comments on the review application were received during the

statutory publication period, raising objection mainly on the grounds of jeopardising the interest of the occupier of the two structures (under Permit No. Y9105) located partly within the site; traffic and road safety concerns; and environmental nuisance to the residential dwellings in the vicinity; and

- (e) PlanD's View – PlanD did not support the application for reason as detailed in paragraph 6.1 of the Paper in that there was insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic impacts on the Castle Peak Road.

43. As Members had no question to raise, the Chairperson thanked PlanD's representative for attending the meeting. He left the meeting at this point.

Deliberation Session

44. After deliberation, the Board decided to reject the application on review for the reason that there was insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic impacts on the surrounding areas.

Agenda Item 6

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-KTS/245

Proposed House (New Territories Exempted House (NTEH) – Small House) in

“Agriculture” zone, Lot 1380B1RP in DD 100, Chan Uk Po, Sheung Shui

(TPB Papers No. 7832)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

45. The Chairperson said that reasonable notice on the date of the review hearing had been given to the applicant, but the applicant had indicated that he would not attend or be represented at the meeting. Members agreed to proceed with the hearing in the absence of the applicant.

46. Ms. Stephanie Lai, Senior Town Planner/Sha Tin, Tai Po and North of the Planning Department (PlanD) was invited to the meeting at this point.

47. The Chairperson extended a welcome and invited Ms. Stephanie Lai to brief Members on the background to the application.

48. With the aid of some plans, Ms. Stephanie Lai covered the following main points as detailed in the Paper:

- (a) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 19.1.2007 as set out in paragraph 1.2 of the Paper;

- (b) further information submitted by the applicant in support of the review application as summarised in paragraph 3 of the Paper;
- (c) departmental comments – the Lands Department did not support the application as the application site was outside the village ‘environs’ (‘VE’) of Chan Uk Po Village and not covered by any Modification of Tenancy/ Building Licence. The Transport Department had reservation on the application as it would set an undesirable precedent for similar applications in the future, and the resulting cumulative adverse traffic impact could be substantial. The Agriculture, Fisheries and Conservation Department did not favour the application as there were active farming activities in the areas and potentials for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the application as the proposed development was considered not compatible with the surrounding landscape character;
- (d) one public comment on the review application was received during the statutory publication period, raising objection mainly on the grounds of contravening the planning intention, and possible environmental, traffic, fire safety and sewerage impacts; and
- (e) PlanD’s view – PlanD did not support the application for reasons as detailed in paragraph 6.1 of the Paper. The proposed development did not meet the Interim Criteria for assessing planning application for NTEH/Small House development in the New Territories (Interim Criteria) in that the application site fell outside both the ‘VE’ and the “Village Type Development” zone of Chan Uk Po Village. It was not in line with the planning intention of the “Agriculture” zone and would set an undesirable precedent for similar applications in the future.

49. In response to a Member’s query, Ms. Stephanie Lai referred Members to Plan R-1 of the Paper which showed the boundaries of the ‘VE’ and “V” zone of Chan Uk Po Village. The application site was located at a distance from the ‘VE’ and “V” zone and the application did not meet the Interim Criteria.

50. As Members had no further question to raise, the Chairperson thanked PlanD's representative for attending the meeting. She left the meeting at this point.

Deliberation Session

51. A Member asked whether the District Lands Office would assist the indigenous villagers in identifying land for Small House development, noting that there was a general shortage of land in meeting the Small House demand. Mr. Patrick L.C. Lau said that the applicant might explore other private land and Government land within the "V" zone and 'VE' for Small House development.

52. Members noted from the aerial photo in Plan R-3 of the Paper that the application site was covered with vegetation and there were still active farming activities in the areas.

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

- (a) the proposed Small House development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the footprint and the application site of the proposed Small House fell outside both the village 'environ' and "Village Type Development" zone of Chan Uk Po Village;
- (b) the use under application was not in line with the planning intention of the "Agriculture" zone for the area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation. There was no strong justification in the submission for a departure from the planning intention; and
- (c) the approval of the application would set an undesirable precedent for similar applications in the future, resulting in further encroachment on good agricultural land and substantial cumulative adverse traffic impact in the area.

Agenda Item 7

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

Submission of the Draft Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan No. S/K11/21A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance
(TPB Papers No. 7832)

54. The Secretary briefly introduced the Paper.
55. After deliberation, the Board:
- (a) agreed that the draft Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (OZP) No. S/K11/21A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;
 - (b) endorsed the updated Explanatory Statement (ES) for the draft Tsz Wan Shan, Diamond Hill and San Po Kong OZP No. S/K11/21A at Annex III of the Paper 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 was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 8

Any Other Business

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

56. There being no other business, the meeting was closed at 12:35 p.m.