

**Minutes of 911st Meeting of the
Town Planning Board held on 16.5.2008**

Present

Permanent Secretary for Development (Planning and Lands)
Mr. Raymond Young

Chairman

Dr. Greg C.Y. Wong

Vice-Chairman

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor N.K. Leung

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Mr. K.Y. Leung

Mr. Rock C.N. Chen

Dr. Winnie S.M. Tang

Deputy Director of Environmental Protection
Dr. Michael Chiu

Director of Lands
Miss Annie Tam

Director of Planning
Mrs. Ava S.Y. Ng

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

Secretary

Absent with Apologies

Professor Bernard V.W.F. Lim

Ms. Maggie M.K. Chan

Professor Paul K.S. Lam

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. Maurice W.M Lee

Mr. Timothy K.W. Ma

Professor Edwin H.K. Chan

Dr. Ellen Y.Y. Lau

Principal Assistant Secretary (Transport),
Transport and Housing Bureau

Ms. Ava Chiu

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. C. T. Ling (a.m.)
Ms. Christine Tse (p.m.)

Senior Town Planner/Town Planning Board
Mr. Ivan Chung (a.m.)
Mr. W.S. Lau (p.m.)

1. The Chairman extended a welcome to Members.
2. The Chairman suggested discussing the first item under Matters Arising before discussing other agenda items. Members agreed.

Agenda Item 2

Matters Arising (MA)

3. The first MA item was recorded under separate confidential cover.

Agenda Item 1

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

Confirmation of Minutes of the 909th Meeting held on 25.4.2008

4. The minutes of the 909th meeting held on 25.4.2008 were confirmed subject to the following amendments:

- (a) 6th line in para. 29 to be amended as “.... stationed in *Canada* for the AVA study”; and
- (b) 11th to 13th lines in para. 33 to be amended as “.... a maximum coverage *ranging from 33.33% to 40%* for residential buildings of over *61m in height and from 60% to 65% for commercial buildings of over 61m in height*”.

Agenda Item 2

Matters Arising (MA) (cont'd)

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

- (ii) Town Planning Appeal Decision Received

Town Planning Appeal No. 6 of 2007

Proposed House (New Territories Exempted House (NTEH) (Small House) in “Agriculture” Zone, Lots 329 S.B ss.1 and 330 R.P. in D.D. 10, Chai Kek Village, Lam Tsuen, Tai Po
(Application No. A/NE-LT/365)

5. The Secretary reported that the appeal was against the Board’s decision to reject on review an application (No. A/NE-LT/365) for proposed house (New Territories Exempted House (NTEH) (Small House) on a site zoned “Agriculture” (“AGR”) on the Lam Tsuen Outline Zoning Plan. The appeal was heard by the Town Planning Appeal Board (TPAB) on 24.1.2008 and dismissed on 29.4.2008 on the grounds that:

- (a) the proposed development would not be in line with the planning intention of the “AGR” zone;
- (b) the proposed development did not comply with the Interim Criteria for assessing planning applications for NTEH/Small House development; and
- (c) the proposed development was located within the water gathering grounds (“WGG”) and there was no existing nor planned public sewerage system to which the proposed development could be connected to.

6. The Secretary said that a copy each of the Summary of Appeal and the TPAB’s decision dated 29.4.2008 had been sent to Members for reference on 15.5.2008.

(iii) Appeal Statistics

7. The Secretary reported that as at 16.5.2008, 12 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows:

Allowed	:	23
Dismissed	:	108
Abandoned/Withdrawn/Invalid	:	129
Yet to be Heard	:	12
Decision Outstanding	:	0

Total: 272

Agenda Item 3

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

Study on Land Use Planning for the Closed Area

(TPB Paper No. 8092)

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

8. The following Members declared an interest on this item:

Dr. C.N. Ng] for being members of an expert group
Mr. Alfred Donald Yap] advising the Study on Land Use Planning for] the Closed Area

9. Members considered their interests were indirect and remote and agreed that they could remain in the meeting and continue to participate in the discussion.

10. The following representatives from the Planning Department (PlanD) and study consultants were invited to the meeting at this point:-

Mr. Raymond W.M. Wong	Assistant Director of Planning/Territorial, PlanD
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Mr. Davis Lee) Ove Arup & Partners HK Ltd. (Ove Arup)
Mr. Eric Chan)
Ms. Theresa Yeung)
Mr. Sam Tsoi)
Mr. Geoff Carey)
Ms. Ellen Cameron)
Ms. Fanny Wong)

Mr. Alex Wang)
Ms. Veronica Choi)
Mr. W.L. Lee)

11. The Chairman extended a welcome and invited the representatives to brief Members on the Paper.

12. With the aid of a powerpoint presentation and a video, Mr. Raymond W.M. Wong briefly explained the background of commissioning Ove Arup to undertake the Study on Land Use Planning for the Closed Area (the Study) and the current position of the Study. The objective of the Study was to formulate a planning framework to guide the conservation and development of the large area to be released from the Frontier Closed Area (FCA). The consultants would brief Members on the details of the draft Concept Plan.

13. With the aid of Powerpoint slides, Ms. Theresa Yeung covered the following main points:

Study Area

- (a) the Study Area was situated at a strategic location in the northern part of the New Territories, with the city centre of Shenzhen to its immediate north. It spanned approximately 18km from Starling Inlet in the east to Deep Bay in the west. The Study Area was predominantly rural in nature, comprising mostly wetland, natural landscape, hilly terrain, woodland, agriculture with scattered pockets of flat land and village settlements;

Study Methodology

- (b) key tasks of the Study included baseline and land use review, identification of constraints and development potential, formulation of a concept plan and associated technical assessments and formulation of a development plan. A 2-stage community engagement programme would be carried out;

Initial Public Views

- (c) public views collected through initial consultation with major stakeholders had all been taken into account in the formulation of the draft Concept Plan.

The public views broadly included: to strengthen nature conservation, to respect indigenous villagers' rights, to promote heritage and eco-tourism, to enhance investment opportunity and cross-boundary cooperation, to encourage development and to improve local transport linkage and infrastructural provision;

Strategic context and vision

- (d) suitable development to capitalize on the strategic boundary location could be concentrated in selected areas such as the vicinity of boundary control points, Lok Ma Chau (LMC) Loop close to the Shenzhen Futian commercial area and the New Development Areas (NDAs) at Kwu Tung North, Fanling North and Ping Che/Ta Kwu Ling. Taking into account its character, the Study Area could function as a "Green Buffer" between Hong Kong and Shenzhen. On this premise, the vision of the Study Area was proposed to be a "Belt of Conservation, Cultural Heritage and Sustainable Uses between Hong Kong and Shenzhen";

Draft Concept Plan

- (e) Draft concept Plan comprised the following themes:

Theme 1: Strengthening Nature Conservation

- protection of areas with high ecological value;
- protection of areas with high quality landscape;
- protection of fish ponds/wetlands;
- protection of agricultural land;
- protection of sites of special scientific interest;
- protection and strengthening of ecological link to maintain biodiversity;
- provision of hiking trails, bicycle routes and lookout points;

Theme 2: Conserving Cultural Heritage Resources

- revitalization of individual POINTS (i.e. individual built heritage) of cultural heritage attraction;
- development of LINES (i.e. a trail) to link up points within a cultural heritage cluster;

- extension of lines to form a SURFACE (i.e. an area) with several cultural heritage clusters;

Theme 3: Promoting Sustainable Uses

- identification of appropriate scale/form of development at suitable locations, e.g. eco-lodge at Ma Tso Lung, low density residential development at Kong Nga Po;
- integration of appropriate developments inside and outside the Study Area, e.g. development corridor along LMC boundary control point and its connecting roads, land for hi-tech production activities/tertiary education, new development areas at Kwu Tung North and Ping Che/Ta Kwu Ling;
- improvement and enhancement of cross-boundary traffic movements, e.g. Liantang control point proposal;
- identification of suitable sites for sustainable and orderly village development;
- improvement of infrastructural provision;
- enhancement of social well-being; and

Community Engagement Programme

- (f) a two-stage community engagement programme would be carried out, viz. the first stage on the draft Concept Plan, (from mid-May to August 2008) and the second stage on the draft Development Plan (to start in early 2009). The proposals in the draft Concept Plan would be refined taking into account the public comments received during the first stage community engagement. Detailed technical assessments would be undertaken to formulate a Draft Development Plan for the second stage community engagement. The Study was scheduled for completion in mid-2009.

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

14. Members supported the commencement of the Study with an objective to formulate a land use planning framework to guide the conservation and development of the area to be released from the FCA, and generally expressed support to the vision and planning themes of the Study Area. Pertaining to specific issues, some Members had the following

views and comments:

- (a) how to ensure some recommended developments (e.g. residential developments at Kong Nga Po) and the associated infrastructure development (e.g. connecting roads) would not adversely impact their neighbouring natural landscape area and woodland;
- (b) any possible locations within the Study Area for accommodating the hi-tech production industries as proposed in the draft Concept Plan;
- (c) upon opening up of the FCA, how to ensure the existing rural landscape and natural environment would not be degraded in the face of development pressure and in what ways would development control be carried out by PlanD;

[Dr. Winnie S.M. Tang left the meeting temporarily at this point.]

- (d) to ensure a comprehensive and realistic picture of the future development of the Study Area be presented to the public, the future cross-boundary links running through the Study Area and the possible roads connecting the recommended developments should be shown to the public during public consultation;
- (e) the Study Area was the last undeveloped land in Hong Kong. Given the scarcity of land resources, careful planning was required so that the Study Area could be planned to meet the future needs of Hong Kong in a balanced manner;
- (f) as the Study Area was situated next to Shenzhen, it was important to take due account of the planned developments and the road networks in Shenzhen and Guangdong as a whole. This would help ensure the future plan of the FCA to fit in with the development of our neighbouring city;
- (g) designation of country park at Robin's Nest was supported. Consideration

should be given to integrating the Site of Special Scientific Interest (SSSI) at Lin Ma Hang Stream as part of the proposed country park at Robin's Nest because country park would provide more stringent enforcement and control than the SSSI; and

- (h) any idea on how to enhance the ecological link between the Robin's Nest and Pat Sin Leng Country Park.

15. Mr. Raymond W.M. Wong, Ms. Theresa Yeung and Mr. Geoff Carey made the following responses:

- (a) the recommended location for developments within the Study Area were preliminary in the draft Concept Plan. The feasibility of developing these recommended locations as well as how to address the interface issues of these recommended sites with their surroundings would be subject to more detailed assessments, including ecological and landscape impact assessments, during the formulation of draft Development Plan;
- (b) the preliminary thinking was that LMC Loop might be a possible development area which might cater for hi-tech production activities as it was a piece of formed land in proximity to the LMC boundary control point. Notwithstanding, a host of development and feasibility issues would need to be further addressed in a separate study to be commissioned this year;
- (c) the Study aimed at formulating a land use planning framework to guide the conservation and development of the Study Area. The finalized land use proposals would be reflected in the Development Permission Area plans within which the Planning Authority would be empowered to undertake enforcement action under the Town Planning Ordinance;
- (d) in view of the limited capacity of the existing road network serving the Study Area, consideration might be given to imposing traffic restrictions in order not to adversely affect the existing natural environment and traffic condition there;

- (e) the draft Concept Plan had already shown the indicative location of the proposed control point at Liantang/Heung Yuen Wai and the general alignment of the associated connecting roads to enable the public to have a good understanding of the future transport infrastructure in the Study Area. Planning studies were now underway to examine the possible location and design of the control point and the alignment of connecting roads. More details would be made available to the public at an appropriate time;
- (f) to meet the long-term development need of Hong Kong, the HK2030 Study, amongst other recommendations, had already identified potential NDAs in various locations. The FCA Study had taken on board the recommendations of the HK2030 Study in formulating its strategic land use planning framework. In this regard, the FCA Study would also help cater for future development need as appropriate;
- (g) the HKSARG had been maintaining a close liaison with the Guangdong and Shenzhen authorities on various issues. On the planning side, PlanD had been working closely with our Guangdong and Shenzhen planning counterparts to discuss planning issues of mutual interest. The Shenzhen authority had earlier been briefed on the Study and further briefing on the draft Concept Plan would also be made;
- (h) Lin Ma Hang Stream SSSI currently ran through some indigenous villages which were largely held under private ownership. Land issues called for detailed study if the SSSI was to be included as part of the proposed country park at Robin's Nest. Nonetheless, this suggestion could be further examined at the stage of formulating the draft Development Plan when the extent of the proposed country park was refined; and
- (i) Robin's Nest was currently separated from the Pat Sin Leng Country Park by the existing Sha Tau Kok Road. To enhance the ecological link between these two areas, provision of wildlife crossings along Sha Tau Kok Road to facilitate wildlife movement could be a possible option to tie in

with the upgrading work of the road when opportunity arose. More details on such an ecological link would be worked out during the formulation of the draft Development Plan.

16. The Chairman requested PlanD and the consultants to take into account the comments of Members on the Study and further consult the Board at the next stage of the Study. As Members had no question to raise, the Chairman thanked the representatives of the PlanD and study consultants for attending the meeting and they all left the meeting at this point.

Agenda Item 4

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

Proposed Guideline for Planning of Transport Services in Ma Wan
(TPB Paper No. 8079)

17. The Secretary said that the following Members had declared an interest on this item:

Dr. Greg C.Y. Wong]	having current business dealings with
Mr. Felix W. Fong]	Sun Hung Kai, the developer of Ma
Mr. Alfred Donald Yap]	Wan Comprehensive Development
Mr. Y.K. Cheng]	
Mr. Raymond Y.M. Chan]	

[Dr. Greg C.Y. Wong and Messrs. Felix W. Fong, Alfred Donald Yap, Y.K. Cheng and Raymond Y.M. Chan left the meeting temporarily at this point.]

18. The following representatives from the Transport Department (TD) were invited to the meeting at this point to brief Members on the Paper:-

Ms. Irene Ho

Chief Transport Officer/NT South West

Mr. Raymond Chung

Senior Engineer/Tsuen Wan

Ms. Alice Tam

Senior Transport Officer/Tsuen Wan

19. With the aid of a powerpoint presentation, Ms. Irene Ho covered the following main points of the Paper:

- (a) the Lantau Link was built to cope with the anticipated traffic arising from the Airport and Tung Chung developments only. In connection with the Ma Wan Comprehensive Development, Ma Wan Road had been constructed to connect Ma Wan and the Lantau Link. The Government had also agreed with Sun Hung Kai (SHK), the developer of Ma Wan Comprehensive Development, that a 75%:25% ratio between sea and road patronage to and from Ma Wan should be adopted as a guideline to avoid overburdening the Lantau Link. This ratio was stated in paragraph 9.2 of the Explanatory Statement (ES) of the Approved Ma Wan Outline Zoning Plan (OZP);
- (b) Ma Wan was now being served by public transport services, including residents' bus services and licensed ferry services. Residents' bus services NR330, NR332 and the ferry service between Ma Wan and Central were operated 24 hours daily. All vehicles were prohibited from access to Ma Wan except for goods vehicles from 10am to 4pm and those with permits issued by TD;
- (c) the current population in Ma Wan was about 14,000 and would reach the region of 16,500 upon full intake of the residential developments around end 2008;
- (d) TD had all along been regulating the carrying capacity of the ferry and bus services of Ma Wan at a ratio of 75%:25% respectively through the issuance of ferry services licences and passenger services licences. The modal choices of passengers, however, were not in proportion to the carrying capacity. Residents preferred road to sea transport, and the

patronage of residents' bus services was higher than ferry services;

- (e) Ma Wan residents strongly requested for:
 - frequency improvement of residents' bus services and rationalization of ferry services during hours of low demand;
 - access of taxis during the overnight period;
 - the 75%:25% ratio between sea and road patronage did not allow flexibility to meet the passenger demand and led to wastage of resources and high transport fares for passengers;

- (f) Ma Wan Park Phase 1(a) (including the existing Nature Garden and the planned Noah's Ark) would be completed by end 2008. To cater for the transport demand of visitors, there was a need to permit access of tour coaches to serve visitors to/from Ma Wan;

- (g) SHK had proposed changes to the transport services in Ma Wan and the following proposals were considered acceptable to TD:
 - relax the 75%:25% ratio between sea and road patronage;
 - formalise additional trips currently operated by the residents' bus services to meet peak demand, and additional trips to meet full population intake of Ma Wan;
 - suspend Ma Wan - Central ferry service during the overnight period and introduce a replacement residents' bus service during the same period;
 - reduce the frequency of Ma Wan - Central ferry service;
 - reduce the frequency of Ma Wan - Airport residents' bus service;

- regulate access of coaches to Ma Wan Park to meet the demand of visitors;
 - allow access of urban taxis to Ma Wan during the overnight period;
- (h) according to TD's assessment, the Lantau Link would be able to accommodate the traffic generated from implementation of the SHK's proposals. However, as a result of further developments in Tung Chung New Town, airport landings, Asia-World Expo and Disneyland, Tai Ho Logistic Park Development and the commissioning of Hong Kong - Zhuhai - Macao Bridge and the corresponding traffic growth, there was a need to contain the road traffic from the Ma Wan developments during peak hours in order not to overload the Lantau Link;
- (i) the original guideline of "75%:25% ratio between sea and road patronage to and from Ma Wan" was recommended to be changed to "ferry as the principal transport mode for Ma Wan in terms of carrying capacity during the peak hours"; and
- (j) the Park Island Owners' Committee, Ma Wan Rural Committee and the Tsuen Wan District Council had been consulted on the proposed change of guideline and their views already taken into account in the current proposals.

20. Members generally supported the proposals put forward by TD in principle. Some Members had the following questions:

- (a) what was the basis adopted by the TD in determining whether ferry was the principal transport mode;
- (b) whether the current restrictions on vehicular access to Ma Wan could be lifted to meet the needs of the residents of the comprehensive development as well as the indigenous villagers there;

[Dr. Winnie S.M. Tang returned to join the meeting at this point.]

- (c) whether it was feasible to increase the frequency of ferry to meet the residents' requests instead of relaxing the current restrictions;
- (d) what were the traffic arrangements for Ma Wan residents in times of typhoons and rainstorms;
- (e) pursuant to the relaxation of the current restrictions as proposed by SHK, whether the resultant increase in vehicular traffic would adversely affect the Lantau Link;
- (f) would it be possible to express the guidelines (i.e. ferry as the principal mode) in quantitative terms e.g. whether it was feasible to control the number of vehicles to Ma Wan during peak hours; and to consider the use of bigger bus e.g. double-decker to cope with the residents' demand for road transport; and
- (g) whether the existing pier was far away from the indigenous villages and whether there was other transport mode other than ferry and residents' bus.

21. Ms. Irene Ho made the following responses:

- (a) the total carrying capacity of ferry and bus services would be monitored by TD in ensuring ferry as the principal transport mode. According to the current proposals, the carrying capacity of sea transport would be greater than road-based transport during the peak hours;
- (b) at present, all vehicles were prohibited from access to Ma Wan except for goods vehicles from 10am to 4pm and those with permits issued by the TD. The traffic restrictions had been imposed so as not to overburden the Lantau Link;
- (c) ferry service was operated at about 15-minute intervals during the morning

peak. Notwithstanding that, there was still spare capacity on ferries due to residents' preference of taking the road-based transport. Further increase in the frequency of ferry services would have cost implications in terms of the need to acquire and operate additional ferries which would in turn increase the fare;

- (d) the transport operator would implement contingency measures in times of typhoons and rainstorms. TD would also maintain a close liaison with the operator during such circumstances;
- (e) under the proposed arrangement, ferry would still be the principal transport mode during peak hours and as such, the Lantau Link would not be adversely affected by vehicular traffic from/to Ma Wan;
- (f) the current stipulation of ferry as the principal transport mode was based on the calculation of carrying capacity. This would already provide a clear and quantitative basis for TD to monitor the traffic from/to Ma Wan. It was not considered necessary to specify the number of vehicles to Ma Wan during peak hours. The proposed use of double-decker could effectively cope with the peak demand, and would be acceptable as long as it complied with safety requirements. However, the current headroom of the bus terminus at Ma Wan might not allow the usage of double-decker; and
- (g) the Tin Liu village was within walking distance of the pier which was located on the eastern part of Ma Wan. The kaito service previously running between Sham Tseng and Ma Wan had ceased operation and ferry and residents' bus were the only public transport available in Ma Wan.

22. In response to a Member's request to specify a maximum number of vehicles from/to Ma Wan during the peak hours, Ms. Irene Ho responded that the proposed planning guideline had provided an explicit basis for TD to effectively monitor the traffic from/to Ma Wan whilst avoiding overburdening the Lantau Link. The Chairman added that should the proposed amendments to the ES currently proposed by the TD be agreed by the Board and finally approved by the Chief Executive in Council, TD would be duty-bound to enforce the

implementation of this guideline and closely monitor the traffic operation in Ma Wan. On this premise, the Chairman concluded and Members agreed that paragraph 9 of the ES should be amended as proposed by the TD. The Chairman thanked the representatives of TD for attending the meeting and they all left the meeting at this point.

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

Agenda Item 5

[Open Meeting (Presentation and hearing only). The meeting was conducted in Cantonese and English.]

Consideration of Representations in respect of the
Draft North Point Outline Zoning Plan No. S/H8/20
(TPB Paper No. 8059 and 8061)

Group 1
Representations 1-6 and 10-26, Comments 1 and 2

Group 3
Representation 115, Comments 1 and 2

Hearing for Group 1 - Representations R1-6, R10-26 and Comments C1 and C2
(TPB Paper No. 8059)

[Miss Annie Tam left the meeting temporarily at this point.]

23. The following Members had declared interests on this item:

Mrs. Ava S.Y. Ng the Director of Planning	Owned a property in Cloud View Road
Dr. Greg C.Y. Wong	Owned a property in Shell Street
Mr. K.Y. Leung	Owned a property in Maiden Court, Cloud View Road
Ms. Anna S.Y. Kwong	Owned a property in Cloud View Road
Mr. B.W. Chan	Owned a property in Braemar Hill Mansion
Dr. James C.W. Lau	Owned a property in Braemar Hill Road

Dr. Daniel B.M. To	Being a Member of Eastern District Council (EDC), where its Works and Development Committee (WDC) had been consulted on the OZP amendments on 19.7.2007
Dr. Ellen Y.Y. Lau	Being the representer of R1 who generally supported the proposed amendments
Mr. Nelson W.Y. Chan	Being a member of the North Point Kai Fong Association

24. As the locations of the properties owned by Mrs. Ava Ng, Dr. Greg C.Y. Wong, Mr. B.W. Chan, Ms. Anna S.Y. Kwong and Dr. James C.W. Lau were related to some of the Group 1 representations, Members agreed that they should be excluded from the hearing of Group 1 representations. As the location of the property owned by Mr. K.Y. Leung was not directly related to the Group 1 representations and Mr. Nelson W.Y. Chan's interest was remote, they were allowed to stay in the meeting. It was noted that Mr. B.W. Chan had tendered apologies for not being able to attend the morning session of the meeting and Dr. James C.W. Lau and Dr. Ellen Y.Y. Lau had tendered apologies for not being able to attend the meeting.

[Mrs. Ava Ng, Dr. Greg C.Y. Wong, Dr. Daniel B.M. To and Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

25. The Chairman said that Group 1 was originally scheduled for hearing by the Board on 25.4.2008. At that meeting, the representer of R25 had requested for adjournment of hearing to the next meeting on 16.5.2008 to allow more time to study the relevant TPB Papers. After consulting all the representers and their representatives at the meeting and having regard to their views and reasons for adjournment, the Board agreed to defer the hearing of the representations of Group 1 to 16.5.2008, except R2, R10 and R26 who preferred to be heard on 25.4.2008. In this regard, the deliberation of the representations under Group 1 was deferred until the completion of the whole hearing process on 16.5.2008. All the representers and their representatives on 25.4.2008 accepted such arrangements.

Mr. Cheng Chi Chung]

Mrs. Hui Leung Hok Ching]

Representation No. 11

Civic Party

Mr. Paul Zimmerman] Representer's Representatives

Mr. Seemann Dominik Michael]

Representation No. 12

Braemar Hill Fortress Hill Coalition

Mr. James Lo Yuen Ho] Representer's Representatives

Ms. Alice Leung]

Representation No. 22

Mr. Chow Siu Keung

Representation No. 23

Ms. Alice Leung

Representation No. 24

Mr. Siu Ka Fai

Mr. Po Wai Ming - Representer's Representative

Representation No. 6

The Incorporated Owners of Ho King View

Ms. Cheung Kwai Fan, Helen] Representer's Representatives

Mr. Yeung Yung Wai]

Representation No. 25

Mr. Siu Choi Pai - Representer's Representative

Representation No. 2

The Incorporated Owners of Summit Court

Mr. Li Yin Tai

(attending but no presentation)

Representation No. 26

Silver Rich Holdings Ltd and Fook Hang Trading Co. Ltd.

Mr. David Fok - Representer's Representative

(attending but no presentation)

28. Members noted that sufficient notice had been given to the remaining representers and commenters. Some did not respond to the notice and some could not be contacted. For those who had responded, they indicated that they would not attend or be represented at the hearing. Members agreed to proceed with the hearing in the absence of the remaining representers and commenters.

29. The Chairman extended a welcome and briefly explained the procedures of the hearing. He then invited Ms. Brenda Au, DPO/HK, to brief Members on the background to the representations and comments.

30. With the aid of a powerpoint presentation, Ms. Brenda Au briefed Members on the Paper with particular reference to the remaining R1, 3-6 and 11-25 to be considered at the meeting and made the following points:

Representations

(a) the subject of the 23 representations could be divided into 4 categories:

- 2 representations (R1(part) and R10) generally supported the imposition of building height restrictions. R10 was heard on 25.4.2008;
- R11 opposed to the sole stipulation of building height restrictions without corresponding reduction in plot ratio (PR) and amendments of the Notes. The sole imposition of building height restrictions would induce walled or screen type buildings. Sub-division of plots and zoning of land to open space was required to improve air ventilation, provide visual corridors, address the lack of open space, and improve

the economic and social vibrancy of North Point;

- 13 representations (R12-24) expressed concerns about building height of future developments in the area between Ming Yuen Western Street and Healthy Village Estate. They requested for prior consultation with residents in the Braemar Hill area and that environmental, traffic and ventilation assessments should be undertaken before giving approval to redevelopments. There were requests for more stringent height restrictions for the waterfront area north of King's Road, including the Ex-North Point Estate site (R12, 23 and 24) and Oil Street site (R23), and foothill areas south of King's Road (R12, 22 and 23); and

- 8 representations (R1(part), 2, 3-6, 25 and 26) were in relation to specific sites. R1 was against rezoning of 2 sites from "G/IC" to "R(A)" and "R(A)4", but in support of the "GB" zoning of a site at Braemar Hill. R2 was against the rezoning of 38 Ming Yuen Western Street to "R(A)4", due to possible wall effect, reduction of air ventilation and sunlight to residents at Tin Hau Temple Road after redevelopment. 4 others, R3-6, were in support of the "GB" zoning of a site at Braemar Hill but opposed that part of the hillslope remained shown as 'Road'. R4-6 requested for more stringent height restrictions on the waterfront sites north of King's Road and foothill areas south of King's Road. R25 and 26 were against the building height restriction of 140mPD for the New Eastern Terrace site. R2 and 26 were heard by the Board on 25.4.2008;

Comments

- (b) Comment No. C1 opposed to the proposals for more stringent building height restrictions by R4 to 6, 10 to 12, 22 and 115. Comment No. C2 contained views on the building height profile and suggestions on some planning matters relating to specific improvement on pedestrian access of the Fortress Hill MTR station and relocation of latrine and refuse collection point at Oil Street;

Public consultation

- (c) during the exhibition period, the amendments to the OZP were presented to the Works and Development Committee (WDC) of the Eastern District Council (EDC) on 19.7.2007. Members of WDC generally supported the incorporation of building height restrictions on land use zonings previously without such control. However, some members expressed reservation on the stipulated building height restriction of 100mPD for waterfront sites and suggested that developments on the waterfront should not exceed 80mPD. Concerns relating to air ventilation and the possible impact of wall-effect or screen-type developments were raised. Some members also called for more stringent control measures including compulsory air ventilation assessments for private redevelopment projects, set-back requirements of buildings and lower plot ratio for redevelopments;
- (d) on 27.6.2007, the then Sub-committee on Harbour Plan Review of the Harbourfront Enhancement Committee (HEC) was consulted on the building height restrictions in North Point. The Sub-committee requested their views be conveyed to the Board for consideration. The major views of individual members raised at the Sub-committee were summarized below:
- imposing blanket building height restrictions might not be able to tackle site-specific problems. High development intensity was an underlying cause for problematic developments;
 - wall effect could not be totally avoided by restricting the building heights alone;
 - the need to control the development intensity was equally important;
 - building details such as separation distance between buildings also a matter of concern;
 - in imposing building height control, careful consideration should also

be given to the possible implications on creating a more compact built form;

- some tall buildings might be acceptable in North Point where a considerable portion of the ridgeline had already been protruded by existing developments;
- it might be preferable to have taller buildings to having larger site coverage;
- a maximum building height of 100mPD was not ideal for waterfront sites. Smaller or lower density buildings should be encouraged at waterfront sites;
- other harbour-front sites with redevelopment potential should also be controlled;

PlanD's Responses to grounds of representations

Representation opposing to the rezoning of "G/IC" sites to residential use (R1)

- (e) the rezoning of the two "G/IC" sites at No. 28 Fortress Hill Road (Le Sommet) and No. 38 Ming Yuen Western Street (Minster Court) to residential use was to reflect the existing residential developments as the previous "G/IC" zoning was already obsolete. The site at Ming Yuen Western Street had been rezoned to "R(A)4", with the intention primarily for residential developments to preclude the lower floors for commercial uses that might cause traffic circulation problems in the area. The zoning amendments would not have any adverse impact on the provision of community facilities and the vegetation in the adjoining green belt. PlanD therefore did not support the representation;

Representations relating to the rezoning of a site from "G/IC" to "Green Belt" at Braemar Hill area (R1, 3-6 and 12)

- (f) the indicative alignment of the remaining road section showed the possible access to an adjacent site reserved for open space development. As the

site was hilly, covered by dense vegetation and inaccessible, the Director of Leisure and Cultural Services considered that the site was not suitable for open space development and supported the representers' proposal to rezone the site from "O" to "GB". A review on the provision of open space in the area had been undertaken. According to the latest figures, there was an overall surplus of 6.17ha of open space for the area, taking into account all existing and planned provision. For district open space, there was a significant surplus of 11.86ha. While there was a shortfall of about 5.69ha of local open space in the area, the shortfall could be adequately compensated by the abundant provision of district open space. Moreover, opportunity would be taken to increase the provision of local open space in major development/redevelopment sites in the area;

- (g) having considered the representations and departmental views and taken into consideration that there was an overall surplus on open space provision in the area, there was no need to retain the "O" site (about 1.38ha) for development as a district open space and the proposed road extension to provide access to the planned open space. PlanD therefore proposed to rezone the piece of land zoned "O" together with the adjoining area shown as 'Road' to "GB" to preserve the existing natural vegetation on the site to partially meet R3 to 6;

Representations concerning the rationale of building height control (R1, 2, 4-6 and 11-25)

- (h) the building height restrictions incorporated into the Plan were mainly to prevent adverse impact of excessively tall or out-of-context buildings on the existing townscape, taking into account the urban design considerations for stepped height profile and protection of the ridgelines;
- (i) the building height restrictions incorporated into the Plan followed a stepped height concept, with lower development along the waterfront progressively increasing in building height towards the inland, the foothill areas and rising to the mid-levels in the area. Factors including relevant urban design principles, the existing building profile, topography, site

constraints, local characteristics, development potential, air ventilation considerations and so on had been taken into account in formulating the building height restrictions. The building height restrictions had already struck a balance taking the public interest and private development rights into consideration;

Representation requesting more stringent development control (R11)

- (j) stipulation of the building height restrictions on the OZP was an initial effort to provide better planning control over development/redevelopment. However, the OZP might not be the most suitable tool for the control of the design of individual building;
- (k) the development control system in Hong Kong mainly involved statutory control under OZPs and the Buildings Ordinance as well as lease control. While OZPs set out the planning framework including the broad land use zonings and associated development restrictions for statutory planning control purposes, detailed implementation of developments on individual sites particularly with respect to building design matters was subject to the requirements under the Buildings Ordinance including relevant building regulations and the lease conditions. For instance, the Buildings Department had been examining building design matters such as separation between buildings in their “Consultancy Study on Building Design that Supports Sustainable Urban Living Space in Hong Kong”;

Representations requesting for technical assessments for formulation of development control (R5, 11-23)

- (l) the amendments incorporated into the OZP had been circulated to concerned government departments for comments before. As a general practice, government departments examined the implications of the zoning proposals from perspectives relevant to their jurisdictions and provided expert advice on various technical aspects, including traffic, environmental and urban design considerations;
- (m) in terms of planning control, for sites zoned “Comprehensive Development

Area”, including the sale site at Oil Street and the Kai Yuen Street area, future developers would be required to submit Master Layout Plan and all necessary technical assessments to justify their development proposals. For Government land, the former Police Married Quarters site at Pak Fuk Road was zoned “G/IC” and subject to a maximum building height of 12 storeys. For the ex-North Point Estate site, the development would be governed by the requirement for various technical assessments as stipulated in the planning brief for the site. PlanD would continue to undertake public engagement and wider consultation on major development proposals and studies;

Representations requesting for prior and wider public consultation (R1, 5, 11-24)

- (n) there was a great redevelopment pressure in the area and premature release of information before exhibition of the amendments might prompt developers/landowners to accelerate submission of building plans for development/redevelopment on the affected sites. Approval of such building plans by the Building Authority prior to the publication of the amended OZP would become a fait accompli and thereby nullify the effectiveness of imposing the building height restrictions. As such, consultation with the public was held after exhibition of the amendments to the OZP;

- (o) the publication of the OZP itself was a statutory public consultation process. The amendments were exhibited for public inspection for 2 months under the Town Planning Ordinance. During the exhibition period, any persons affected by the amendments might submit representations to the Board for consideration. Moreover, during the exhibition period, the amendments to the OZP were presented to the WDC of the EDC on 19.7.2007, and the then Sub-Committee on Harbour Plan Review of HEC on 27.6.2007. Both meetings were open to the public;

Representations opposing to the stipulated building height restrictions of 140mPD for New Eastern Terrace (R25)

- (p) the building height restrictions incorporated into the Plan were mainly to

prevent adverse impact of excessively tall or out-of-context buildings on the existing townscape, taking into account the urban design considerations for stepped height profile and protection of the ridgelines;

PlanD's Responses to representers' proposals

To amend the Building Height Restrictions for Lower Building Heights (R4-6, 11-12, 22 and 23)

- (q) the lower building height restrictions proposed by the representers were in general similar to the existing height profile of the inland and foothill areas. As regards the proposed amendments to stipulate further reduction in the building heights, more stringent building height control would pose constraints on future developments/redevelopments and adversely affect the development rights of individual landowners;

To amend the building height restriction for waterfront area including the Ex-North Point Estate and Oil Street site from 100mPD to 70mPD (R4-6, 12, 22 and 23)

- (r) the building height stipulated for the waterfront sites were 100mPD in general, except some "G/IC" sites with existing low-rise developments and the western end where existing developments already exceeding the building height restrictions. The Government had taken initiative and reviewed the development parameters of some prominent waterfront land sale sites, including the ex-North Point Estate site and the ex-Government Supplies Depot (GSD) site at Oil Street. For the former site, a maximum building height of 80mPD was agreed by the MPC on 4.1.2008 in the context of formulating the revised development parameters. As for the latter land sale site, a revised planning brief was approved by the Metro Planning Committee (MPC) on 10.8.2007 with a stepped building height bands of 100mPD (seaward portion) and 120mPD (landward portion) for the site;

To incorporate more stringent development control and measures (R11)

- (s) without full justifications, there was no reason to support the proposed 20% reduction in PR as it would adversely affect development rights. Such

control on PR had to be carefully considered and a comprehensive study was required to take due account of whether there was any constraint on infrastructure capacity and to strike a fair balance between public interest and private development rights. The imposition of building height restrictions did not preclude future PR control, if justified;

- (t) a Wind Tunnel Testing on Air Ventilation Assessment (AVA WT) had been undertaken and concluded that the building height restrictions on the Plan would not result in any major problem on the overall air ventilation. However, there were areas with reduction in the ventilation conditions mainly due to the development layout of buildings upon redevelopment. Improvement measures had been proposed, including lower podium height, greater permeability of podium, wider gap between buildings, non-building area to create air path for better ventilation and minimizing the blocking of air flow through positioning building towers and podiums to align with the prevailing wind directions. Future developments were encouraged to adopt suitable design measures to minimize any possible adverse air ventilation impacts;

- (u) having considered the representations and taken the recommendations of the AVA into consideration, PlanD proposed to amend the Plan to incorporate specific improvement measures to improve air ventilation at the local level to partially meet R11 as follows:
 - designating a 10m-wide strip of land within the “R(A)” zone covering the Model Housing Estate site as non-building area;

 - designating two 8m-wide strips of government land in between Ruby Court, Elegance House and La Place de Victoria within the “R(A)” zone as non-building areas;

 - designating a 10m-wide strip of land within the “G/IC” zone covering Anne Black Health Centre as non-building area;

- designating a 10m-wide strip of government land within the “G/IC” zone covering the ex-Tanner Hill Police Married Quarters site as non-building area;
 - demarcating a 10m-wide strip of land within the “R(A)” zone covering the ex-Hong Kong Housing Society public rental housing site to the west of Tanner Garden subject to a maximum building height restriction of 40mPD;
 - demarcating a 10m-wide strip of land within the “C/R” zone covering the State Theatre site at Tin Chong Street subject to a maximum building height restriction of 27mPD;
 - rezoning part of a street block to the south of Tsing Fung Street from “C/R” to “C/R(4)” to include the requirement for a non-building area of 1.5m-wide from the lot boundary fronting the southern side of Tsing Fung Street;
 - rezoning another street block to the south of Tsing Fung Street from “R(A)” to “R(A)5” to include the requirement for a non-building area of 1.5m-wide from the lot boundary fronting the southern side of Tsing Fung Street to enhance air ventilation; and
- (v) based on the above assessments, the Plan should be amended to partially meet R3-6, 10 and 11. The proposed s.6C(2) amendments to the Plan and its Notes were set out in para. 6.1 of the Paper.

31. The Chairman then invited the representers and their representatives to elaborate on their representations.

32. Ms. Lam Chui King, representer of R3, requested that the representative of R5 should be allowed to present his views first prior to her presentation. Other representers and representers’ representatives raised no objection to her request and the Chairman agreed to change the order of presentation.

Representation No. 5 (The Incorporated Owners of Tempo Tower)

33. With reference to a written submission tabled at the meeting, Mr. Wilson Ronald made the following main points:

- (a) the draft OZP was only brought to the notice of the affected residents by the Eastern District Councillor Mr. Siu Ka Fai on 25.4.2008. Request via a letter jointly signed by various owners' corporations dated 8.5.2008 was made to the Board for withholding the consideration of the OZP on 16.5.2008;
- (b) the subject owners would be affected by the relaxation or lifting of the building height along the waterfront area in North Point;
- (c) building height of development should be restricted (rather than relaxed) in view of the waterfront location and the needs of the public at large to preserve public views to and from the harbour. It had been the Government's policy that innovative design should be employed to minimize the possible wall effect created by the building mass along the waterfront;
- (d) in accordance with the Town Planning Ordinance, any affected person had the right to be given reasonable notice of a meeting called to consider his objection; secondly, to appear and/or be represented and thirdly, if he so desired, the right to be heard at such meeting to make representations and to have those representations considered before a decision was made by the Board;
- (e) only owners of buildings situated within 100m from/along the waterfront in North Point had been "consulted"/invited to comment on the draft OZP about half a year ago;
- (f) the papers prepared for the Board meeting on 25.4.2008 appeared to have contained technical plans, drawings and some incomplete air ventilation assessment and wind tunnel test extract, apparently for the purpose of

advocating the “need” of increasing the building height but in the disguise of “control of building height”;

- (g) buildings without all owners’ consent (to rebuild, or to apply to rebuild) would be blocked or embraced by the taller buildings rebuilt by developers, and their property value would therefore diminish;
- (h) the selective “consultation” was totally inadequate. It did not and could not represent the population affected. There was no reasonable notice to all those owners affected or the population affected;
- (i) among the materials provided, there did not seem to contain any legal and/or professional advice from either the Department of Justice or the Lands Department or the Environmental Protection Department. Persons affected ought to have the right to be informed of the evidence of opinion, asserted policy, fact or mixed fact and law upon which the Board intended to rely, so as to enable them to make their representations;
- (j) it was noted that the final decision on the draft OZP rested with the Chief Executive in Council. However, if the Board did not agree to adjourn its decision to an appropriate time, the meeting on 16.5.2008 would become the final opportunity for affected persons to voice out their views. It was therefore important to disclose all matters and materials as might be relied on by the Board before affording reasonable notices to all those affected to either attend meeting arranged or submit representations in writing;
- (k) buildings subsequently blocked and/or embraced by higher buildings suffered diminution in property value and therefore, the relaxation of building height might constitute a de facto deprivation of property. In this regard, reference should be made to Article 105 of the Basic Law which protected vested rights in property and provided, inter alia, for individuals’ right to compensation for lawful deprivation of their property; and
- (l) the Board had to operate in accordance with the rules of procedural fairness

and ensure all relevant materials be made available to the representers.

Representation No. 3 (Ms. Lam Chui King)

34. Ms. Lam Chui King made the following main points:

- (a) the views as expressed by the representative of R5 were supported;
- (b) there was insufficient time for consulting the local residents on the imposition of the building height restrictions in North Point. The draft OZP was gazetted on 8.6.2007 and materials on the rationale behind the imposition of height control were only made available to the representer in April 2008. Though the hearing had been deferred from 25.4.2008 to 16.5.2008, many local residents were still unaware of the building height restrictions incorporated in the draft OZP;
- (c) the imposition of the building height restrictions had given favourable consideration to the needs of the residents of the foothill areas while neglecting the interests of the residents in Braemar Hill and Tin Hau Temple Road;
- (d) all relevant materials relating to the imposition of the building height restrictions should be made available and more time be allowed for the residents to peruse such materials; and
- (e) the affected residents reserved the right to lodge an application for judicial review (JR) of the Board's decision.

Representation No. 4 (The Incorporated Owners of Wilshire Towers)

35. Mrs. Hui Leung Hok Ching made the following main points:

- (a) there was insufficient time for the affected residents to comprehend the rationale behind the building height restrictions in North Point. Therefore,

the views of all the affected residents could not be consolidated and relayed to the Board for consideration. Many incorporated owners had expressed dissatisfaction with such a rush consultation process;

- (b) in the disguise of imposing building height restrictions, the current amendments to the draft OZP would in fact relax the height control of the existing buildings in North Point. As the ridgeline had already been exceeded by many high-rise buildings, there was no point to impose the building height restrictions to protect the ridgeline;
- (c) the air ventilation assessments as contained in the Paper had not provided definite answers to the air ventilation issues and could not justify the imposition of the building height restrictions. The local residents would need more time to discuss with their own experts on these technical assessments;
- (d) the current approach to publish the amendments to the draft OZP in the gazette and local newspapers was not an effective means to disseminate information to the public; and
- (e) the affected residents would like to reserve their right to give more views and comments on the draft OZP as more time was required to study the relevant information and materials.

[Dr. Winnie S.M. Tang left the meeting at this point.]

Representation No. 11 (Civic Party)

36. With the aid of a powerpoint presentation, Mr. Paul Zimmerman made the following main points:

- (a) supported requests by other representers/representers' representatives for making available more information and details on which the Board had based its decision to impose the building height restrictions;

- (b) in the case of Wong Chuk Hang Business Area, PlanD had provided detailed information on the rationale of imposing the building height restrictions and proceeded to solicit public views before making amendments to the OZP. This approach should be adopted for North Point;
- (c) even though prior consultation and premature release of information pertaining to the building height restrictions in North Point might have the implications of nullifying the effectiveness of the proposed amendments, the Board should still be obliged to release all the materials e.g. air ventilation, traffic impact and site impact assessments to the public as wide as possible through internet and printed format after the publication of the draft OZP;
- (d) the Board should make a commitment that for other areas where building height restrictions were to be imposed, relevant materials and information should be made available to the public in a suitable manner;
- (e) the imposition of building height restrictions would become a public relation exercise without achieving any tangible improvement in the living environment if other development measures e.g. reduction of plot ratio were not implemented by the Board;
- (f) the current building height restrictions would induce walled or screen type buildings. Negative aspects of such developments included the lack of air ventilation, temperature rise in the hinterland, lack of visual corridors, inadequate street widening and inadequate provision of open space;
- (g) in the Paper, PlanD did not preclude future plot ratio control, if justified. In this connection, the Board should advise the public of the timing to carry out such a review;
- (h) the Board should undertake a comprehensive urban design study with full

engagement of the community to determine the appropriate building density, land use distribution and all other urban planning and design parameters for North Point;

- (i) the presentation by R26 at the last meeting on 25.4.2008 had demonstrated that mere introduction of the building height restrictions alone would result in the development of “fatter” buildings and thereby cause adverse impact on the visual and air ventilation aspects;
- (j) during the discussion of the proposed amendments to the draft OZP at the MPC meeting on 11.5.2007, it was found that air ventilation at street level was more related to micro factors such as the design of individual buildings. The HKPSG had also encouraged the provision of street widening, building setback and reduction of ground coverage of podium to improve the environment;
- (k) the Board should be forward looking in coming up with appropriate building height restrictions by taking account of factors like population growth, additional gross floor area to be generated in North Point, requirement of open space, traffic impact, etc. Other development measures should also be introduced to achieve a more diverse building profile, improve air ventilation and provide visual corridors; and
- (l) the Board should impose other development control measures to protect the public interest other than the mere imposition of building height restrictions. On this premise, it was suggested to amend the Notes to incorporate a minimum set-back rule as appropriate for each site, minimum site coverage at ground level to avoid podium, mandatory gardens and open space provision on ground level and mandatory visual and air corridors from ground level up. The plot ratio should be reviewed and reduced by a minimum of 20%. A sub-division of plots and zoning of land to open space was proposed to improve air ventilation, visual corridors, address the lack of open space at ground level.

[Dr. C.N. Ng and Mr. Stanley Y.F. Wong left the meeting at this point.]

Representation No. 12 (Braemar Hill Fortress Hill Coalition)

37. Mr. James Lo Yuen Ho made the following main points:

- (a) the local residents were only consulted by the District Officer on the building height restrictions when the draft OZP was gazetted in June 2007. Given the wide coverage of the proposed amendments, the residents were allowed little time to examine in detail the implications of the amendments;
- (b) the building height restrictions of 120mPD to 140mPD in the OZP were not supported as such restrictions had not taken account of the existing developments, most of which ranged from 60mPD to 100mPD. The La Place de Victoria and the Island Lodge with a height of 120mPD were already considered out-of-context amongst the existing buildings. The current amendments would facilitate developers to make more profit by proceeding with redevelopment of the buildings in the foothill areas;
- (c) with the height band of 120mPD to 140mPD for buildings to the north of Tin Hau Temple Road, the sea view or mountain view currently enjoyed by the sites to the south of Tin Hau Temple Road would be blocked. Together with plot ratio restriction already imposed on the sites to the south of Tin Hau Temple Road, there was little scope for redevelopment as compared to the sites in the foothill areas; and
- (d) the Board should be impartial and prudent in taking a balanced view in the course of making amendments to the OZP so as to ensure the interests of the residents of Braemar Hill and Fortress Hill be duly protected.

Representation No. 22 (Mr. Chow Siu Keung)

38. Mr. Chow Siu Keung made the following main points:

- (a) all the owners of the Kingsford Gardens had submitted their signatures opposing the relaxation of building height restrictions to 120mPD and 140mPD for North Point;
- (b) since the draft OZP was gazetted in June 2007, the residents of Kingsford Gardens had not been provided with detailed information relating to the building height restrictions. Besides, no prior consultation had been made with the local residents on the proposed amendments. The Board had not provided sufficient time for them to peruse the paper prepared for the hearing of the representation, though the meeting had been deferred from 25.4.2008 to 16.5.2008;
- (c) under the existing plot ratio and height restrictions of Kingsford Gardens, there was little prospect for redevelopment. However, a height band of 140mPD for the sites to the south of King's Road would greatly enhance their redevelopment value. As such, the value difference between the properties in the foothill areas and the Braemar Hill area would be greatly reduced. Also, allowing the development in the foothill areas to a height of 120mPD to 140mPD would block the sea view currently enjoyed by the Kingsford Gardens;
- (d) despite PlanD's air ventilation assessments, the proposed height restrictions of 120mPD to 140mPD would still adversely affect the wind environment of the area. There were doubts on the effectiveness of the proposed non-building areas;
- (e) the building height restrictions should be introduced alongside with plot ratio control in order to be effective;
- (f) in considering the building height restrictions for North Point, the Board should have undertaken more technical assessments e.g. traffic implications on the local road network. La Place de Victoria was an example illustrating the undesirable effect of allowing the development to proceed in the absence of detailed assessments. During peak hours, it was observed

that this residential development had caused adverse impact on the traffic circulation in Tsat Tsz Mui Road and Pak Fuk Road;

- (g) the Board should also ensure that the planned GIC facilities, open space and infrastructure provision would be adequate to cope with the population increase due to the relaxation of the building height restrictions;
- (h) the Board should ensure that the fire engines could be deployed through the narrow streets e.g. Ming Yuen West Street in case of fire incidents in high-rise building up to 140mPD; and
- (i) it was proposed that the building height restrictions for areas located to the north of King's Road should be amended to 70mPD and those for areas to the south of King's Road be amended to 90mPD.

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

Representation No. 23 (Ms. Alice Leung)

39. Ms. Alice Leung made the following main points:

- (a) views as expressed by other representers/representers' representatives were agreed. Also, it was proposed that the building height restrictions should be amended to 70mPD and 90mPD;
- (b) it was worth borrowing the experience of Singapore which was an example of good town planning. Unlike Hong Kong, the townscape of Singapore was not dominated by high-rise building but renowned for its greenery;
- (c) the Board should be forward looking and make a paradigm shift in that priority should be given to the provision of more open space and greenery to the benefit of the public. Maximization of profit from property development should not take precedence; and

- (d) the current building height restrictions in the draft OZP would result in an excessive development in North Point which was already a developed area. The proposed non-building areas (of 10m wide) would unlikely be effective to improve the wind environment of North Point.

[Messrs. Nelson W.Y. Chan and Raymond Y.M. Chan left the meeting temporarily at this point.]

Representation No. 24 (Mr. Siu Ka Fai)

40. Mr. Siu Ka Fai made the following main points:

- (a) it was agreed that there was a need to avoid premature release of information before gazetting the draft OZP. However, pursuant to the gazetting, the Board should make available all relevant information and materials for the public to understand the rationale of the building height restrictions;
- (b) the Paper prepared by PlanD providing detailed information on the proposed amendments could only be made available to the representer in April 2008. The affected residents required more time to study the Paper and the information contained therein. The letters tabled at the meeting were signed by 11 incorporated owners of Braemar Hill, representing more than 50% of the population there. All of them raised objection to the amendments of the draft OZP; and
- (c) in re-considering the building height restrictions, the Board should undertake more consultation and technical assessments e.g. traffic impact to ascertain no adverse impact on the area.

[Miss Annie Tam returned to join the meeting at this point.]

Representation No. 6 (The Incorporated Owners of Ho King View)

41. Mr. Yeung Yung Wai made the following main points:

- (a) 26 incorporated owners of different buildings (including Ho King View) in Braemar Hill had held a meeting to discuss the building height restrictions. All of them supported the views as expressed by Mr. Wilson Ronald, representative of R5; and

[Ms. Sylvia S.F. Yau left the meeting temporarily at this point.]

- (b) various property owners in Braemar Hill were victims of the imposition of the building height restrictions in OZP because the buildings along King's Road now enjoyed the same building height as Braemar Hill. That would have an adverse impact on their property value.

Representation No. 25 (Ms. Shek Lai Lin)

42. With the aid of a powerpoint presentation, Mr. Siu Choi Pai made the following main points:

- (a) any new development with a building height of 140mPD in the area of New Eastern Terrace would create adverse visual impact to the residents along the lower section of Tin Hau Temple Road, especially those facing Yee King Road;

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

- (b) the adverse visual impact was prominent from different vantage points at Victoria Park, Queen's College and Tin Hau Temple Road. In particular, Victoria Park was an important public open space not only for the local residents in North Point but for the general public. It would be a loss to all Hong Kong residents if the existing view of green mountain backdrop was blocked by the future development at New Eastern Terrace. On the other hand, a high-rise building at New Eastern Terrace would likewise block the harbour view from Yee King Road;

- (c) in terms of compatibility, development up to 140mPD would be out of character with the neighbouring low-rise buildings;
- (d) the area of New Eastern Terrace occupied a bottleneck location along the wind corridor from the direction of Yee King Road to Victoria Park. Any high-rise development there would create screen effect blocking the wind movement along this corridor;
- (e) extra traffic generated by new development at New Eastern Terrace would further burden the already congested Tin Hau Temple Road and hence adversely affect the traffic flow in the Tin Hau area. It was noted that no comprehensive traffic impact assessment had been carried out in considering the building height restrictions;
- (f) imposition of height control and other development control measures on New Eastern Terrace would not be tantamount to deprivation of its development right as the lease terms of the subject site were not unrestricted;

[Messrs. Nelson W.Y. Chan and Raymond Y.M. Chan returned to join the meeting at this point.]

- (g) the relaxation of building height restrictions would adversely affect the open space provision in North Point. The Paper prepared by PlanD indicated a shortfall of about 5.69ha of local open space. Such a shortfall, however, could only be made up by the inclusion of the district open space at Victoria Park;
- (h) while height control was imposed on the waterfront sites, it was noted that the future headquarters of the Customs & Excise Department would be a high-rise building exceeding the height band;
- (i) it was proposed to incorporate the following restrictions for New Eastern

Terrace in the OZP:

- a maximum building height of 80mPD or a maximum number of 20 storeys including carports;
 - a maximum plot ratio of 5;
 - a minimum building separation of 10m;
 - prohibition of single tower development;
 - a minimum flat size of 150m²; and
- (j) the Board should duly examine the above amendments to New Eastern Terrace as our next generation would be affected by the building height restrictions imposed by the Board.

43. Mr. Siu Ka Fai, representer of R24, requested for additional views to be supplemented by his representative, Mr. Po Wai Ming. The Chairman agreed to Mr. Siu's request. Mr. Po made the following main points:

- (a) in considering the imposition of building height restrictions, the Board needed to be prudent and give due regard to the development right of the affected sites;
- (b) detailed reports on the wind tunnel testing should be made available;
- (c) the current imposition of building height restrictions and introduction of non-building area might be conflicting and could not achieve the intended purpose of improving the wind environment. Reference should be made to the Hong Kong and Shanghai Banking Corporation headquarters in Central where there was a relaxation of building height to allow the provision of the ground floor for public passage purpose. This design concept should be adopted in North Point as well as the future redevelopment of Model

Housing Estate; and

- (d) reference should be made to Singapore where any new development would be required to undertake a wind tunnel test to demonstrate no adverse impact on its surroundings.

44. After hearing all the representers and representers' representatives, the Chairman asked the following questions:

- (a) whether the building height restrictions in the draft OZP would result in an increase or a reduction of building height; and
- (b) whether any assessments to examine the traffic impact arising from future developments/redevelopments had been undertaken.

45. Ms. Brenda Au had the following responses:

- (a) prior to the incorporation of the building height restrictions as gazetted on 8.6.2007, there was statutory building height control only on sites zoned for "R(B)", "R(C)", and "CDA(1)" on the OZP. The representation sites were not subject to any building height control on the OZP. In order to provide better planning control upon development/redevelopment and to meet public aspirations for a better living environment, the OZP had been reviewed and building height restrictions were added to various development zones including "C", "C/R", "R(A)", "R(E)", "G/IC" and "OU". Hence, the representation sites were subject to more restrictive building height control rather than a relaxation of building height as alleged by some of the representations; and
- (b) the current amendments to the OZP were only related to the building height restrictions whereas plot ratio for various representation sites remained unchanged. Given that there was no change to the development intensity of North Point, assessment of the overall traffic impact had not been undertaken. However, for the "CDA(2)" zone at Kai Yuen Street, as the

area within this zone was subject to traffic constraints due to the substandard conditions of the local road, traffic impact assessment was undertaken and suitable traffic and road improvement measures had been proposed.

46. Some Members asked the following questions:

- (a) how the public consultation process was carried out by PlanD after the gazettal of the OZP in June 2007;
- (b) how PlanD had explained the details of the amendments to the public during the public consultation process;
- (c) the basis of the building height restrictions of 100mPD to 140mPD; and
- (d) whether the detailed reports e.g. air ventilation assessment could be made available to the representers.

47. Ms. Brenda Au had the following responses:

- (a) the publication of the OZP itself was a statutory public consultation process. The amendments were exhibited for public inspection for 2 months under the Town Planning Ordinance from 8.6.2007 to 8.8.2007. A press release was issued on 8.6.2007 informing the public of the amendments to the OZP. On the same day, a notice on the amendments was posted in the relevant District Office, PlanD planning enquiry counters (PECs) and the Secretariat of the Board. Any persons could approach PlanD PECs or the Secretariat of the Board for enquiries. During the exhibition period, a notice had been published in the gazette and local newspapers (2 Chinese newspapers and 1 English newspaper) every week. Various local newspapers had also reported the amendments to the OZP after the publication on 8.6.2007;
- (b) during the exhibition period, the amendments to the OZP were presented to the WDC of the EDC on 19.7.2007, and the then Sub-Committee on

Harbour Plan Review of HEC on 27.6.2007. At both meetings, PlanD had explained the amendments in detail. Their views had also been set out in the Paper submitted to the Board and passed to the representers;

- (c) the building height restrictions were to preserve the views to the ridgelines from public viewpoints (i.e. at the waterfront promenade in front of Harbour Plaza in Hung Hom and in the middle of the ex-Kai Tak Airport runway) and maintaining the townscape at a stepped building height profile with lower buildings along the waterfront progressively increasing in height towards the inland and the foothill area. Factors including relevant urban design principles, the existing building profile, topography, site constraints, local characteristics, development potential, air ventilation considerations and so on had been taken into account in formulating the building height restrictions. Four major building height bands were imposed:
- a maximum building height of 100mPD for the area along the waterfront and the area fronting the Victoria Park;
 - a maximum building height of 120mPD for the inland area along both sides of Electric Road and to the north of King's Road as well as the eastern side of Wun Sha Street;
 - a maximum building height of 130mPD for the inland area to the south of the Eastern Commercial Area;
 - a maximum building height of 140mPD to the south of King's Road, and the foothill area taking the topography into consideration; and
- (d) the Paper prepared by PlanD had provided detailed information on the amendments to the OZP. Besides, the air ventilation assessment for the North Point Area was available for public viewing at the air ventilation assessment register on PlanD website.

48. The Chairman asked the following questions:

- (a) whether the current public consultation process had been shortened compared to other similar exercises; and
- (b) PlanD's views on the presentation made by the representative of R25.

49. Ms. Brenda Au had the following responses:

- (a) there was no shortening of the public consultation process for the draft OZP which was in accordance with the statutory requirement and the established process adopted by PlanD; and
- (b) without detailed information and data relating to the photomontages prepared by the representative of R25, it was difficult to assess the accuracy of his presentation. However, Plans H-3 and H-4 as attached to Annex II-7 of the Paper had shown the general characteristics and existing topography of New Eastern Terrace. New Eastern Terrace was currently zoned "R(A)" on the OZP and should not be taken as a low density development. Due regard had been given to the planning intention to achieve a stepped height concept before a building height of 140mPD for New Eastern Terrace was stipulated in the OZP.

50. Mr. Paul Zimmerman, representative of R11, had the following views/comments:

- (a) the Board should take into account the public views and aspirations in re-considering the building height restrictions for North Point;
- (b) how much additional gross floor area would be produced in North Point pursuant to the amendments to the OZP; and
- (c) the Kai Tak Planning Review and the Urban Design Study for the New Central Harbourfront had undertaken extensive public engagement programmes within which detailed information had been made available to the public for perusal. What were the reasons for PlanD to take a different

approach in proceeding with the imposition of the building height restrictions in North Point.

51. Ms. Brenda Au had the following responses:

- (a) there was no increase in the development intensity for the representation sites compared with that permitted under the previous OZP after the incorporation of building height restrictions. Nonetheless, it was noted that some existing buildings in North Point had yet to be developed up to the permissible plot ratio allowed under the OZP and the Buildings Ordinance; and
- (b) the current exercise to incorporate amendments in the OZP was different from the Kai Tak Planning Review and the Urban Design Study for the New Central Harbourfront in that the latter two were major planning studies which were taken forward by PlanD in accordance with the established practice to consult the public through the public engagement exercise.

52. On the last point, the Chairman added that for the Kai Tak Planning Review and the Urban Design Study for the New Central Harbourfront, PlanD involved greenfield sites held by the Government and there was no question of premature release of information as explained in para. 30(o). Therefore, it was incumbent upon the Government to solicit public views on these sites before they were developed. As to the imposition of building height restrictions in North Point, the sites involved were largely under private ownership and this warranted another approach as adopted by PlanD.

53. Mrs. Hui Leung Hok Ching, representative of R4, voiced out her concerns with the redevelopment plan of Shue Yan University. Strong objection would be raised by the local residents to the planned high-rise development.

54. As the representers and their representatives had finished their presentations and Members had no further question to raise, the Chairman informed them the hearing procedures had been completed, and the Board would deliberate on the representations and comments in their absence and would inform the representers and commenters of the Board's

decision in due course. The Chairman thanked the representers and their representatives and representatives from PlanD and the consultant for attending the hearing. They all left the meeting at this point.

Deliberation Session

55. A Member commented that the objection raised by the residents of the Braemar Hill area might be due to an information gap. The number of adverse representations could be reduced if the rationale behind the building height restrictions had been better explained to them. The Chairman considered that the planning intention to restrict rather than to relax building height had been clearly relayed to the representers at the hearing. However, the representers' objection was based on the comparison of the height restrictions with the current building profile rather than the scenario of redevelopment with no building height control.

56. Members generally expressed support to the imposition of building height restrictions with a view to preventing adverse impact of excessively tall or out-of-context buildings on the existing townscape, taking into account the urban design considerations for stepped height profile and protection of the ridgelines. The Chairman agreed to Members' views but considered that there might be scope to further refine the height restrictions in response to the representers' grounds whilst maintaining the stepped height profile for North Point.

57. As requested by some Members, the Secretary explained the basis for drawing up a maximum height of 100mPD for the waterfront sites. She said that in drawing up a height limit, due regard had to be paid to the permissible development intensity of the sites concerned. In the instant case, there was no plot ratio restriction for the representation sites under the OZP, hence developments could be permitted to be developed up to the level under the Building (Planning) Regulations (B(P)R). PlanD would pay heed to ensuring that the development intensity of the sites could be accommodated within the height limits imposed and that the requirement under the B(P)R could be attained. Also, reasonable assumptions on floor to ceiling height, car parking provision as well as gross floor area concessions had to be made. On this premise, the heights of those buildings in the inland areas up to the foothill areas had been formulated to achieve a stepped height profile for North Point. The current height bands for the inland areas had provided additional allowance for achieving the

permissible plot ratio and site coverage allowed under B(P)R. She also recapitulated that in the paper submitted to the MPC on 11.5.2007, it had stated that buildings on both sides of King's Road were firstly intended to be subject to a building height of 120mPD. However, in order to create a stepped building height profile to facilitate downwashing effect from sea breeze, which would improve the ventilation performance of King's Road underneath, the building height restrictions for the areas to the south of King's Road were amended from 120mPD to 140mPD.

58. Having regard to the intention to maintain a stepped height profile while striking a balance between public interest and private development rights, Members generally considered that there was scope for lowering the height bands. After some discussion, the Chairman suggested and Members agreed to the revision of the height bands as follows:

- (a) the maximum building height of 120mPD for the inland area along both sides of Electric Road and to the north of King's Road should be amended to 110mPD;
- (b) the maximum building height of 130mPD for the inland area to the immediate south of King's Road and to the east of Healthy Street West should be amended to 120mPD;
- (c) the maximum building height of 140mPD to the immediate south of King's Road should be amended to 120mPD; and
- (d) the maximum building height of 140mPD for the foothill areas to the south of King's Road should be amended to 130mPD.

59. In connection with the revision of the building height restrictions, Members agreed to include new paragraphs in the relevant section of the ES of the OZP to better reflect the planning intention to allow flexibility for minor relaxation of building height under different height bands. The new paragraphs were set out below:

“A minor relaxation clause in respect of building height restrictions is incorporated into the Notes of the Plan in order to provide incentive for development/redevelopments with

design merits/planning gains. Each application for minor relaxation of building height restrictions will be considered on its own merits and the relevant criteria for consideration of such relaxation are as follows:

- (a) amalgamating smaller sites for achieving better urban design and local area improvements;
- (b) accommodating the bonus plot ratio granted under the Buildings Ordinance in relation to surrender/dedication of land/area for use as public passage/street widening;
- (c) providing better streetscape/good quality street level public urban space;
- (d) providing separation between buildings to enhance air and visual permeability; and
- (e) other factors, such as site constraints, need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality, provided that no adverse landscape and visual impacts would be resulted from the innovative building design.

However, for existing buildings with building heights already exceeding the building height restrictions in terms of mPD and/or number of storeys as shown on the Notes of the Plan and/or stipulated on the Plan, there is a general presumption against such application for minor relaxation unless under exceptional circumstances.”

60. As to other proposed amendments to partially meet the representations, Members agreed to the proposals as put forward in the Paper.

Representation No. 1

61. After further deliberation, the Board decided not to propose any amendment to the Plan to meet the representation for the following reasons:

- (a) the rezoning of the two sites at No. 28 Fortress Hill Road and No. 38 Ming Yuen Western Street was to reflect the existing residential use of the sites. The amendments relating to the rezoning of the two “G/IC” sites and a small portion of the “GB” zone covering the latter site would not have any adverse impact on the provision of community facilities and the “GB” zone; and
- (b) regarding the concern on the lack of zonings to cater for open space and GIC uses, it should be noted that there was an adequate provision of open space for the North Point Area. In addition, various “G/IC” sites had been designated on the OZP to cater for GIC facilities serving the needs of the local residents in the area. Home for the aged was considered as ‘Social Welfare Facility’, which was always permitted in various zones, e.g. “G/IC”, “Residential (Group A)” and “Commercial/Residential”.

Representation No. 2

62. After further deliberation, the Board decided to partially meet the representation by revising the building height restriction of the site at No. 38 Ming Yuen Western Street to 130mPD and amending the Explanatory Statement of the OZP accordingly.

63. The Board decided not to propose any amendment to the Plan to meet the remaining part of the representation for the following reason:

the zoning amendment of the site at No. 38 Ming Yuen Western Street was to reflect the existing residential use of the site.

Representations No. 3-6

64. After further deliberation, the Board decided to partially meet the representations by:

- (a) rezoning the area shown as ‘Road’ and “O” in Braemar Hill to “Green Belt” on the Outline Zoning Plan (OZP) as shown on Plans H-4 and H-5 in Annex II-3 of the Paper No. 8059 and amending the Explanatory Statement (ES) of

the OZP accordingly;

(b) revising the height bands as follows:

- the maximum building height of 120mPD for the inland area along both sides of Electric Road and to the north of King's Road should be amended to 110mPD;
- the maximum building height of 130mPD for the inland area to the immediate south of King's Road and to the east of Healthy Street West should be amended to 120mPD;
- the maximum building height of 140mPD to the immediate south of King's Road should be amended to 120mPD;
- the maximum building height of 140mPD for the foothill areas to the south of King's Road should be amended to 130mPD; and

(c) including new paragraphs in the relevant section of the ES of the OZP to better reflect the planning intention to allow flexibility for minor relaxation of building height under different height bands.

65. The Board decided not to propose any amendment to the Plan to meet the remaining part of the representations for the following reason:

more stringent height control might pose constraints on future developments/redevelopments, unnecessarily jeopardize any further redevelopment incentives and adversely affect the development rights of individual landowners. The proposed reduction in building height profile might not necessarily result in an enhanced townscape or avoid wall effect.

Representation No. 10

66. After further deliberation, the Board decided to partially meet the representation by

the following:

Amendments to the Outline Zoning Plan (OZP)

- (a) designating a 10m-wide strip of land within the “R(A)” zone covering the Model Housing Estate site as non-building area to extend an existing air path for better penetration of prevailing wind to the downstream narrow Tsat Tsz Mui Road;
- (b) designating two 8m-wide strips of government land in between Ruby Court, Elegance House and La Place de Victoria within the “R(A)” zone as non-building areas to retain the two existing open corridors for better air ventilation in the area;
- (c) designating a 10m-wide strip of land within the “G/IC” zone covering Anne Black Health Centre as non-building area to provide a north-south corridor for better air ventilation in the Pak Fuk Road area;
- (d) designating a 10m-wide strip of government land within the “G/IC” zone covering the ex-Tanner Hill Police Married Quarters site as non-building area to maintain an open air path from the open space at Pak Fuk Road to the Bedford Gardens area;
- (e) demarcating a 10m-wide strip of land within the “R(A)” zone covering the ex-Hong Kong Housing Society public rental housing site to the west of Tanner Garden subject to a maximum building height restriction of 40mPD after taking account of the site level to introduce a wider building gap between building blocks for better penetration of the prevailing wind through the site to the downstream area;
- (f) demarcating a 10m-wide strip of land within the “C/R” zone covering the State Theatre site at Tin Chong Street subject to a maximum building height restriction of 27mPD after taking account of the site level to introduce a wider building gap between building blocks for better penetration of the prevailing wind through the site to the downstream area;

- (g) rezoning part of a street block to the south of Tsing Fung Street from “C/R” to “C/R(4)” to include the requirement for a non-building area of 1.5m-wide from the lot boundary fronting the southern side of Tsing Fung Street to enhance air ventilation;
- (h) rezoning another street block to the south of Tsing Fung Street from “R(A)” to “R(A)5” to include the requirement for a non-building area of 1.5m-wide from the lot boundary fronting the southern side of Tsing Fung Street to enhance air ventilation;
- (i) revising the height bands as follows:
 - the maximum building height of 120mPD for the inland area along both sides of Electric Road and to the north of King’s Road should be amended to 110mPD;
 - the maximum building height of 130mPD for the inland area to the immediate south of King’s Road and to the east of Healthy Street West should be amended to 120mPD;
 - the maximum building height of 140mPD to the immediate south of King’s Road should be amended to 120mPD;
 - the maximum building height of 140mPD for the foothills area to the south of King’s Road should be amended to 130mPD; and

Amendments to the Notes

- (j) imposition of a 1.5m-wide non-building area within the “C/R(4)” and “R(A)5” zones fronting the southern side of Tsing Fung Street;

Amendments to the Explanatory Statement (ES)

- (k) in connection with the above proposed amendments, the ES of the OZP would also be amended accordingly. In particular, these included explanations on the requirement of the non-building areas proposed in (a) to (h) above, and also the requirement to adopt suitable design measures such as lower podium height, greater permeability of podium, wider gap between buildings, non-building area to create air path for better ventilation and minimizing the blocking of air flow through positioning of building towers and podiums to align with the prevailing wind directions, as appropriate in future developments; and
- (l) including new paragraphs in the relevant section of the ES of the OZP to better reflect the planning intention to allow flexibility for minor relaxation of building height under different height bands.

67. The Board decided not to propose any amendment to the Plan to meet the remaining part of the representation for the following reasons:

- (a) more stringent height control might pose constraints on future developments/redevelopments, unnecessarily jeopardize any further redevelopment incentives, and adversely affecting the development rights of individual landowners. The proposed reduction in building height profile might not necessarily result in an enhanced townscape or avoid wall effect; and
- (b) stipulation of building height restrictions on the OZP was an initial effort in enhancing planning control over developments/redevelopments. It did not preclude the imposition of plot ratio control where justified.

Representation No. 11

68. After further deliberation, the Board decided to partially meet the representation by the following:

Amendments to the Outline Zoning Plan (OZP)

- (a) designating a 10m-wide strip of land within the “R(A)” zone covering the Model Housing Estate site as non-building area to extend an existing air path

for better penetration of prevailing wind to the downstream narrow Tsat Tsz Mui Road;

- (b) designating two 8m-wide strips of government land in between Ruby Court, Elegance House and La Place de Victoria within the “R(A)” zone as non-building areas to retain the two existing open corridors for better air ventilation in the area;
- (c) designating a 10m-wide strip of land within the “G/IC” zone covering Anne Black Health Centre as non-building area to provide a north-south corridor for better air ventilation in the Pak Fuk Road area;
- (d) designating a 10m-wide strip of government land within the “G/IC” zone covering the ex-Tanner Hill Police Married Quarters site as non-building area to maintain an open air path from the open space at Pak Fuk Road to the Bedford Gardens area;
- (e) demarcating a 10m-wide strip of land within the “R(A)” zone covering the ex-Hong Kong Housing Society public rental housing site to the west of Tanner Garden subject to a maximum building height restriction of 40mPD after taking account of the site level to introduce a wider building gap between building blocks for better penetration of the prevailing wind through the site to the downstream area;
- (f) demarcating a 10m-wide strip of land within the “C/R” zone covering the State Theatre site at Tin Chong Street subject to a maximum building height restriction of 27mPD after taking account of the site level to introduce a wider building gap between building blocks for better penetration of the prevailing wind through the site to the downstream area;
- (g) rezoning part of a street block to the south of Tsing Fung Street from “C/R” to “C/R(4)” to include the requirement for a non-building area of 1.5m-wide from the lot boundary fronting the southern side of Tsing Fung Street to enhance air ventilation;

- (h) rezoning another street block to the south of Tsing Fung Street from “R(A)” to “R(A)”5” to include the requirement for a non-building area of 1.5m-wide from the lot boundary fronting the southern side of Tsing Fung Street to enhance air ventilation;
- (i) revising the height bands as follows:
 - the maximum building height of 120mPD for the inland area along both sides of Electric Road and to the north of King’s Road should be amended to 110mPD;
 - the maximum building height of 130mPD for the inland area to the immediate south of King’s Road and to the east of Healthy Street West should be amended to 120mPD;
 - the maximum building height of 140mPD to the immediate south of King’s Road should be amended to 120mPD;
 - the maximum building height of 140mPD for the foothill areas to the south of King’s Road should be amended to 130mPD;

Amendments to the Notes

- (j) imposition of a 1.5m-wide non-building area within the “C/R(4)” and “R(A)5” zones fronting the southern side of Tsing Fung Street;

Amendments to the Explanatory Statement (ES)

- (k) in connection with the above proposed amendments, the ES of the OZP would also be amended accordingly. In particular, these included explanations on the requirement of the non-building areas proposed in (a) to (h) above, and also the requirement to adopt suitable design measures such as lower podium height, greater permeability of podium, wider gap between

buildings, non-building area to create air path for better ventilation and minimizing the blocking of air flow through positioning of building towers and podiums to align with the prevailing wind directions, as appropriate in future developments; and

- (l) including new paragraphs in the relevant section of the ES of the OZP to better reflect the planning intention to allow flexibility for minor relaxation of building height under different height bands.

69. The Board decided not to propose any amendment to the Plan to meet the remaining part of the representation for the following reasons:

- (a) more stringent height control might pose constraints on future developments/redevelopments, unnecessarily jeopardize any further redevelopment incentives, and adversely affecting the development rights of individual landowners. The proposed reduction in building height profile might not necessarily result in an enhanced townscape or avoid wall effect; and
- (b) stipulation of building height restrictions on the OZP was an initial effort in enhancing planning control over developments/redevelopments. It did not preclude the imposition of plot ratio control where justified.

Representations No. 12-24

70. After further deliberation, the Board decided to partially meet the representations by:

- (a) revising the height bands as follows:
 - the maximum building height of 120mPD for the inland area along both sides of Electric Road and to the north of King's Road should be amended to 110mPD;
 - the maximum building height of 130mPD for the inland area to the

immediate south of King's Road and to the east of Healthy Street West should be amended to 120mPD;

- the maximum building height of 140mPD to the immediate south of King's Road should be amended to 120mPD;
- the maximum building height of 140mPD for the foothill areas to the south of King's Road should be amended to 130mPD; and

- (b) including new paragraphs in the relevant section of the ES of the OZP to better reflect the planning intention to allow flexibility for minor relaxation of building height under different height bands.

71. The Board decided not to propose any amendment to the Plan to meet the remaining parts of the representations for the following reason:

more stringent height control might pose constraints on future developments/ redevelopments, unnecessarily jeopardize any further redevelopment incentives, and adversely affecting the development rights of individual landowners. The proposed reduction in building height profile might not necessarily result in an enhanced townscape or avoid wall effect.

Representation No. 25

72. After further deliberation, the Board decided to partially meet the representation by amending the maximum building height of 140mPD for the foothill area to the south of King's Road (including New Eastern Terrace) to 130mPD and amending the Explanatory Statement of the Outline Zoning Plan accordingly.

73. The Board decided not to propose any amendment to the Plan to meet the remaining parts of the representation for the following reason:

the stipulation of a building height restriction of 130mPD for the representation site was to prevent the adverse impact of excessively tall or out-of-context buildings on

the existing townscape. It had struck a balance between meeting the public aspirations for a better living environment and private development rights.

Representation No. 26

74. After further deliberation, the Board decided not to propose any amendment to the Plan to meet the representation for the following reasons:

- (a) the building height restrictions had been formulated after taking into account various factors, including the existing height profile, the local character, the urban design considerations, air ventilation as well as striking a balance between public interest and development rights;
- (b) the proposed amendment to relax the building height restriction to 152mPD or 160mPD would make an abrupt height contrast with the adjoining existing buildings, resulting in tall buildings out of keeping with the immediate neighbourhood; and
- (c) to provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the GFA/building height restrictions might be considered by the Board through the planning permission system. Each application would be considered on its individual merits.

75. The meeting was adjourned for lunch at 2:15pm.

76. The meeting was resumed at 3:00 p.m..
77. The following Members and the Secretary were present in the afternoon session:

Mr. Raymond Young
Dr. Greg C.Y. Wong
Mr. Nelson W.Y. Chan
Mr. David W.M. Chan
Professor David Dudgeon
Mr. Tony C.N. Kan
Mr. Edmund K.H. Leung
Mr. Alfred Donald Yap
Ms. Sylvia S.F. Yau
Mr. B.W. Chan
Mr. Raymond Y.M. Chan
Ms. Anna S.Y. Kwong
Mr. K.Y. Leung
Miss Annie K.L. Tam
Mrs. Ava S.Y. Ng

[Messrs. Mr. David W.M. Chan and Mr. B.W. Chan arrived to join the meeting at this point.]

Agenda Item 5

Hearing for Group 3 – Representation No. 115

(TPB Paper No. 8061)

[The meeting was conducted in Cantonese and English.]

Presentation and Question Session

78. The following Members had declared interests on this item:

Mrs. Ava S.Y. Ng, Director of Planning	Owned a property at Cloud View Road
Dr. Greg C.Y. Wong	Owned a property at Shell Street
Mr. K.Y. Leung	Owned a property in Maiden Court, Cloud View Road
Mr. B.W. Chan	Owned a property at Braemar Hill Mansion
Dr. James C.W. Lau	Owned a property at Braemar Hill Road
Dr. Daniel P.M. To	Being a Member of Eastern District Council (EDC), whose Works and Development Committee (WDC) had been consulted on the OZP amendments on 19.7.2007
Dr. Ellen Y.Y. Lau	Being the representer of R1 who generally supported the proposed amendments
Mr. Nelson W.Y. Chan	Being a member of the North Point Kai Fong Association

79. As the locations of the properties owned by the concerned Members were not directly related to the representation and Mr. Nelson W.Y. Chan's interest was remote, Members agreed that they could stay in the meeting. It was noted that Mr. Dr. Daniel P.M. To had tendered apologies for not being able to attend the afternoon session of the meeting while Dr. James C.W. Lau and Dr. Ellen Y.Y. Lau had tendered apologies for not being able to attend the meeting.

80. The following representatives from PlanD and the consultants were invited to the meeting at this point:

Ms. Brenda Au, DPO/HK

Ms. Phoebe Chan, STP/HK

Ms. Katy Fung, STP/SD

Mr. Raymond Leung, PA

Ms. Claudine K. Y. Lee, Allied Environmental Consultants Ltd.

81. The following representatives of the representer were also invited to the meeting:

Mr. I.T. Brownlee

Dr. Jimmy Fung

Mr. Paul Zimmerman

82. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited Ms. Brenda Au to brief Members on the background to the representation.

83. With the aid of a Powerpoint presentation, Ms. Brenda Au made the following main points as detailed in the Paper:

- (a) subject of representation and comments – the Representation No. 15 was submitted by Designing Hong Kong Harbour District (DHKHD) and represented by Masterplan Ltd.. The representer opposed to the omission of amendments to the North Point OZP to impose building height restrictions on the “Comprehensive Development Area” (“CDA”) zone at Oil Street and that no change had been made to the zonings of the representation site to reflect the revised development parameters in the planning brief for the “CDA” site. There were two related comments. Comment No. 1 opposed to the amendments proposed by the representer in relation to the building height restrictions and Comment No. 2 suggested keeping the Oil Street “CDA” site vacant from development for better air ventilation;
- (b) the grounds of representation and the representer’s proposals were summarized in paragraphs 2.4 to 2.14 of the Paper. The representer put

forward two options: preferred Option 1 – to rezone the representation site to “Open Space” (“O”) and “Government/Institution/Community” (“G/IC”) annotated “Historic Building” or Option 2 – to rezone the site to “O”, “Commercial/Residential” (“C/R”) and “G/IC” annotated “Historic Building”. The views of the commenters were summarized in paragraphs 2.15 and 2.16 of the Paper;

- (c) background – the background related to the representation was detailed in paragraph 3 of the Paper. Ms. Au said that the representer had written to the Secretary of the Board on 28.4.2008 requesting for additional information. The Secretary informed the representer on 5.5.2008 that the relevant Metro Planning Committee (MPC) paper and minutes for the proposed building height restrictions on the North Point OZP and the Information Note to Members for consideration of the representations, which contained the related air ventilation assessment (AVA) and visual assessment were available for public inspection at PlanD’s Planning Enquiry Counter at North Point Government Offices. The planning brief for the Oil Street CDA site and the related AVA had already been included in the relevant MPC/TPB paper when the revised planning brief was considered by Members. On the suggestion to present two images showing the visual impact of the CDA development as permitted under the planning brief and the impact of the representer’s Option 1 for open space use, Ms. Au said that the photomontages for an illustrative scheme at the Oil Street site had been included in the relevant MPC paper on the revised planning brief. Images showing the representer’s Option 1 was not prepared as it was unreasonable to assume pure open space use in the “CDA” zone. Ms. Au also briefed Members on the open space provision in the North Point district highlighting that while there would be a deficit of planned local open space of 5.69 ha, it could be compensated by a surplus of 10.2 ha of district open space. The open space provision had included the open space to be provided in the future development of ex-North Point Estate site, the Oil Street development and the open space provision in relation to Central-Wanchai Bypass;

[Mr. C.N. Kan returned to join the meeting at this point.]

- (d) PlanD's views – PlanD did not support any amendments to the OZP to meet the representation. The planning considerations and assessments of the representer's proposals were detailed in paragraph 4 of the Paper. The current amendments in the OZP did not involve change to the zonings of the representation site. The representer's proposal to rezone part of the site to "O" and "G/IC" and to add an annotation for the "G/IC" zone amounted to a zoning amendment application. On the representer's preferred Option 1, the design concept of the planning brief had provided a suitable balance between development and provision of public open space, taking account of the AVA findings. The overall open space provision in North Point was sufficient and there was no need to rezone the major part of the representation site to "O". The Graded II historic building could be considered for preservation and adaptive re-use under the existing "G/IC" zoning. On Option 2, as the site was adjacent to the Island East Corridor subject to severe noise impact and air pollution, the Environmental Protection Department did not support the representer's proposal to rezone the site to "C/R". Under the "CDA" zoning, the Board could exert proper control over the future development of the site through the MLP submission.

84. The Chairman then invited the representer's representatives to elaborate on the representation.

85. With the aid of some plans, Mr. I.T. Brownlee made the following main points:

- (a) the representation was an objection raised in the public interests in the hope of providing a long-term sustainable environment in North Point for future generations;
- (b) the objection was lodged in view of the lack of building height restriction for the site, insufficient provision of open space in North Point, increase in population and development intensity in a most densely developed area,

blocking of air ventilation gap and adverse visual impact generated by the CDA development;

- (c) no information had been provided by PlanD on the visual impact and the air ventilation implications of their preferred Option 1 (i.e. public open space). PlanD had also not provided adequate information to the Board for consideration of the representation;
- (d) contrary to the approach in imposing building height restrictions in the Wong Chuk Hang Business Area where a public consultation exercise was conducted before submitting the proposed OZP amendment to the Board, there was a lack of transparency and public consultation in the imposition of building height restriction on the North Point OZP. People that were affected by the building height restrictions did not know the rationale behind. The MPC papers and minutes were not available until a week before the meeting;
- (e) the representation was related to North Point OZP No. S/H8/20. The Board should not take into account the open space provision included in the North Point OZP No. S/H8/21 in considering the subject representation as the latter OZP was subject to two judicial review cases;
- (f) the planning brief was not a statutory document under the Town Planning Ordinance. The development parameters contained in the planning brief and those stipulated under the Notes of the OZP for the Oil Street site were inconsistent. Only the maximum GFA for office use was the same under the OZP and the planning brief;
- (g) a consistent approach for the whole planning scheme area in the OZP should be adopted. The subject site was the only site which did not have a building height limit in the North Point OZP. The land use at the subject site should also be reviewed, noting that the zoning of a number of other sites had also been reviewed and amended as amendment items C, D and E; and

- (h) though a stepped height profile was proposed for the CDA development, it would still create a wall effect when viewed from the harbour.

86. With the aid of some plans, Dr. Jimmy Fung made the following main points:

- (a) the AVA report for the Oil Street site was flawed;
- (b) the purpose of a AVA was to ensure that the existing air ventilation conditions would not be worsened by future developments. The baseline for comparison should be the existing situation, and not some other pre-conceived development scenarios;
- (c) the Oil Street AVA which adopted the scheme with development parameters as permitted under the original land sale conditions as the baseline and compared it with a scenario with lower development intensity was not correct. Comparison of the air ventilation effect should be made between the existing situation with low buildings on the site and the future development as permitted under the planning brief;
- (d) the existing air ventilation condition in North Point especially the Tin Hau area was bad. The AVA should help improve, but not worsen the situation;
- (e) the downwash effect claimed to be created by the stepped height profile in the AVA would not happen in the North Point area in view of the excessive ratio of the height and width of buildings; and
- (f) the Oil Street site was the only and last gap along the North Point waterfront. The proposed development would hinder wind penetration into the Fortress Hill area.

87. With the aid of a Powerpoint presentation, Mr. Paul Zimmerman made the following main points:

- (a) the proposed development at the Oil Street site would increase the development intensity in North Point, the impact of which had to be fully assessed;
- (b) there was a shortage of 5.69 ha of local open space in North Point. Although DPO/HK indicated that there would be an overall surplus of 4.51 ha of open space taking into account both local open space and district open space provision, it should be note that the figure had included Victoria Park of 19.05 ha. He had doubt if Victoria Park should be counted as district open space as it was serving a territorial function. Other than that, the open space provision related to the Central-Wan Chai Bypass was not included in this OZP under representation. About 4.58 ha of local open space were within private development and inaccessible to the public and should therefore be excluded;
- (c) the open space provision in North Point was not satisfactory. Many open spaces were small, and located far away from the major population centre in North Point. The Oil Street site should be used for public open space which was the last gap along the waterfront area that would allow for fresh air intake to the hinterland of North Point;
- (d) there was no financial and population pressure for the Government to sell the site; and
- (e) developing the CDA site would pose high opportunity cost on the residents in North Point in terms of air quality, health and living environment. The Board should make a balanced decision.

88. A Member asked how air would flow through the Oil Street site to the Fortress Hill area given that Newton Hotel on the landward side of the Oil Street site was already a tall building.

89. Dr. Fung replied that the existing buildings east of Newton Hotel were only about

5 to 6 storeys high and fresh air could flow towards the hinterland through this gap. The Chairman asked if the representer had assumed that the low building would not be redeveloped with a higher building height. Dr. Fung replied that all redevelopments should not be allowed to affect adversely the air ventilation condition of the existing situation.

90. In response to the Chairman's enquiry on whether certain information was not available to the Board for consideration, Ms. Au said that as elaborated in the Powerpoint presentation, all relevant information was available to Members for consideration. The image comparing the visual impact of the CDA development as permitted under the planning brief and the representer's Option 1 was not prepared as it was unreasonable to assume pure open space use in the "CDA" site. Even if an image was required for Option 1, it should be provided by the representer. She added that the photomontages for the development at the Oil Street site had been included in the MPC paper for consideration of the revised planning brief in August 2007 and such information was included in Plan H-7 of the TPB Paper No. 8059.

91. Ms. Au continued to make the following main points:

- (a) the proposed open space related to the Central-Wanachi Bypass at the waterfront was included in the open space provision of the North Point district as it reflected the long-term planning intention. Victoria Park was all along zoned district open space on the North Point Outline Development Plan;
- (b) local open space was not necessarily public open space. Local open spaces in private developments were provided in accordance with the Hong Kong Planning Standards and Guidelines to serve residents of the individual developments and hence should be included in the calculation of overall provision;
- (c) the zoning amendment in relation to Minster Court at Ming Yuen Street West (Amendment Item D) was to take forward MPC's decision on a rezoning application;

[Professor David Dudgeon left the meeting at this point.]

- (d) although the AVA for the Oil Street site had not adopted the existing situation as the baseline, the wind tunnel test in the AVA for the whole North Point OZP did compare the existing scenario (including the Oil Street site) with the planned scenario and the result indicated that there was not much difference in the velocity ratio around the Oil Street site. The AVA for the whole North Point OZP identified five problem areas but the Oil Street site was not one of them. In the AVA report for the Oil Street site, the velocity ratio at the promenade which was an open area was 0.2 while the local velocity ratios for all the three development scenarios were about 0.18 to 0.19. This indicated that there was not much difference with the CDA development;
- (e) the current development scheme of the Oil Street site was adopted as it provided more open space, wider wind and visual corridors with a lower plot ratio. In determining the appropriate development scenario, AVA was one of the considerations but not the only consideration.

92. Dr. Fung said that the velocity ratio of the promenade area at Oil Street in the AVA for the Oil Street site was 0.2 and it was lower as a result of the blocking effect of tall buildings. In the AVA (wind tunnel testing) for the whole North Point OZP, the average velocity ratio along the waterfront near Victoria Park was 0.291. Ms. Claudine K.Y. Lee clarified that the figures quoted were at Oil Street and Victoria Park respectively which were of different context. Dr. Fung said that the average velocity ratio at the promenade would far exceed 0.2 and approach 0.3 if there was no building behind it. He added that any development along the waterfront would adversely affect air ventilation in the hinterland. The Board had to examine other alternatives and look for an optimum solution to arrive at a balanced decision.

93. As the representer's representatives had finished their presentations and Members had no further question to raise, the Chairman informed them that the hearing procedures for the representation had been completed, and the Board would deliberate on the representation in their absence and inform the representer of the Board's decision in due course. The

Chairman thanked the representer's representatives and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

94. A Member considered it obvious that the air ventilation condition of an open space would be better than a development site. However, such argument was rather academic and impractical as the Oil Street site had all along been earmarked for development. Another Member said that according to DPO/HK, there was not much difference in the air ventilation condition with the development at the Oil Street CDA site.

95. A Member said that the Oil Street site was the subject of a previous application for zoning amendment and as a result of that, the planning brief was revised with a reduction in development intensity and Members had thoroughly considered the issues raised in previous meetings. Putting the land to open space use was good but the Board had to strike a balance between economic development and the needs of the community. The revised planning brief for the Oil Street CDA was already an improvement over the original one.

96. Another Member commented that the problem was due to the absence of a benchmark to determine the acceptability of a development proposal in terms of the air ventilation condition.

97. As requested by the Chairman, the Secretary recapitulated the planning history of the Oil Street site. She said that in the AVA for the Oil Street site, the original scheme as permitted under the previous OZP and land sale conditions (with a total GFA of about 123,000m²) was taken as the baseline. Two alternative schemes with a reduced development intensity and different design layout were developed for wind tunnel test. Three wind corridors had been proposed for the adopted scheme. If the successful bidder of the site intended to deviate from the design requirements as stipulated in the planning brief, an AVA would be required to justify that the alternative layout was acceptable. She added that as pointed out by DPO/HK, the area-wide AVA for the whole North Point OZP had compared the existing situation with the planned scenario and the result showed that there was not much difference in air ventilation condition around the Oil Street site.

98. The Chairman said that as the Board had decided to lower the building height restriction on the seaward side north of King's Road from 120m PD to 110m PD in consideration of the Group 1 representations in the morning, the building height limit of 120m PD for the south-eastern portion of the Oil Street CDA site as stipulated in the planning brief should be reduced accordingly.

99. Mrs. Ava Ng said that a submission would be made to the MPC to amend the planning brief accordingly after the completion of the plan making procedures of the North Point OZP.

100. After further deliberation, the Board decided not to propose any amendment to the Plan to meet the representation for the following reasons:

- (a) the "CDA" site was at a prominent waterfront location. It was also subject to various development constraints relating to environmental and traffic aspects. The "CDA" zoning would ensure comprehensive planning and appropriate planning control over the development mix, scale, design and layout of development taking the development constraints into consideration. The planning brief endorsed by the Board provided guidance for the preparation of the master layout plan submission required under the "CDA" zoning. Any deviation on the development parameters in the planning brief required the approval from the Board. The "CDA" zoning of the northern part of the representation site was considered appropriate;
- (b) for the North Point Planning Scheme Area as a whole, there would be a surplus in overall open space provision. The proposed rezoning of part of the representation site to "O" was considered not necessary;
- (c) the historic building at the southern part of the representation site was under Government ownership. While the building could be considered for preservation and adaptive re-use under the "G/IC" zoning, the long-term use of the site had not yet finalized. Before finalization of the long-term use, the current "G/IC" zoning of the site was considered appropriate in that it would provide the necessary flexibility for possible adaptive re-use; and

- (d) pending the finalization of the long-term use of the historic building site, appropriate zoning amendments for the representation site would be incorporated into the OZP. As the planned open space was always permitted in the “G/IC” zone and ‘Road’ area, there was no imminent need to change the zonings of the southern part of the site.

[Miss Annie Tam left and Ms. Anna S.Y. Kwong returned to the meeting while Mr. Nelson W.Y. Chan left temporarily at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/K7/85

School (Tutorial School) in “Residential (Group B)” zone, G/F, Block H,
268B Prince Edward Road West, Ho Man Tin (KIL 2135A5)

(TPB Paper No. 8095)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

101. Mr. Eric Yue, District Planning Officer/Kowloon (DPO/K) of the Planning Department (PlanD) and Mr. Thomas Kam, the applicant’s representative, were invited to the meeting at this point.

102. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman then invited Mr. Eric Yue to brief Members on the application.

103. With the aid of Powerpoint Presentation, Mr. Eric Yue did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for a school (tutorial school) at the

application premises which fell within an area zoned “Residential (Group B)” (“R(B)”);

- (b) the reasons for the Metro Planning Committee (MPC) to reject the application on 2.11.2007 were set out in paragraph 1.2 of the Paper;
- (c) written representation was submitted by the applicant and the major justifications were summarized in paragraph 3 of the Paper;
- (d) departmental comments – the Commissioner of Police did not support the application as traffic was comparatively heavy in the vicinity;
- (e) public comments – 5 public comments (including a Kowloon City District Councillor, the Incorporated Owners of a neighbouring development and residents of the subject development) were received objecting to the application on the grounds of nuisances, traffic and security; and
- (f) PlanD’s view – PlanD did not support the application for reasons stated in paragraph 8.1 of the Paper. The tutorial school did not comply with TPB Guidelines No. 40 (Application for Tutorial School under s.16 of the TPO) in that there was insufficient information to demonstrate that the tutorial school, without the provision of a separate exclusive access, would not cause nuisances to the existing residential premises and approval of the application would set an undesirable precedent for similar applications without direct separate access from public roads.

104. The Chairman then invited the applicant’s representative to present. Mr. Thomas Kam made the following main points:

- (a) the nuisances in the area were not generated by the operation of his tutorial school but mainly by other commercial uses like real estate agencies, hair salons, ballet schools and other approved tutorial schools;
- (b) the domestic helpers and parents escorting the pupils came from the same

neighbourhood. They were asked not to wait for the pupils in the development and would not cause obstruction at the side lane;

- (c) the tutorial school was operated on a small group basis and was closed on Sundays and public holidays;
- (d) he had taken various measures to improve the security and safety, cleanliness as well as amenities of the building. The lighting of the signboard was turned off after 9 p.m. to avoid creating nuisances to the neighbours;
- (e) currently, they used the side lane at No. 268 Prince Edward Road West as the access. If required, they could make use of No. 270 Prince Edward Road West to provide another access;
- (f) there were already an art school and a recording studio at No. 270 Prince Edward Road West operating without planning approval. There was a market demand for tutorial schools in the area; and
- (g) the tutorial school was a small family business and he had tried his best to comply with the Government requirements. Sympathetic consideration should be given to the application.

105. The questions raised by Members were summarized as follows:

- (a) the number of storeys and units of the building at No. 268 Prince Edward Road West;
- (b) whether there were planning approvals for the tutorial schools at No. 268C and 270 Prince Edward Road West;
- (c) the number of pupils that could be accommodated in the tutorial school;
- (d) whether the side lane to the application premises was a vehicular access;

and

- (e) what the safety concern was with respect to the requirement for a separate access to the tutorial school.

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

106. In response, Mr. Eric Yue made the following main points:

- (a) the two tutorial school at No. 268C and 270 Prince Edward Road West were approved by MPC previously. They had direct and separate access to public road;
- (b) according to the Buildings Department, the side lane was for pedestrian use only and was shared by the residents of the same building; and
- (c) according to the Board's Guidelines, a separate access serving exclusively the tutorial school was required in order to minimize any nuisances to the residents in the same building.

107. Mr. Thomas Kam made the following main points:

- (a) the existing building at No. 268 Prince Edward Road West were 3 storeys with a total of 12 units;
- (b) there was an approved tutorial school without direct access to public road in the area. The art school at No. 268C Prince Edward Road West was operated without planning permission;
- (c) there were 3 classrooms in the tutorial school. The projected capacity of the tutorial school was 40 on weekdays and 50 on Saturday but the actual number of pupils was less than that amount. Normally, there were only about 2 to 3 pupils with a tutor in each session (about 1 to 1 1/2 hours) per classroom; and

- (d) no school activity would need to use the side lane and pupils would not stay there.

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

Deliberation Session

109. A Member said that the tutorial school sharing the same access to the subject building would generate nuisances to other residents of the same building. Members agreed and considered that there was no strong ground to support the application which was not in line with the Board's Guidelines.

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

- (a) the tutorial school did not comply with the Town Planning Board Guidelines for "Application for Tutorial School under section 16 of the Town Planning Ordinance" in that there was insufficient information in the application to demonstrate that the tutorial school, without the provision of a separate exclusive access from public road, would not cause nuisances to the existing residential premises within the same development; and
- (b) approval of the application would set an undesirable precedent for other similar applications for tutorial schools within residential buildings in the area which had no separate access to the application premises from public roads.

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

Agenda Item 7

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-PH/550

Temporary Religious Institution (Assembly Hall) for a Period of 3 Years in “Village Type Development” zone, Lots 2018B2(Part) and 2018C1B(Part) in DD 111, Pat Heung, Yuen Long

(TPB Paper No. 8100)

[The hearing was conducted in English and Cantonese.]

Presentation and Question Session

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

Raghbi Syed Jamil

M. Javed Shahab

Ghulam Mustafa

112. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman then invited Mr. Wilson So to brief Members on the application.

113. With the aid of some plans, Mr. Wilson So did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for temporary religious institution (assembly hall) for a period of 3 years in “Village Type Development” (“V”) zone;
- (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to

reject the application on 18.1.2008 were set out in paragraph 1.2 of the Paper;

- (c) written representation was submitted by the applicant and the major justifications were summarized in paragraph 3 of the Paper;
- (d) departmental comments – Government departments had no objection to the application. The Drainage Services Department requested to include planning condition on the submission of drainage proposal and implementation of drainage facilities should the application be approved. In processing a previous application for the same use at the subject site, the Secretary for Home Affairs had advised that as the applicant was neither a charitable organization nor a bona fide religious institution, policy support for conducting a site search for the religious institution could not be granted;
- (e) public comments – 3 public comments from the village representatives of Wang Toi Shan Lo Uk Tsuen and Yuen Long District Councillors were received strongly objecting to the application on the grounds of nuisances, road access and security; and
- (f) PlanD's view – PlanD did not support the applications for reasons stated in paragraph 8.1 of the Paper. The development was not in line with the planning intention of the “V” zone and there was no information to demonstrate that the development would have no adverse drainage impact on the surrounding areas.

114. The Chairman then invited the applicant's representatives to present. Mr. Raghbi Syed Jamil made the following main points:

- (a) The Muslims needed to fulfil their religious obligations. The assembly hall had been serving the Muslim community since its establishment in 2000 and it helped lower the juvenile delinquency rate;

- (b) the applicant rented the subject site through a village representative. There was no objection from the villagers in the first few years of establishment of the assembly hall;
- (c) the objection to the assembly hall involved racial discrimination. No Government department had raised objection to the application;
- (d) they were willing to move out once they had found a suitable place. They would like to seek the Board's assistance to find a suitable place nearby to resolve the problem; and
- (e) temporary approval on a short-term basis should be granted to allow time for them to relocate the assembly hall. They would make sure that the approval conditions would be complied with.

115. The questions raised by Members were summarized as follows:

- (a) what was the current status of the existing tenancy agreement and whether there was a break clause in the tenancy agreement;
- (b) noting that the assembly hall had been in existence since 2000 with no planning approval, whether enforcement action had been taken;
- (c) whether PlanD would help identify an alternative site for the applicant;
- (d) whether the applicant had attempted to find an alternative site; and
- (e) whether the applicant had considered to move to a commercial building in the Yuen Long town area.

116. In response, Mr. Wilson So made the following main points:

- (a) PlanD was prepared to help the applicant to find a suitable site if the applicant was able to obtain policy support from the Home Affairs Bureau.

If that could not be done, PlanD could provide information on the “G/IC” sites available in the area to the applicant; and

- (b) the site was the subject of a previous enforcement case. The landowners were convicted and fined in December 2006. The worship place ceased operation in 2007 but was used currently as assembly hall. The site was being closely monitored for further enforcement action.

117. Mr. Raghbi Syed Jamil made the following main points:

- (a) the tenancy was renewed in 2007 and would end on 31.3.2010. There was a break clause in the tenancy agreement;
- (b) they had tried to find an alternative site for relocation through local estate agents but no suitable site was available. They were also worried about similar objection from villagers elsewhere; and
- (c) commercial premises in the Yuen Long town area were too small for assembly hall use and were also too far away. Suitable sites in the Pat Heung area were often rented out for various open storage uses.

118. As the applicant’s representatives had no further comment to make and Members had no further question to raise, the Chairman 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 Chairman thanked the applicant’s representatives and DPO/TMYL for attending the meeting. They left the meeting at this point.

Deliberation Session

119. A few Members expressed sympathy on the application but considered that the application could not be supported as it was not in line with the planning intention of the “V” zone.

120. The Chairman asked PlanD to assist the applicant to identify a suitable “G/IC” site.

121. Mrs. Ava Ng said that given the applicant’s insistence on locating the assembly hall in the Pat Heung rural area, it would be difficult to find a suitable site for the applicant. PlanD would try its best to help the applicant.

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

- (a) the development was not in line with the planning intention of the “Village Type Development” zone on the Outline Zoning Plan, which was to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. No strong justifications had been provided in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) there was no information to demonstrate that the development would have no adverse drainage impact on the surrounding areas.

Agenda Item 8

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-TT/221

Temporary Outdoor Mini Motorcycle Ground with Ancillary Barbecue Area for a Period of 3 Years in “Agriculture” zone, Lots 1811(Part), 1812(Part), 1813, 1814(Part) and 1815A-D&E-J(Part) in DD 117 and Adjoining Government Land, Wong Nai Tun Tsuen, Yuen Long

(TPB Papers No. 8102)

[The meeting was conducted in Cantonese.]

Declaration of Interest

123. Dr. James C.W. Lau had declared an interest on this item as he had current business dealings with the consultant of the application. Members noted that Dr. Lau had sent apology for unable to attend the meeting.

Presentation and Question Session

124. Mr. Wilson So, District Planning Officer/Tuen Mun and Yeun Long (DPO/TMYL) of the Planning Department (PlanD) and the following applicant's representatives were invited to the meeting at this point.

Mr. Raymond Leung

Mr. Lam Tim-kit

Mr. Yu Yau-cheung

Mr. Yu Yau-fat

Miss Au Yue-yan

125. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman then invited Mr. Wilson So to brief Members on the application.

126. With the aid of some plans, Mr. Wilson So did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for temporary outdoor mini motorcycle ground with ancillary barbecue area for a period of 3 years in "Agriculture" ("AGR") zone;
- (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 18.1.2008 were set out in paragraph 1.2 of the

Paper;

- (c) no written submission in support of the review was submitted by the applicant;
- (d) departmental comments - Environmental Protection Department did not support the application as there were sensitive receivers within 100m of the site. Transport Department considered that approval of the case might set an undesirable precedent. Director of Agriculture, Fisheries and Conservation did not favour the application as the site had good potential for agricultural rehabilitation;
- (e) public comments – a local objection against the application on environmental ground was received at the s.16 application stage. No public comment was received during the statutory public inspection period of the s.17 review application; and
- (f) PlanD's view – PlanD did not support the application for the reasons stated in paragraph 7.1 of the Paper. The development was not in line with the planning intention of “AGR” zone. There was insufficient information in the submission to demonstrate that the development would not generate adverse environmental and traffic impacts and approval of the application would set an undesirable precedent.

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

127. The Chairman then invited the applicant's representatives to present. With the aid of a Powerpoint presentation, Mr. Raymond Leung made the following main points:

- (a) there was an existing mini motorcycle ground at Fung Ka Wai, Tin Shui Wai. Mini motorcycling was a popular activity in Yuen Long;
- (b) the sensitive receivers within 100m of the site boundary were three temporary structures currently being used as warehouse, resting place for

workers and storage of goods;

- (c) the Environmental Protection Department had no objection to the application. They only indicated that there were sensitive receivers nearby. The mini motorcycle ground was only used by the applicant and his friends for private recreation purpose and there would no on-site repairing and maintenance of mini motorcycles;
- (d) although the Agriculture, Fisheries and Conservation Department did not favour the application, the site was not suitable for agricultural use as it was paved and there was no water supply;
- (e) approval of the application would not set an undesirable precedent adversely affecting the traffic condition because it was a private facility used by no more than 15 people of the Wong Nai Tun Tsuen;
- (f) the villagers considered that the local objection raised by the previous District Councillor of Tin Shui Wai was unjustified; and
- (g) sympathetic consideration should be given to the application.

[Mr. K.Y. Leung returned while Dr. Greg C.Y. Wong left the meeting temporarily at this point.]

128. The Chairman asked whether the subject facility was for private use only and whether it would be open to the public on a commercial basis.

129. Mr. Raymond Leung confirmed that it was a private facility solely used by the villagers.

130. As the applicant's representatives had no further comment to make and Members had no further question to raise, the Chairman 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 Chairman thanked the applicant's representatives and DPO/TMYL for attending the meeting. They left

the meeting at this point.

Deliberation Session

131. The Chairman said that sympathetic consideration could be given as the applied use was for private recreation purpose and the Agriculture, Fisheries and Conservation Department and the Environmental Protection Department did not raise objection to the application. Any possible nuisances to the residents would be minimized as the operation hours of the development, as proposed by the applicant, were restricted to 10:00 a.m. to 6:00 p.m. during weekends.

132. A Member agreed and said that the application could be approved for one year to monitor the situation.

133. The Chairman added that approval condition should be included to ensure that the facility would not be open for public use or operate on a commercial basis nor in the form of a club.

134. After deliberation, the Board decided to approve the application on review on the terms of the application as submitted to the Board. The planning permission should be valid on a temporary basis for a period of 12 months until 16.5.2009 and subject to the following conditions:

- (a) the operation hours were restricted from 10:00 a.m. to 6:00 p.m. during weekends (i.e. on Saturdays, Sundays and public holidays only), as proposed by the applicant, during the planning approval period;
- (b) no operation of the use was allowed to be carried out on weekdays, as proposed by the applicant, during the planning approval period;
- (c) no operation of the use to the general public was allowed and the use should not be operated on a commercial basis nor in the form of a club, during the planning approval period;

- (d) no mini motorcycles repairing and/or any other kind of repairing, fixing, maintenance, dismantling and workshop activities, as proposed by the applicant, should be carried out on site at any time during the planning approval period;
- (e) the submission of drainage proposals within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.8.2008;
- (f) in relation to (e) above, the provision of drainage facilities proposed within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.11.2008;
- (g) the submission of landscape and tree preservation proposals within **3** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.8.2008;
- (h) in relation to (g) above, the implementation of the landscape and tree preservation proposals within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.11.2008;
- (i) the submission of fire services installations and EVA proposals within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.8.2008;
- (j) in relation to (i) above, the provision of fire service installations and EVA proposed within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.11.2008;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby

given should cease to have effect and should be revoked immediately without further notice;

- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) any land issues relating to the development should be resolved with the concerned owner(s) of the site;
- (d) a shorter approval period of 12 months and shorter compliance periods were imposed so as to monitor the situation and fulfilment of approval conditions;
- (e) note the District Lands Officer/Yuen Long's comments that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office. His recent site inspection revealed that some unauthorized structures including converted containers were

erected on the site. Besides, the Government land within the site was also occupied without approval from his Office. In this connection, his Office reserved the right to take enforcement/control action against the irregularities. Furthermore, the existing occupation area was found to be different with that under the application. As such, the applicant should clarify the discrepancy. The applicant should apply for Short Term Waiver/Short Term Tenancy (STW/STT) to regularize the irregularities. Should no STW/STT application be received and the irregularities persisted on site, his Office would consider taking appropriate enforcement/control action against the registered owner;

- (f) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. Furthermore, the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Office did not maintain the vehicular access track from the site to Kung Um Road;
- (h) the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department should be followed to adopt environmental mitigation measures to minimize any possible environmental nuisances;
- (i) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that according to the proposed site layout, the motorcycle tracks were placed right up to the edge of the site boundary. Therefore, peripheral planting of trees and shrubs as proposed by the applicant was not feasible. It was recommended that all built elements and structures should be set back at least 1m from the site boundary to allow for landscaping and installation of drainage facilities. Shrubs species should

also be included in the plant schedule of the landscape plan. Tree species such as *Melaleuca quinquenervia* (白千層) with a more upright tree form should be considered for peripheral planting adjacent to the motorcycle tracks;

- (j) note the Director of Fire Services's comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In addition, the Emergency Vehicular Access (EVA) provision in the site should comply with the standard as stipulated in the Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulation 41D. Moreover, it was noted that the site was proposed to be used for mini motorcycle ground in which Dangerous Goods licences might be required for the storage of substances/material in excess of exempted quantity should it be classified as Dangerous Goods within the meaning of Cap. 295 Dangerous Goods Ordinance. As such, the applicant/operator of the site should approach his Dangerous Goods Division for advice on licensing of the premises for the said purposes where necessary;
- (k) note the Chief Engineer/Development(2), Water Supplies Department's comments that there was no water supply to the above premises at present. For provision of water supply to the development, the applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (l) note the Director of Food and Environmental Hygiene's comments that a separate licence issued by his Office was required if food business was involved in the premises;
- (m) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of the planning approval should not be construed as condoning to any unauthorized structures existing on

the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined by the Building Authority under Building (Planning) Regulation 19(3) at building plan submission stage; and

- (n) note the Director of Electrical and Mechanical Services' comments that mini motorcycle was a motor vehicle subject to the control of the Road Traffic Ordinance, Cap. 374 and the relevant provisions of Cap. 374 applied to "Private Roads" as they applied to "Roads".

Agenda Item 9

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-HT/523

Proposed Public Utility Installation (Telecommunications Radio Base Station) in "Coastal Protection Area" zone, Government Land at Ngau Hom Sha, Ha Tsuen, Yuen Long

(TPB Paper No. 8099)

[The hearing was conducted in Cantonese.]

Declaration of Interest

136. The application was submitted by the Hutchison Telephone Co. Ltd., a subsidiary of Cheung Kong (Holdings) Ltd. Dr. Greg C.Y. Wong and Mr. Felix W. Fong, who had current business dealings with Cheung Kong (Holdings) Ltd., had declared interests on the item. Members noted that Dr. Greg C.Y. Wong had left temporarily while Mr. Felix W. Fong had tendered apology for not able to attend the afternoon session of the meeting.

Presentation and Question Session

137. The Chairman said that sufficient notice on the date of the review hearing had been given to the applicant, but the applicant had indicated not attending the meeting. Members agreed to proceed with the hearing in the absence of the applicant.

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

139. The Chairman extended a welcome and invited Mr. Wilson So to brief Members on the application.

140. With the aid of some plans, Mr. Wilson So did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for public utility installation (telecommunications radio base station) in “Coastal Protection Area” (“CPA”) zone;
- (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 18.1.2008 were set out in paragraph 1.2 of the Paper;
- (c) written submission was submitted by the applicant and the major justifications were summarized in paragraph 3 of the Paper;
- (d) departmental comments - Director-General of Telecommunications supported the application from telecommunication point of view;
- (e) public comments - a public comment from the village representative of Pak Nai Village (with a list of signatures of villagers from Pak Nai Village) was received strongly objecting to the application on nuisances and health grounds. The nearest residential dwellings were about 10m away from the application site; and

- (f) PlanD's view – PlanD did not support the application for reasons stated in paragraph 8.1 of the Paper. The development was not in line with the planning intention of “CPA” zone and there was insufficient information to justify locating the development in the “CPA” zone. Approval of the application would set an undesirable precedent.

141. A Member asked whether rejection of the application would disrupt the provision of telecommunication services in the area.

142. Mr. Wilson So said that the radio base station had been operating since 1999 and hence there might be some effect on the provision of service should the application be rejected. The public views on the station were diverse. Should the application be rejected, the applicant could look for an alternative site in the area to continue providing the service.

143. Another Members asked whether planning permission had been granted to the other radio base stations nearby.

144. Mr. So replied that they were without planning approval and Members might wish to note that another planning application for the same use nearby would be considered by the RNTPC shortly.

145. As Members had no further question to raise, the Chairman thanked DPO/TMYL for attending the meeting. He left the meeting at this point.

Deliberation Session

146. A Member noted that the antennae of the radio base station with a height of 15m was quite tall especially when viewed from Shum Wan Road and it might be desirable to move the radio base station further inland to minimize the adverse visual impact. The Chairman asked PlanD to liaise with the applicant to identify an alternative site.

147. Members considered that the development was not in line with the planning intention of “CPA” zone and there was no strong justification for the location.

148. After 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 “Coastal Protection Area” (“CPA”) zone where there was a general presumption against development;
- (b) there was insufficient information to justify locating the development in the “CPA” zone; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “CPA” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Dr. Greg C.Y. Wong returned to the meeting at this point.]

Agenda Item 10

[Open Meeting]

Request for Deferment of the Hearing Date

Consideration of Representations and Comments to Draft Tai Po Outline Zoning Plan No. S/TP/20

(TPB Paper No. 8107)

[The meeting was conducted in Cantonese and English.]

149. The Secretary reported that the Board had decided on 25.4.2008 to consider all the representations and comments collectively and the meeting was scheduled for 30.5.2008. The Secretariat had informed all the representers and commenters of the hearing arrangement and date on 29.4.2008. On 6.5.2008, the representative of Representer No. 12 wrote to the Secretary of the Board and requested the Board to defer the hearing of the representations and comments to 27.6.2008. The representative claimed that on 30.5.2008, Mr. Ruy Barretto, the main expert speaker of the representation, would need to appear in the High Court for a

case which had been set a long time ago.

150. The Secretary said that the Town Planning Board Guidelines No. 33 (TPB-PG No. 33) on 'Deferment of decision on representations, comments, further representations and applications made under the Town Planning Ordinance' was relevant to the request made. In considering a request for deferment, the Board should take into account all relevant factors including in particular (a) whether there were reasonable grounds to support the request; (b) whether the proposed deferment was for an indefinite period; and (c) whether the right or interest of other concerned parties would be affected.

151. She said that whether the need to attend a case in the High Court was a reasonable ground to defer the hearing was up to the Board to consider. She added that the proposed deferment period was not indefinite. If the Board agreed to the request, the consent of other representers and commenters would be sought to ensure that their right and interest would not be affected. Should the representers and commenters not agree to the deferment, the hearing would be held on 30.5.2008 as originally scheduled.

152. Two Members said that the deferment would affect those representers and commenters who were prepared to attend the hearing on 30.5.2008 and was not fair to them.

153. Another Member had reservation on the representer's ground for deferment but agreed that there was a need to balance the convenience of all the concerned parties.

154. After discussion, the Board agreed to the request to defer the hearing to 27.6.2008 subject to the consent of all the other 12 representers and 46 commenters. If consent could not be obtained, the hearing would be held on 30.5.2008 as originally scheduled.

155. Mr. I.T. Brownlee, the representative of Representer No. 12, was then invited to join the meeting at this point.

156. The Chairman informed Mr. Brownlee of the Board's decision on the request.

157. Mr. Brownlee said that the representer, Mr. Ruy Barretto, had conducted a study for the representation site and was the main expert speaker of the representation. The

representer would be disappointed and it was unfair to him if he could not attend the hearing. Mr. Brownlee added that the deferment for about one month would not delay the completion of the plan making procedures under the Town Planning Ordinance.

158. As Mr. Brownlee had no further comment to make and Members had no question to raise, the Chairman thanked Mr. Brownlee for attending the meeting and he left the meeting at this point.

Agenda Item 11

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations to Draft Ho Man Tin Outline Zoning Plan No. S/K7/19

(TPB Paper No. 8103)

[The meeting was conducted in Cantonese.]

159. The Secretary reported that Messrs. Y.M. Raymond Chan and Alfred Donald Yap had declared interest as they owned a property at Ho Man Tin Hill Road and Sheung Shing Street respectively. As the item was procedural in nature, Members agreed that they could stay in the meeting. Members noted that Mr. Raymond Y.M. Chan had already left the meeting.

160. The Secretary reported that on 18.1.2008, the draft Ho Man Tin Outline Zoning Plan (OZP) No. S/K7/19 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 17 representations and 189 public comments were received.

161. In view of the significant interests of the general public in the building height restrictions for the Ho Man Tin area, it was recommended that the representations and comments should be considered by the full Board in its regular meeting. As some of the representations were of similar nature, it was suggested to structure the hearing of the representations into 3 groups as follows:

Group 1

- (a) collective hearing for the representations and comments in relation to the general views on the incorporation of building height restrictions (Representation No. TPB/R/S/K7/19-1 and the related Comments No. TPB/R/S/K7/19-C185 to C188; and Representations No. TPB/R/S/K7/19-2 to 4 and the related Comment No. TPB/R/S/K7/19-C189), and for those in relation to the building height restrictions for 4 specific sites zoned “Residential (Group B)” (Representations No. TPB/R/S/K7/19-5 to 7 and the related Comment No. TPB/R/S/K7/19-C189) under Amendment Item A;

Group 2

- (b) collective hearing for the representations and comments in relation to the building height restrictions for 5 specific sites zoned “Government, Institution or Community” (“G/IC”), including 1 electricity substation site (also covered under Representation No. TPB/R/S/K7/19-7 and the related Comment No. TPB/R/S/K7/19-C189) and 4 school sites (Representations No. TPB/R/S/K7/19-8 to 15 and the related Comment No. TPB/R/S/K7/19-C189; also Comments No. TPB/R/S/K7/19-C1 to C184 in relation to Representation No. TPB/R/S/K7/19-9 only), under Amendment Item A; and

Group 3

- (c) collective hearing for the representations and comments in relation to the use of a site rezoned from “G/IC” to “Residential (Group E)” (Representations No. TPB/R/S/K7/19-16 and 17 and the related Comments No. TPB/R/S/K7/19-C185 to C188) under Amendment Item B.

162. The Secretary said that consideration of the representations by the full Board under section 6B was scheduled for 11.7.2008.

163. After deliberation, the Board agreed that the representations and comments should be considered in the manner as proposed in paragraph 2 of the Paper.

Agenda Item 12

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations to Draft Ma Tau Kok Outline Zoning Plan No. S/K10/19
(TPB Paper No. 8104)

[The meeting was conducted in Cantonese.]

164. The Secretary reported that on 18.1.2008, the draft Ma Tau Kok Outline Zoning Plan (OZP) No. S/K10/19 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 23 representations and 6 public comments were received

165. In view of the significant interests of the general public in the building height restrictions for the Ma Tau Kok area, it was recommended that the representations and comments should be considered by the full Board in its regular meeting. As some of the representations are of similar nature, it was suggested to structure the hearing of the representations into 2 groups as follows:

Group 1

- (a) collective hearing for the representations and comments in relation to the overall building height profile (Representations No. TPB/R/S/K10/19-1 to 16 and the related Comments No. TPB/R/S/K10/19-C2 to C6; and Representation No. TPB/R/S/K10/19-23); and for those in relation to the building height restrictions for specific “Residential (Group A)2” and “Comprehensive Development Area (2)” zones submitted by individual private lot owners (Representations No. TPB/R/S/K10/19-17 and 18 and the related Comment No. TPB/R/S/K10/19-C6; and Representation No. TPB/R/S/K10/19-22 and the related Comments No. TPB/R/S/K10/19-C1 and C6); and

Group 2

- (b) collective hearing for the representations and comments in relation to building height restrictions for specific “Government, Institution or Community” and “Other Specified Uses” annotated “Commercial Development with Public Vehicle Park” sites in the Ma Tau Kok area (Representations No. TPB/R/S/K10/19-19 to 21 and the related comment No. TPB/R/S/K10/19-C6).

166. The Secretary said that consideration of the representations by the full Board under section 6B was scheduled for 11.7.2008.

167. After deliberation, the Board agreed that the representations and comments should be considered in the manner as proposed in paragraph 2 of the Paper.

Agenda Item 13

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations to Draft Wong Nai Chung Outline Zoning Plan No. S/H7/14
(TPB Paper No. 8105)

[The meeting was conducted in Cantonese.]

168. The Secretary reported that on 18.1.2008, the draft Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/14 (the Plan) was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). A total of 50 representations and 385 public comments were received.

169. Since the amendments incorporated in the Plan were mainly related to the imposition of building height restrictions for the Wong Nai Chung area and had attracted wide public and local concerns, it was recommended that the representations and comments should be considered by the full Board in its regular meeting. As some of the representations were of similar nature, it was suggested to structure the hearing of the representations into 3 groups as follows:

Group 1

- (a) collective hearing for 38 representations (No. 1 to 37 and 50) and 7 related comments (No. C1, C378 to C380 and C383 to C385) mainly in respect of the building height restrictions for the Wong Nai Chung area as well as for specific sites in the “Residential (Group A)”, “Residential (Group B)” and “Residential (Group C)1” zones;

Group 2

- (b) collective hearing for 4 representations (No. 38 to 41) and 1 related comment (No. C381) mainly in respect of the rezoning of two sites at Leighton Road and Stubbs Road from “Commercial/Residential” to “Commercial” and a site at 101 Leighton Road from “Government, Institution or Community” to “Commercial (1)” and the building height restrictions; and

Group 3

- (c) collective hearing for 8 representations (No. 42 to 49) and 377 related comments (No. C2 to C377 and C382) mainly in respect of the building height restrictions for 3 “Government, Institution or Community” zones (covering the Hong Kong Sanatorium and Hospital (HKSH), a church and the Hong Kong Jockey Club staff quarters) and 3 “Other Specified Uses” zones (i.e. “OU” annotated “Race Course”, “Sports and Recreation Club” and “Stables, Private Sports/Recreation Club and Public Open Space” zones). Representers No. 6 to 15 who had raised concerns on the HKSH site would also be invited to attend the hearing of this group.

170. The Secretary said that consideration of the representations by the full Board under section 6B was scheduled for 25.7.2008.

171. After deliberation, the Board agreed that the representations and comments should be considered in the manner as proposed in paragraph 2 of the Paper.

Agenda Item 14

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

Agenda Item 15

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

173. There being no other business, the meeting was closed at 6:25 p.m..