

**Minutes of 914th Meeting of the
Town Planning Board held on 27.6.2008**

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. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor Bernard V.W.F. Lim

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

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Ms. Starry W.K. Lee

Professor Edwin H.W. Chan

Dr. Ellen Y.Y. Lau

Dr. Winnie S.M. Tang

Deputy Director of Environmental Protection
Dr. Michael Chiu

Director of Lands
Miss Annie Tam

Director of Planning
Mrs. Ava Ng

Deputy Director of Planning/District
Mr. Anthony T.K. Kwan

Secretary

Absent with Apologies

Mr. Leslie H.C. Chen

Professor David Dudgeon

Professor N.K. Leung

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Mr. K.Y. Leung

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Mr. Timothy K.W. Ma

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. S. Lau

Chief Town Planner/Town Planning Board
Mr. C.T. Ling (a.m.)
Mr. W.S. Lau (p.m.)

Senior Town Planner/Town Planning Board
Miss Fiona S.Y. Lung (a.m.)
Ms. Amy M.Y. Wu (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 913th Meeting held on 13.6.2008

[The meeting was conducted in Cantonese.]

1. The minutes of the 913th meeting held on 13.6.2008 were confirmed without amendment.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

2. There were no matters arising from the last meeting.

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations in Respect of the Draft Ha Tsuen

Outline Zoning Plan No. S/YL-HT/9

(TPB Paper No. 8121)

[The hearing was conducted in Cantonese.]

3. The Chairman said that the Ha Tsuen Outline Zoning Plan (OZP) No. S/YL-HT/9 was exhibited for public inspection under s.5 of the Town Planning Ordinance (TPO) on 25.1.2008. A total of 7 representations and no comment on the representations were received. On 30.5.2008, the Board decided to hear all the representations collectively by the full Board.
4. The following representatives of the Planning Department (PlanD) were invited

to the meeting at this point:

- Mr. Wilson So) District Planning Officer/Tuen Mun and
Yuen Long (DPO/TMYL)
- Mr. Alex Kiu) Town Planner/ North (TP/N)

5. The following representers' representatives were invited to the meeting at this point:

- R2 Master Fair Ltd. and Luen Bong Property
Development Co. Ltd.
- Ms. Betty Ho) Representer's
Ms. Ebby Leung) representatives
Mr. Sherlock Au)
- R3 Luen Bong Property Development Ltd.
- Mr. Kenneth To)
Ms. Kitty Wong) Representer's
Mr. Tang Chok Lam) representatives
Mr. Kwok Chi Man)
- R4 Hong Kong Container Depot & Repairer
Association Ltd.
- Mr. Au Po Choi) Representer's
representative
- R7 Lok Ma Chau China-Hong Kong Freight
Association
- Mr. Stanley Chaing) Representer's
representative
- R1 Ha Tsuen Rural Committee
- Mr. Tang Yu On) Representer's
Mr. Tang Kwong Yiu) representatives

6. The Chairman extended a welcome. Members noted that sufficient notice had been given to the remaining representers, No. R5 and R6, but they indicated their intention not to attend the meeting. The Board agreed to proceed with the meeting in the

absence of the remaining representers. The Chairman then explained briefly the procedures of the hearing.

Presentation and Question Session

7. The Chairman then invited Mr. Wilson So, DPO/TMYL, to brief Members on the background of the representations.

8. With the aid of a Powerpoint presentation, Mr. Wilson So made the following main points as detailed in the Paper:

- (a) background of the Ha Tsuen land use review and the proposed amendments to the Ha Tsuen OZP as set out in paragraph 2 of the Paper;

[Ms. Sylvia S.F. Yau, Dr. C.N. Ng and Prof. Paul K.S. Lam arrived to join the meeting at this point.]

- (b) on 25.1.2008, the Ha Tsuen OZP No. S/YL-HT/9 was exhibited for public inspection under s.5 of the TPO. A total of 7 representations and no comment on the representations were received;
- (c) the main grounds made by the representers were summarized in paragraph 3 of the Paper. Their common concerns were mainly that the provision of land for open storage/port back-up (OS/PBU) uses on the OZP fell short of the demand in the Ha Tsuen area, and the representation sites had already been used for OS/PBU, or formed for such uses, and should be rezoned to “Open Storage” (“OS”);
- (d) the planning considerations and assessment, including the responses to grounds of representations, were set out in paragraph 4 of the Paper. PlanD fully acknowledged the potential of Ha Tsuen for OS/PBU uses, but substantial rezoning to “OS” would need sustainable infrastructural support. An incremental approach had been adopted in the current rezoning exercise and further land use reviews would be undertaken

when new key infrastructure was in place;

[Dr. Winnie S.M. Tang, Prof. Bernard V.W.F. Lim and Mr. Nelson W.Y. Chan arrived to join the meeting at this point.]

- (e) relevant Government departments had been consulted on the representations, as listed in paragraph 5 of the Paper, and their comments had been incorporated into the Paper; and
- (f) PlanD considered that all the 7 representations should not be upheld for reasons set out in paragraph 6 of the Paper.

9. The Chairman then invited the representers' representatives to elaborate on their representations.

Representation No.R2

10. With the aid of a powerpoint presentation, Ms. Betty Ho, representative of Master Fair Ltd. and Luen Bong Property Development Co. Ltd., made the following main points:

- (a) the representer's lots (i.e. Site 4) comprised scattered lots with a total area of about 3 to 4 ha to the north of the San Wai Sewage Treatment Plant. These lots were close to, and shared the same characteristics as, the "OS" zone proposed in the OZP;
- (b) the "OS" zone proposed in the OZP was inadequate to meet the demand for OS/PBU uses. Under the Northwest New Territories (NWNT) Planning and Development Study conducted several years ago, 55 ha of land was proposed for "Other Specified Uses" annotated "Container Backup" ("OU(CB)") uses in the Hung Shui Kiu New Development Area (HSK NDA). The proposal was supported by stakeholders and the locals. The industry was disappointed by the current "OS" and "OS(1)" zones, which covered only part of the previously proposed

“OU(CB)” zone;

- (c) the two nearest settlements were about 590m to the east and about 895m to the northeast of Site 4; whereas the village settlements such as Tseung Kong Wai, Sik Kong Wai, Ha Tsuen Shi and Kau Lee Uk Tsuen were only about 130 to 250m to the east of the “OS” and “OS(1)” zones proposed in the OZP;
- (d) Site 4 was surrounded by various OS uses, with some graves to its east, and was not suitable for “Recreation” (“REC”) uses;
- (e) the low utilization rate of Kong Sham Western Highway (KSWH) was partly due to the road link to Ha Tsuen would not be in place until 2013. However, with the improvement to the Ha Tseun roundabout to the south of the San Wai Sewage Treatment Plant and the widening of Ha Tsuen slip road, together with the existing private access road from San Wai Road which was built up to the required standard, Site 4 was accessible by road; and
- (f) Site 4 had been used for OS uses and should be rezoned from “REC” to “OS”.

Representation No.R3

11. With the aid of a powerpoint presentation, Mr. Kenneth To, representative of Luen Bong Property Development Ltd., made the following main points:

- (a) over the past 20 years or so, the trade had been pressing for more supply of land for OS/PBU uses to meet the demand. Notwithstanding their contribution to the logistics industry, the operators had to operate on a temporary basis and were required to submit planning applications repeatedly if they were to continue the OS/PBU uses;
- (b) the OS/PBU areas in Ha Tsuen and San Tin area were strategically

located in the NWNT, with easy access to cross-boundary points, that is, Ngau Tam Mei to Lok Ma Chau Control Point, and Ha Tsuen to Shenzhen Bay Control Point. The KSWH, with a high construction cost of HK\$3.9 billion, was already in place, but the utilization rate was low, estimated at about 4000+ vehicles per day, and the connection to the Ha Tsuen area was not satisfactory;

- (c) the current proposed amendments to the OZP only reflected the existing condition and there was no net increase in supply of land for OS/PBU uses in Ha Tsuen area. Unless the Government had come up with long-term planning for OS/PBU uses, otherwise it would jeopardise the sustainable growth of the logistics industry and the economic growth of Hong Kong;
- (d) Site 1 was rezoned from “REC” to “Green Belt” (“GB”). The existing uses of the site were OS of marble in the northern part, fallow and cultivated agricultural land in the central part and low-rise building structures in the southern part. The existing characteristics of the site should be respected, and the western portion of the site should be rezoned from “GB” to “OS”, and the remaining portion of the “GB” zone adjoining Ha Tsuen Shi and Sik Kong Wai could adequately meet the planning objectives of providing a buffer between the village settlements and the “OS” zone;
- (e) Site 2 was rezoned from “REC” to “GB”. The site had been filled without designated use, except the northwest corner which was cultivated agricultural land. A 20m wide planted buffer area would be adequate in achieving the planning objective of safeguarding the unspoiled rural setting from the proliferation of OS/PBU uses. The eastern portion of the site could be rezoned to “OS”;
- (f) Site 3 was rezoned from “REC” to “GB”. The site was occupied by ponds, cultivated and fallow agricultural land and some temporary structures, and had high potential for recreational use such as hobby

farming. Given its poor accessibility and Category 3 classification under the Board's Guidelines No. 13D, the "REC" zoning was more effective in preventing environmental pollution than the "GB" zoning proposed in the OZP;

- (g) Site 4A was mainly zoned "REC", but was currently used for temporary OS of containers. The site was accessible via a private access road from San Wai Road, which was built by the trade using its own money to support the logistic industry. The new road link between the KSWH and Ha Tsuen planned for completion in 2013 enhanced the suitability of the site for open storage of containers. The site should be rezoned to "OS";
- (h) Site 4B, zoned "REC", was the northern portion of a larger site currently used for OS of containers. While the southern portion had been rezoned to "OS", the portion sandwiched between the drainage channel and the "OS" zone would be left with no suitable use. This small site should also be rezoned to "OS"; and
- (i) the current land use review was immature and inadequate. The Government should speed up the planning and implementation process of the proposed road link for vehicular traffic between Ha Tsuen interchange of KSWH and Tin Ha Road.

Representation No. R4

12. Mr. Au Po Choi, representative of the Hong Kong Container Depot and Repairer Association Ltd., made the following main points:

- (a) there had not been any forward planning for container backup uses since the 70s. Some Government officials considered that land in Hong Kong was very valuable and container depot should not be developed in Hong Kong. These officials simply did not understand the operation of the industry. Experiences of overseas countries such as New York,

Japan and Singapore clearly showed that growth of port development had a direct bearing on the demand for land for PBU uses;

- (b) the container backup business was rather passive in nature. When more containers were imported than exported, the empty containers had to be stored in the container backup area; whereas in the reverse case, the land would have to be left vacant. The overall supply of land for container backup area could not be reduced notwithstanding there were fluctuations in the turn-over of containers;
- (c) in the Ping Ha Road area, while planning application for OS/PBU uses could be made in areas zoned “Comprehensive Development Area” (“CDA”), land suitable for providing access to many of these areas were in the hand of private developers. They preferred to leave the area vacant, instead of renting it out, forcing the owners of the inner lots to sell their lots at a low price as they had no viable alternative use of their lots;
- (d) with the growth of port business, the existing container backup area should not be reduced. Each site currently used for container backup represented the past effort of the trade to obtain planning permission, seek consent from the land owners and villagers, and provide road access; and
- (e) the existing container backup areas in Ha Tsuen should be allowed to continue. The road link between the KSWH and Ha Tsuen would not be in place until 2013, but the improvement work to the Ha Tsuen roundabout, and the slip road would help improve the existing traffic condition. If the new road network could allow container trucks to reach the control points in Hong Kong and Shenzhen without routing through the village settlements in Ha Tsuen and housing developments in Tin Shui Wai, Ha Tsuen was best placed as the container backup area. All existing container backup areas should be zoned “OS” on the OZP.

Representation No. R7

13. Mr. Stanley Chaing, representative of the Lok Ma Chau China-Hong Kong Freight Association, made the following main points:

- (a) noting PlanD's response in the Paper that temporary OS/PBU uses could be tolerated subject to planning permission from the Board, he had no further comment on the "GB" zoning of Site 5;
- (b) the supporting infrastructure for the Shenzhen Bay Port had not been completed, and thus, the KSWH had a low usage. The trade was concerned about the very detailed and lengthy checking by the Mainland customs (because of low patronage) and the limited supporting facilities at Shenzhen Bay Port control point;
- (c) the trade needed to have backup areas near the control points for redistributing the goods and arranging for onward transportation;
- (d) PlanD should be forward looking and consult the trade in planning for OS/PBU uses. Site 4 was close to KSWH and suitable for OS/PBU uses. The improvement work to the Ha Tsuen roundabout and, the slip road would help improve the existing traffic condition. All existing OS/PBU uses in Ha Tsuen should be regularised; and
- (e) in view of the huge investment incurred by the trade, the Board should consider extending the temporary approval for OS/PBU uses from 3 years to 5 years.

[Ms. Starry W.K. Lee arrived to join the meeting at this point.]

14. As the representatives of Representer No. R1 had not indicated their intention to give a presentation, the Chairman then invited questions from Members.

Permitted uses in “OS” zone

15. A Member asked DPO/TMYL whether the trade was forced to operate on a temporary basis and whether there was any difference between the “OU(CB)” and “OS” zones. Mr. Wilson So said that the potential of Ha Tsuen for OS/PBU development upon the commissioning of the KSWH was fully acknowledged. In the NWNT, over 400 ha of land had been reserved for “Industrial”, “Industrial (Group D)” and “OS” uses, and OS in these zones could be permanent uses. There was no fundamental difference between the “OU(CB)” and “OS” zones. General OS uses were Column 1 uses which were always permitted by the Board, while container storage/repair yards were Column 2 uses in view of their greater environmental and traffic impacts. It was for the trade to decide whether to apply for temporary or permanent uses. Planning applications for OS uses could also be submitted in other areas such as “CDA” and “Undetermined” zones. According to the Board’s Guidelines No. 13D, most of these areas fell within Categories 1 and 2 areas where planning permission would normally be granted for OS uses.

Site 4

16. Another Member asked DPO/TMYL whether Site 4 was suitable for rezoning from “REC” to “OS”, noting the site had road access. Mr. Wilson So said that Site 4 was not served by any proper access road. Site 4’s potential for OS/PBU development was acknowledged, but in addressing the need of the trade, there was also the need to strike a proper balance with the wider community concerns on traffic and environmental problems associated with OS/PBU uses. The OS uses in Site 4 were suspected unauthorized developments (UDs) without planning permission. The improvement work to the Ha Tsuen roundabout, and the slip road was mainly to address the villagers’ request for road access to KSWH, and was not intended for use by heavy vehicles. The long-term road link for all vehicular traffic between Ha Tsuen Interchange of the KSWH and San Wai Road, planned for 2013, was still being examined. In the interim, the traffic to Site 4 would have to route through Tin Ha Road and Ping Ha Road, causing nuisance to the villagers unless environmental mitigation measures were put in place.

17. Ms. Betty Ho said that in the trial scheme to be started in September this year, articulated vehicles would be allowed to use the slip road. Site 4 was not close to village

settlements and environmental mitigation measures were thus not necessary. She doubted what the appropriate “REC” use for Site 4 would be and considered uses such as horse riding or holiday resort were neither suitable nor viable. Columbarium was previously proposed, but was objected by the local villagers and the proposal was dropped. The private access road built by the operators was up to the required standard of 10 to 15m wide. Mr. Kenneth To added that TD only had reservation on the maintenance aspect, not the road width, when commenting on the previous planning application in Site 4.

18. Mrs. Ava Ng, Director of Planning, asked whether the private access road to Site 4 was acceptable to TD and other relevant Government departments. Mr. Wilson So said that in considering a planning application (No. A/HT/487) for OS uses in Site 4, TD raised concern on management aspect of the private access road. San Wai Road was originally a maintenance road serving the San Wai Sewage Treatment Plant, but was widened by the operators. Even if this part of the road was acceptable, the cumulative adverse traffic impact on the nearby road network was an area of concern. Previous applications for temporary OS/PBU uses in Site 4 were rejected for reasons of adverse traffic and/or environmental and/or drainage impacts on the surrounding areas, and setting of undesirable precedent for similar applications in the area.

19. Another Member asked whether it would be difficult to implement the “REC” zone in Site 4. Mr. Wilson So said that there were lots of Column 2 uses under the “REC” zone and its implementation would depend on private sector initiatives. There were successful cases in Sai Kung where golf academy was permitted in an “REC” zone. When new infrastructure like the long-term road link for all vehicular traffic between Ha Tsuen Interchange of the KSWH and San Wai Road was in place, further land use review would be undertaken with a view to identifying more suitable land for OS/PBU uses. Meanwhile, an incremental approach had been adopted in rezoning suitable sites in Ha Tsuen to “OS”/“OS(1)” zones. While OS was not a Column 2 use in “REC” zone, application for temporary uses of up to 3 years could be submitted to the Board for consideration.

20. In response to a Member’s question on the location and number of graves in Site 4, Ms. Betty Ho said that there were about 10 to 20 graves in the lower part of the site. Mr. Wilson So indicated the location of the graves by referring to the plan in the

powerpoint. Mr. Au Bo Choi said that the trade had spent major effort to obtain consent from the local villagers to use the land near the graveyard for OS uses.

Site 4B

21. A Member asked DPO/TMYL whether the “OS” zone could follow the boundary of a planning approval and the drainage channel in Site 4B. Mr. Wilson So said that the northern alignment (option 1) of the proposed permanent road link between the KSWH and San Wai Road had been taken as the northern limit of the “OS” zone. Following the boundary of an approval for temporary OS yards would result in odd zoning boundary configuration as well as setting precedent for proliferation of such uses beyond the zone boundary. For sites straddling 2 land use zones, application for temporary OS/PBU uses in accordance with the provisions of the OZP was still possible. The Board would consider the merits of each case.

Consultation with the trade

22. Another Member asked whether PlanD had any regular meeting with the trade. Mr. Wilson So said that the last meeting with the trade was held in April 2008. Mr. Stanley Chaing said that there had been no meeting with the trade for over one and a half year and the last meeting was held only upon request by the trade. In the past, regular meetings were held at an interval of about 3 months.

Extension of temporary approval to 5 years

23. The Chairman asked DPO/TMYL whether temporary approval could be extended from three years to five years, as suggested by Representer No. R7. Mr. Wilson So said that before 1999, temporary approval was granted for one year only. The temporary approval was extended to three years since then having regard to the trade’s concern and the need to strike a proper balance with the wider community’s concerns. Having said that, application for renewal could be made to the Board if the operator intended to continue the temporary uses. Besides, there was a general provision under the covering Notes of the OZP that planning application for temporary uses for 3 years or less could be submitted, regardless whether the proposed use was a Column 2 use or not in

most zones.

24. As the representers' representatives had finished their presentation and Members had no further question to raise, the Chairman informed the representers' representatives that the hearing procedures had been completed, and the Board would further deliberate on the representations in their absence and inform them of the Board's decision in due course. The Chairman thanked the representers' representatives and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

25. A Member noted that temporary OS/PBU uses in Site 5 could be tolerated subject to planning permission from the Board and asked if the same applied to other sites. Mrs. Ava Ng, Director of Planning, said that as the traffic generated by the OS/PBU uses in Site 5 would route through Ping Ha Road, the environmental impact generated by temporary OS/PBU uses was tolerable. The same did not apply to Site 4 as it was not served by any proper access road and the traffic to Site 4 had to run past village settlements, causing environmental nuisance to the villagers. OS uses in Site 4 were suspected UDs without planning permission. The practice of applying for planning permission only after using the site for OS should be discouraged.

26. A Member noted that the operators' site in Site 4B was under 2 different zonings of "REC" and "OS", and asked if the northern boundary of the "OS" zone could follow the boundary of the planning approvals and alignment of the drainage channel rather than the alignment of a possible road in future. Mrs. Ava Ng said that planning permissions were for OS uses for a temporary period of 3 years. Past experience suggested that boundaries of temporary planning approvals varied over time, depending on whether the operators could obtain the consent of the relevant lot owners. Although the possible permanent road link between the KSWH and San Wai Road had not yet been firmed up, it still provided a better reference to delineate the northern boundary of the proposed "OS" zone than to follow the boundaries of individual application sites for temporary uses.

27. Another Member asked whether provision of land for OS/PBU uses should be

planning-led or market-led, and whether there was sufficient land for OS/PBU uses. Mrs. Ava Ng said that the land demand and supply assessment for OS/PBU was under the purview of the Port Development Board. The Government was aware of the trade's concern, and land for OS/PBU uses had been reserved and put up for tender. Individual operators might, however, prefer to operate on a makeshift basis to cut cost of operation. More land could be reserved for "OS" uses if the supporting infrastructure was in place, but the operator might still opt for applying for planning permission for temporary uses outside "OS" zones as the rent would be cheaper.

28. A Member was of the view that PlanD should maintain a close dialogue with the trade. When the long-term road link between Ha Tsuen Interchange of the KSWH and San Wai Road was in place, the OZP should be further reviewed with a view to identifying more suitable land for OS uses in Ha Tsuen.

29. Two Members said that after carefully considering the representers' and PlanD's views, they supported PlanD's view that an incremental approach should be adopted.

30. The Chairman said that the HSK NDA would go ahead and funds had been set aside for conducting a planning and engineering study for the area. The provision of land for container backup uses would be revisited in the study.

31. After deliberation, Members considered that all the representations should not be upheld.

Representation No. R1

32. After further deliberation, the Board decided not to uphold Representation No. R1 and the reasons were:

- (a) rezoning the "Green Belt" ("GB") zone adjoining San Uk Tsuen and San Wai Road for comprehensive residential development was not suitable due to the interface problem, fragmented land ownership and uncertain prospect of implementation. Rezoning the area for warehouse use was

not compatible with the said village settlements and would defeat the planning intention of providing a land use buffer between the “Village Type Development” (“V”) and “Open Storage” (“OS”) zones;

- (b) rezoning the “GB” zone to the south of San Wai Road to “OS” was not suitable due to the area’s predominantly rural setting and poor accessibility. It would also result in general degradation of the environment of the Ha Tsuen area; and
- (c) the long-term planning intention of the “GB” zone adjoining Fung Kong Tsuen was to define the limits of urban/sub-urban development. Rezoning the area for warehouse use was not appropriate due to the area’s predominantly green setting and the interface issue with Fung Kong Tsuen. There was also no strong justification to rezone the area for comprehensive development without taking relevant factors like development constraints, infrastructural support and implementation prospect into account.

Representation No. R2

33. After further deliberation, the Board decided not to uphold Representation No. R2 and the reasons were:

- (a) an incremental approach had been adopted in rezoning land on both sides of San Wai Road for open storage and port backup (OS/PBU) use taking into account factors as environmental, traffic, infrastructure, land use compatibility and conservation considerations. Further land use review would be undertaken to explore the scope for providing more OS/PBU land when the long-term road link between Ha Tsuen and Kong Sham Western Highway was firmed up; and
- (b) rezoning the “Recreation” zone to “Open Storage” was not desirable at this stage due to the area’s predominantly rural setting and poor accessibility. It would also result in general degradation of the

environment of the Ha Tsuen area, and set an undesirable precedent to encourage unauthorized developments.

Representation No. R3

34. After further deliberation, the Board decided not to uphold Representation No. R3 and the reasons were:

- (a) an incremental approach had been adopted in rezoning land on both sides of San Wai Road for open storage and port backup (OS/PBU) use taking into account factors as environmental, traffic, infrastructure, land use compatibility and conservation considerations. Further land use review would be undertaken to explore the scope for providing more OS/PBU land when the long-term road link between Ha Tsuen and Kong Sham Western Highway (KSWH) was firmed up;
- (b) rezoning parts of the “Green Belt” (“GB”) zone adjoining Ha Tsuen Shi, San Uk Tsuen and Sik Kong Wai (Site 1) to “Open Storage” (“OS”) was not compatible with the said village settlements and would defeat the planning intention of providing a land use buffer between the “Village Type Development” and “OS” zones;
- (c) rezoning part of the “GB” zone to the northeast of KSWH (Site 2) to “OS” was not suitable due to the area’s predominantly rural setting and poor accessibility. It would also result in general degradation of the environment of the Ha Tsuen area;
- (d) there was no strong justification to reinstate the original “Recreation” (“REC”) zoning for areas to the southwest of KSWH (Site 3). The area was considered more suitable for rezoning to “GB” to clearly spell out the planning intention to reflect the existing character of the area;
- (e) rezoning part of the “REC” zone (Site 4) to the north of the San Wai Sewage Treatment Plant (Site 4A) to “OS” was not desirable at this stage

due to the area's predominantly rural setting and poor accessibility. It would also result in general degradation of the environment of the Ha Tsuen area, and set an undesirable precedent to encourage unauthorized developments; and

- (f) rezoning the small site to the south of Tseung Kong Wai (Site 4B) from "REC" to "OS" in a haphazard manner without paying due regard to the general characteristics of the eastern part of the "REC" zone was considered inappropriate. However, there was provision for application for temporary open storage and port backup uses, and each case would be considered by the Board on its own merits.

Representation No. R4

35. After further deliberation, the Board decided not to uphold Representation No. R4 and the reasons were:

- (a) an incremental approach had been adopted in rezoning land on both sides of San Wai Road for open storage and port backup (OS/PBU) use taking into account factors as environmental, traffic, infrastructure, land use compatibility and conservation considerations. Further land use review would be undertaken to explore the scope for providing more OS/PBU land when the long-term road link between Ha Tsuen and Kong Sham Western Highway was firmed up;
- (b) rezoning the "Green Belt" ("GB") zone to the east of the "Open Storage" ("OS"), or any part of it, to "OS" was not compatible with the village settlements of Ha Tsuen Shi, Sam Uk Tsuen and Sik Kong Wai to the east and would defeat the planning intention of providing a land use buffer between the "Village Type Development" and "OS" zones;
- (c) rezoning the "GB" zone to the south of the "OS" zone, or any part of it, to "OS" was not suitable due to the area's predominantly rural setting and poor accessibility. It would also result in general degradation of the

environment of the Ha Tsuen area; and

- (d) rezoning the “REC” zone to the north of the “OS” zone, or any part of it, to “OS” was not desirable at this stage due to the area’s predominantly rural setting and poor accessibility. It would also result in general degradation of the environment of the Ha Tsuen area, and set an undesirable precedent to encourage unauthorized developments.

Representation No. R5

36. After further deliberation, the Board decided not to uphold Representation No. R5 and the reason was that the long-term planning intentions of the “Green Belt” and “Comprehensive Development Area” zones to the southeast of Fung Kong Tsuen were to define the limits of urban/sub-urban development and for comprehensive residential development respectively. Rezoning the area to “Open Storage” was not appropriate.

Representation No. R6

37. After further deliberation, the Board decided not to uphold Representation No. R6 and the reasons were:

- (a) rezoning the “Green Belt” (“GB”) zone adjoining San Uk Tsuen to “Open Storage” (“OS”) was not compatible with the said village settlement and would defeat the planning intention of providing a land use buffer between the “Village Type Development” and “OS” zones; and
- (b) rezoning the “GB” zone to the northeast of Kong Sham Western Highway to “OS” was not suitable due to the area’s predominantly rural setting and poor accessibility. It would also result in general degradation of the environment of the Ha Tsuen area.

Representation No. R7

38. After further deliberation, the Board decided not to uphold Representation No. R7 and the reasons were:

- (a) an incremental approach had been adopted in rezoning land on both sides of San Wai Road for open storage and port backup (OS/PBU) use taking into account factors as environmental, traffic, infrastructure, land use compatibility and conservation considerations. Further land use review would be undertaken to explore the scope for providing more OS/PBU land when the long-term road link between Ha Tsuen and Kong Sham Western Highway (KSWH) was firmed up;
- (b) local consultation had been made on the Ha Tsuen land use review before the zoning amendments were incorporated on the Plan. The gazetting of the Plan for public inspection was in itself a form of public consultation;
- (c) rezoning the “Green Belt” (“GB”) zone adjoining San Uk Tsuen to “Open Storage” (“OS”) was not compatible with the said village settlement and would defeat the planning intention of providing a land use buffer between the “Village Type Development” and “OS” zones;
- (d) rezoning the “GB” zone to the northeast of KSWH to “OS” was not suitable due to the area’s predominantly rural setting and poor accessibility. It would also result in general degradation of the environment of the Ha Tsuen area;
- (e) rezoning part of the “Recreation” zone to the north of the San Wai Sewage Treatment Plant to “OS” was not desirable at this stage due to the area’s predominantly rural setting and poor accessibility. It would also result in general degradation of the environment of the Ha Tsuen area, and set an undesirable precedent to encourage unauthorized developments; and
- (f) the long-term planning intention of the “GB” zone to the southeast of

Fung Kong Tsuen was to define the limits of urban/sub-urban development. Rezoning the area to “OS” was not appropriate.

[Mr. Tony C.N. Kan and Dr. Daniel B.M. To arrived to join, while Miss Annie Tam temporarily left, the meeting at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-NSW/179

Proposed House Development in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lot 3719H1RP in DD 104 and Adjoining Government Land, Tai Sang Wai, Yuen Long
(TPB Paper No. 8124)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

39. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL) of the Planning Department (PlanD) was invited to the meeting at this point. Members noted that sufficient notice had been given to the applicant, but the applicant indicated his intention not to attend the meeting. The Board agreed to proceed with the review hearing in the absence of the applicant.

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

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

- (a) background - the applicant sought planning permission for one proposed house development in an area zoned “Other Specified Uses” annotated “Comprehensive Development to Include Wetland Restoration Area”

(“OU(CDWRA)”) on the Nam Sang Wai Outline Zoning Plan;

- (b) the Rural and New Town Planning Committee decided to reject the application for reasons set out in paragraph 1.2 of the Paper;
- (c) further justifications for the review application submitted by the applicant were summarised in paragraph 3 of the Paper;
- (d) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. The Director of Environmental Protection had grave concern on the potential industrial/residential interface problem, in particular the industrial noise impacts caused by the nearby open storage sites. The Transport Department raised concern on the proposed vehicular access arrangement as access to the proposed house would be via Man Yuen Road and Fairview Park Boulevard, which were private roads. The Drainage Services Department considered the submitted drainage proposal not satisfactory;
- (e) public comments – 2 public comments were received on the review application, one from Tai Sang Wai villagers and the other from Fairview Park Property Management Ltd, both objecting to the application. Their views were summarised in paragraph 6 of the Paper; and
- (f) PlanD’s view – PlanD did not support the review application for reasons set out in paragraph 7 of the Paper. The proposed development was piecemeal in nature, without the provision of a sustainable wetland restoration scheme; there was insufficient information to demonstrate that the proposed development would not have adverse environmental, traffic and drainage impacts; and the approval of the application would set an undesirable precedent.

42. Members had no question on the review application.

43. As Members had no question to raise, the Chairman said that the hearing procedures for the review had been completed and thanked the PlanD's representative for attending the meeting. Mr. Wilson So left the meeting at this point.

Deliberation Session

44. Members noted that the proposed development was not in line with the planning intention of the "OU(CDWRA)" zone and the applicant had not provided any strong justifications to warrant a departure from the planning intention.

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

- (a) the proposed development, which was piecemeal in nature and without the provision of sustainable wetland restoration scheme, was not in line with the planning intention of the "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone;
- (b) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, traffic and drainage impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving such applications would result in a general degradation of the environment of the area and the ecological function of the Wetland Buffer Area.

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/H21/130

Proposed Office Development (Amendments to an Approved Master Layout Plan) in
“Comprehensive Development Area” zone, Taikoo Place, 979 King’s Road, Quarry Bay
(TPB Paper No. 8123)

[The hearing was conducted in Cantonese and English.]

46. The Secretary reported that the application was submitted by Taikoo Place Holdings Limited, which was a subsidiary of Swire Properties Ltd. (Swire). Mr. Raymond Y.M. Chan, having current business dealings with Swire, had declared an interest in this item. Members noted that Mr. Chan had sent an apology for being unable to attend the meeting.

Presentation and Question Session

47. The following representatives of the Planning Department (PlanD) were invited to the meeting at this point:

Ms. Brenda Au) District Planning Officer/Hong Kong (DPO/HK)
Mr. Tom Yip) Senior Town Planner/Hong Kong (STP/HK)

48. The following applicant’s representatives were invited to the meeting at this point:

Mr. Keith Kerr
Mr. Ian Brownlee
Mr. Guy Bradley
Miss Patricia Ip
Miss Elsa Man
Mr. Alex Tsoi

Mr. Lam Wo Hei

Mr. Chris Foot

Mr. Rumin Yin

Mr. Chapman Lam

Ms. Margaret Wong

Ms. Miranda Szeto

49. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman said that a petition against the application made by members of the Democratic Party and Civic Party, and supplementary information submitted by the applicant were tabled at the meeting. The Chairman then invited Ms. Brenda Au to brief Members on the background to the application.

50. With the aid of a powerpoint presentation, Ms. Brenda Au did so as detailed in the Paper and made the following main points:

- (a) background – the applicant sought planning permission for amendments to an approved Master Layout Plan (MLP) for a comprehensive commercial/office development at the application site which was zoned “Comprehensive Development Area” (“CDA”) on the Quarry Bay Outline Zoning Plan. Major amendments included reducing the building height (BH) of Building 2A from 294.9mPD to 246.6mPD, increasing BH of Building 2B from 160mPD to 270.25mPD, and increasing open space provision from 6,000m² to 6,400m²;
- (b) the Metro Planning Committee decided to reject the application for reasons set out in paragraph 1.2 of the Paper;
- (c) further justifications for the review application, including a traffic impact assessment (TIA) and an alternative footbridge layout and landscape master plan, submitted by the applicant were summarised in paragraph 3 of the Paper;
- (d) departmental comments – the departmental comments were summarised

in paragraph 5 of the Paper. The Urban Design and Landscape Section of PlanD did not support the application for reasons that the prevalent BH of the local context was below 175mPD. The visual impact of the two tall towers in the proposed scheme was more overbearing than a single tall tower under the approved scheme and would aggravate the breach of ridgelines. The Architectural Services Department also considered that the proposed scheme would impose greater visual impact. Building 2B was excessively tall, though the proposed building disposition would improve air ventilation on the ground level. The Transport Department (TD) had no objection to the application taking into account the TIA report and the further information submitted by the applicant. The Government Property Agency (GPA) did not support the application which would allow Building 2A to complete on its own, jeopardising Government's interest in Cornwell House. Other Government departments had no objection to or no adverse comments on the application;

- (e) public comments – a total of 255 public comments were received on the s.17 review application, with 181 supporting, 50 objecting and 24 offering views. The public comments were summarized in paragraph 6 of the Paper. The 181 supporting comments were submitted by tenants of Taikoo Place and local residents. They considered that the proposed MLP would bring about more landscaped area and improve local traffic condition and air ventilation. The proposal could help convert the Island East area into a new financial hub and raise rents and value of nearby development. The 50 opposing comments were submitted by three Eastern District Councillors, local residents and members of the public. They were concerned about the adverse visual, traffic, air ventilation, environmental and infrastructural impacts, and considered that the open space provision was not acceptable in terms of size, location and implementation programme. The BH of Buildings 2A and 2B should be lower than 100mPD; and
- (f) PlanD's view – PlanD did not support the review application for reasons

set out in paragraph 7 of the Paper. The proposed revision could not address previous concerns on layout, BH and open space implementation. The proposed amendments should be considered with due regard to the latest planning circumstances, including the rising public aspiration for lower BH of new developments and protection of ridgelines. Buildings in the Quarry Bay area were predominantly below 175mPD, except One Island East which had a BH of 301mPD. The proposed Buildings 2A and 2B at 246.6mPD and 270.25mPD respectively were considered excessive. Redeveloped building at the Somerset House and Cornwall House sites should not exceed 200mPD and building at the Warwick House site should not exceed 170mPD if it was intended to avoid intruding onto the 20% building-free zone. There was plenty of scope to achieve the maximum gross floor area (GFA) permitted for the “CDA” zone within the suggested BH range. The visual corridor along Tong Chong Street and Taikoo Wan Road would be blocked by Building 2A under the proposed scheme. The provision of the remaining open space of 4,400m² in area occupied by Warwick House and Cornwell House remained uncertain.

51. The Chairman then invited the applicant’s representatives to elaborate on the application.

52. Mr. Keith Kerr made the following main points:

- (a) in the mid 1970s, Swire started converting old Taikoo Sugar Refinery into a modern industrial estate to encourage job creation in Quarry Bay area. Between 1979 and 1988, Warwick House, Cornwell House and Somerset House were built. In late 1980s, Swire pioneered the decentralization movement by constructing Devon House and Cityplaza office building. Since then, the trend had continued with Swire’s portfolio in the Island East area alone providing 6.3 million ft² of Grade A office space and the original 2 million ft² in Warwick, Cornwell and Somerset Houses, plus surrounding buildings. This had created a decentralised business hub, providing a viable alternative to the existing

central business district. The current challenge was how to address the three existing buildings constructed under the previous “Industrial” zoning, which resulted in ‘wall effect’, blocking light, view corridor and air, and presenting a blank façade to the harbour;

- (b) the proposed redevelopment only involved a reconfiguration of the existing GFA, not the provision of new GFA. The economic case for such redevelopment was not compelling unless the value created substantially exceeded the value of the three existing buildings. The Metroplan endorsed Island East as an alternative business hub and so there was no change of planning intention in the proposed scheme. The previously approved scheme already contained a building of 294mPD. The applicant was forced to consider a change of strategy to implement its plan due to the fact that its ownership of Cornwell House could not be consolidated;
- (c) the proposed redevelopment would facilitate economic growth and thereby create job and improve people’s livelihood. It would also improve the quality of life for residents with provision of more open space, improved streetscape and clean air, and better natural ventilation. Hong Kong had moved away from a manufacturing centre to a service economy. The business sector needed top quality office space to attract the financial services businesses, and the professional and entrepreneurial firms. Hong Kong needed the right product to compete not only with New York and London, but also Beijing, Shanghai and Singapore;
- (d) given there was no substantial increase in GFA in the proposed scheme, there should be other means to create additional value and facilitate redevelopment. Lessons from the recent experience of One Island East and International Commerce Centre (ICC) in West Kowloon were that apart from accessibility, state of the art facilities and good management, efficient floor plates, raised floors and high ceiling were major attractions to professional and commercial sector tenants;

- (e) there was an optimal floor plate size range of 2,000 to 2,500 m² which created the efficiency and economy of scale required for international companies. On storey height, ICC had floor-to-floor height of 4.2m to 4.5m and a new office building under construction at 256 Hennessy Road had a floor-to-floor height of 4.8m. Height and the attendant attribute of prestige were crucially important to the proposed scheme. There was no compromise on this if Hong Kong was to remain competitive on the world stage and continue to develop Quarry Bay as a primary office centre in the city;
- (f) the applicant was aware of the current debate over BH and the wish to preserve the visibility of the ridgeline. That was a laudable intention, but the question was whether the ridgeline should be sacrosanct and whether it would in fact impair economic growth and our ability to improve livelihood and quality of life deserved further thought. Chapter 11 of the Urban Design Guidelines (UDG) contained in the Hong Kong Planning Standards and Guidelines (HKPSG) provided some guidance on the BH aspect. Paragraph 6.2.13 stated that the most recognisable cities in the world were often characterised by a number of towers which were generally notably taller than the general building profile. The towers with high quality architectural design and at suitable locations could help define images of the cities. Paragraph 6.2.14 further elaborated on two main criteria, namely physical and functional, on the location of mega towers, while paragraph 6.2.5 made clear that flexibility should be allowed for relaxation on BH based on individual merits and for special landmark buildings to give punctuation effects at suitable location. Taikoo Place fitted all the criteria set out in the UDG;
- (g) there were a number of other outstanding issues and the responses of the applicant were as follows:
- the proposed new buildings were some 360m and 490m from the waterfront and did not form part of the waterfront area as defined

by the Harbour-front Enhancement Committee's Harbour Planning Guidelines;

- the proposed BH of 246mPD and 270mPD were both considerably lower than the previously approved BH of 294mPD. The revised scheme would provide a considerable increase in open space;
 - Ove Arup & Partners had been commissioned to carry out an air ventilation assessment (AVA). The studies indicated that an improvement of 12% in ventilation at the interim and some 25% on completion of the project;
 - the TIA indicated that there were no outstanding traffic issues;
 - the question of view corridor was very subjective. The existing view corridor was essentially a concrete canyon of 30 storeys, mainly residential towers;
 - the applicant had approached both the Financial Secretary and the GPA with an offer to purchase their premises in Cornwell House, but the offer had been rejected, and
- (h) in summary, the revised scheme allowed the removal of a major 'wall effect' construction; presented the opportunity to provide more open space, improved streetscape and better natural ventilation; and formed a basis for the city to continue its economic development with the creation of new job opportunities and improved livelihood. The proposed BH only represented a very limited breach of the ridgeline, but the breach was very localised and could satisfy the criteria in the UDG.

[Ms. Maggie M.K. Chan left the meeting at this point.]

53. Mr. Lam Wo Hei made the following main points:

- (a) he had been working on the rejuvenation of the Quarry Bay area since 1979. The existing fabrics needed to be upgraded. Under the revised scheme, there would be a reduction in the footprint of building, making it possible to have a larger open space, with 2,000m² developed in Phase 2A linking to the forecourt of Oxford Court, and the remaining 4,400m² developed in Phase 2B. The wall effect would be removed upon redevelopment of the existing buildings. The residents would benefit from the redevelopment;
- (b) the applicant had undertaken consultation with some 18 members of the District Council and conducted a public engagement programme with the local residents. The consultees expressed positive support to the proposed scheme and provision of open space. Similar feedback was obtained when the planning application was published by the Board for public comment. As reflected in the public comments summarised in the Paper, 75% of the responses supported the application;
- (c) the AVA conducted by Ove Arup & Partners indicated that the revised scheme would bring about an improvement in air ventilation while meeting the need for development;
- (d) as shown in the video clip and the physical model displayed at the meeting, the revised scheme with larger landscaped gardens and improved streetscape would be beneficial to the entire Eastern District. The transformation of the existing bulky industrial style buildings into two office towers would contribute to social and environmental enhancement; and
- (e) the strategic location of Taikoo Place warranted the construction of special landmark buildings. The proposed development could meet the objectives of the “CDA” zone in the Quarry Bay OZP, and would help realise the vision under the HK2030 Study for a decentralised Grade A business node in Quarry Bay, which was vital to maintain Hong Kong’s position as a financial and trade centre.

54. After the presentation, the Chairman invited questions from Members.

Phased development

55. A Member asked whether Phase 2A would be developed first, pending the applicant's negotiation with the Government to consolidate the ownership of Cornwell House. In that case, the proposed new Building 2A at a BH of 246.6mPD would be co-located with the Cornwell House and Warwick House which was only about 30 storeys high. Mr. Keith Kerr replied that such situation would be the case in a phased development scenario. The redevelopment of Building 2A would, in itself, bring benefit to the area. As it would take time for the applicant to negotiate with the Government to consolidate land ownership, the redevelopment of Phase 2A would proceed first.

Gross floor area

56. A Member noted that the proposed GFA for Building 2A was 88,562m², and the proposed total GFA for Phase 2 development was 186,737m². This Member asked whether there was any increase in GFA in the revised scheme. Mr. Lam Wo Hei responded that in the current scheme, the GFA of Building 2A had been reduced to only accommodate about the same GFA as the existing Somerset House which it would replace. In comparing with the approved scheme, the GFA of Building 2B had been increased to accommodate the GFA transferring largely from the originally proposed Building 2A. The total GFA for the "CDA" remained largely unchanged and did not exceed that permitted under the OZP.

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

Building height

57. Several Members raised questions on the BH aspects. Their questions were summarised as follows:

- (a) whether there was any scope to lower the overall BH;

- (b) whether the BH could be lowered to 200mPD for the Somerset House and Cornwell House site, and 170mPD for the Warwick House site as proposed by PlanD;
- (c) whether lowering the BH to, say 230mPD would impose any constraint on the design of building;
- (d) whether some reduction in BH with a corresponding increase in footprint and a slight reduction in open space provision had been considered as an alternative option;
- (e) whether the floor to floor height could be reduced;
- (f) whether the proposed BH in the revised scheme was in accordance with the UDG; and
- (g) whether the main intention of increasing the BH was to allow more floors to enjoy sea view.

[Prof. Paul K.S. Lam left the meeting at this point.]

58. Messrs. Keith Kerr, Lam Wo Hei and Ian Brownlee made the following main points:

- (a) the proposed BH would give rise to tall, slim buildings, leaving larger open space for public enjoyment and allowing better air flow at street level, as detailed in the executive summary of the AVA report tabled at this meeting;
- (b) without the provision of new GFA, high ceiling height would create the economic value for redevelopment. To be competitive, top-tier office buildings had to have high floor-to-floor height. There would be no economic incentive for redevelopment if the applicant was only allowed

to develop average office buildings with a standard floor-to-floor height of 3.5m;

- (c) the ICC had a floor-to-floor height of 4.2m to 4.5m, whereas that of a new office building in Wan Chai was 4.8m. The proposed floor-to-floor height was to meet the future market need;
- (d) grade A office in the area was now worth about HK\$6,000/ft². As the construction cost for new office was estimated at about HK\$3,000/ft² and the existing building was worth about HK\$3,000/ft², the economic rationale would disappear if higher floor-to-floor height to create additional economic value for redevelopment was not provided;
- (e) the BH proposed by PlanD was not acceptable as the resultant office building would not be attractive to the market;
- (f) to reduce the BH by increasing the footprint had been considered, but not preferred. In view of site configuration, the footprint could only be increased to the north and south, which would make the floor plates less efficient. The current scheme represented a better proposal as it would bring about planning gain in terms of provision of a larger open space and better air ventilation;
- (g) one of the reasons for rejection of the 1996 scheme was the fragmented and less usable open space. By increasing the BH of Building 2B, the current scheme would result in a consolidated open space for public enjoyment; and
- (h) as stated in the UDG, the Metroplan (1991) guidelines only recommended that 20% to 30% building-free zone below selected sections of ridgelines could be used as a starting point. BH of Building 2A in the previously approved scheme already breached the ridgeline.

59. Ms. Brenda Au made the following main points:

- (a) the BHs for Buildings 2A and 2B proposed by PlanD were mainly to avoid intrusion onto the 20% building-free zone below the mountain ridgelines of the Hong Kong Island. Given the large size of the Phase 2 site, there was sufficient scope to achieve the maximum GFA permitted for the “CDA” zone while providing a reasonable amount of open space at the ground level. Air ventilation would be affected not only by the amount of open space at the ground level, but also by BH; and
- (b) the 20% building-free zone was recommended in the UDG. It had been generally supported by the community that the mountain ridgelines of the Hong Kong Island were valuable assets and their preservation should be given special consideration in the process of development. Having said that, each case would be considered on its individual merits and flexibility would be allowed if there were sufficient planning merits to override the need for preserving the ridgelines.

Layout

60. A Member noted that as compared with the 1999 approved scheme, Building 2A had been moved towards the northern edge of the site boundary. This Member asked the reason for the revised layout and whether there would be any impact on air ventilation. Mr. Keith Kerr said that moving Building 2A southward and creating an open space to its north would not serve any useful purpose as the open space would be too close to the Island East Corridor and not easily accessible, and the northern part of the site was already enjoying good air ventilation. In the revised layout, Building 2A was located to the northern edge further away from the existing Cornwell House. It would create a larger open space between Cornwell House and Building 2A, allow for an expansion of the existing street plaza from Tong Chong Street through to the forecourt of Oxford House, and improve air ventilation of the densely developed area in the inner part such as the flats along Pan Hoi Street and Westland Garden. Ms. Brenda Au pointed out that in the AVA report tabled by the applicant, it indicated that the site velocity ratio of the current scheme, at certain part of the site, was lower than the previously approved scheme.

Land ownership

61. The Chairman asked whether the offers made to the Government had taken into account the potential future value of the site and the cost of re-provisioning. Mr. Keith Kerr said that the offers made by the applicant were fair, but had been rejected by the Government. Nevertheless, the applicant would continue negotiating with the Government.

Reasons for the revised scheme

62. A Member asked whether the revised scheme was necessitated by the land ownership problem or by economic consideration of achieving a higher return in terms of provision of higher floor-to floor height and sea view. Mr. Lam Wo Hei said that the revised scheme was triggered by the land ownership problem, but it prompted the applicant to revisit the whole scheme. If sea view provision was the only consideration, then Building 2A in the previously approved scheme, which had larger GFA with sea view than the current scheme, already achieved the purpose. The current scheme was an improvement when compared with the previously approved scheme as it would bring about planning gain and environmental improvement to the area.

63. 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 PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

64. A Member considered the revised layout for open space provision was acceptable, but had reservation on moving Building 2A towards the north as it would block the inward blowing wind from the north and have adverse effect on air ventilation. There was scope to improve the layout, such as by providing corner spray at Building 2A and/or setting back from the seaward side, to improve air ventilation. In terms of visual impact,

having three tall buildings (i.e. Buildings 2A and 2B in the revised scheme and One Island East) with BH variation would compare better than having two tall buildings (i.e. Building 2A in the approved scheme and One Island East) of roughly the same BH. The proposed BH for Building 2B was too high, however, breaching the ridgeline. There was scope to reduce the height of the ground floor lobby and the floor-to-floor height, thereby lowering the BH of Building 2B.

65. Another Member said that irreparable damage had been done by One Island East, which breached the ridgeline. The adverse visual impact was particularly significant when viewed from the walking trails of the Country Park towards the harbour. The proposed BH increase would aggravate the adverse impact and was not acceptable.

66. A few Members also shared the view that the proposed BH for Building 2B was too high and considered that there was scope to reduce the overall BH to below the 20% building-free zone. They considered that the floor-to-floor height could be reduced. One Member was also concerned about the uncertain implementation programme of a large part of the proposed open space.

67. Members generally considered that there was scope for the applicant to further revise the layout to improve the air ventilation of the area, and reduce the proposed BH to below the 20% building-free zone.

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

- (a) the proposed layout was undesirable in that the disposition of buildings would block visual/breeze corridor, and that most of the open space was only planned to be provided at a later phase of redevelopment, which was subject to uncertainties; and
- (b) the building heights of the proposed Buildings 2A and 2B at 246.6mPD and 270.25mPD respectively were considered excessive in the local context. The information in the submission could not demonstrate that the proposed development would not create any adverse visual impact on

the surrounding areas and the ridgeline.

[Mr. Walter K.L. Chan and Dr. Ellen Y.Y. Lau left, and Prof. Bernard V.W.F. Lim temporarily left, the meeting at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Section 16A of Application No. A/H11/87-1

Proposed Minor Amendments to an Approved Scheme Residential Development at
“Residential (Group A)” and “Residential (Group C)” Zones, 2A-2E Seymour Road, 23-29
Castle Road and 4, 4A, 6 & 6A Castle Steps, Mid-levels West, Hong Kong
(TPB Paper No. 8120)

[The hearing was conducted in Cantonese.]

69. The Secretary reported that the application was submitted by International Trader Limited, which was a subsidiary of Swire Properties Ltd. (Swire). Mr. Raymond Y.M. Chan, having current business dealings with Swire, had declared an interest in this item. Members noted that Mr. Chan had sent an apology for being unable to attend the meeting.

Presentation and Question Session

70. The following Government’s representatives were invited to the meeting at this point:

Ms. Brenda Au	District Planning Officer/Hong Kong, Planning Department (DPO/HK, PlanD)
Ms. Lily Yam	Senior Town Planner/Hong Kong (STP/HK), PlanD
Mr. Simon P S Lee	Deputy Law Officer (Civil Law), Department of Justice (DoJ)

71. The Chairman extended a welcome and invited Ms. Brenda Au to brief Members on the background to the application.

72. With the aid of a powerpoint presentation, Ms. Brenda Au covered the following main points as detailed in the Paper:

- (a) the Town Planning Board (the Board) had delegated its authority to the Director of Planning to consider applications under s.16A of the Town Planning Ordinance (TPO). Due to the legal issues involved and the Home Affairs Department (HAD)'s advice that the public had concerns on the subject residential development, the application was submitted to the Board for consideration;
- (b) background – the Board rejected a planning application No. A/H11/87 upon review on 7.1.2005. The appeal against the Town Planning Board's decision was dismissed by the majority of the Town Planning Appeal Board (TPAB) on 12.12.2006. The applicant subsequently applied for JR against the TPAB's decision. On 15.11.2007, the Court of First Instance (CFI) quashed the TPAB's decision and ordered the TPAB to allow the application. The Board appealed to the Court of Appeal against CFI's decision. The hearing of the appeal was scheduled for December 2008. On 25.2.2008, as directed by the CFI, the TPAB allowed the appeal (i.e. Option 6a) without any approval conditions. On 23.5.2008, the Board applied for leave to apply for JR of the TPAB's decision to allow Option 6a scheme. Leave had been granted on 27.5.2008. The applicant submitted a set of building plans on 29.1.2008 in accordance with the approved A/H11/87 scheme. The building plans were disapproved by the Building Authority (BA) in view of the Transport Department (TD)'s comments on excessive car parking space provision. The applicant had lodged an application for leave to apply for JR against BA's decision to disapprove the building plans;
- (c) the current s.16A application was to amend the approved A/H11/87 scheme by reducing the car parking space provision from 95 to 50 and a

consequential deletion of 3 levels of podium and 1 refuge floor. The building height would be reduced from 54 storeys (273.55mPD) to 50 storeys (260.8mPD). A comparison of the major development parameters between the approved and current schemes was summarised in paragraph 2.3 of the Paper;

- (d) the justifications from the applicant were summarised in paragraph 3 of the Paper;
- (e) departmental comment – the departmental comments were summarized in paragraph 6 of the Paper. In particular, the TD had no objection to the proposed reduction in number of car parking spaces. The HAD conveyed that members of the public had concerns on the residential development, especially regarding the traffic impact and building height aspects. Other departments had no objection to the proposed amendments; and
- (f) PlanD's view – PlanD had no objection to the application for reasons set out in paragraph 10 of the Paper. The application was to address TD's concerns on excessive car parking provision and would not result in any material change to the nature of the development under the approved scheme. While there were public concerns on the residential development, the reduction in number of car parking space was considered acceptable. The reduction in building height did not require the Board's approval. Under s.16A(6) of the TPO, an application to make Class B amendments might be accepted subject to such conditions as the Board required. The legal advice was that it was open to the Board to consider what reasonable conditions should be granted if the Class B amendment was accepted. It was therefore suggested that suitable approval conditions, as set out in paragraph 11.3 of the Paper, be imposed should the Board agree to approve the subject application. In line with the legal advice, it was also suggested to include a condition to set out that in the event that the TPAB's decision of 25.2.2008 in Town Planning Appeal No. 5 of 2005 was set aside, the approval given under

section 16A of the TPO should lapse automatically without any further act on the part of the Board.

73. After the presentation, the Chairman invited questions from Members.

74. Member sought clarification on the interpretation of the automatic lapse of a s.16A application. Mr. Simon Lee said that notwithstanding that the TPAB's approval in respect of Option 6a was not subject to conditions, it was open to the TPB to consider what reasonable conditions should be imposed if the Class B amendment was accepted. The proposed condition on automatically lapsing of a s.16A application was to cater for the scenario that should the JR lodged by the Board succeed in setting aside the decision of the TPAB, the s.16A application approved at this meeting would cease to have effect.

75. As Members had no question to raise, the Chairman thanked the Government's representatives for attending the meeting.

Deliberation Session

76. Members noted that if conditions were not imposed on the s.16A application, it might affect the Board's position in the JR in that it was the Board's contention in the JR that the TPAB should have considered the Board's application for imposing conditions. If it was the Board's contention, there was no reason why the Board should refrain from imposing conditions on this s.16A application. The JR was more likely to be prejudiced by an approval of the amended scheme without conditions than if conditions were attached. If the s.16A application was approved without conditions, the applicant could simply proceed with the revised scheme and abandon the original scheme, thus rendering the Board's JR academic. Members thus agreed that approval conditions should be imposed on the s.16A application.

77. After further deliberation, the Board decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 25.2.2012 (4 years from the date the appeal was allowed by Town Planning Appeal Board), and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission

was renewed. The permission was subject to the following conditions:

- (a) the design and provision of car parking spaces, loading/unloading bay and vehicular access to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the setting back of the site boundary along Seymour Road and Castle Road for the purpose of widening the footpath to 3m to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the provision of emergency vehicular access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the submission of a sewerage impact assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the submission of a drainage impact assessment and implementation of drainage improvement measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (g) the submission and implementation of a landscape master plan for the proposed development including the proposed setback area at ground floor along Seymour Road and Castle Road to the satisfaction of the Director of Planning or of the TPB; and
- (h) this approval was subject to the condition that, in the event that the Town Planning Appeal Board's decision of 25.2.2008 in Town Planning Appeal No. 5 of 2005 was set aside, the approval given under section 16A of the Town Planning Ordinance should lapse automatically without

any further act on the part of the TPB.

78. The meeting was adjourned for lunch at 1:40 p.m..
79. The meeting was resumed at 2:40 p.m..
80. 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. Tony C.N. Kan
Mr. Edmund K.H. Leung
Professor Bernard V.W.F. Lim
Dr. C.N. Ng
Mr. Alfred Donald Yap
Ms. Sylvia S.F. Yau
Mr. Y.K. Cheng
Professor Edwin H.W. Chan
Dr. Michael Chiu
Mrs. Ava S.Y. Ng

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations in Respect of the Draft Shek Kip Mei Outline Zoning Plan No.S/K4/22

(TPB Paper No. 8118)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

81. Dr. C.N. Ng declared an interest in this item as he owned a property in Parc

Oasis, but in a different tower of Representation No. R1 (Incorporated Owners of Parc Oasis (Tower 1 to 20)). Members agreed that as the property was not directly related to the representations and the interest was remote, he was allowed to stay in the meeting.

82. The Chairman said that sufficient notice had been given to the representers and there was no reply from representers No. R2 and R5. Members agreed to proceed with the hearing in the absence of the above two representers. The following representative of the Planning Department (PlanD) and the representer/representer's representative of No. R1, R3 and R4 were invited to attend the meeting:

Ms. Heidi Y.M. Chan	District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK)
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Representation No. R1

Mr. Leung Chun Hing	Representer's Representative
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Representation Nos. R3 & 4

Mr. Kwok Chun Wah	Representer
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83. The Chairman extended a welcome and briefly explained the hearing procedures. He then invited Ms. Heidi Y.M. Chan to brief Members on the representations.

84. With the aid of a Powerpoint presentation, Ms Heidi Y.M. Chan made the following main points as detailed in the paper:

Background

- (a) the draft Shek Kip Mei Outline Zoning Plan (OZP) No. S/K4/22 was gazetted under s.5 of the Ordinance on 6.2.2008. The amendments were the rezoning of a site at 62 Begonia Road (which accommodates the ex-Begonia Road Juvenile Home) from "Government, Institution or Community (3)" ("G/IC(3)") to "Residential (Group C) 10" ("R(C)10") (Amendment Item A – Site A) and the rezoning of a slope area to the

east of Tai Hang Estate from “G/IC(3)” to “R(A)” (Amendment Item B – Site B). During the publication period, 5 valid representations were received and there was no public comment;

Representation Sites

- (b) Site A was currently occupied by the ex-Begonia Juvenile Home building and a densely vegetated slope of about 680m² at its western side. A number of mature trees of great landscape value were scattered on the site. The Juvenile Home was relocated to Tuen Mun in June 2007 and the building had been left vacant since then. The site was rezoned from “G/IC(3)” to “R(C)10” with a maximum plot ratio restriction of 1.65, maximum site coverage of 55% and maximum building height of 46mPD;
- (c) Site B was a slope area within the Tai Hang Tung Estate which fell within Vesting Order No. 37. The site was mainly of retaining structure and partly covered by trees and vegetation;

The Representations

- (d) Representation No. R1 (submitted by the Incorporated Owners of Parc Oasis (Tower 1 to 20)) did not oppose to Amendment Item A to rezone Site A to residential use but oppose to the building height of the future residential development up to 13 storeys;
- (e) Representation No. R2 (submitted by Ms Leung Yau Chun) supported Amendment Items A and B;
- (f) Representation No. R3 (submitted by Kwok Chun Wan District Councillor’s Office) presented views collected from over 20 residents expressed at a local meeting organised by the Office. Some local residents supported Amendment Item A but considered that the proposed building height should be similar to that of the adjoining YWCA Lodge

and the English School Foundation Kowloon Junior School in the same “G/IC(3) zone while some opposed it. All opposed to Amendment Item B;

- (g) Representation No. R4 (submitted by Mr. Kwok Chun Wah, District Councillor) opposed to Amendment Item A;
- (h) Representation No. R5 (submitted by Mr. Fung Kin Kee and Mr. Leung Kam To of Hong Kong Association for Democracy and People’s Livelihood) opposed to Amendment Item A;

Grounds of Representations

- (i) Representations No. R1, R3, R4 and R5 opposed to the building height at Site A as it would cause adverse visual impact to the neighbouring buildings, incompatible with the townscape of the adjacent residential area and contrary to the low-density character of Yau Yat Chuen. R3 considered that the maximum building height of Site A should be the same as most of the buildings in Yau Yat Chuen which was zoned “R(C)1” with a maximum building height of 10.67m;
- (j) Representations No. R1 and R4 opposed to Amendment Item A as the additional traffic generated from the future development would overload Tat Chee Avenue and the access road;
- (k) Representation No. R5 opposed to Amendment Item A as there was inadequate provision of community facilities in Yau Yat Chuen and there was great demand for community facilities generated from major residential estates (e.g. Parc Oasis);
- (l) Representation No. R3 opposed to Amendment Item B as the slope area should be incorporated into the green belt and not be taken into account in plot ratio calculation according to the earlier approval of land by the Government;

Representer's Proposals

- (m) Representations No. R3 and R4 proposed to rezone Site A to "R(C)1" with a maximum plot ratio of 1.65, maximum site coverage of 55% and maximum building height of 10.67m. R5 proposed to retain Site A for library or recreational/cultural facilities. R3 proposed to rezone Site B to "Green Belt" ("GB");

PlanD's Responses to Representations

Compatibility and Visual Impact

- (n) the proposed development at Site A was of low-rise and low-density with a plot ratio of 1.65 which was similar to the development intensity of the adjoining "R(C)1" developments along Begonia Road. The maximum building height of 46mPD was similar to the height of the original building on site, the surrounding GIC facilities within the adjoining "G/IC(3)" zone as well as the residential complex Parc Oasis. The proposed development would not be incompatible with the nearby built environment and unlikely cause any adverse visual impact;
- (o) given a site level at about 29mPD, the maximum building height of 46mPD would only allow a residential development up to 17m in height and hence only a 5-storey residential building would be developed. A 5-storey residential building was considered generally compatible with the low-density residential character of the Yau Yat Chuen area;
- (p) a 13-storey building was not feasible within a maximum height restriction of 46mPD under Buildings Ordinance;

Traffic Impact

- (q) Commissioner for Transport advised that the additional local traffic due

to the planned development at Site A was light and would not cause significant traffic impact on Tat Chee Avenue and the access road leading to Site A;

Library/Cultural and Recreational Facilities

- (r) there was no shortage of site-based GIC facilities in the area and no proposal for GIC uses from concerned Government departments. Director of Leisure and Cultural Services (DLCS) advised that there was no shortage of library and recreational facility in the area and the provision met the standards as set out in the Hong Kong Planning Standards and Guidelines. There would be three district libraries, two standard small libraries, three mobile library service points and five sports centres in Sham Shui Po District. Yau Yat Chuen and Tai Hang Tung area also did not warrant provision of additional indoor sporting facilities;

Representers' Proposals

- (s) in view of paras. (n) to (p) above, it was considered not appropriate to rezone Site A to "R(C)1" zone with a maximum plot ratio of 1.65, maximum site coverage of 55% and maximum height of 10.67m. There was no plan to retain Site A for library and recreational/cultural facilities;
- (t) it was not appropriate to rezone Site B to "GB" zone as the site was a formed slope structure without a green belt character. According to the Explanatory Statement of the OZP, the slope area was not accountable in plot ratio calculation; and

Conclusion

- (u) PlanD considered that all the representations should not be upheld.

85. The Chairman then invited Representation No. R1's representative to present. Mr. Leung Chun Hing said that he represented the views of the Incorporated Owners of Parc Oasis (Towers 1 to 20). Having noted that Site A would only be developed into a 5-storey low-rise residential development which would not have much impact on the traffic on the surrounding area, he had no objection to the proposed amendment.

86. The Chairman then invited the representative of Representations No. R3 and R4 to present. Mr. Kwok Chun Wah made the following main points:

- (a) the subject amendments were discussed at a local residents' meeting. Residents did not object but support the rezoning of the "G/IC(3)" site for residential use under Amendment Item A which was beneficial to the community;
- (b) for Amendment Item B, residents considered that the existing nature of the green belt should be retained. He had no further objection to the issue on plot ratio calculation, having noted that the slope area would not be taken into account in the plot ratio calculation;
- (c) there was no strong objection to the proposal on traffic ground but there were some concerns on the capacity of Begonia Road. He would like concerned Government departments to take note of this matter in future planning of the site; and
- (d) a consistent approach should be adopted for the rezoning of the area in particular in view of the incompatibility of the existing 19-storey development of the Primrose with the adjacent residential developments.

87. A Member enquired whether the future developer would be responsible for the maintenance of the slope area and existing trees within the site under Amendment Item A. Ms. Heidi Y.M. Chan replied that the slope area would be designated as non-building area under the lease and the developer would be responsible for its maintenance. For the existing trees within the site, Ms. Heidi Y.M. Chan said that during the drafting of the lease conditions by Lands Department, PlanD had requested that a clause should be

included requiring the future developer to retain nine existing trees.

88. As Members had no further questions to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in the absence of the representer and representer's representative and would inform the representer and representer's representative of the Board's decision in due course. The Chairman thanked PlanD's representative, the representer and the representer's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

89. Members noted that the representations were made mainly due to a misunderstanding on the calculation of building height and that the representers had no further objection after noting that the proposed building height at Site A would only be 5 storeys.

90. A Member pointed out the building height issue had been a main concern of the local residents in the Yau Yat Chuen area especially in view of the high-rise development of the Primrose.

91. Another Member said that the existing trees within the slope area should be retained.

Representations No. R2 & R3 (part)

92. After further deliberation, the Board noted the support of Representation No. R2 and the part of the Representation No. R3 supporting Amendment Item A.

Representation No. R1

93. After further deliberation, the Board decided not to uphold Representation No. R1 for the following reasons:

- (a) the proposed residential development would unlikely impose any adverse visual impact to the neighbouring developments as it was a low-rise, low-density development with a plot ratio of 1.65 which was similar to the development intensity of the adjoining “Residential (Group C)1” developments along Begonia Road;
- (b) the maximum building height at 46mPD of the “Residential (Group C)10” (“R(C)10”) zone would only allow a residential development of about 5-storey to be developed on the site. Such a 5-storey residential building was considered generally compatible with the low-density residential development of the nearby Yau Yat Chuen area. Besides, it was also generally in line with the existing building heights within the adjoining “Government, Institution or Community (3)” zone which was restricted to a maximum building height of 51mPD; and
- (c) the proposed development would not cause significant traffic impact on the local road network including Tat Chee Avenue and the access road leading to the “R(C)10” zone.

Representation No. R3

94. After further deliberation, the Board decided not to uphold Representation No. R3 for the following reasons:

- (a) the proposed residential development would unlikely impose any adverse visual impact to the neighbouring developments as it was a low-rise, low-density development with a plot ratio of 1.65 which was similar to the development intensity of the adjoining “Residential (Group C)1” developments along Begonia Road;
- (b) the maximum building height at 46mPD of the “Residential (Group C)10” (“R(C)10”) zone would only allow a residential development of about 5-storey to be developed on the site. Such a 5-storey residential building was considered generally compatible with the low-density

residential development of the nearby Yau Yat Chuen area. Besides, it was also generally in line with the existing building heights within the adjoining “Government, Institution or Community (3)” zone which was restricted to a maximum building height of 51mPD;

- (c) the “Residential (Group A)” zoning was a technical amendment to reflect the management boundary of the existing Tai Hang Tung Estate to tie in with the Housing Department’s Vesting Order No. 37; and
- (d) the Explanatory Statement attached to the Plan clearly stipulated that slope maintenance area should not be taken into account in the plot ratio calculation for development.

Representation No. R4

95. After further deliberation, the Board decided not to uphold Representation No. R4 for the following reasons:

- (a) the proposed residential development would unlikely impose any adverse visual impact to the neighbouring developments as it was a low-rise, low-density development with a plot ratio of 1.65 which was similar to the development intensity of the adjoining “Residential (Group C)1” developments along Begonia Road;
- (b) the maximum building height at 46mPD of the “Residential (Group C)10” (“R(C)10”) zone would only allow a residential development of about 5-storey to be developed on the site. Such a 5-storey residential building was considered generally compatible with the low-density residential development of the nearby Yau Yat Chuen area. Besides, it was also generally in line with the existing building heights within the adjoining “Government, Institution or Community (3)” zone which was restricted to a maximum building height of 51mPD; and
- (c) the proposed development would not cause significant traffic impact on

the local road network including Tat Chee Avenue and the access road leading to the “R(C)10” zone.

Representation No. R5

96. After further deliberation, the Board decided not to uphold Representation No. R5 for the following reasons:

- (a) the proposed residential development would unlikely impose any adverse visual impact to the neighbouring developments as it was a low-rise, low-density development with a plot ratio of 1.65 which was similar to the development intensity of the adjoining “Residential (Group C)1” developments along Begonia Road;
- (b) the maximum building height at 46mPD of the “Residential (Group C)10” (“R(C)10”) zone would only allow a residential development of about 5-storey to be developed on the site. Such a 5-storey residential building was considered generally compatible with the low-density residential development of the nearby Yau Yat Chuen area. Besides, it was also generally in line with the existing building heights within the adjoining “Government, Institution or Community (3)” zone which was restricted to a maximum building height of 51mPD; and
- (c) there was adequate provision of library and recreational/cultural facilities in the area.

[Ms. Sylvia S.F. Yau left the meeting while Professor Edwin H.W. Chan and Professor Bernard V.W.F. Lim arrived and returned to join the meeting respectively at this point.]

Agenda Item 8

[Open Meeting (Presentation and Question Session only)]

Consideration of Representation and Comments in Respect of the Draft Kennedy Town and Mount Davis Outline Zoning Plan No.S/H1/15 (Relating to Route 7)

(TPB Paper No. 8119)

[The hearing was conducted in English and Cantonese.]

Presentation and Question Session

97. The Secretary reported that Professor David Dudgeon and Ms. Sylvia S.F. Yau had declared an interest in this item as they owned properties in Mount Davis and Kennedy Town respectively. Dr. Ellen Y.Y. Lau had also declared an interest in this item as her spouse owned a property in Kennedy Town. Members noted that Professor David Dudgeon had tendered apology for not attending the meeting while Dr. Ellen Y.Y. Lau could not attend the afternoon session of the meeting and Ms Sylvia S.F. Yau had already left the meeting.

98. The Chairman said that this was a separate hearing to consider parts of Representation No. R2 and comments relating to Route 7. Reasonable notices had been given to the representer No. R2 and the 9 commenters. While representer No.R2 and commenter No. C5 would attend the meeting, there was no reply from other commenters. Members agreed to proceed with the hearing in the absence of the other commenters.

99. The following Government team (with representatives of PlanD and Transport and Housing Bureau (THB)), representatives of Representation No. R2 and commenter No. C5 were invited to attend the meeting:

Ms. Brenda K.Y. Au	District Planning Officer/Hong Kong
Ms. Lily Y.M. Yam	Senior Town Planner /Hong Kong
Mr. Henry C. Y. Chan	Principal Assistant Secretary for Transport and Housing (Transport), Transport and Housing Bureau

Representation No. R2

Mr. Ian Brownlee) Representers' Representatives
Mr. Paul Zimmerman)

Comment No. C5

Mr. Roger Anthony Nissim Commenter

100. The Chairman extended a welcome and briefly explained the hearing procedures. He then invited Ms. Brenda K.Y. Au to brief Members on the representation and comments.

101. With the aid of a Powerpoint presentation, Ms. Brenda K.Y. Au made the following main points as detailed in the paper:

Background

- (a) the draft Kennedy Town and Mount Davis OZP No. S/H1/15 was exhibited for public inspection under section 5 of the Ordinance on 9.11.2007. A total of 2 representations and 9 comments were received;
- (b) on 11.4.2008, the Board decided that those parts of Representation No. R2 and Comments No. C1 to C4 relating to Route 7 as well as Comments No. C5 to C9 relating exclusively to Route 7 were invalid. Rrepresenter No. R2 expressed his disagreement with the decision. On 14.5.2008, the Board agreed to arrange a separate hearing for the parts of representation/comments relating to Route 7 subject to legal advice;
- (c) Department of Justice advised that if the Board accepted that the proposed alignment of Route 7 was a particular matter in the Belcher Bay Reclamation Area (BBRA) which was an amendment to the previous OZP, the parts of the representation/comments relating to Route 7 were not invalid. This hearing session was to cover the parts of Representation No. R2 and Comments No. C1 to C9 relating to Route 7;

- (d) Route 7 was a strategic road link providing connection between the Cross Harbour Tunnel in Causeway Bay and Aberdeen via Kennedy Town. Possible alignment for the section between Kennedy Town and Aberdeen was first shown on the Kennedy Town and Mount Davis OZP No. S/H1/1 gazetted on 31.10.1986 until now. The remaining section of Route 7 between Mount Davis and Aberdeen was shown as “Road” on the approved Pok Fu Lam OZP No. S/H10/15 and the approved Aberdeen and Ap Lei Chau OZP No.S/H15/24 respectively;

Representation No. R2: Grounds of Representation and Proposal

- (e) the Board should have reviewed the need to retain the proposed alignment of Route 7 on the OZP across the BBRA now included in the planning scheme area;
- (f) the proposal to have a major highway along the waterfront was no longer acceptable to the general public and was contrary to the Harbour Planning Principles (HPPs);
- (g) the Board should take into account the recent announcement of the Mass Transit Railway (MTR) extension to Kennedy Town and South Island Line (SIL) to the Southern District. With these railways, there was no need to consider the construction of Route 7;
- (h) the whole alignment of Route 7 should be deleted from the OZP;

Comments No. C1 to C9

- (i) support R2 and object to the construction of Route 7;
- (j) the Route 7 alignment along the waterfront was against the HPPs. The highway would sterilise another section of the harbourfront and deny the local community access to the waterfront. Land along the water edge should be designated for public use and enjoyment;

- (k) there had been an improvement in transport in Kennedy Town as the MTR extension (West Island Line (WIL) and SIL) would sufficiently serve the general public;

PlanD's Responses to Representation and Representer's Proposal

- (l) alignment of Route 7 as shown on the OZP had all along been indicative in nature and did not have implications on the designation of the zonings of the BBRA now included in the current amendment of the OZP;
- (m) Secretary for Transport and Housing (STH) advised that the proposed Route 7 would serve as an additional linkage between the Southern District and the Central Business District as well as other parts of the territory via the Western Harbour Crossing. It would provide an alternative route to the existing north-south corridors, including Pok Fu Lam Road and Aberdeen Tunnel and help provide additional road capacity for possible new tourism and commercial developments in the Southern District and housing developments in the Pok Fu Lam area;
- (n) STH also advised that the Legislative Council Panel on Transport had been urging for the early implementation of Route 7 since 2001 while the public transport and logistics trades also supported the early implementation of Route 7. In view of the complementary role of Route 7 in the overall transport system and the wider public interests in the community, the route alignment as shown on the OZP should not be deleted;
- (o) STH would keep Route 7 under review taking into account any new developments in the Western District, including the way forward of the SIL(West) and whether SIL(East) could meet the growing traffic needs of the Southern District;
- (p) according to the Highways Department, the Route 7 alignment as shown

on the OZP was based on a study which had become obsolete. A study had subsequently been carried out and alternative landward alignment options had been developed with a view to replacing the original alignment;

- (q) although the waterfront alignment as shown on the OZP was no longer a desired alignment, the deletion of the alignment from the OZP should tie in with the deletion of the sections on the Pok Fu Lam OZP and Aberdeen and Ap Lei Chau OZP which required a comprehensive review of the appropriate land use zonings for the waterfront areas affected. Pending the review, it was considered not appropriate to delete the alignment of Route 7 on the OZP at this stage; and

Conclusion

- (r) PlanD did not support Representation No. R2 and considered that the OZP should not be amended.

102. The Chairman then invited representative of Representation No. R2 to present. With the aid of a Powerpoint presentation, Mr. Ian Brownlee made the following main points:

- (a) the Board had accepted the representation as being valid as the alignment of Route 7 was now included in the current amendment for the BBRA. In this regard, the Board needed to consider the implication of including this alignment on the OZP, i.e. whether it was justified in itself and the implications on other land uses;
- (b) there were two types of designations of proposed roads on the OZP. First, roads included after being processed under the Roads (Works, Use and Compensation) Ordinance (“Roads Ordinance”) where, once the road scheme was approved, the Board was obliged by law to include it on the OZP without giving the public the rights of question and objection. Second, roads which were proposed by the Board and indicated on the

OZP without going through the procedures under the Roads Ordinance. The current alignment of Route 7 fell within the second category;

- (c) as clearly stated in para. 8.1.3 of the Explanatory Statement of the OZP, the Government was looking into the possibility of adopting a land-ward alignment of Route 7 to preserve the existing natural coastline along the western shore of Mount Davis and also to take into account that there should be no reclamation in Western District. Hence, it was clear that the road would not be built based on the current road alignment;
- (d) it was clear that the current proposed alignment could not be constructed without reclamation. However, there was no consideration of this alignment under the Protection of Harbour Ordinance (PHO) since the ruling of the Court of Final Appeal. The issues of over-riding public need test and minimum extent of reclamation had not been addressed. There were other inland alignment options under consideration which would avoid reclamation. These alternatives should be assessed before the current alignment was retained on the OZP;
- (e) the Board should look into the impact of the proposed alignment on land uses within the BBAR and adjacent areas including the impact on “Open Space”, “G/IC” and adjacent residential developments; and
- (f) the alignment was impractical and incapable of implementation and should be removed until adequate justification had been prepared and presented to the Board.

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

- (a) the 1986 alignment of Route 7 on the OZP was declared obsolete in 2003 as it was evident from the presentations by the relevant Bureau to the Legislative Council in January 2003 and February 2005 and was also reflected in the Explanatory Statement of the OZP;

- (b) as confirmed by the Department of Justice, the inclusion of Route 7 into the OZP was deemed to be an amendment. The Board had the following options:
- i) to include the knowingly obsolete alignment;
 - ii) not to include the obsolete alignment in the BBRA;
 - iii) to defer completing the amendments to the OZP for a reasonable time to allow the Administration to complete the review; and
 - iv) to delete the outdated alignment from the Kennedy Town and Mount Davis OZP and to review the OZP once the Administration had finalized its review of Route 7 with a proper alignment;
- (c) the Legislative Council was briefed by the Administration on 19.12.2007 that the proposed Route 7 was kept under review but no timeline had been provided. The Administration confirmed in the paper to LegCo in 2005 that no review was required till after 2016 based on the estimated traffic flow in this corridor. Besides, the need for Route 7 was further postponed with the proposed SIL and WIL. This was because the SIL between Admiralty and Ap Lei Chau would eliminate the need for a major new road from the south to the north shore of the Island while the WIL would eliminate the need for a major upgrading of road links between Kennedy Town and Central. The need for a review might change further with the changes in development and population forecasts resulting in lower traffic forecasts;
- (d) the alignment shown on the OZP implied reclamation. The public overriding need for this had yet to be established as required under the PHO. It might well be argued that the alignment was thus against the law and should not be included in the BBRA and should be removed from the OZP at this earliest available opportunity;
- (e) the current alignment did not meet the Harbour Planning Principles which had been developed and agreed on by the Harbourfront

Enhancement Committee and had been accepted by the Board;

- (f) according to the Chief Engineer/Major Works of the Highways Department, the alignment was obsolete. It raised the question as to what the purpose was of indicating an alignment on the OZP. If the Board was to give certainty to interested parties and the community about future land use and transport plans, it should update such indication at the first available opportunity;
- (g) it was not a reason to keep the alignment on the OZP due to the fact that land on other OZPs was shown as “Road” based on the same outdated alignment. It was a reminder that these other OZPs were due for updating too;
- (h) as stated in para. 4.3 of the Paper, the alignment was only indicative and did not have any implications, deleting this indication of an outdated alignment would have no material impact on any road work in the future. There were ample examples whereby alignments of roads were updated in line with studies even when they had yet to be gazetted and approved;
- (i) it could be concluded that the alignment was outdated, might well be against the law and was in conflict with HHPs and community views. The demand for new additional vehicular capacity was not expected with investment in new rails and changes in population and development. While the function of the OZP was to give certainty, there was no clear time line for a review;
- (j) the Board was urged to give certainty to the community by updating the OZP for the latest available information and deleting the outdated alignment and to review the OZP again once the STH had completed the review of Route 7 with a practicable and workable alignment.

104. The Chairman then invited commenter No. C5 to present. Mr. Roger Anthony Nissim made the following main points:

- (a) this part of the coastline in front of Mount Davis was the last piece of natural coastline and should not be destroyed by the construction of a concrete highway along the waterfront. The Island Eastern Corridor was a bad precedent case which should not be followed;
- (b) the Board should respect the vision of the HPPs as adopted by Harbour-front Enhancement Committee which was to enhance Victoria Harbour and its harbour-front areas to become an attractive, vibrant, accessible and sustainable world-class asset. Building a highway along the waterfront would defeat this vision;
- (c) it was stated under Principle 7 of HHPs that ‘Victoria Harbour must integrate with the hinterland in a comprehensive manner, including ample unrestricted and convenient visual and physical access for pedestrians, preferably at grade, to and along the Harbour as well as the harbour-front areas’; and under Principle 8 that ‘the planning, development and management of Victoria Harbour and its harbour-front areas should maximize opportunities for public enjoyment. Land required for and the impact from infrastructure developments, utility installations and land uses incompatible with the HHPs should be minimized.’ Building a coastal highway would defeat both principles; and
- (d) the original 1986 alignment had already been declared as obsolete. The Administration had often stated that a rail-based transportation system should be provided. Therefore, this section of the proposed Route 7 should not be built. The Board had the opportunity to do planning properly by deleting this alignment.

105. Members had the following questions and comments:

- (a) whether the current Route 7 alignment was against the HPPs and PHO and whether the concerned area had been reclaimed;

- (b) whether there was any precedent case to keep an obsolete road alignment on the OZP;
- (c) whether the Board had the power to delete the section of Route 7 alignment outside the BBRA covered by the amendment;
- (d) what statutory planning procedures were required for the deletion of the sections of Route 7 currently shown on other OZPs;
- (e) what was the actual significance of having the current Route 7 alignment on the OZP as the alignment was not even mentioned during the Board's earlier consideration of representations on the zoning of the "Other Specified Use" annotated "Public Cargo Working Area". Would rezoning be required if the proposed alignment were to be implemented; and
- (f) what would be the consequence of deleting only the section of Route 7 alignment within the BBRA.

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

106. Ms. Brenda K.Y. Au had the following responses:

- (a) the subject amendment concerned BBRA which had already been reclaimed. There was no other amendment other than those on this reclaimed land. Therefore, it could not be said that the current alignment of Route 7 would require reclamation and in breach of PHO. This should not be a consideration as the representation site was within the reclamation area. Only if the future construction of Route 7 required reclamation, would relevant requirements under PHO need to be met by the Administration;
- (b) on precedent case, the proposed alignment for Route 81 at Island South

was originally shown on relevant OZPs. Subsequently, the alignment was deleted from the OZPs when the relevant policy bureau advised that the alignment was no longer required. Hence, for the subject case, as and when the Administration definitively decided not to implement Route 7, PlanD would recommend deleting the alignment from relevant OZPs;

- (c) the section of Route 7 alignment outside the BBRA was not the subject of the current amendment and should not be amended arising from the consideration of this representation. If the Board considered it necessary to delete that part of the alignment, it had the power to do so under s.7 of the Ordinance as the OZP was a draft plan. However, this should be dealt with separately and should not be part of the current representation process;
- (d) the alignment for the remaining section of Route 7 was also shown on the approved Pok Fu Lam OZP and approved Aberdeen and Ap Lei Chau OZP. Reference back of these approved OZPs from Chief Executive in Council would be required if the Board considered it necessary to delete these sections of the alignment;
- (e) the proposed Route 7 alignment was indicative only. If the proposed alignment was subsequently firmed up and gazetted under the Roads Ordinance, corresponding amendments to relevant land use zonings would be undertaken; and
- (f) the deletion of the alignment from the Kennedy Town and Mount Davis OZP should tie in with the deletion on the Pok Fu Lam OZP and Aberdeen and Ap Lei Chau OZP which required a comprehensive review of the appropriate land use zonings for the areas affected. Pending the review, it was considered not appropriate to delete part or whole of the alignment on the OZP. Premature and partial deletion would convey a confusing message to the public.

107. Mr. Ian Brownlee reiterated that in view of the potential conflict of the alignment with the adjoining land use zonings, the Board needed to reassess the impact of putting the proposed alignment on the OZP. Mr. Paul Zimmerman also clarified that his representation was to remove the whole alignment from the draft OZP.

108. As Members had no further question to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representation and comments in the absence of the representatives of the representer and the commenter and would inform the representer and commenters of the Board's decision in due course. The Chairman thanked the Government team, representatives of Representation No. R2 and commenter No. C5 for attending the meeting. They all left the meeting at this point.

Deliberation Session

109. A Member agreed to the representer's view that the alignment shown on the OZP was outdated and the OZP should be updated with the latest information from THB. The Chairman clarified that the Administration had not yet determined the final alignment of Route 7 and those presented to Legislative Council were only possible options which would not be appropriate to be included on the OZP.

110. Another Member considered that there was no need to delete the section of alignment from the BBRA on the OZP as its deletion did not mean that the proposal of Route 7 would be dropped. An explanation in the Explanatory Statement of the OZP that the proposed alignment was under review would help to clarify the matter. Irrespective of the final alignment of Route 7, a road connection at BBRA was still required.

111. A Member expressed reservation on the proposed alignment of Route 7 along the waterfront. There was strong public sentiment to delete Route 7 in view of the implementation of the SIL.

112. Another Member considered that the alignment should be retained on the OZP to provide certainty to the investors. This Member pointed out that similar indicative

alignment for the proposed Northern Link was also shown on the Kam Tin North OZP. Rezoning could subsequently be undertaken if there was a need to amend the alignment. As long as a revised alignment option was decided on, the present indicative one should still be shown on the OZP.

113. A Member said that as the proposed alignment could not materialise unless it was proved to be able to meet the requirements under the PHO, the alignment could be deleted from the OZP when there was a firm decision from the Administration. Another member said that even if this alignment was adopted, it did not necessarily imply reclamation as the tunnel option was also possible.

114. Members considered that whatever the alignment indicated within the BBRA, it would not require reclamation as the land had been reclaimed. Members generally considered that there was no need to delete the tentative alignment from the OZP. The Chairman added that the THB, instead of the Board, should be the authority to determine need and design of the road alignment. Notwithstanding HyD's views on the alignment, STH had just re-confirmed that the Route 7 alignment should not be deleted from the OZP, so it was not appropriate to remove the alignment from the OZP at this stage. He also pointed out that the PHO should not be a matter for consideration as Government had not yet decided to construct Route 7 using this alignment and the requirements under the PHO would only set in when such a decision was taken.

115. After further deliberation, the Board decided not to uphold the representation for the following reason:

The proposed alignment of Route 7 as shown on the OZP had all along been indicative in nature and did not have implications on the designation of the zonings of the BBRA included in the current amendment of the OZP and the land had already been reclaimed. The way forward for Route 7 had not yet been determined. STH had confirmed that a decision had not yet been taken to abandon the Route 7 project or to modifying the indicative alignment of the road. The proposed deletion of the road alignment from the Plan would have implications for areas shown as 'Road' indicating the Route 7 alignment on other OZPs, namely the Pok Fu Lam OZP and Aberdeen & Ap Lei Chau OZP, which required a

comprehensive review of the appropriate land use zonings for the waterfront areas affected. Pending the review, it was considered not appropriate to delete the indicative alignment of Route 7 on the BBRA on the OZP.

[Dr. Michael T.L. Chiu left the meeting while Mr. Tony C.N. Kan and Professor Bernard V.W.F. Lim left the meeting temporarily at this point.]

Agenda Item 9

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/H17/119

Minor Relaxation of Building Height Restriction for an Additional Level for Residents' Lifts and Lift Lobbies Use in "Residential (Group C)3" zone, 37 Island Road, Deep Water Bay, Hong Kong

(TPB Paper 8122)

[The hearing was conducted in English and Cantonese.]

Presentation and Question Session

116. The following representatives of PlanD and the applicant's representatives were invited to the meeting at this point;

Ms. Brenda K.Y. Au	District Planning Officer/Hong Kong
Mr. Timothy Y.M. Lui	Town Planner /Hong Kong
Ms. Theresa Yeung)
Mr. Alvin Lee)
Mr. Stephen K.O. Chan) Applicant's representatives
Mr. Justin Ng)
Mr. Kuwadekar Shailesh)

117. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman then invited Ms. Brenda K.Y. Au to brief Members on the

application.

118. With the aid of a Powerpoint presentation, Ms Brenda K.Y. Au did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for minor relaxation of building height restriction for an additional level for residents' lifts and lift lobbies use at a site zoned "Residential (Group C)3" ("R(C)3") on the approved Shouson Hill and Repulse Bay OZP. The proposed lift lobby below carport floor would result in a development of 5 storeys (including 3 domestic storeys, 1 storey of carport and 1 storey for lifts and lift lobbies);
- (b) the reasons for the Metro Planning Committee (MPC) to reject the application on 24.8.2007 were set out in para. 1.2 of the Paper;
- (c) further justifications in support of the review application submitted by the applicant were detailed in para. 3 of the Paper;

[Dr. Grey Wong left the meeting temporarily at this point.]

- (d) departmental comments – the departmental comments were as summarised in para. 5 of the Paper. The Chief Town Planner/Urban Design and Landscape objected to the application as the building height involving a raised platform was considered excessive; the proposal contravened the urban design principle of respecting natural topography and would set an undesirable precedent. The Architectural Services Department had no adverse comment and considered that the current proposal was an improvement to the original scheme but the applicant should address the public concerns on the impact to local environment;
- (e) public comments – of the 4 public comments received at the s.17 stage, 3 objected to the application on visual, air ventilation and environmental grounds and that the relaxation was not minor. The other one

expressed concerns on building height and traffic impact; and

- (f) PlanD's view – PlanD had reservation on the application for reasons stated in para. 8.1 of the Paper. There were insufficient planning and design merits nor strong justifications for relaxation of the building height restriction.

119. The Chairman then invited the applicant's representatives to elaborate on the application.

120. With the aid of a Powerpoint presentation, Ms. Theresa Yeung made the following main points:

- (a) the general building plans had already been approved by the Building Authority on 19.4.2007. Construction work had already commenced accordingly;
- (b) the subject application was for the provision of direct landings and new entrances at Island Road. The proposal could improve pedestrian access for residents and create a barrier-free access environment for vulnerable groups. There was no increase in building height as compared to the approved building plans;

[Mr. Tony C.N. Kan and Professor Bernard V.W.F. Lim returned to join the meeting at this point.]

- (c) additional design merits were introduced under the revised scheme. These included: (i) reduction of overall building height of the houses by 0.8m; (ii) lowering the podium edges by 0.75m to soften the building mass of the carport; (iii) provision of landscaped open space in the setback area at ground floor level; and (iv) introduction of architectural features to create an interesting streetscape. The revised scheme could create a stepped building height profile and improve air ventilation. The implementation of a landscaping proposal at street level could be

ensured though an approved condition imposed by the Board; and

- (d) there were similar applications approved by the Board in the same OZP area.

121. In response to Chairman's query on whether the applicant had addressed the previous rejection reasons on building height and visual impact, Ms. Brenda K.Y. Au replied that the main concern of MPC was that the proposal involved raising the platform by 6m which would contravene the urban design principle that developments should respect the natural topography. It would also set an undesirable precedent for similar applications for relaxation of building height in the area, adversely affecting the visual amenity of the surrounding area. The applicant had proposed some design features to address MPC's concern in the s.17 application.

122. In response to a Member's question on the visual impact of the application on the development to the east, Ms. Brenda K.Y. Au replied that the proposed development with a building height of 64.9mPD would be higher than the existing residential development of about 58mPD to the east. Ms. Theresa Yeung responded that the residential development to the east had been in existence for decades and there was redevelopment plan.

123. Another Member asked whether the applicant could consider modifying the scheme to soften the building mass and the wall effect of the solid podium structure such as by adding more openings to the raised platform.

124. Ms. Theresa Yeung replied that building setback was proposed to widen the pedestrian pavement with proper greening. The provision of trees and landscaped areas would help to create a more pleasant street environment, improve ventilation and micro-climate and soften the building mass. Regarding the provision of more openings to the podium structure, Mr. Kuwadekar Shailesh replied that it would not be feasible to create more openings to the raised podium as it was back-filled but they could use special façade materials to soften the solid effect of podium structures and the staircases leading to the ground level would help to form some openings.

125. 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 PlanD's representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

126. Members generally considered that there were merits in the development proposal and agreed that minor relaxation of building height restriction could be favourably considered.

127. Noting that building plans approval had been granted, a Member said that the applicant should add more openings to the podium structure particularly at the lift lobbies entrance level so as to make it more visually permeable and soften the building mass. Mrs. Ava S.Y. Ng suggested that an approval condition requiring satisfactory façade treatment of the podium structure could be imposed by the Board. Members agreed.

128. After deliberation, the Board decided to approve the application on review, on the terms of the application as submitted to the Board. The permission should be valid until 27.6.2012 and after the said date, the permission should cease to have effect unless before the said date, the development hereby permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the design and provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (b) the submission and implementation of a façade treatment proposal for the podium structure to address the solid effect to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (c) the submission and implementation of a landscape proposal to the

satisfaction of the Director of Planning or of the Town Planning Board.

129. The Board also agreed to advise the applicant to:
- (a) apply to the District Lands Officer / Hong Kong West and South, Lands Department for the lease modification to allow the proposed lift lobbies;
 - (b) note the comments of the Chief Town Planner/Urban Design and Landscape regarding the provision of more high quality planting to improve the green setting; and
 - (c) note the comments of the Director of Fire Services regarding the compliance of Code of Practice for Means of Access for Firefighting and Rescue.

Agenda Item 10

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TKL/305

Proposed Temporary Dangerous Goods Godown (for Storage of Category 2 Dangerous Goods, mainly Industrial Oxygen and Acetylene) for a Period of 3 Years in “Open Storage” zone and ‘Road’ area, Lot 1552 RP(Part) in D.D. 77, Ping Che, Ta Kwu Ling, New Territories.

(TPB Paper 8125)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

130. The following Government representatives of PlanD and Transport Department (TD) and the applicant’s representatives were invited to the meeting at this point:

Mr. W.K. Hui

District Planning Officer/Shu Tin, Tai Po and
Northern District

Mr. So King Kwong Senior Engineer/North, Transport Department

Mr. Rock K.M. Tsang Applicant's representative

131. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman then invited Mr. W.K. Hui to brief Members on the application.

132. With the aid of some plans and photos, Mr. W.K. Hui did so as detailed in the Paper and made the following main points:

- (a) background – the applicant sought planning permission for a proposed temporary dangerous goods godown (for storage of Category 2 Dangerous Goods, mainly industrial oxygen and acetylene) for a period of 3 years at a site zoned “Open Storage” (“OS”) with a very minor portion designated as “Road” on the approved Ping Che and Ta Kwu Ling Outline Zoning Plan No. S/NE-TKL/12. The Rural and New Town Planning Committee (RNTPC) approved the application with conditions as set out in para. 1.2 of the Paper on 7.3.2008;
- (b) the applicant sought a review of approval condition (a) no night time operation between 7:00p.m. and 9:00a.m. was allowed on the application site during the planning approval period; (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period; and (d) no medium/heavy goods vehicles including container vehicles were allowed for transporting goods to/from the application site during the planning approval period;
- (c) the applicant had not provided further written submission to support the review;
- (d) departmental comment – the departmental comments were summarised in para. 4 of the Paper. Director for Environmental Protection (DEP)

advised that if the condition (d) was lifted, there would no longer be restriction on use of heavy vehicles at the site and they would not support the application according to the “Revised Code of Practice on Handling the Environmental Aspects of Temporary Uses of Open Storage Sites” given the nearest domestic structure was located only about 16m from the site and the site would have potential to generate traffic noise nuisance to nearby sensitive receivers. Director of Fire Services (D of FS) advised that no dangerous goods should be introduced into, or taken from or handled in, any store during hours of darkness. Assistant Commissioner for Transport/New Territories (AC for T/NT) advised that the proposed vehicular access to the application site was via a village access road connecting Ng Chow South Road. As the roads are narrow and sub-standard, it was undesirable for use by medium/heavy goods vehicles from traffic viewpoint. A condition that no medium/heavy goods vehicle including container vehicle was allowed to go to/from the application site should be imposed;

- (e) public comments – there was one public comment stating “no comment” at the s.17 review stage. There were local objections received by the District Officer/North on grounds of fire and safety hazards. Keeping the approval conditions (a), (b) and (d) were necessary to address the local concerns; and
- (f) PlanD’s view – PlanD did not support the review application for deleting approval conditions (a), (b) and (d) for reasons stated in para. 7.1 of the Paper. The approval conditions were necessary to mitigate or address possible environmental and traffic impact and safety concern of the operation of the proposed dangerous goods godown on the surrounding environment.

133. The Chairman then invited the applicant’s representatives to elaborate on the application.

134. With the aid of some plans and photos, Mr. Rock K.M. Tsang made the

following main points:

- (a) the applicant did not submit further written representation which might require public notification as he did not wish to defer the hearing date;
- (b) there would be four medium/heavy goods vehicles and one container vehicles operating within the site. While one of the four goods vehicles would need to leave the site every morning at 6:30 a.m. to catch the ferry transporting dangerous goods vehicles in Kwun Tong to Hong Kong Island at 7:25 a.m., the other three goods vehicles would leave the site at around 8:30 a.m. All four goods vehicles would come back to the site at around 5:00 p.m. with empty cylinders. The drivers would be off duty and leave the site at 6:30 p.m. For the container vehicle, it would leave the site at 9:30 a.m. to Mainland China and return around 5:00 p.m. but there might be delay due to long queue for customs clearance at the boundary. The loading and unloading activities would normally take place at 8:00-9:00 a.m. in the morning and 4:00-6:00 p.m. in the afternoon;
- (c) if the term “operation” in the approval conditions included loading and unloading activities but not vehicles entering and leaving the site, the applicant would propose to revise the condition to prohibit operation from 7:00 p.m. to 8:00 a.m. (Monday to Saturday) but agreed to the requirement of no operation on Sunday and public holidays. If the term “operation” included both loading and unloading activities and vehicles entering and leaving the site, the applicant would propose to revise the condition to prohibit the operation from 8:00 p.m. to 6:30 a.m. (Monday to Saturday) and from 5:00 p.m. to 10:00 a.m. on Sunday and public holidays;
- (d) similar operation hours were imposed by the Board for open storage uses in Ngau Tam Mei and Pat Heung area; and
- (e) there were container vehicles operating at the site which was previously

occupied for general open storage use. The applicant had undertaken a transport survey which demonstrated that less traffic would be generated by the proposed dangerous goods godown compared with general open storage use.

135. Members had the following questions:

- (a) whether planning permission was required for general open storage use within the “OS” zone. If not, whether there was any control on the type of goods vehicles used for the open storage yards within the area;
- (b) whether there were objections from the residents of domestic structures in the vicinity of the site;
- (c) whether the term “operation” under the approval condition including incoming and outgoing of goods vehicles;
- (d) whether fire safety installations or noise mitigation measures were provided in the goods and container vehicles operated within the site; and
- (e) the frequency of incoming and outgoing of goods and container vehicles operated within the site and the location of the applicant’s existing dangerous goods godown.

136. Mr. W.K. Hui had the following responses:

- (a) planning permission was not required for general open storage use within the subject “OS” zone. However, for open storage of dangerous goods, planning permission was required. Even though planning permission might not be required for some open storage uses, Lands Department would seek comment from Transport Department on the access requirement in case application for short term tenancy or short term waiver was required for the proposed use;

- (b) there was no objection received from the residents of the domestic structures in the vicinity. However, public comments were received at the s.16 stage from a Northern District Councillor, Ta Kwu Ling District Rural Committee and a member of the public on the grounds of fire and safety hazards; and
- (c) the incoming and outgoing of goods and container vehicles within the site should be considered as part of the operation process and should be governed by the approval conditions. According to the “Revised Code of Practice on Handling the Environmental Aspects of Temporary Uses of Open Storage Sites” issued by DEP, no night time operation was normally allowed between 11:00 p.m. and 7:00 a.m. in order to mitigate possible environmental impact. Depending on local circumstances and the impact of the possible environmental nuisances, it was the practice of the Board to impose restrictions on operation hours such as prohibiting operation from 7:00 p.m. to 7:00 a.m. on the basis of individual operations. The condition of operation time imposed on the current application had made reference to similar applications for open storage use in the vicinity.

137. Regarding the traffic impact, Mr. So King Kwong advised that the proposed vehicular access to the application was via a village access road connecting to Ng Chow South Road. As the roads were narrow and sub-standard, it was undesirable for the use of medium/heavy goods vehicles.

138. In response, Mr. Rock K.M. Tsang made the following points:

- (a) short term waiver would only be required for structures such as warehouse but not open storage use;
- (b) special licences were required for those dangerous goods vehicles operated within the site. However, he did not know the details of the special installations required for these vehicles;

- (c) D of FS did not raise concern on the time of operation at the s.16 stage. At the s.17 stage, D of FS only stated that no dangerous goods should be handled at the site during hours of darkness. In view of the fact that the goods vehicles would operate as early as 6:30 a.m. in the morning and there might be late return of the container vehicle from Mainland, sympathetic consideration could be given to this application;
- (d) the four goods vehicles and the container vehicle would only leave and return to the site once every day; and
- (e) the applicant's production line was in Mainland China. The applicant did not have an existing godown but operated in car parking sites. The company intended to set up a temporary dangerous goods godown at the subject site to meet operational needs.

[Mr. Alfred Donald Yap left the meeting at this point.]

139. 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 representatives of PlanD and TD for attending the meeting. They left the meeting at this point.

Deliberation Session

140. A Member considered that safety and noise impact were two prime concerns in consideration of the application. The use of heavy vehicles in transporting cylinders was bound to generate noise during travelling on the sub-standard road. Allowing the dangerous goods vehicles to operate at night with no proper fire safety installation and noise mitigation measures would not be appropriate. This Member therefore did not support the application to delete the conditions.

141. Another Member noted that D of FS's concern was on operation in darkness but the operational need of the applicant justified relaxation of the conditions on operation hours.

142. A few Members also agreed to relax the control on operation hours to allow the operation from 7:00 a.m. to 7:00 p.m. which was already more stringent than the restriction in the Code of Practice issued by DEP.

143. A Member suggested to include an approval condition to limit the number of incoming/outgoing vehicular trips of the site in order to reduce the possible traffic and environmental impact. Mrs. Ava S.Y. Ng said that it would be difficult to enforce such approval condition. She added that given the nature of the operation and the size of the site, the number of vehicular trips to and from the site should be rather limited.

144. After further deliberation, the Board decided to partially amend the approval conditions (a) and (b) and delete approval condition (d) on the terms of the application as submitted to the Board. The permission should be valid on a temporary basis for a period of 3 years until 7.3.2011 and subject to the following conditions:

- (a) no night time operation between 7:00p.m. and 7:00a.m. was allowed on the application site during the planning approval period;
- (b) no operation between 5:00p.m. and 10:00a.m. on Sundays and public holidays was allowed on the application site during the planning approval period;;
- (c) the storage capacity of the dangerous goods godown should not exceed 500 tonnes;
- (d) the submission of proposals for car parking, loading/unloading and vehicle manoeuvring spaces within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 7.9.2008;

- (e) in relation to (d) above, the provision of car parking, loading/unloading and vehicle manoeuvring spaces within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 7.12.2008;
- (f) the submission of drainage proposals 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 7.9.2008;
- (g) in relation to (f) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 7.12.2008;
- (h) the submission of landscaping 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 7.9.2008;
- (i) in relation to (h) above, the implementation of landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 7.12.2008;
- (j) the submission of proposals on water supplies for fire fighting and fire service installations 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 7.9.2008;
- (k) in relation to (j) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 7.12.2008;
- (l) if any of the above planning conditions (a), (b) and (c) was not complied with during the planning approval period, the approval hereby given

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

- (m) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j) or (k) 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.

145. The Board also agreed to advise the applicant to:

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) note District Land Officer/North's comments that the owner of the lot should apply for a Short Term Waiver for the existing and proposed structures;
- (c) note Director of Fire Services' comments on the following:
 - (i) mixed storage of oxygen and acetylene cylinder was prohibited unless proper fire resisting structure was provided for each type of cylinder involved;
 - (ii) dangerous goods godown with a storage capacity exceeding 500 tonnes should be classified as a designated project subject to EIA Ordinance; and
 - (iii) formal application should be made to his department for granting of relevant dangerous goods licence for storage;
- (d) note Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance. Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised

structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future;

- (e) note Chief Engineer/Development (2), Water Supplies Department 's comments on the following:
 - (i) the application site was located within the Water Supplies Department flood pumping gathering ground associated with River Indus and River Ganges pumping stations;
 - (ii) all spoils arising from site formation works should be contained and protected to prevent all nearby watercourses from being polluted or silting up;
 - (iii) no discharge of effluent should be allowed without the prior approval from the Water Authority. Any effluent discharge must comply with the Technical Memorandum on Standard for Effluent Discharge into Drainage and Sewage Systems, Inland and Coastal Waters;
 - (iv) all wastes, sludge and pollutants arising from the development should be properly disposed of outside gathering grounds;
 - (v) an action plan to prevent the flooding pumping gathering grounds from being contaminated by spillage of fuel, oil or the like during both construction and operation phases should be prepared to the satisfaction of the Water Authority; and
 - (vi) for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection and 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 lot to Water Supplies Department's standards;
- (f) note Director of Environmental Protection's comments on the following:

- (i) incorporate the environmental measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances; and
- (ii) carry out a review on land-use history to determine if a land contamination assessment is necessary.

[Mr. Tony C.N. Kan left the meeting at this point.]

Agenda Item 11

[Open Meeting]

Submission of the Draft Tsuen Wan Outline Zoning Plan No. S/TW/25A to the Chief Executive in Council for Approval under Section 8 of the Pre-amended Town Planning Ordinance

(TPB Paper No. 8126)

[The meeting was conducted in Cantonese.]

146. Mr. Tony C.N. Kan and Mr. David W.M. Chan had declared interests in this item. Mr. Tony C.N. Kan owned a property in Tsuen Wan while Mr. David W.M. Chan was a Member of the Tsuen Wan District Council. Members noted that they had already left the meeting and Mr. David W.M. Chan had tendered apology for not able to attend the meeting in the afternoon.

147. The Secretary reported that since the Chief Executive in Council (CE in C)'s last approval of the draft Tsuen Wan OZP on 11.6.2002, the OZP had been amended 9 times. The Board had already completed the procedures in considering the objections. However, one of the objectors (Objection No. 1 to the draft Tsuen Wan OZP No. S/TW/20) applied for a Judicial Review (JR) (HCAL 38 of 2005) against the Board's decision on 26.11.2004 and 25.2.2005 of not amending the OZP to meet the objection in respect of the current "Residential (Group C)" and "Green Belt" zonings of the objection site in the Yau Kom Tau area. The JR was dismissed on 25.10.2006. The same objector subsequently

lodged an appeal to the Court of Appeal (CACV 398 of 2006) against the dismissal of the JR. On 7.8.2007, the Appeal was dismissed by the Court of Appeal. On 28.8.2007, the same objector gave its intention to apply for leave to the Court of Final Appeal. By now, the objector had not made any submission 9 months after the decision of the Court of Appeal on 7.8.2007. Department of Justice recently advised that the OZP could be submitted to CE in C for approval on the basis that the objector did not appeal to the Court of Final Appeal.

148. Members agreed that:

- (a) the draft Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/25A and its Notes at Annexes A and B of the Paper respectively were suitable for submission under s.8 of the Ordinance to CE in C for approval;
- (b) the updated Explanatory Statement for the draft Tsuen Wan OZP No. S/TW/25A at Annex C of the Paper was endorsed as an expression of the planning intention and objectives of the Board for various land-use zonings on the draft OZP and should be issued under the name of the Board; and
- (c) the updated Explanatory Statement for the draft Tsuen Wan OZP No. S/TW/25A was suitable for submission to CE in C together with the draft OZP.

Agenda Item 12

[Open Meeting]

Information Notes and Hearing Arrangement for Consideration of Representations and Comments to the Draft Hung Hom Outline Zoning Plan No. S/K9/21

(TPB Paper No. 8127)

[The meeting was conducted in Cantonese.]

149. Ms. Starry W.K. Lee and Mr. Maurice W.M. Lee had declared interests in this

item as Ms. Starry W.K. Lee's spouse and Mr. Maurice W.M. Lee owned properties in Hung Hom. Members noted that Ms. Starry W.K. Lee had already left the meeting while Mr. Maurice W.M. Lee had tendered apology for not attending the meeting.

150. The Secretary reported that the draft Hung Hom OZP No. S/K9/21 was exhibited for public inspection under s.5 of the Ordinance on 29.2.2008. A total of 105 valid representations and 5 comments were received. Since the amendments related to imposition of building height for the Hung Hom area and had attracted significant interests of the general public, it was recommended that the representations and comments should be considered by the full Board. The hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary. As some of the representations were similar in nature, it was suggested to structure the hearing of the representations and comments into two groups as follows:

- (a) collective hearing of 102 representations and 3 comments in relation to the incorporation of building height in the planning scheme area and in the waterfront sites in relation to "Comprehensive Development Area (1)" ("CDA(1)", "CDA(2)", "Residential (Group A)2" ("R(A)2"), "R(A)3" and "Commercial (4)" zones; and
- (b) collective hearing of 3 representations and 3 comments in relation to the incorporation of building height in the inland sites in relation to "R(A)", "Other Specified Uses" annotated "Business" and "Government, Institution or Community" ("G/IC") zones.

151. Members agreed to accommodate the hearing in the Board's regular meeting without resorting to a separate hearing session, and to structure the hearing as set out in para. 2.2 of the Paper.

Agenda Item 13

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

152. There being no other business, the meeting was closed at 5:40 p.m.

CHAIRMAN
TOWN PLANNING BOARD