

**Minutes of 915th Meeting of the
Town Planning Board held on 11.7.2008**

Present

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

Chairman

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Stanley Y.F. Wong

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Professor Paul K.S. Lam

Mr. K.Y. Leung

Professor Edwin H.K. Chan

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Ms. Ava Chiu

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
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Mr. David W.M. Chan

Mr. Raymond Y.M. Chan

Ms. Starry W.K. Lee

Mr. Rock C.N. Chan

Dr. Ellen Y.Y. Lau

Mr. Timothy K.W. Ma

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse (a.m.)
Miss Fiona S.Y. Lung (p.m.)

Town Planner/Town Planning Board
Mr. Tony Y.C. Wu (a.m.)

Senior Town Planner/Town Planning Board
Mr. Ivan M.K. Chung (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 914th Meeting held on 27.6.2008

[The meeting was conducted in Cantonese.]

1. The minutes of the 914th meeting held on 27.6.2008 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

Hearing Arrangement for Consideration of Representations and Comments in respect of the Draft Wong Nai Chung Outline Zoning Plan No. S/H7/14

2. The Secretary said that on 16.5.2008, the Board agreed that the hearing of the representations and comments in respect of the draft Wong Nai Chung Outline Zoning Plan No. S/H7/14 should be structured into three groups. Eight representations (No. R42 to 49) and 377 comments (No. C2 to 377 and 382) which were related mainly to the building height restrictions for three “G/IC” sites and three “Other Specified uses” sites would be considered collectively under Group 3.

3. On 20.6.2008, the representative of the Hong Kong Sanatorium and Hospital (HKSH) (Representer No. R48) wrote to the Secretary, requesting that the consideration of its representation be held separately and not included within Group 3. HKSH considered that the subject matter of its representation was completely different to that of the other representations and would involve complicated technical discussions on the provision of health services and building design. A separate hearing would avoid unnecessary waste of time of other representers and would also facilitate the decision making by the Board. The Secretary said that separating Representation No. R48 from Group 3 would not affect the arrangements agreed by the Board for the hearing of the other representations.

4. After deliberation, Members agreed that the request of HKSH should be entertained and the Secretariat should revise the grouping of the representations and comments accordingly.

[Dr. Greg C.Y. Wong, Professor David Dudgeon and Mr. Felix W. Fong arrived to join the meeting at this point.]

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in respect of the
Draft Ho Man Tin Outline Zoning Plan No. S/K7/19
(TPB Paper Nos. 8128, 8129 and 8130)

[The meeting was conducted in Cantonese and English.]

5. The following members had declared interests on this item:

Mr. Alfred Donald Yap and - owning properties within the planning scheme
Mr. Raymond Y.M. Chan area of the Ho Man Tin Outline Zoning Plan
(OZP); and

- having current business dealings with Sun
Hung Kai Properties Limited, which was the
parent company of Representer No. R6.

Dr. Greg C.Y. Wong, - having current business dealings with Sun
Mr. Felix W. Fong and Hung Kai Properties Limited, which was the
Mr. Y.K. Cheng parent company of Representer No. R6.

6. Members noted that Mr. Raymond Y.M. Chan had tendered apologies for not attending the meeting and Mr. Alfred Donald Yap and Mr. Y.K Cheng had not yet arrived.

[Dr. Greg C.Y. Wong and Mr. Felix W. Fong left the meeting temporarily and Mr. Tony C.N Kan, Dr. Daniel B.M. To and Mr. Nelson W.Y. Chan arrived to join the meeting at this point.]

Group 1 – Representations No. R1 to 7 (part) and Comments No. C185 to 189

Presentation and Question Session

7. The Chairman said that Representers No. R1 to 4 and Commenters No. C185 to 189 had either indicated not to attend the hearing or made no reply. As sufficient notice had been given to the representers and commenters, Members agreed to proceed with the hearing in the absence of the said representers and commenters.

8. The following Government team and representatives of representers were invited to the meeting at this point.

Government team

- | | |
|---------------|--|
| Mr. Eric Yue | - District Planning Officer/Kowloon (DPO/K), Planning Department (PlanD) |
| Mr. C.C. Lau | - Senior Town Planner/Kowloon (STP/K), PlanD |
| Dr. Rumin Yin | - Ove Arup and Partners Hong Kong Limited |

Representatives of Representer No. R5

Mr. Joseph C.Y. Ma
Mr. Simon C.S. Wong
Ms. Wing S.W. Ng

Representatives of Representer No. R6

Ms. Cindy Tsang
Ms. Keren Seddon
Mr. Nicholas Ng
Mr. Pong Yuen Cheung, Anthony

Mr. Tang Shing Yan

Representatives of Representer No. R7

Mr. Chung Wai Sum, Patrick

Mr. Cheung Yuk Wah, Nigel

Mr. Leung Kok Kei

Mr. Chan Chun Man, Michael

Mr. Ho Chung Chuen

Ms. Lam Yin Mi, Alice

Mr. Shek Che Wing, Chris

Mr. Tsang Chun Tat

Ms. Chong Lok Ying, Sylvia

Miss Kam Tsz Kwan

9. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited Mr. Eric Yue to brief Members on the background to the representations and comments.

10. With the aid of a Powerpoint presentation, Mr. Eric Yue made the following points as detailed in Paper No. 8128:

- (a) the background as set out in paragraph 1 of the Paper;
- (b) subjects of representations:
 - Representation No. R1 was in support of the imposition of building height restrictions in the planning scheme area of the Ho Man Tin OZP (the Area) in general;
 - Representations R2 to 4 were against the imposition of building height restrictions in the Area in general; and
 - Representations No. R5 to 7 (part) were against the imposition of

building height restriction of 80mPD for four specific “Residential (Group B)” (“R(B)”) sites, namely, 195 Prince Edward Road West (R5), 170C – F Boundary Street (R6), 139-147 Argyle Street and 128 Waterloo Road (R7);

(c) comments on the representations:

- Comments No. C185 to 187 were against Representation No. R1;
- Comment No. C188 was in support of Representation No. R1; and
- Comment No. C189 was against Representations No. R2 to 7;

(d) the grounds of representations and comments as detailed in paragraphs 2.3 and 2.5 of the Paper;

(e) Representatives’ proposals – Representer No. R1 had not proposed any amendment to the OZP. The other representatives made the following proposals:

- R2 and R3: to delete the building height restrictions;
- R4: to amend the building height restrictions for the urban area to 50 storeys or at least 180m;
- R5: to amend the building height restriction for 195 Prince Edward Road West from 80mPD to 100mPD, or to rezone the site to “R(B)3” with a building height restriction of 100mPD;
- R6: to amend the building height restriction for 170C to F Boundary Street from 80mPD to 100mPD; and

- R7: to delete the building height restriction for 139-147 Argyle Street and 128 Waterloo Road;

[Professor Bernard V.W.F. Lim arrived to join the meeting at this point.]

- (f) planning considerations and assessments on the representations as detailed in paragraph 4.1 to 4.3 of the Paper;

[Dr. C.N. Ng and Mr. Leslie H.C. Chen arrived to join the meeting at this point.]

- (g) responses of relevant Government departments to the representations and representers' proposals as detailed in paragraphs 4.4 and 4.5 of the Paper; and

[Dr. Winnie S.M. Tang arrived to join the meeting and Mr. Edmund K.H. Leung left the meeting temporarily at this point.]

- (h) PlanD's views – PlanD noted the support of Representer No. R1 to the imposition of building height restrictions in the Area and considered that Representations No. R2 to 7 should not be upheld for reasons as detailed in paragraph 6.2 of the Paper. The purpose of imposing building height restrictions in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system. Due account had been given to the existing topography, land use zoning and building height profile in the Area, the building height restrictions imposed on the OZPs for the surrounding areas, as well as the wind performance of the existing condition and the recommendations of the AVA, as appropriate. The intactness of the building height band of 80mPD for the "R(B)" zone would be compromised by piecemeal amendment for individual lots to relax or delete the building height restrictions as proposed by the representers. Such amendment would also set an undesirable precedent for the continuous proliferation of tall buildings, leading to cumulative impacts

on the existing open streetscape and human scale character of the Area.

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

12. With the aid of a Powerpoint presentation, Mr. Joseph C.Y. Ma elaborated on Representation No. R5 and made the following points:

- (a) the representation site was located at the western edge of the "R(B)" zone and was adjacent to the "Residential (Group A)" sites in Mong Kok which were not subject to any building height restrictions under the OZP. There were many existing high-rise buildings in the vicinity of the site, including the Grand Century Place, Sky Garden, St. George Apartments and Royal Plaza Hotel. A building height of 100mPD proposed by the representer for the site would not be out-of-context with the local built environment;
- (b) the site was subject to serious development constraints, including a steep slope, the lease requirements to provide a 6m wide non-building area (NBA) and a Right-of-Way for the adjoining lot. The remaining area for development was only about 49.7% of the overall site area and was triangular in shape. To satisfy the car-parking requirement under lease, a deep basement would be required, which, however, would not be feasible at the site;
- (c) the permitted site coverage (SC) of 33.33% under the Building (Planning) Regulations as quoted in paragraph 4.4.6 of the Paper as a response of PlanD on the issue of development constraints was applicable only to the domestic portion of the building above 15m. For the non-domestic portion below 15m, the permitted SC was 100%;
- (d) regarding PlanD's comments made in paragraph 4.5.8 of the Paper relating to the findings and recommendations of the air ventilation assessment (AVA), it should be noted that a setback area had already been provided at the site along Prince Edward Road West. The AVA was a qualitative

analysis for the whole Ho Man Tin area and did not take into consideration the situations of individual sites;

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

- (e) PlanD's objection to the representer's proposal on the ground that the representation site was adjoining the dormitory block of the Diocesan Boys' School (DBS) and the "Residential (Group C)" ("R(C)") zone along Kadoorie Avenue as mentioned in paragraph 4.5.7 of the Paper was not justified since the dormitory block and the "R(C)" sites were located at a much higher platform above the representation site and were sheltered by Kadoorie Hill. Furthermore, the DBS had raised a proposal to relax the building height restriction for the dormitory site to 110mPD; and
- (f) the development potential of the site was undermined by the building height restriction. Minor relaxation of the height restriction under the OZP would normally be granted at an extent of not more than 10% of the permitted height. Such amount of relaxation was insufficient to meet the requirements for development at the site.

13. With the aid of a Powerpoint presentation, Ms. Cindy Tsang elaborated on Representation No. R6 and made the following points:

Development rights

- (a) the representation site had been zoned "R(B)" since 1985 and was previously not subject to any building height restriction under the OZP. It was under this context that the representer accepted the basic terms for land exchange in November 2007 for a redevelopment scheme at the site. The basic terms were valued on the basis of the Lamma Palace adjacent to the site, which had a height of 123.5mPD. Having paid the full premium, the representer had legitimate expectation for a right to develop to a similar height;

- (b) the imposition of building height restriction for the site contravened Article 6 of the Basic Law which stated that ‘the Hong Kong Special Administrative Region shall protect the right of private ownership of property in accordance with law’;
- (c) in the draft Tsim Sha Tsui OZP No. S/K1/23, a building height restriction of 265mPD was stipulated on the OZP for a tower block of the New World Centre to tally with that specified under the lease. The same approach should be adopted for the representation site;

Building design and urban design considerations

- (d) any building height restrictions should allow full use of the permitted gross floor area (GFA) as well as sufficient flexibility for design to meet the rising aspiration of the public for better provision of facilities within a residential development. For the subject representation site, it was not possible to include the permitted GFA within a height of 80mPD;
- (e) as stated in paragraph 4.2.6 of the Paper, 17 domestic floors would be required to accommodate a plot ratio (PR) of 5. Given the lease requirements for a 6m setback from Boundary Street and a 2.3m setback from the adjoining lot, only 14 domestic floors could be accommodated at the site within the height of 80mPD. It would result in a loss of at least 549m² of GFA for the representer;
- (f) the above estimate was based on a floor-to-floor height of 3m for the domestic floors. The actual impact on the development potential of the site could be greater taking into account that a floor-to-floor height of at least 3.15m was the current marketing standard, and 3.5m being the norm for a high quality building. To fully reflect the development potential of the site based on a 3.15m floor-to-floor height, a building height of at least 88.95mPD was necessary. Such height was still inadequate to accommodate more desirable design features such as communal sky gardens and a stepped roof profile;

- (g) the use of basement to accommodate some of the facilities was not practical at the site. As a result of the significant site constraints, there would be insufficient space on the ground level of the future development to provide additional staircases and smoke vents to meet the fire services and means of escape requirements for provision of basements;
- (h) the building height of 100mPD proposed by the representer would enhance the flexibility in building design. This height was already a major concession to the original redevelopment scheme at 116.7mPD which was the subject of a set of building plans submitted by the representer in 2007 but was rejected due to contravention of the OZP;

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

- (i) the proposed building height of 100mPD was compatible with the height of 80mPD for the future developments in the surrounding areas. It would also help mitigate the visual impact caused by the out-of-context Lamma Palace by establishing a stepping profile. Given the specific and unique circumstances of the site, the representer's proposal would not set an undesirable precedent for continuous proliferation of tall buildings as claimed in paragraph 4.5.7 of the Paper;

Comments on PlanD's responses to the representer's proposals

- (j) the major wind corridor as stated in paragraph 4.5.8 of the Paper did not include Boundary Street. Any reference of the representation site in the context of AVA was not correct;
- (k) regarding PlanD's comment in paragraph 4.5.9 of the Paper that the proposed amendment of the building height restriction for the site from 80mPD to 100mPD could not render a smooth transition to the Kowloon Tong area, it should be noted that transition in building heights in the area had already been affected by the Lamma Palace. With a height of 100mPD

for the site, a stepping profile would be established which could help mitigate the adverse effects caused by the Lamma Palace; and

- (l) the minor relaxation clause would not provide incentive for development with design merits/planning gains as claimed in paragraph 4.5.10 of the Paper. Given that only a minor extent of relaxation would be granted, any additional height to be gained would only enable development to achieve the PR allowed under the OZP, with no scope for good urban design or green features.

14. With the aid of a Powerpoint presentation, Mr. Chung Wai Sum, Patrick elaborated on Representation No. R7 and made the following points:

- (a) the representation was made in respect of three sites, including the CLP head office at 139-147 Argyle Street, a staff quarters building above an electricity substation (ESS) at 128 Waterloo Road and an ESS at Sheung Shing Street. His presentation would focus on the first site;

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

- (b) a set of building plans for redevelopment of the CLP head office into a residential block at about 165mPD with 38 storeys over 4 storeys of carpark had been approved by the Building Authority (BA). Approval of the Director of Lands (D of Lands) on the redevelopment scheme under the design, deposition and height (DDH) clause of the lease had also been granted. However, the representer had no immediate plan to implement the scheme. The representation was made to safeguard the interest of the shareholders;
- (c) the imposition of a building height restriction of 80mPD for the site was not in line with the approvals granted by the BA and D of Lands, and would unduly deprive the representer of its development rights on the site; and

- (d) the site was located on a road with heavy traffic and adjacent to a flyover. Existing buildings in the vicinity were all high-rise. The ventilation in the area was already very poor and the situation would not be aggravated upon implementation of the approved scheme. Relaxing the building height restriction would help improve air ventilation in the area.

[Mr. Maurice W.M. Lee arrived to join the meeting at this point.]

15. Mr. Cheung Yuk Wah, Nigel elaborated on Representation No. R7 relating to the site at 128 Waterloo Road and made the following points:

- (a) the site was currently occupied by a 11-storey staff quarters building above an ESS and was held under a virtually unrestricted lease. There were already many high-rise buildings in the vicinity of the site, including the Grand Excelsior, Sky Garden, Lamma Palace and Bloomsville;

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

- (b) the building height restriction of 80mPD would reduce the development potential of the site and unduly deprive the property right of the representer as allowed under the lease;
- (c) the site was located at the junction of Waterloo Road and Boundary Street and adjacent to a flyover. The nuisance to be caused by traffic emissions and noise to the residents of the future redevelopment at the site could be reduced if a taller building was allowed;
- (d) the footprint of a building could be reduced for a taller building. It would help improve the ventilation in the area, provide opportunities for more open space and allow variation in the building height and configuration to enhance the townscape in the area; and
- (e) the AVA undertaken by PlanD was only a qualitative analysis for the whole Ho Man Tin area. A quantitative study was necessary to prove that there

were adverse implications on the air ventilation in the area by allowing a greater building height at the site.

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

16. Members had the following questions:

General

- (a) why were there different views between PlanD and the representers on whether the permitted PR of 5 for the representation sites could be achieved under the building height restriction of 80mPD;

Representation No. R6

- (b) whether it was essential to provide 27 car parking spaces in the redevelopment as suggested in the indicative schemes shown in the representer's written statement at Attachment to Annex II-6a of the Paper;
- (c) whether the difficulties as claimed by the representer in achieving the permitted PR under the building height restriction could be overcome by the provision of basements;
- (d) what was the difference in construction cost between a scheme with car parks provided above ground and one with car parks at basements;
- (e) why the building plans submitted to the BA before the imposition of the building height restriction in the OZP were rejected;

Representation No. R7

- (f) with the imposition of the building height restriction on the OZP, whether the approved building plans for redevelopment of the CLP head office at 139-147 Argyle Street as mentioned in paragraph 4.4.8 of the Paper were

still valid;

- (g) what was the building height of the existing development at 128 Waterloo Road and whether the existing development right would be affected by the OZP restrictions of 80mPD and PR 5;
- (h) whether the future redevelopment at 128 Waterloo Road would include both ESS and staff quarters; and
- (i) whether the current planning practice would allow ESS and residential uses within the same development.

17. In response to Members' questions, Mr. Eric Yue made the following points:

General

- (a) according to the parameters adopted by PlanD, it was possible to accommodate the permitted PR of 5 with a building height at 80mPD for all the representation sites. The different views of PlanD and the representers on whether the permitted PR was achievable might be due to the adoption of different assumptions, parameters and design. The assumptions made by PlanD included, inter alia, the provision of recreational and clubhouse facilities equivalent to 5% of the domestic GFA, car parking spaces provision in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) and setbacks as required under lease. The slope area within a site was usually included as developable area since there were engineering solutions for development over sloping grounds, as advised by Civil Engineering and Development Department;

Representations No. R6

- (b) the car parking requirement for residential development under HKPSG was in a range of one space per six to nine flats. The actual requirement would depend on the flat size of the development;

- (c) according to PlanD's estimation, the permitted PR of 5 for the site could be achieved under the 80mPD height restriction even without the provision of basements;
- (d) the representer had submitted a set of building plans for a redevelopment scheme at about 116.7mPD to the BA on 27.11.2007. Before the BA made a decision on the plans, the draft Ho Man Tin OZP incorporating, inter alia, building height restriction of 80mPD for the site was exhibited on 18.1.2008. The building plans were then rejected by the BA for non-compliance with the OZP;

Representation No. R7

- (e) the building plans for the redevelopment of the CLP head office at 139-147 Argyle Street were first approved in 2001 before the imposition of building height restrictions in the OZP. Since then, minor amendments to the plans had been approved by the BA and the plans were still valid. Any major amendments to the approved building plans should comply with the OZP restrictions;

[Dr. James C.W. Lau left the meeting temporarily at this point.]

- (f) the building height of the existing development at 128 Waterloo Road was about 50.2mPD. Under the building height restriction of 80mPD, development at the site could still attain a PR of 5 as permitted under the OZP. The representer had not been deprived of its development right; and
- (g) under the current planning practice, the accommodation of ESS and residential uses within the same development would not be encouraged.

18. In response to Members' questions relating to Representation R6, Mr. Tang Shing Yan made the following points:

- (a) the provision of 27 car parking spaces in the indicative schemes suggested by the representer was in compliance with HKPSG and the relevant lease conditions of the site;
- (b) a height of 80mPD was not adequate to accommodate a PR of 5 at the site. Due to the significant site constraints, it was practically impossible to provide basements in the site since there was insufficient space at the ground level to provide the additional staircases and smoke air vents for the basements; and
- (c) generally speaking, the construction of a basement level could be 3 to 4 times more expensive than the construction above ground. However, the main concern of the representer on the building height restriction of 80mPD at the site was the technical difficulty to achieve the permitted PR rather than the construction cost;

19. In response to Members' [question 16\(h\)](#) above, Mr. Chung Wai Sum, Patrick said that the main business of the representer was electricity supply and hence priority would be given to the provision of ESS at the site. There was no immediate plan to redevelop the site and hence it was difficult to confirm at this stage whether staff quarters would be included in the redevelopment in future.

20. Referring to Members' question on the possibility of overcoming site constraints by the provision of basements, Mr. Joseph C.Y. Ma said that provision of basements in the Representation Site No. R5 would incur a substantial cost to secure the stability of the existing dangerous slope in the site. Furthermore, the design of basements would be inefficient due to the small size and triangular shape of the developable area of the site.

21. As the representatives of representers had no further comment to make and Members had no further question to raise, the Chairman informed them that the hearing procedures for the representations and comments had been completed. The Board would deliberate and decide on the representations in their absence and inform the representers of the Board's decision in due course. The Chairman thanked the Government team and the

representatives of representers for attending the meeting. They all left the meeting at this point.

[Mr. Y.K. Cheng arrived to join the meeting and Dr. Greg C.Y. Wong, Mr. Felix W. Fong and Dr. James C.W. Lau returned to the meeting at this point.]

Group 2 – Representations No. R7 (part) to 15 and Comments No. C1 to 184 and 189

Presentation and Question Session

22. The Chairman said that Representers No. R8 and 14 and Commenters No. C1 to 29, 31 to 184 and 189 had either indicated not to attend the hearing or made no reply. As sufficient notice had been given to the representers and commenters, Members agreed to proceed with the hearing in the absence of the said representers and commenters.

23. The following Government team and representatives of representers were invited to the meeting at this point:

Government team

- | | |
|---------------|--|
| Mr. Eric Yue | - District Planning Officer/Kowloon (DPO/K), Planning Department (PlanD) |
| Mr. C.C. Lau | - Senior Town Planner/Kowloon (STP/K), PlanD |
| Dr. Rumin Yin | - Ove Arup and Partners Hong Kong Limited |

Representatives of Representer No. R7

- Mr. Chung Wai Sum, Patrick
- Mr. Cheung Yuk Wah, Nigel
- Mr. Leung Kok Kei
- Mr. Chan Chun Man, Michael
- Mr. Ho Chung Chuen
- Ms. Lam Yin Mi, Alice

Mr. Shek Che Wing, Chris
Mr. Tsang Chun Tat
Ms. Chong Lok Ying, Sylvia
Miss Kam Tsz Kwan

Representatives of Representer No. R9

Mr. Ian Brownlee
Mr. Tommy Cheung
Mr. Thomas Chow Tak Nin (also Commenter No. C30)
Ms. Helen Lung
Mr. Billy Tam Hon Wah
Ms. Ronica Lam Man Yee

Representative of Representer No. R10

Mr. John Stewart

Representer No. R11

Mr. Michael Guilford

Representative of Representatives No. R12 and 13

Mr. Roger Nissim

Representatives of Representer No. R15

Ms. Heather Du Quesnay
Mr. Nicholas Brooke
Miss Elise Chan

24. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited Mr. Eric Yue to brief Members on the background to the representations and comments.

25. With the aid of a Powerpoint presentation, Mr. Eric Yue made the following points as detailed in Paper No. 8129:

- (a) the background as set out in paragraph 1 of the Paper;
- (b) subjects of representations:
 - Representation No. R7 was against the imposition of building height restriction of 2 storeys for the “Government, Institution or Community” (“G/IC”) zone covering the Sheung Shing Street Electricity Substation (ESS);
 - Representation No. R8 was against the imposition of building height restriction of 10 storeys for the “G/IC” zone covering New Method College (NMC) at 25 Man Fuk Road;
 - Representation No. R9 was against the imposition of building height restrictions of one storey, three storeys and six storeys for various parts of the “G/IC” zone covering Diocesan Boys’ School (DBS) at 131 Argyle Street;
 - Representations No. R10 to 13 were against the imposition of building height restrictions of one storey, two storeys and four storeys for various parts of the “G/IC” zone covering King George V School (KGVS) at 2 Tin Kwong Road;
 - Representation No. R14 was against the imposition of building height restriction of eight storeys for the “G/IC” zone covering Kowloon Junior School (KJS) at 20 Perth Street; and
 - Representation No. R15 was against the imposition of building height restrictions of one storey, two storeys and four storeys for various parts of the “G/IC” zone covering KGVS and eight storeys for the “G/IC” zone covering KJS.

- (c) comments on the representation:
 - Comments No. C1 to 184 were in support of Representation No. R9; and
 - Comment No. C189 was against Representations No. R7 to 15;
- (d) the grounds of representations and comments as detailed in paragraphs 2.3 and 2.5 of the Paper;
- (e) Representers' proposals - Representer No. R14 had not proposed any amendment to the OZP. The other representers made the following proposals:
 - R7: to amend the building height restriction for the Sheung Shing Street ESS site to 91.46mPD;
 - R8: to delete the building height restriction for the NMC site;
 - R9: to delete the building height restrictions for the DBS site or to amend the restrictions to 110mPD;
 - R10: to amend the building height restrictions for the KGVS site to 8 storeys for the majority of the site;
 - R11: to amend the building height restrictions for the KGVS site such that any new buildings on the site in the vicinity of the existing school buildings would be subject to a maximum height of 24m above ground level;
 - R12 and 13: to amend the building height restrictions for the KGVS site to not more than 8 storeys; and

- R15: to delete the building height restrictions for the KGVS and KJS sites;
- (f) planning considerations and assessments on the representations as detailed in paragraph 4.1 to 4.3 of the Paper;
- (g) responses of relevant Government departments to the representations and representers' proposals as detailed in paragraphs 4.4 and 4.5 of the Paper; and
- (h) PlanD's views – PlanD considered that the representations should not be upheld for reasons as detailed in paragraph 6.1 of the Paper. The purpose of imposing building height restrictions in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system. Due account had been given to the existing topography, land use zoning and building height profile in the Area, the building height restrictions imposed on the OZPs for the surrounding areas, as well as the wind performance of the existing condition and the recommendations of the AVA, as appropriate. Apart from providing GIC facilities, “G/IC” sites in the built-up urban area also served as visual relief and breathing space. As there was no PR restriction for the “G/IC” zone, removal of or piecemeal amendments to the building height restrictions for the “G/IC” sites could result in proliferation of high-rise GIC developments and cumulative loss of visual relief and breathing space in the Area.

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

27. With the aid of a Powerpoint presentation, Mr. Leung Kok Kei elaborated on Representation No. R7 and made the following points:

- (a) the representation site was currently occupied by a 2-storey ESS. According to the lease of the site, an ESS with ancillary office and staff quarters at a height of about 91mPD was allowed;
- (b) the ESS catered for the electricity demand in the Ho Man Tin area and its neighbourhood, which had been increasing rapidly since 1960s. The demand would be further increased in future due to the significant population growth in the area following the completion of various urban renewal projects and the Shatin-Central Link, and the growing aspiration for better quality of living; and
- (c) excluding a 15-feet wide NBA along Sheung Shing Street as required under lease, the site was fully covered by the ESS with no scope for additional building. With the imposition of the building height restriction of 2 storeys, there would be no flexibility for modification or redevelopment of the ESS to cater for the rapidly growing electricity demand. All new ESS provided by the CLP nowadays were more than 2 storeys in height. For example, a recently completed ESS in Tsueng Kwan O was about 50m high. Under the current building height restriction, the representer might need to build another ESS elsewhere to meet the future electricity demand but identifying a suitable site would be difficult.

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

28. Mr. Ian Brownlee started the presentation on Representation No. R9 and made the following points:

- (a) no public consultation had been undertaken before the imposition of the building height restrictions and there was insufficient information for the Board to make a sound decision of imposing the restrictions. For the DBS site, no consideration had been given to the impact of the building height restrictions on the on-going development plan for the school. The concern that any premature release of the development control information might lead to people rushing in to submit building plans and thus defeat the

whole purpose of the control was not a sound reason for not undertaking public consultation; and

- (b) the DBS's submission for the representation had not been assessed in a fair and impartial way. No due consideration had been given to any alternative proposals which could also meet the objectives of building height control; and
- (c) "G/IC" zone was intended primarily for the provision of facilities serving the needs of the community. Any building height control on the "G/IC" zone should not be too restrictive, thus making the concerned site incapable of providing the necessary services to the community.

29. With the aid of a Powerpoint presentation and a model showing the development proposal of DBS, Mr. Tommy Cheung continued the presentation and made the following points:

- (a) DBS had joined the Direct Subsidy Scheme (DSS) in 2003 and currently had about 900 and 1,300 students in its primary and secondary schools respectively. In the past few years, DBS had paid much effort in the development and improvements to the school, including the development of the award-winning 6-storey primary school building and 10-storey sports and dormitory building, improvements to the existing 3-storey main building and sportsground, and the implementation of an on-going tree planting and greening programme;

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

- (b) to facilitate the implementation of the International Baccalaurate (IB) Diploma Programme in 2009, new classrooms and an auditorium would have to be built at the eastern part of the campus. Furthermore, a proposal for an additional classroom wing at the western part of the campus was under consideration to comply with the policy of small class teaching and to provide replacement facilities to allow for the redevelopment of the

existing main building by about 2020. The above development plan had been promulgated to the interested parties three years ago; and

- (c) the building height restrictions imposed on the DBS site in the OZP would jeopardize its development plan. DBS might be unable to comply with the policy of small class teaching unless the number of students to be admitted was reduced or new classrooms were built on the existing green areas within the campus.

30. Mr. Thomas Chow Tak Nin then elaborated on the development plan of DBS. Referring to a master layout plan and some photographs in the Powerpoint presentation, he made the following points:

- (a) the development planned at the eastern part of the site would comprise a 5-storey building with auditorium, classrooms and sports facilities, three 4 to 5-storey buildings with classrooms, libraries and chapel and a 3-storey carpark as a centralized facility making the remaining part of the school a vehicle-free area. Building plans for this part of the development had been prepared but were withheld from submission to the BA in light of the building height restrictions imposed on the OZP;
- (b) the proposed development at the western part of the site was to cater for the long term development of the school and replacement of the obsolete facilities. It would comprise three 6 to 8-storey buildings;
- (c) there was no plan at this stage for redevelopment of the existing 3 to 4-storey main building. It was expected that the existing low-rise style of the building would be retained upon redevelopment in future;
- (d) it was always the objective of DBS to preserve the existing open spaces and green areas within the campus. The objective was well met in the newly completed primary school building and sports and dormitory building, both of which were conferred with awards by the Hong Kong Institute of Architects; and

- (e) DBS's development plan as illustrated in the master layout plan would be jeopardized by the building height restrictions imposed on the OZP. To meet the need for development of the school, the existing open spaces and green areas within the campus would have to be built over.

31. Mr. Ian Brownlee made the following additional points:

Guiding principles for building height in the Area as set out in paragraph 4.2.3 of the Paper:

- (a) relaxing the building height restrictions for the DBS site would enable the new buildings in the site to take a smaller footprint, which would help preserve the existing visual and green amenities and openness of the site. Buildings of more than three storeys, as proposed by the representer, could still be of human scale if they were in a green setting;
- (b) the DBS site was subject to no building height restrictions under the lease and the previous OZPs. It was unlikely that the lack of lease control would be abused for excessive development. The imposition of building height restrictions in the OZP paid no respect to the development rights of the representer;
- (c) DBS was located on the top of a raised platform but was currently hidden by high-rise developments around it. To follow the natural physical terrain, taller developments should be allowed on the site;
- (d) the height of the existing developments around the DBS site was in the range between two storeys and 28 storeys. Instead of restricting the building height to one or three storeys as imposed on the OZP, medium-rise developments at the site would allow smooth transition from low-rise developments to high/medium-rise developments in the area;

- (e) low-rise developments in the vicinity of the DBS site were confined to the residential area at Kadoorie Hill to the east, which was screened from the site by natural vegetation. Most of the tall buildings proposed by DBS would be adjacent to the existing high-rise developments. The representer's proposal of allowing a height of 110mPD at the site was generally in line with the building height concepts in the area;
- (f) DBS was undergoing major developments to meet its education mission under the changing circumstances. To ensure sufficient flexibility for building design to meet the future needs of the school, overly restrictive building height controls should be avoided;
- (g) with sufficient flexibility provided, the setting of heritage features in the campus of DBS could be retained with careful design. Furthermore, the existing old buildings in the site were only Grade III historical buildings which did not need to be preserved. It was not reasonable to impose an overly restrictive control on the whole school site merely for the preservation of these buildings;

Possibility of seeking relaxation to the restrictions

- (h) the minor relaxation clause normally would not allow a relaxation of more than 10% of the prescribed restriction and thus would not be practical to the DBS site, of which all buildings were very low. A relaxation of even only one storey at the site could be considered as not minor. Furthermore, the criteria for minor relaxation were applicable to normal private development on street block and were not directly applicable to the school site because of its special use and character. It was also inappropriate to consider s.12A applications as a means for seeking relaxation to the restrictions, as mentioned in paragraph 4.5.1 of the Paper, in the plan-making stage;

Public comments

- (i) the public aspiration for more stringent building height control was mainly on commercial and residential developments, rather than GIC uses. The Board had received only one public comment opposing DBS's representation. The comment was made on a general basis against all representations involving objection to the building height restrictions. A total of 184 comments were in support of DBS's representation; and

Alternative proposal

- (j) an alternative proposal for amendment to the OZP was tabled at the meeting for the Board's consideration. Under the proposal, the area occupied by the existing sportsground would be subject to a one-storey restriction while developments at the remaining area of the site should be restricted to not more than eight storeys. The proposal had taken into account the advice given in paragraph 4.5.6 of the Paper regarding the standard building height of eight storeys for a school. It would also allow sufficient flexibility for DBS in planning for its future development without affecting the existing green and open setting, thus maintaining the DBS site as a major visual and green relief in the urban area.

32. Mr. Tommy Cheung concluded the presentation and said that DBS would endeavour to retain the existing green and tranquil environment within the site even without the building height control under the OZP. Any significant changes to the character of the campus would attract strong objection from the past students. No complaints were received on the new developments completed in the last few years, and the Board could rest assured that the DBS site would continue to be a major green relief in the area even upon future redevelopment/development.

33. The Chairman then invited Mr. John Stewart to elaborate on Representation No. R10. Mr. Stewart said that Ms. Heather Du Quesnay, the representative of Representer No. R15, would lead the presentation covering Representations No. R10 to 13 and 15 which were all related to the KGVS site.

34. With the aid of a Powerpoint presentation, Ms. Heather Du Quesnay made the following points:

The KJS site

- (a) Representer No. R15 accepted the assessments regarding the KJS site as given in the Paper and decided not to object to the building height restriction for the site any more;

The KGVS site

- (b) KGVS was the oldest school under the English Schools Foundation. Over the years, it had established a good reputation in the education sector particularly in the aspects of sports, debating, performing arts and student leadership. With about 1,650 students, the school had been suffering from a shortfall of about 3,000m² of accommodation. Further demand for space was generated from the on-going IB Diploma Programme, the enquiry-lead style of learning which emphasized group work, creativity and problem solving, the need to enhance the Learning Centre and the increasing awareness of the importance of sports and healthy living; and
- (c) space for expansion of the existing accommodation of the school was limited due to various constraints including the need to preserve the historical Peel Block, caretaker's quarters and sports pavilion, the sportsfield and a banyan tree.

35. Mr. John W. Stewart carried on the presentation and made the following points:

- (a) there were already a number of high-rise developments around the KGVS site, which were up to 100mPD in height;
- (b) according to Education Regulations, a school shall not be more than 24m

above ground level. Based on this standard, a school should normally be about eight storeys in height. It was noted that some of the school sites neighbouring KGCS were allowed a building height of eight storeys on the OZP. A consistent approach should be adopted in setting the restrictions for KGVS; and

- (c) the building height restrictions for the KGVS site on the OZP should be one storey, two storeys and eight storeys for the sportsfield, the Peel Block and the remaining areas of the campus respectively.

36. Mr. Michael Guildford, Representer No. R11, said that over the years, KGVS had put much effort on green education. Relaxing the building height restrictions for the KGVS site would enable the future redevelopment of the school without encroaching onto the existing green area within the campus.

37. Mr. Roger Nissim, representative of Representatives No. R12 and 13 made the following points:

- (a) there had been sufficient control on the building height in the KGVS site through the DDH clause in the lease. In fact, the clause was incorporated in the lease in 1996 to replace a previous clause on building height control. Given that the site was used for GIC rather than commercial or residential purposes, statutory control through the OZP was unnecessary;
- (b) the maximum height of the existing buildings in the KGVS site was about 57.9mPD. An 8-storey school building on the KGVS site would be about 61.1mPD in height, which constituted only a marginal increase from the existing height. Such a small increase in building height should not pose any significant problem on both the visual and air ventilation aspects; and
- (c) sufficient flexibility should be allowed for KGVS to develop its campus to meet the education needs. The minor relaxation clause in the OZP did not provide the required flexibility. The clause was virtually inapplicable to the site where the building heights were set at such a low level that even an

increase of one storey would be considered as not minor.

38. Members had the following questions:

Representation No. R7

- (a) given that some of the new private developments would be provided with their own transformer rooms, whether the future demand for ESS in the Ho Man Tin area would be reduced;
- (b) why the ESS at Sheung Shing Street would need to be at a height of 91mPD upon redevelopment and whether ancillary office and staff quarters would be provided in the redeveloped ESS;
- (c) if there was a need for expansion, would a new ESS be developed at an alternative site for replacement or would the existing one at Sheung Shing Street be redeveloped in-situ;
- (d) whether any section drawing showing the intended facilities was available to demonstrate why a height of 50m was required for an ESS;

Representation No. R9

- (e) whether the alternative proposal and the master layout plan for the development of DBS as shown in the representer's presentation was acceptable by PlanD;
- (f) whether the representer had given consideration to putting tennis courts and open spaces at the roof-top of the school buildings so as to free up space for new buildings instead of opting for taller buildings;
- (g) whether the representer would accept a building height restriction of 6-storey instead of 8-storey as illustrated in its alternative proposal;

- (h) whether the representer could confirm that its development proposal as presented at the meeting would be able to meet its long-term development;

Representations No. R10 to 13 and 15

- (i) noting the site constraints of the KGVS site for further development and the standard height of 24m (approximately eight storeys) for school building, whether the proposal presented by the representers in paragraph 35(c) above was acceptable by PlanD;
- (j) whether the concern on the impact of the representers' proposal on air ventilation in the area could be addressed by the designation of a NBA in the site;
- (k) whether the representer had plan to redevelop the part of the KGVS site excluding Peel Block and the sportsfield up to eight storeys as proposed; and
- (l) whether the Education Bureau had made any response on the Antiquities and Monuments Office (AMO)'s advice in paragraph 4.5.6 of the Paper that the low-rise setting of the KGVS site should be maintained to preserve the immediate environs of the historical building.

39. In response to Members' questions relating to Representation No. R7, Mr. Leung Kok Kei made the following points:

- (a) the ESS at Sheung Shing Street could not be replaced by the transformer rooms provided within private developments since the nature and functions of the two types of facilities were different;
- (b) the existing building height of the Sheung Shing Street ESS was only about 36mPD. The site was held under a private treaty grant which allowed for ESS with ancillary office and staff quarters at an overall height of 91mPD.

Given the lack of space for lateral expansion of the existing ESS, a new ESS with a greater height was necessary to accommodate all the required equipments. There was currently no plan for redevelopment of the ESS and the detailed accommodation requirements were yet to be worked out. Based on the representer's experience in building the ESS in Tseung Kwan O, a height of at least 50m would be required for the new ESS even when no ancillary office and staff quarters were included;

- (c) as shown in a section drawing in the Powerpoint presentation, the major equipments to be included in a new ESS at Sheung Shing Street would include mainly transformers and high-voltage switches. Due to the small size of the site, the equipments had to be accommodated in three storeys with an additional storey for other facilities. The building height restriction of 2 storeys on the OZP would not be able to meet the requirement; and
- (d) when there was a need for expansion of the ESS, both in-situ redevelopment/modification and the setting up of a new ESS at an alternative site would be considered. In general, in-situ redevelopment/modification of an existing ESS could be undertaken in a shorter timeframe and would require a replanning of the electricity supply network to ensure no impact on electricity supply. Setting up a new ESS at an alternative site would take a longer time which would allow for more comprehensive planning and less impact on the supply.

40. In response to Members' questions, Mr. Eric Yue made the following points:

Representation No. R9

- (a) the special attributes of DBS, including the open setting, graded historical buildings and visual and green amenity should be preserved. The representer's development proposal had not been submitted to PlanD before. More information was necessary to demonstrate that the height of buildings proposed by the representer would not generate significant impacts on the special attributes of the site and air ventilation in the area;

Representations No. R10 to 13 and 15

- (b) the KGVS site was located on a raised platform of about 37mPD which was higher than the surrounding areas. According to the AVA, the site was located at a localised wind corridor in which the building height should be kept as low as possible. The AMO also considered that the low-rise setting of the site should be maintained to preserve the immediate environs of the historical building. Allowing redevelopment up to eight storeys was undesirable;
- (c) the site had been fully developed with existing buildings to the west and there was a sportsfield to the east. It might not be possible to implement a NBA across the site; and
- (d) the comments of the Secretary for Education on the representations were summarized in paragraph 4.4.10 of the Paper, which were mainly general advice commenting that school developments should comply with the Education Ordinance and Regulations and subject to compliance of the requirement of various Government departments. No specific comment on preservation of historical building was made.

41. In response to Mr. Eric Yue's comments in paragraph 40(a) above, Mr. Ian Brownlee said that DBS would endeavour to ensure preservation of the existing special attributes of the site upon future development. The Board should allow sufficient flexibility for DBS to modify its plan at a later stage to cater for its long-term development.

42. In response to questions 38(f) and (h) above, Mr. Tommy Cheung made the following points:

- (a) no consideration had been given by DBS to providing tennis courts on the roof-top of school buildings since there was no merit in doing so. Roof-top gardens had been provided elsewhere in the campus to serve both amenity and education purposes; and

- (b) it was envisaged that the development proposal for DBS presented at the meeting would be able to meet its development need for the next 50 years. The proposed buildings at the eastern part of the site had already been endorsed by the School Committee of DBS and could be implemented upon building plan approval. The proposal for the western part was at a conceptual stage and yet to be finalized.

43. In response to question 38(g) above, Mr. Thomas Chow Tak Nin said that a maximum height of eight storeys would provide DBS with sufficient flexibility to accommodate special design for the future development, such as the provision of mezzanine floor, projection room for auditorium and clock tower, etc, which might be counted as one storey by the Building Authority. Subject to detailed design, the actual height of future developments might be less than eight storeys. A height of six storeys would not provide sufficient flexibility.

44. In response to question 38(k) above, Mr. John Stewart said that due to the changing circumstances, it would be difficult to confirm at this stage whether the future development at KGVS would be up to eight storeys. Allowing a maximum building height of eight storeys should provide sufficient flexibility for KGVS to meet its long term development need and to overcome the constraints which might arise in the planning and development process, such as the need to retain emergency vehicular access in the campus.

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

Presentation and Question Session

46. The Chairman said that Representer No. R17 and Commenters No. C185 to 188 had either indicated not to attend the hearing or made no reply. As sufficient notice had been given to the representers and commenters, Members agreed to proceed with the hearing in the absence of the said representer and commenters.

47. The following Government team and representatives of Representer No. R16 were invited to the meeting at this point.

Government team

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|---------------|--|
| Mr. Eric Yue | - District Planning Officer/Kowloon (DPO/K), Planning Department (PlanD) |
| Mr. C.C. Lau | - Senior Town Planner/Kowloon (STP/K), PlanD |
| Dr. Rumin Yin | - Ove Arup and Partners Hong Kong Limited |

Representatives of Representer No. R16

- Ms. Chan Lai Kwan
Mr. Chiang Sai Cheong, Ringo

48. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited Mr. Eric Yue to brief Members on the background to the representations and comments.

49. With the aid of a Powerpoint presentation, Mr. Eric Yue made the following points as detailed in Paper No. 8130:

- (a) the background as set out in paragraph 1 of the Paper;
- (b) subjects of representations – Representations No. R16 and 17 were against the rezoning of the ex-Ho Man Tin Police Quarters site at 81 Chung Hau Street from “G/IC” to “Residential (Group E)”;

- (c) comments on the representation - Comments No. C185 to 187 were against Representations No. R16 and 17 and Comment No. C188 was in support of the representations;
- (d) the grounds of representations and comments as detailed in paragraphs 2.3 and 2.5 of the Paper;
- (e) Representers' proposals:
 - R16: to revert the zoning of the representation site to "G/IC" for the provision of low-rise recreational facilities, open space and green belt;
 - R17: to make appropriate amendments to reserve the site for community facilities;
- (f) planning considerations and assessments on the representations as detailed in paragraph 4.1 to 4.3 of the Paper;
- (g) responses of relevant Government departments to the representations and representers' proposals as detailed in paragraphs 4.4 and 4.5 of the Paper; and
- (h) PlanD's views – PlanD considered that Representations No. R16 and 17 should not be upheld for reasons as detailed in paragraph 6.1 of the Paper. The representation site would not be required for the provision of community facilities, recreational facilities or open space and the "R(E)" zoning of the site was considered appropriate to continue its residential use. As compared with the previous Government quarters use on the site, there would be a reduction of PR and number of flats under the "R(E)" zoning which was subject to a maximum PR of 5. Furthermore, residential use of the site required planning permission. Suitable environmental mitigation measures and building design would be

formulated by the future applicant at the planning application stage.

50. The Chairman then invited the representatives of Representer No. R16 to elaborate on the representation.

51. Ms. Chan Lai-kwan elaborated on Representation No. R16 and made the following points:

- (a) the residents of Dragon View adjacent to the representation site had grave concern on the possible noise impact to be generated by the construction of high-rise residential development at the representation site;
- (b) the existing development intensity in the area was already very high and the representation site should be retained for low-rise recreational facilities and open space to improve the local environment; and
- (c) the local residents had not been adequately consulted before the rezoning of the representation site to “R(E)”.

52. Mr. Chiang Sai-cheong, Ringo made the following points:

- (a) it seemed that no proper consultation had been undertaken on the rezoning of the representation site from “G/IC” to “R(E)” and the local views on the overall planning for Ho Man Tin area had not been taken into consideration;
- (b) the representation site was located adjacent to the busy Princess Margaret Road and was not suitable for residential development from the environmental point of view; and
- (c) there was a general lack of community facilities in Ho Man Tin, in particular the facilities for the elderly. Consideration should be given to using the representation site for an integrated elderly services building. Furthermore, an exit from the future Ho Man Tin Station of the proposed

MTR Kwun Tong Line Extension should also be provided near the site as illustrated in a drawing tabled at the meeting.

53. Members had the following questions:
- (a) whether the public had been consulted on the rezoning of the representation site under the draft Ho Man Tin OZP No. S/K7/19 exhibited on 18.3.2008;
 - (b) whether the provision of community facilities in the Area was sufficient;
 - (c) whether the Director of Social Welfare (DSW) had made any comment on the provision of community facilities in the area; and
 - (d) what was the existing population of the Ho Man Tin area.
54. In response to Members' questions, Mr. Eric Yue made the following points:
- (a) as indicated in paragraph 3.5 of the Paper, the OZP had been presented to the Housing and Infrastructure Committee of the Kowloon City District Council (KCDC) at its meeting on 6.3.2008. The committee in general supported the imposition of building height restrictions on the OZP and the representer had suggested in the meeting that the site should be used for open space. The District Officer (Kowloon City), Home Affairs Department had also been consulted on Representations No. R16 and 17 and he indicated no comment; and
 - (b) there was currently a community centre near the representation site, namely the Martha Boss Community Centre at 89 Chung Hau Street, which provided a range of community services to the children, youth and elderly. There were also a children and youth centre and two social centres for elderly at Ho Man Tin Estate and Oi Man Estate. A community hall at Bailey Street was under planning, which would also serve the residents of Ho Man Tin; and

- (c) according to the DSW, the demand for youth services in the area was well met. While the provision of residential care homes for the elderly might be considered, such facilities were premises-led and could be accommodated in public housing or other private developments.

55. In response to Members' questions, Mr. Chiang Sai Cheong, Ringo made the following points:

- (a) the public consultation for the OZP was inadequate since it was confined only to the KCDC. The relevant Area Committees and Owners' Corporations had not been formally consulted and the local views on the overall planning for the area had not been taken into account;
- (b) the existing elderly facilities were already under full utilization. The DSW had also indicated that provision of residential care homes for the elderly might be considered; and
- (c) based on the number of seats in KCDC allocated for the relevant constituencies, it was estimated that the population of Oi Man Estate and Chun Man Court was about 50,000 and that of Ho Man Tin Estate was about 25,000.

56. Ms. Chan Lai Kwan added that the land use of the representation site should be determined in the context of the overall planning in Ho Man Tin area. There was strong support from the local community on the proposal of providing an exit from the future Ho Man Tin MTR Station at the site.

57. As the representatives of Representer No. R16 had no further comment to make and Members had no further question to raise, the Chairman informed them that the hearing procedures for the representations and comments had been completed. The Board would deliberate and decide on the representations in their absence and inform the representers of the Board's decision in due course. The Chairman thanked the Government team and the representatives of Representer No. R16 for attending the meeting. They all

left the meeting at this point.

[Dr. Greg C.Y. Wong, Mr. Felix W. Fong and Mr. Y.K. Cheng left the meeting temporarily at this point.]

Deliberation Session

Group 1 – Representations No. R1 to 7 (part) and Comments No. C185 to 189

58. A Member said that the development rights of Representers No. R5 to 7 had not been affected by the building height restriction of 80mPD since the permitted PR of 5 under the OZP could still be accommodated within the stated restriction. Flexibility for minor relaxation to the restriction to achieve better building design was provided under the planning application system. The Chairman said that the extent of relaxation was not limited to 10% of the specified height as claimed by some representers and all such applications would be considered by the Board on individual merits.

59. Another Member said that the intactness of the height band of 80mPD for the Area involved should not be compromised by piecemeal amendment of the height restriction for individual lots. Should there be genuine need to increase the building height for an individual site due to site constraints, this should be considered under the s.16 planning permission system based on individual merits.

60. Regarding Representation No. R7, a Member pointed out that as building plans for the redevelopment of the subject site had been approved, the representer could proceed with the implementation of the approved plans. Its development right was not affected by the imposition of building height restriction on the OZP.

Representation No. R1

61. After deliberation, the Board noted the support of Representer No. R1 on the stipulation of building height restrictions in the Area in general.

Representations No. R2 and 3

62. After deliberation, the Board decided not to propose any amendment to the Plan to meet the representations for the following reasons:

- (a) the purpose of imposing building height restrictions in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area;
- (b) the building height restrictions for the Area had taken due account of the existing topography, existing land use zoning and characteristics of existing building height profile and the building height restrictions imposed on the Outline Zoning Plans for the surrounding areas, as well as the wind performance of the existing condition and the recommendations of the Air Ventilation Assessment, as appropriate. It had struck a balance between meeting the public aspirations for a better living environment and private development rights; and
- (c) the proposed amendment to delete the building height restrictions would result in uncontrolled developments with high-rise buildings risen up in the Area which were out of keeping with the surrounding developments. This would undermine the overall purpose of imposing building height restrictions and adversely affect the existing townscape and character of the Area.

Representation No. R4

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

- (a) the purpose of imposing building height restrictions in the Area was to provide better planning control on the building height upon

development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area;

- (b) the building height restrictions for the Area had taken due account of the existing topography, existing land use zoning and characteristics of existing building height profile and the building height restrictions imposed on the Outline Zoning Plans for the surrounding areas, as well as the wind performance of the existing condition and the recommendations of the Air Ventilation Assessment, as appropriate. It had struck a balance between meeting the public aspirations for a better living environment and private development rights; and
- (c) the proposed amendment to relax all the building height restrictions to 50 storeys or at least 180m could not preserve the special urban design attributes of the Area which would result in an odd contrast with the low to medium-rise developments within the Area and in the surrounding areas and adversely affect the air ventilation in the Area.

Representations No. R5 to 7 (the part relating to 139-147 Argyle Street and 128 Waterloo Road)

64. After deliberation, the Board decided not to propose any amendment to the Plan to meet the representations for the following reasons:

- (a) the purpose of imposing building height restrictions in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area;
- (b) the building height restrictions for the Area had taken due account of the

existing topography, existing land use zoning and characteristics of existing building height profile and the building height restrictions imposed on the Outline Zoning Plans for the surrounding areas, as well as the wind performance of the existing condition and the recommendations of the Air Ventilation Assessment, as appropriate. It had struck a balance between meeting the public aspirations for a better living environment and private development rights;

- (c) the intactness of the building height band of 80mPD of the “Residential (Group B)” zone would be compromised by piecemeal amendment for individual lots to relax the building height restriction to 100mPD or to delete the building height restriction. Such amendment would also set an undesirable precedent for the continuous proliferation of tall buildings, and hence, cumulatively erode the existing open streetscape and human scale character of the area; and
- (d) to provide flexibility for innovative design adopted to the characteristics and site conditions of particular sites, minor relaxation of the building height restriction might be considered by the Board through the planning permission system. Each application would be considered on its individual merits. Also, there were provisions for amendments to the Outline Zoning Plan.

[Dr. Greg C.Y. Wong, Mr. Felix W. Fong and Mr. Y.K. Cheng returned to the meeting at this point.]

Group 2 – Representations No. R7(part) to 15 and Comments No. C1 to 184 and 189

65. Members generally sympathized with DBS and KGVS and appreciated their difficulties in meeting the need for future development. For the former, a master layout plan for development with firm development programme had been prepared. Given their intention to maintain the existing open and green setting and to preserve the historical buildings within the sites, Members considered that the building height restrictions for the sites could be suitably amended to address the difficulties.

66. For the DBS site, a Member said that the master layout plan presented by the representer at the meeting could be adopted as a basis for consideration of the building height restrictions. Based on the master layout plan, consideration should be given to relaxing the restriction for the two strips of land at the eastern and western periphery of the site on which new buildings were proposed. This Member suggested that the area proposed for the new auditorium and classroom for IB curriculum and the carpark at the eastern part of the site should be subject to a restriction of five storeys and three storeys respectively. For the area of the proposed new classroom wing at the western part of the site, a maximum building height of six storeys, instead of eight storeys as proposed by the representer, would be more compatible with the characteristics of the site. According to DBS, this part of the development was to meet the long-term need of the school for the next 50 years and the proposal was yet to be finalized. As such, there should be scope for DBS to revisit its proposal against the new building height restriction. The building height restriction for the remaining areas within the DBS site should be maintained.

67. Members generally agreed to the above proposal. A Member pointed out that since the area to the immediate east of the DBS site was mainly a low-rise residential area, no tall building should be allowed at the eastern part of the site. Any buildings of more than five storeys should be confined to the western periphery which was near to the existing commercial developments to the further west. The building height of eight storeys as suggested in the alternative proposal tabled by the representer was not acceptable.

68. Another Member said that the development proposal presented by DBS had not been submitted to the Board before the hearing and the relevant Government departments did not have an opportunity to offer their comments. This Member asked whether it was necessary to consult relevant departments before making a decision. The Secretary said that although the development proposal was not circulated to Government departments, Members could make a decision if they considered the information provided was sufficient. The Chairman said that any amendments proposed by the Board to meet the representations had to be published for further representations in accordance with the statutory procedures. Members of the public could submit their views on the proposed amendments within the first three weeks of the publication period. The Board would have the opportunity to consider the public views and departmental comments before confirming

the further amendments.

69. For the KGVS site, Members agreed that the existing building height restrictions of two storeys and one storey respectively for the historical Peel Block and the sportsfield should be maintained. For the remaining area, a maximum building height of six storeys, instead of eight storeys as proposed by the representers, would be more compatible with the nearby low-rise historical building in the site.

70. Noting that the site was located at a localised wind corridor and the area under the proposed six-storey restriction was currently subject to a four-storey restriction which was acceptable under the air ventilation assessment (AVA), some Members were concerned that allowing a building height of six storeys might adversely affect the air ventilation in the area. Unlike DBS, KGVS had not yet prepared a detailed proposal and programme for its future development and there was no sufficient information for the Board to assess whether the development would be acceptable. To address Members' concern, it was suggested that the area under the proposed six-storey restriction should be designated as a sub-group of "G/IC" zone and any development/redevelopment in excess of a building height of four storeys within this sub-group would be subject to a requirement for the submission of AVA. The reasons for requiring the submission of AVA should also be stated in the explanatory statement of the OZP. Members agreed.

Representation No. R7 (the part relating to the site of Sheung Shing Street Electricity Substation), 8 and 14

71. After deliberation, the Board decided not to propose any amendment to the Plan to meet the representations for the following reasons:

- (a) the purpose of imposing building height restrictions in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area. The building height restrictions for the Area had taken due account of the existing topography,

site formation level, existing land use zoning and characteristics of existing building height profile and the building height restrictions imposed on the Outline Zoning Plans for the surrounding areas, as well as the wind performance of the existing condition and the recommendations of the Air Ventilation Assessment, as appropriate. It had struck a balance between meeting the public aspirations for a better living environment and private development rights;

- (b) apart from providing Government, Institution or Community (GIC) facilities, “Government, Institution or Community” (“G/IC”) sites in the built-up urban area also served as visual relief and breathing space. As there was no PR restriction for the “G/IC” zone, removal of or piecemeal amendments to the building height restrictions for the “G/IC” sites could result in proliferation of high-rise GIC developments, leading to cumulative loss of visual relief and breathing space for the area; and
- (c) should there be any functional or operational needs for GIC developments to exceed the stipulated building height restrictions, or any development proposals with planning/design merits that could further improve the environment of the locality, the representers might seek the Board’s permission for a minor relaxation of the building height restrictions or to apply for amendments to the OZP under s.16 and s.12A of the Ordinance respectively.

Representation No. R9

72. After deliberation, the Board decided to partially meet the representation by proposing the following amendments to the Plan:

- (a) to amend the building height restriction for the areas proposed for the new auditorium and classroom for IB curriculum and the carpark at the eastern periphery of the DBS site to five storeys and three storeys respectively; and
- (b) to amend the building height restriction for the area of the proposed new

classroom wing at the western periphery of the site to six storeys.

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

- (a) the purpose of imposing building height restrictions in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area. The building height restrictions for the Area had taken due account of the existing topography, site formation level, existing land use zoning and characteristics of existing building height profile and the building height restrictions imposed on the Outline Zoning Plans for the surrounding areas, as well as the wind performance of the existing condition and the recommendations of the Air Ventilation Assessment, as appropriate. It had struck a balance between meeting the public aspirations for a better living environment and private development rights;
- (b) apart from providing Government, Institution or Community (GIC) facilities, “Government, Institution or Community” (“G/IC”) sites in the built-up urban area also served as visual relief and breathing space. As there was no PR restriction for the “G/IC” zone, removal of or piecemeal amendments to the building height restrictions for the “G/IC” sites could result in proliferation of high-rise GIC developments, leading to cumulative loss of visual relief and breathing space for the area; and
- (c) should there be any functional or operational needs for GIC developments to exceed the stipulated building height restrictions, or any development proposals with planning/design merits that could further improve the environment of the locality, the representers might seek the Board’s permission for a minor relaxation of the building height restrictions or to apply for amendments to the OZP under s.16 and s.12A of the Ordinance

respectively.

Representations No. R10 to 13 and 15

74. After deliberation, the Board decided to partially meet the representations by proposing to rezone the area excluding the Peel Block and the sportsfield of the KGVs site to “G/IC(1)” sub-area subject to a building height restriction of six storeys and a requirement for air ventilation assessment on development/redevelopment in excess of a building height of four storeys.

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

- (a) the purpose of imposing building height restrictions in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area. The building height restrictions for the Area had taken due account of the existing topography, site formation level, existing land use zoning and characteristics of existing building height profile and the building height restrictions imposed on the Outline Zoning Plans for the surrounding areas, as well as the wind performance of the existing condition and the recommendations of the Air Ventilation Assessment, as appropriate. It had struck a balance between meeting the public aspirations for a better living environment and private development rights;
- (b) apart from providing Government, Institution or Community (GIC) facilities, “Government, Institution or Community” (“G/IC”) sites in the built-up urban area also served as visual relief and breathing space. As there was no PR restriction for the “G/IC” zone, removal of or piecemeal amendments to the building height restrictions for the “G/IC” sites could result in proliferation of high-rise GIC developments, leading to cumulative loss of visual relief and breathing space for the area; and

- (c) should there be any functional or operational needs for GIC developments to exceed the stipulated building height restrictions, or any development proposals with planning/design merits that could further improve the environment of the locality, the representers might seek the Board's permission for a minor relaxation of the building height restrictions or to apply for amendments to the OZP under s.16 and s.12A of the Ordinance respectively.

Group 3 – Representations No. R16 and 17 and Comments No. C185 to 188

76. Members generally considered that the “R(E)” zoning of the representation site was appropriate given the site context and its previous residential use. There was no strong reason for rezoning the site to “G/IC” or retaining the site for community uses as proposed by the representers.

Representation No. R16

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

- (a) the representation site would not be required for the provision of community facilities, recreational facilities or open space. The current “Residential (Group E)” (“R(E)”) zone of the site was considered appropriate to continue its residential use although not as a Government quarters; and
- (b) as compared with the previous Government quarters on the site, the “R(E)” zone subject to a maximum plot ratio (PR) of 5.0 would result in a reduction in PR and number of flats. This would not result in additional demand for and any loss in Government, Institution or Community (GIC) facilities, recreational facilities and open space in the Area.

Representation No. R17

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

- (a) the representation site would not be required for the provision of community facilities, recreational facilities or open space. The current “Residential (Group E)” (“R(E)”) zone of the site was considered appropriate to continue its residential use although not as a Government quarters;
- (b) as compared with the previous Government quarters on the site, the “R(E)” zone subject to a maximum plot ratio (PR)) of 5.0 would result in a reduction in PR and number of flats. This would not result in additional demand for and any loss in Government, Institution or Community (GIC) facilities, recreational facilities and open space in the Area;
- (c) the maximum building height restriction of 100mPD for the site would not result in any substantial magnitude of change on the visual aspect as compared with the previous quarters buildings and the air ventilation aspect as confirmed by the Air Ventilation Assessment; and
- (d) residential use of the site required planning permission from the Town Planning Board. This would ensure that residential use of the site would not be subject to adverse environmental impacts such as traffic noise and vehicular emission impacts and that suitable environmental mitigation measures and building design would be formulated for consideration by the Board at planning application stage.

79. The meeting adjourned for a lunch break at 1:45 p.m.

80. The meeting was resumed at 2:50 p.m..

[Mr. Alfred Donald Yap, Ms. Maggie M.K. Chan, Professor Paul K.S. Lam and Professor Edwin H.W. Chan arrived to join the meeting at this point.]

81. 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

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Ms. Maggie M.K. Chan

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Mr. K.Y. Leung

Professor Edwin H.W. Chan

Dr. Michael Chiu

Miss Annie K.L. Tam

Mrs. Ava S.Y. Ng

Agenda Item 4

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

Consideration of Representations and Comments in Respect of the Draft Ma Tau Kok Outline Zoning Plan No. S/K10/19

(TPB Papers No. 8131 and 8132)

82. The Chairman said that on 18.1.2008, the draft Ma Tau Kok Outline Zoning Plan (OZP) No. S/K10/19 was exhibited for public inspection under s.5 of the Town Planning Ordinance (TPO). A total of 23 representations and 6 comments were received. On 16.5.2008, the Board decided to consider the representations and comments itself and agreed to hear the 23 representations and 6 comments in 2 groups as follows:

- (a) Group 1 - collective hearing for 20 representations (No. R1-18 and 22-23) and 6 related comments (No. C1-6) in respect of the building height restrictions for the Ma Tau Kok area as well as for specific sites in the “Residential (Group A)2” (“R(A)2”), “Commercial” (“C”) and “Comprehensive Development Area(2)” (“CDA(2)”) zones; and
- (b) Group 2 - collective hearing for 3 representations (No. R19-21) and 1 related comment (No. C6) mainly in respect of building height restrictions for specific “Government, Institution or Community” (“G/IC”) and “Other Specified Uses” (“OU”) annotated “Commercial Development with Public Vehicle Park” sites.

Hearing for Group 1 - Representations No. R1-18, 22-23 and Comments No. C1-6
(TPB Paper No. 8131)

Presentation and Question Session

83. The following representatives from the Planning Department (PlanD) and the representers' representatives were invited to the meeting:

Mr. Eric Yue District Planning Officer/Kowloon
(DPO/K), PlanD

Ms. Jessica Chu Senior Town Planner/Kowloon, PlanD

Representation No. R16

Gala Hotels Ltd.

Mr. Wai Chun Sing, Terence] Representer's representatives
Mr. Leung Chi Hang]

Representation No. R17

Palace City Ltd. & Golden Spectrum Investments Ltd.

Mr. Rock K.M. Tsang] Representer's representatives
Mr. Tsui Tack Kong]
Mr. Or Tak Chor]
Ms. Janice Lau Hau Mui]
Mr. Anthony Kwok]
Mr. Nelson T.L. Szeto]
Ms. Irene Tam]

Representation No. R18

Max Hon Knight Properties & Investments Ltd. (MHK)

Ms. Theresa Yeung] Representer's Representatives
Mr. Wong Cheung Kong]
Mr. Andy Chan]
Mr. Edward Choi]
Mr. Gary Lui]
Mr. Pong Yuen Cheung, Anthony]
Mr. Tang Shing Yan]
Miss Floria Tsang]

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

85. The Chairman extended a welcome and briefly explained the procedures of the hearing. He then invited Mr. Eric Yue, DPO/K, to brief Members on the background to the representations and comments.

86. With the aid of a powerpoint presentation, Mr. Eric Yue briefed Members on the Paper No. 8131 and made the following points:

- (a) the background of the amendments to the Ma Tau Kok OZP and the representations and comments received during the statutory exhibition period as detailed in paragraph 1 of the Paper;
- (b) representations and comments – Group 1 covered Representations No. R1-18, 22 and 23 and the related comments (No. C1-6) as detailed in paragraphs 2.1 and 2.2 of the Paper. In brief, the representations could be divided as follows:
 - R1 and R2: in support of the imposition of building height restrictions in the Ma Tau Kok area in general;
 - R3 to R7: opposed the stipulation of building height restrictions in the Ma Tau Kok area in general;
 - R8 to R15: submitted by 8 Kowloon City property owners opposing the stipulation of building height restriction for the “R(A)2” zone in Kowloon City;
 - R16 to R18 and R22: against the imposition of building height

restrictions for 5 specific sites, viz. Po Sing Court at 40-42 Sa Po Road (R16), Regal Oriental Hotel at 30-38 Sa Po Road (R16), Prince Ritz at 440-450 Prince Edward Road West (R22), 7 Mok Cheong Street and 70-78 Sung Wong Toi Road (R17) and 5 Mok Cheong Street (R18);

- R23: submitted by a Kowloon City property owner who commented that though redevelopment of old buildings might bring about the “wall effect” or the objection from environmental protection groups, some sacrifice was deemed necessary for the sake of Hong Kong’s economic prosperity;
- (c) grounds of representations and comments – the various grounds of representations as detailed in paragraph 2.3 of the Paper;
- (d) the representers’ proposals – the proposals put forward by the representers summed up in paragraph 2.4 of the Paper included the following:
- R3: to lower the building height restriction from 100mPD to 75mPD and impose restriction on incremental building height in proportion to its distance from the nearest seashore;
 - R4 and R5: to delete building height restriction;
 - R6: to amend the maximum building height restrictions for the urban area to 50 storeys or at least 180m;

[Mr. K.Y. Leung and Dr. Michael Chiu returned to join the meeting at this point.]

- R16: (i) to release/delete the building height restriction of the “R(A)2” site for Po Sing Court (Site 1) at 40-42 Sa Po Road, Kowloon City and rezone the site from “R(A)2” to “R(A)”; and (ii) to release/delete the building height restriction of the “C”

site for Regal Oriental Hotel (Site 2) at 30-38 Sa Po Road;

- R22: (i) to amend the maximum building height restriction for the “R(A)2” site for Prince Ritz (Site 3) at 440-450 Prince Edward Road West from 80mPD to 127mPD; or (ii) ensure smooth completion of the building under construction at the site; and (iii) provide written confirmation that the building to be completed was considered as ‘existing building’;
 - R17: to amend the maximum building height restriction for part of the “CDA(2)” site at 7 Mok Cheong Street/70-78 Sung Wong Toi Road (Site 4A) from 100mPD to 155mPD to reflect the approved Master Layout Plan (MLP);
 - R18: to amend the maximum building height restriction for part of the “CDA(2)” site at 5 Mok Cheong Street (Site 4B) from 100mPD to 140mPD to facilitate a single residential building with retail facilities; and no objection to impose the same proposed height restriction for the adjoining “CDA(1)” zone;
- (e) PlanD’s views – planning considerations and assessments as stated in paragraph 4 of the Paper covered the following main points:

Supportive Representations (R1 and R2) and Comment (R23) in respect of building height control

- R1 and R2 in support of the building height restrictions and the comments submitted by R23 were noted;

Representations opposing to building height control in general

R3 - Advocate more stringent building height control

- the building height restrictions had already struck a balance between public interest and private development rights. There was insufficient justification for more stringent building height

control;

R4 and R6 to R15 - Impact on residential flat production/pace of redevelopment

- the imposition of building height restrictions had not affected the maximum plot ratio (PR) or gross floor area (GFA) permitted under the OZP. There would not be any adverse impact on flat production/redevelopment pace;

R5 - Image of Hong Kong with landmark buildings

- the building height restrictions for the Area had taken due account of the existing topography, existing land use zoning and characteristics of existing building height profile and the building height restrictions imposed on the OZPs for the surrounding area, including the Kowloon Tong and Kai Tak areas;

Representations opposing building height restrictions for specific sites

Development rights

- R16, R17, R18 and R22: the imposition of building height restrictions had not affected the maximum PR or GFA permitted under the OZP;
- R22: an occupation permit for the residential development, Prince Ritz, at the subject site had been issued. Since it was an existing building, redevelopment of the site for permitted use up to the existing building height of 126.03mPD was allowed under the OZP;

R18 - Urban design considerations

- the building height restriction of 100mPD for the “CDA(2)” site (i.e. Sites 4A and 4B which were the subjects of R17 and R18) had taken into account the findings of the air ventilation

assessment (AVA), including the need to preserve the major local wind corridor along Mok Cheong Street. Sites 4A and 4B were situated in the transition area between Ma Tau Kok and Kai Tak. In considering compatibility with the surrounding urban context and the stepped building height profile, a single development (Sky Tower of 160mPD) should not be used as a point of reference. Instead, the prevailing building height in a wider context should be considered. The proposed indicative scheme in the representation had not demonstrated that the uplifting of building height (from 100mPD to 140mPD) and a reduced site coverage above the podium (from 33% to 25%) could achieve a better air ventilation for the area as a whole. According to the Expert Evaluation of the AVA for the OZP, the building height in this area should be kept as low as possible and sensitive building design should be adopted in order to preserve the wind corridor for wind penetration;

- Sites 4A and 4B might be subject to more severe site constraints which would require special design, such as provision of basement car park. To allow for design flexibility, minor relaxation of the building height restriction through the planning permission system could be considered on individual merits;
- the current building height restrictions primarily dealt with the height profile for the Area. Other requirements should be dealt with by other mechanisms/initiatives as appropriate, e.g. conditions of the Government lease, relevant guidelines (such as the Hong Kong Planning Standards & Guidelines) and other relevant Ordinances and Regulations;

R18 - Building design flexibility

- a minor relaxation clause in respect of building height restrictions was incorporated into the Notes of the OZP in order to provide incentive for development/redevelopments with

planning gain/design merits. Each application would be considered on its own merits;

Responses to Representers' Proposals

R3

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

R4 and R5

- the imposition of building height restrictions aimed to provide better planning control on the building height and help achieve a stepped height profile for visual permeability and wind penetration and circulation. Deletion of the building height restrictions would result in uncontrolled developments with high-rise out-of-context buildings and jeopardise the overall purpose of incorporation of building height restrictions and the existing townscape and character of the Area;

R6

- the proposed building heights were much higher than the existing building heights and the building height restrictions under the OZP (up to 135% increase), and considered excessive and not acceptable. The proposed amendments could not maintain the special attributes (including existing visual and green amenities, clusters with open settings, open streetscapes and human scale character) of the Area and would result in an odd contrast with the low to medium-rise developments within the Area and in the surrounding areas;
- the AVA had revealed that an increase in building height in

some areas might result in blockage of wind entrance and affect seriously the function of the local wind corridors/wind penetrations, and thus, recommended that the building height restriction there should be set as low as possible, wind corridor/set back should be designated and/or site coverage should be minimised;

R 16

- the proposed amendments were not supported as the intactness of the height band of 80mPD would be compromised by the piecemeal amendment to the building height restriction for these individual lots. This might set an undesirable precedent;
- as identified in the AVA, the existing street pattern and orientation restricted the prevailing wind flowing through the Kowloon City area and the congested layout further hindered air circulation. The area was, thus, subject to relatively poor air ventilation performance. To moderate this condition, the AVA suggested that the height of the buildings should be kept as low as possible;
- a minor relaxation clause in respect of building height restrictions was incorporated into the Notes of the OZP to cater for individual circumstances;

R17 and R18

- the proposed amendments were not supported as the intactness of the height band of 100mPD would be compromised by the piecemeal amendment to the building height restriction for these individual lots. This might set an undesirable precedent;
- as regards Site 4B under R18, the AVA had recommended that the building height in this area should be kept as low as possible and sensitive building design should be adopted in order to

preserve the wind corridor for wind penetration. A minor relaxation clause in respect of building height restrictions was incorporated into the Notes of the OZP in order to provide incentive for development/redevelopments with design merits/planning gains; and

R22

- since an occupation permit for Prince Ritz had been issued by BA, it had become an ‘existing building’. According to the Notes of OZP, redevelopment of the site for permitted use up to the existing building height of 126.03mPD was allowed.

PlanD recommended the Board to note R1, R2 and R23. For the remaining representations (No. R3 to R18 and R22), PlanD did not propose any amendments to the Plan to meet these representations.

87. The Chairman then invited the representers’ representatives to elaborate on their representations.

Representation No. R16 (Gala Hotels Ltd.)

88. Mr. Wai Chun Sing, Terence made the following main points:

- (a) the representation site at 40-42 Sa Po Road (Site 1), Kowloon City zoned “R(A)2” was currently occupied by a 14-storey residential development (about 50.3mPD), namely Po Sing Court, located on the north-eastern edge of Kowloon City. Given its peripheral location and close proximity to existing high-rise residential developments (with 144.4mPD and 170mPD), the current building height restriction of the “R(A)2” should be either deleted or relaxed to 140mPD;

- (b) another representation site, the Regal Oriental Hotel (Site 2) zoned “C”, was located to the immediate south of Site 1. The current building height restriction of 80mPD had limited the development potential of this hotel site. In accordance with the 2008/09 Budget Speech, the Financial Secretary had clearly stated the need to provide more hotels to meet Hong Kong’s future needs. Located in proximity to Kai Tak where a new cruise terminal had been planned, Site 2 being one of the two “C” sites on the draft OZP had potential for redevelopment to cope with the increasing number of tourists arising from the development of new cruise terminal;
- (c) given the small size of Sites 1 and 2, development of two more high-rise buildings there would not result in massive building bulk and create adverse impact on the environment of the area (including air ventilation); and
- (d) under the draft OZP, the building height restrictions for “R(A)” sites ranged from 80mPD to 140mPD. For the “R(A)2” zone, the Notes of the draft OZP had allowed relaxation of building height restriction from 80mPD to 100mPD for sites with an area of 400m² or more. As Site 2 was zoned “C” which could be developed up to a plot ratio of 12 under the draft OZP, the imposition of height restriction of 80mPD was considered undesirable. The height restriction of Site 2 should be removed or relaxed to 140mPD.

Representation No. R17 (Palace City Ltd. & Golden Spectrum Investments Ltd.)

89. Mr. Rock Tsang made the following main points:

- (a) the representation site was located at 7 Mok Cheong Street and 70-78 Sung Wong Toi Road (Site 4A) which occupied a large part of the “CDA(2)” zone;
- (b) planning permission (under application No. A/K10/199) for a

revised MLP at the “CDA(2)” site was granted on 5.12.2003 to allow a comprehensive residential development with a maximum building height of 155mPD (Site 4A);

- (c) based on the approved MLP, the representer on 5.11.2007 made a formal submission of the General Building Plans (GBPs) after several rounds of discussions with the Buildings Department (BD). The representer was confident that the GBPs would be approved and therefore, the application for an extension of time for the planning permission (application No. A/K10/199) was only made on 9.11.2007 just in case of some unforeseeable circumstances. However, it was not until the expiry of the application No. A/K10/199 on 5.12.2007 that the Planning Department (PlanD) advised BD to reject the GBPs on the grounds of the absence of a valid planning permission. The representer felt aggrieved by the belated advice tendered by PlanD which should have relayed their comments to BD at the earliest opportunity and not so close to the expiry of the planning permission. After that, the subsequent gazettal of the draft OZP imposing the building height restriction of 100mPD for the representation site had undermined the representer’s efforts in the past few years;
- (d) imposition of the building height restriction on the representation site was considered unnecessary because the Notes of the OZP for the “CDA(2)” zone had already stipulated the maximum GFA and required the undertaking of an AVA study as part of the MLP for submission to the Board. On the other hand, without height restriction, the representer could adopt an innovative design for the future development at the representation site, similar to that of The Repulse Bay and The Arch;
- (e) compared to the neighbouring Sky Tower with a building height of 158.2mPD, the height restriction of 100mPD imposed on the representation site would create a building height difference of

nearly 60m. Such a difference was unreasonable having regard to the land use compatibility and the concept of stepped height (which normally assumed a difference of 20m between two height bands);

- (f) the AVA undertaken by PlanD had already assumed a building height of 146.75mPD for the representation site in assessing the building height restrictions for the area. As such, the relaxation of the restriction for the representation site up to 146.75mPD should have no adverse impact on the air ventilation of the area; and
- (g) in conclusion, as the representation site was already zoned as “CDA(2)” on which the Board already could exercise control over the design, disposition and height of the development through MLP, further imposition of the building height restriction was unnecessary as it would pre-empt and hamper the design flexibility of the future development.

Representation No. R18 (Max Hon Knight Properties & Investments Ltd. (MHK))

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

- (a) the representation site was located at 5 Mok Cheong Street (Site 4B) which occupied a small part of “CDA(2)” zone. The current amendments to the OZP in respect of the representation site had imposed a building height restriction of 100mPD with a clause of minor relaxation of building height subject to the approval of the Board;
- (b) the imposed restriction had not respected the representer’s legitimate expectation with regard to future redevelopment and removed the incentive for urban renewal in that:
 - in the past few years, the Board had repeatedly approved a

higher building height for a composite residential development at the representation site. The latest approval of application no. A/K10/199 on 5.12.2003 by the Board allowed a maximum building height of 138.7mPD for Site 4B;

- building height restriction was inflexible in catering for architectural features (e.g. building setback) or planning gains taking into account the local context;
 - building height restriction undermined the opportunity for modern and high standard architectural design;
- (c) according to the Explanatory Statement of the draft OZP, future developments at Mok Cheong Street were critical to the local ventilation environment of the area. The “CDA(2)” sites near Mok Cheong Street, upon redevelopment, should identify any possible opportunity for design improvement, in particular measures to extend the wind path from Kai Tak to Ma Tau Kok area. However, under a height restriction of 100mPD, the future development at the representation site would have 100% site coverage which meant a massive podium and greater building bulk at street level, with more blockage of airflow to the pedestrian environment along Mok Cheong Street. The current restriction had simply failed to consider the important site attributes and local context;
- (d) an alternative scheme with a maximum building height of 138.7mPD drawn up by the representer would provide the architectural opportunity for the provision of a modern standard residential development as it would be possible:-
- to setback the podium at street level by 3m from Mok Cheong Street to allow roadside landscape area and sitting-out area, and extend the major wind path from Kai Tak to the Ma Tau Kok area;

- to reduce the site coverage of the residential tower above podium from 33% (under 100mPD) to 25% (under 140mPD), allowing better air ventilation;
 - to provide a more comfortable standard of residential floor-to-floor height of 3.15m;
 - to provide about 545.81m² of local open space;
 - to provide a modern standard clubhouse with swimming pool facilities;
 - to maintain the same development intensity;
- (e) from the vantage point at the runway of the former Kai Tak Airport, the representation site was blocked by the Sky Tower with a building height of 158.2mPD. From another vantage point at Sung Wong Toi Park, the future development at the representation site up to 140mPD would not create adverse visual impact as it was surrounded by its neighbouring high-rise buildings;
- (f) the current building height restriction of 100mPD for the “R(A)”, “CDA(1)”, “CDA(2)” and “CDA(3)” sites along Mok Cheong Street failed to establish a stepped building height from the waterfront to the inland. Instead, with the existing height of 158.2mPD of the Sky Tower zoned “R(A)”, and the relaxation of the building height restriction for “CDA(1)” and “CDA(2)” to 140mPD, a true stepped height profile could be created. Such a proposed height profile would improve visual permeability and wind penetration; and
- (g) in brief, the representer’s alternative scheme could help achieve quality living environment, provide public planning gains and meet

urban design objectives. The draft OZP should therefore be amended to relax the building height restriction for the representation site to 140mPD while there was no objection to relax the restriction of the adjoining “CDA(1)” zone to 140mPD. The planning brief of the “CDA” zone could be amended to incorporate a 3m setback along Mok Cheong Street.

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

91. A Member asked whether the applicant would claim bonus GFA for the setback area for the representation site of R18. Ms. Theresa Yeung of R18 responded that under the proposed building height of 140mPD, the subject site could hardly accommodate any additional GFA and the owner had no intention of making such a claim.

92. Another Member asked whether the 3m setback proposed by R18 could achieve more planning gains than the height restriction of 100mPD for the representation site. Mr. Eric Yue responded that the proposed 3m setback had to be carefully assessed with regard to the representer’s proposal to relax the building height restriction from 100mPD to 140mPD. As the representation site was located in an important location critical to the wind ventilation environment of the area, it was necessary to keep the buildings along Mok Cheong Street as low as possible to allow better air ventilation. As such, he had reservation on the benefits of the 3m setback at the expense of the current height restriction.

93. In response to a Member’s enquiries regarding R16, Mr. Wai Chun Sing, Terence made the following responses:

- (a) Site 1 of R16 was currently occupied by a residential building with retail shops on the lower floors;
- (b) the adjoining high-rise developments earlier referred to were Le Billionaire Phases 1 and 2, which were located opposite to Site 1 on the other side of Carpenter Road; and

- (c) the representer did not have any redevelopment plan for the representation sites yet and therefore could not confirm whether the sites would be set back upon redevelopment.

[Miss Annie K.L. Tam arrived to join the meeting at this point.]

94. Some Members asked for clarification of the following issues relating to R17:

- (a) whether PlanD had made a belated reply to BD regarding the GBPs submitted by the representer and what was the implication on the representer's development proposal for the representation site; and
- (b) the reasons of BD to reject the GBPs submitted by the representer.

95. Messrs. Rock Tsang and Or Tak Chor of R17 made the following responses:

- (a) since the MLP for the representation site was approved by the Board on 5.12.2003, the representer had made several rounds of submissions of GBPs to BD and a formal submission was deemed to be made to BD on 5.11.2007. In parallel, the representer had resolved some issues on the building plans raised by the District Planning Officer (DPO) after the formal submission of GBPs. However, upon the expiry of the approved planning application on 5.12.2007, DPO advised BD that there was no valid planning permission for the representation site. Based on DPO's advice, BD rejected the GBPs. Should the GBPs be approved prior to the expiry of the approved planning application, the representer would have been able to proceed with the redevelopment proposal without being affected by the new building height restriction on the draft OZP; and

- (b) the lack of a valid planning permission was the only reason quoted by BD to reject the building plans. Knowing that the planning application would expire on 5.12.2007, DPO should have relayed their comments to BD as early as possible and let BD decide whether to approve the GBPs.

96. Mr. Eric Yue explained that the PlanD had provided comments on the GBPs to BD before the statutory deadline for the consideration of the GBPs. The issues raised by the representer were related to the review of application No. A/K10/199-1, which was originally scheduled for consideration by the Board in April 2008, but had been deferred pending further assessment of the supplementary submission provided by the applicant. In this regard, the current discussion on the building height restriction for the representation site should not be mixed up with the application review, which was being separately handled by the Board.

97. The Chairman asked whether the representer of R17 was aware that the planning permission would expire on 5.12.2007 and if DPO had informed him of the expiry date. Mr. Or Tak Chor responded that the representer had been informed by DPO of the expiry date at a meeting about one month before the expiry and that the representer was aware of the expiry date of the planning permission but the project had been delayed due to the long time spent on the discussion of the lease modification.

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

Deliberation Session

[Mr. Felix W. Fong left the meeting at this point.]

99. A Member commented that as to R18, the proposal to relax the building height restrictions from 100mPD to 140mPD seemed to bring about some planning gains in terms of building setback along Mok Cheong Street. The Chairman considered that the 3m setback at the representation site of R18 alone would not bring any significant planning benefit to the environment. Another Member considered that while having no objection to the proposed setback for the representation site of R18, the representer had not properly demonstrated whether the same improvement to air ventilation and the environment could not be achieved under the current height restriction of 100mPD through an innovative design of the building. Besides, as the Notes of the OZP had allowed minor relaxation of the building height restrictions subject to the Board's approval and the current restrictions had not jeopardised the development potential of the site, there appeared to be no strong reason for the Board to relax the building height restrictions for this representation site. Other Members agreed.

100. As to other representations under Group 1, Members agreed to the assessments and recommendations made by PlanD in the Paper and considered that amendments to the Plan should not be made.

Representations No. R1 and R2

101. After further deliberation, the Board noted Representations No. R1 and R2 which were in support of the incorporation of the building height restrictions into the draft Ma Tau Kok Outline Zoning Plan.

Representations No. R3 and R7 to R15

102. After further deliberation, the Board decided not to uphold Representations No. R3 and R7 to R15 for the reason that the purpose of imposing building height restriction was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile

of the Ma Tau Kok Planning Scheme Area (the Area). The building height restrictions for the Area had taken due account of the existing topography, site formation level, existing land use zoning and characteristics of existing building height profile and the building height restrictions imposed on the outline zoning plans for the surrounding areas, as well as the wind performance of the existing condition and the recommendations of the air ventilation assessment, as appropriate. It had struck a balance between meeting the public aspirations for a better living environment and private development rights.

Representations No. R4 and R5

103. After further deliberation, the Board decided not to uphold Representations No. R4 and R5 for the following reasons:

- (a) the purpose of imposing building height restriction was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Ma Tau Kok Planning Scheme Area (the Area). The building height restrictions for the Area had taken due account of the existing topography, site formation level, existing land use zoning and characteristics of existing building height profile and the building height restrictions imposed on the outline zoning plans for the surrounding areas, as well as the wind performance of the existing condition and the recommendations of the air ventilation assessment, as appropriate. It had struck a balance between meeting the public aspirations for a better living environment and private development rights; and
- (b) the proposed amendment to delete the building height restrictions would result in uncontrolled developments with high-rise buildings risen up in Ma Tau Kok which were out of keeping with the

surrounding developments. This would undermine the overall intention of incorporation of building height restrictions and the existing townscape and character of the Area.

Representation No. R6

104. After further deliberation, the Board decided not to uphold Representation No. R6 for the following reasons:

- (a) the purpose of imposing building height restriction was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Ma Tau Kok Planning Scheme Area (the Area). The building height restrictions for the Area had taken due account of the existing topography, site formation level, existing land use zoning and characteristics of existing building height profile and the building height restrictions imposed on the outline zoning plans for the surrounding areas, as well as the wind performance of the existing condition and the recommendations of the air ventilation assessment, as appropriate. It had struck a balance between meeting the public aspirations for a better living environment and private development rights; and
- (b) the proposed amendment to relax all the building height restrictions to 50 storeys or at least 180m could not maintain the special urban design attributes of the Ma Tau Kok area which would result in an odd contrast with the low to medium-rise developments within the Area and in the surrounding areas.

Representation No. R16

105. After further deliberation, the Board decided not to uphold Representation No. R16 for the following reasons:

- (a) the purpose of imposing building height restriction was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Ma Tau Kok Planning Scheme Area (the Area). The building height restrictions for the Area had taken due account of the existing topography, site formation level, existing land use zoning and characteristics of existing building height profile and the building height restrictions imposed on the outline zoning plans for the surrounding areas, as well as the wind performance of the existing condition and the recommendations of the air ventilation assessment, as appropriate. It had struck a balance between meeting the public aspirations for a better living environment and private development rights; and
- (b) the intactness of the building height band of 80mPD of the “Residential (Group A)2” zone would be compromised by piecemeal amendment to building height restriction for individual lots. Such amendment would also set an undesirable precedent for the continuous proliferation of tall buildings.

Representations No. R17 and R18

106. After further deliberation, the Board decided not to uphold Representations No. R17 and R18 for the following reasons:

- (a) the purpose of imposing building height restriction was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for

greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Ma Tau Kok Planning Scheme Area (the Area). The building height restrictions for the Area had taken due account of the existing topography, site formation level, existing land use zoning and characteristics of existing building height profile and the building height restrictions imposed on the outline zoning plans for the surrounding areas, as well as the wind performance of the existing condition and the recommendations of the air ventilation assessment, as appropriate. It had struck a balance between meeting the public aspirations for a better living environment and private development rights; and

- (b) to provide flexibility for innovative design adopted to the characteristics and site conditions of particular sites, minor relaxation of the building height restriction might be considered by the Board through the planning permission system. Each application would be considered on its individual merits.

Representation No. R22

107. After further deliberation, the Board decided not to uphold Representation No. R22 for the following reasons:

- (a) the purpose of imposing building height restriction was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Ma Tau Kok Planning Scheme Area (the Area). The building height restrictions for the Area had taken due account of the existing topography, site formation level, existing land use zoning and

characteristics of existing building height profile and the building height restrictions imposed on the outline zoning plans for the surrounding areas, as well as the wind performance of the existing condition and the recommendations of the air ventilation assessment, as appropriate. It had struck a balance between meeting the public aspirations for a better living environment and private development rights; and

- (b) the intactness of the building height band of 80mPD of the “Residential (Group A)2” zone would be compromised by piecemeal amendment to building height restriction for individual lots. Such amendment would also set an undesirable precedent for the continuous proliferation of tall buildings.

Representation No. R23

108. After further deliberation, the Board noted Representation No. R23, providing comments in respect of building height restriction in the Ma Tau Kok Planning Scheme Area.

Hearing for Group 2 – Representations No. R19 to R21 and Comment No. C6 (TPB Paper No. 8132)

Presentation and Question Session

109. The following representatives from the Planning Department (PlanD) and the representers’ representatives were invited to the meeting:

Mr. Eric Yue	District Planning Officer/Kowloon (DPO/K), PlanD
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Ms. Jessica Chu	Senior Town Planner/Kowloon, PlanD
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Representation No. R19

CLP Power Hong Kong Ltd.

Mr. Tsang Chun Tat] Representer's representatives
Mr. So Tsz Wing]
Mr. Leung Kin Wah]
Mr. Kong Cherk Hung]
Mr. Ho Chung Chuen]

Representation No. R20

Lok Sin Tong Benevolent Society, Kowloon (LSTBS)

Mr. Joseph Ma Ching Yuen] Representer's representatives
Ms. Lau Man Man, Lisa]
Mr. Chai Kwong Wah, Peter]
Mr. Cheung Tak Chung, Eric]
Dr. Kong Yim Fai, Albert]
Mr. Kwong Cho Shing, Antonio]
Mr. Lau Ping Kwan, Albert]
Mr. Yeung Chor Hang]
Mr. Ho Yat Wan, Alec]
Mr. Lo Wing Sun]
Mr. Stanley J. Garcia]
Mr. Li Wai Kit]
Mr. K.C. Yuen]
Ms. Wing Ng]
Ms. Cheng Hoi Yee]
Ms. Chun Wai Yee]

Representation No. R21

Good Focus Holdings Ltd. (GFH)

Ms. Theresa Yeung] Representer's representatives
Mr. Alvin Lee]
Mr. Tony Chau]
Mr. Pinki Kwok]
Mr. K.C. Kong]
Ms. Gladys S.N. Ng]

110. Members noted that sufficient notice had been given to the Commenter No. C6 and the commenter had indicated not to attend the hearing. Members agreed to proceed with the hearing in the absence of the commenter.

111. The Chairman extended a welcome and briefly explained the procedures of the hearing. He then invited Mr. Eric Yue, DPO/K, to brief Members on the background to the representations and comments.

112. With the aid of a powerpoint presentation, Mr. Eric Yue briefed Members on the Paper and made the following points as detailed in Paper No. 8132:

- (a) the background of the amendments to the Ma Tau Kok Outline Zoning Plan (OZP) and the representations and comment received during the statutory exhibition period as detailed in paragraph 1 of the Paper;
- (b) representations and comments – Group 2 covered Representations No. 19-21 and the related comment (No. 6) as detailed in paragraphs 2.1 and 2.2 of the paper. In brief, the representations in respect of 4 specific “Government, Institution or Community” (“G/IC”) sites and one “Other Specified Uses” (“OU”) annotated “Commercial Development with Public Vehicle Park” site could be divided as follows:

Sites 1 to 3

- R19 submitted by CLP Power Hong Kong Ltd opposed the 1-storey building height restrictions for 2 “G/IC” sites including an electricity substation (ESS) site at Anhui Street (Site 1) and an ESS/Quarters site located at 61 Ma Tau Kok Road (Site 2), and the 6-storey building height restriction for a CLP Quarters site at 34 Lung Kong Road (Site 3);

Lok Sin Tong Site

- R20 submitted by LSTBS opposed the 5-storey building height restriction imposed on the “G/IC” site of LST Headquarters Building at 61 Lung Kong Road (Site 4);

Kowloon City Plaza Site

- R21 submitted by Gold Focus Holdings Limited opposed the building height restriction of 36mPD for the “OU(Commercial Development with Public Vehicle Park)” site at 128 Carpenter Road (Site 5);
- (c) grounds of representations – the various grounds of representations as detailed in paragraph 2.3 of the Paper;
- (d) the representers’ proposals – the proposals put forward by the representers were summed up in paragraphs 2.4 of the Paper included the following:
- R19: to amend the maximum building restriction for (i) Site 1 from 1 storey to 120mPD; (ii) Site 2 from 1 storey to 39.62mPD; (iii) Site 3 from 6 storeys to 38.11mPD;
 - R20: to relax the maximum building height restriction for Lok Sin Tong site from 5 storeys to 19 storeys to facilitate the redevelopment of a new social service block;
 - R21: to relax the maximum building height restriction for Kowloon City Plaza site from 36mPD to 80mPD to accord with the building height of the building plans approved by BA on 12.9.2007;
- (e) PlanD’s views – planning considerations and assessments as stated in paragraph 4 of the Paper covered the following main points:

Development rights

- the building height restrictions for “G/IC” and “OU” sites were mainly to reflect and contain their existing building height to serve as breathing space or visual relief. The building height profile was formulated in a comprehensive manner. The OZP restrictions had to strike a balance between public and private interests;
- R19: regarding Sites 1, 2 and 3 which were occupied by ESS/Quarters, the Director of Electrical and Mechanical Services advised that there was no redevelopment proposal for the 3 sites;
- R19: for Site 2, a maximum 1-storey building height restriction was in keeping with the 1-storey Grade III historical building of the former Livestock Quarantine Depot. The same 1-storey height band was also proposed for the existing refuse collection point (of 1 storey) and public toilet/bathroom (of 3 storeys). In order to achieve a height profile that conformed to the graded historical buildings, the planning intention for this area was to maintain 1-storey building height restriction. The existing 4-storey building at Site 2 would not be affected by the building height restriction until it was redeveloped;
- R20: both Secretary for Labour and Welfare (SLW) and Secretary for Food and Health (SFH) had indicated that they had never received any redevelopment proposal for the representation site from LSTBS. The Director of Social Welfare (DSW) advised that the proposed scheme was an indicative scheme and only limited information was available. DSW would offer comments when concrete details were available. In this regard, application through amendment to the OZP to relax the building height restriction was considered more appropriate as it would provide concerned departments and the Board to vet the development scheme more carefully;

- R21: consent for commencement for the approved General Building Plans (GBPs) for the Kowloon City Plaza site (building height of 79.7mPD) had not been given. At the time when the GBPs were approved by the BA, building height restriction for the area was not incorporated into the OZP. Although no statutory planning objection could be made, PlanD did not support the GBPs from the district planning point of view as the proposed development at 79.7mPD would result in a 'pencil type development' located on a "shoe-box" structure with the first 5 levels above ground having nearly 100% site coverage. PlanD also commented that should the GBPs be approved, any subsequent lease modification for the site would not be supported. District Lands Officer/Kowloon East, Lands Department advised that application for lease modification to facilitate redevelopment at the representation site had not been received;
- to allow for design flexibility, minor relaxation of the building height restriction through the planning permission system could be considered on individual merits;

Visual compatibility

- the stepped building height profile would help improve air ventilation and visual permeability, and maintain a more intertwined relationship with the Victoria Harbour edge, whereas the "G/IC" sites in the district serve dual purpose, i.e. provision of land for GIC uses and provision of visual relief and breathing space. Proliferation of high-rise GIC developments would result in cumulative loss of visual relief and breathing space for the congested urban core;

Urban design considerations

- should there be any design merits for individual development

that required minor relaxation, the Board would consider such application based on individual merits;

Building design flexibility

- while OZPs set out the planning framework including the broad land use zonings and associated development restrictions for statutory planning control purposes, detailed implementation of developments on individual sites particularly with respect to building design matters was subject to the requirements under the Buildings Ordinance including relevant building regulations and the lease conditions;
- a minor relaxation clause in respect of building height restrictions provided incentive for development/redevelopments with planning gains/design merits. Each application would be considered on its own merits;
- R21: should the building height for the Kowloon City Plaza site be relaxed as proposed, there was no mechanism to enforce the implementation of the indicative scheme. An alternative scheme with a much lower building height than 80mPD which could achieve design merits while at the same time providing spatial and visual relief to the densely populated Kowloon City area should be further explored. In this regard, an application for amendments to the OZP was considered more appropriate;

Less Stringent Height Restriction for Kowloon City

- R20: the building height restrictions for the Ma Tau Kok area had taken into account the existing topography, site formation level, existing land use zoning and characteristics of existing building height profile and the building height restrictions imposed on the OZPs for the surrounding areas, including Kowloon Tong and Kai Tak. The review had taken into account the air ventilation assessment (AVA) expert evaluation

of the wind performance of the existing condition and the expert's recommendations, as appropriate; and

Restrictive Height Restriction compared to Developments around other District Open Space

- R21: the building height restriction for the "OU" site was to reflect and contain the existing building height to serve as breathing space and visual relief to the crowded built-up area. There were existing provisions under the Town Planning Ordinance for the representer to submit an application to the Board to justify his proposal for relaxation of building height. The Board would consider each case on its own individual merits.

PlanD recommended the Board not to uphold Representations No. R19 to R21.

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

Representation No. R19 (CLP Power Hong Kong Ltd.)

114. With the aid of a powerpoint presentation, Mr. Tsang Chun Tat made the following main points:

- (a) the representer opposed the 1-storey building height restriction for 2 "G/IC" sites including an ESS site at Anhui Street (Site 1) and an ESS/Quarters site located at 61 Ma Tau Kok Road (Site 2); and the 6-storey building height restriction for another "G/IC" site for CLP Quarters at 34 Lung Kong Road (Site 3);
- (b) according to the lease, Sites 2 and 3 could be developed to a

maximum building height of 39.62mPD and 38.11mPD respectively. Site 1 was not subject to any height control under the lease;

- (c) the imposition of building height restriction would undermine the flexibility to modify the height of the development or redevelop the site for replacement of obsolete equipments;
- (d) there would be growing electricity demand in Ma Tau Kok due to continuous redevelopment of the old areas, increasing business activities associated with the development of the Shatin to Central Link, aspirations for a better quality of life and the expected growth of population from 121,180 to 157,790;
- (e) imposition of building height restriction on the ESS sites (Sites 1 and 2) would restrict the upgrading/redevelopment potential of these stations, pre-empt the future design and maintenance of the ESS;
- (f) identifying alternative sites for ESS in the urban area was fraught with difficulties and might affect a stable and reliable supply of electricity, and this was not in the interests of the public;
- (g) Site 3 was acquired by the representer in the open market with full market premium in 1962. Under the lease, the site could be developed up to 38.11mPD. However, the imposition of the building height restriction would adversely diminish the development potential of the site, which was unfair to the representer;
- (h) Sites 1 to 3 were located close to buildings with a much higher height e.g. Prince Ritz, Le Billionaire and The Bloomsville. As such, relaxing the building heights for the representation sites would not create adverse impact on the surrounding areas;

- (i) the draft OZP should be amended as follows:
 - Site 1: to amend the maximum building height restriction from 1 storey to 120mPD;
 - Site 2: to amend the maximum building height restriction from 1 storey to 39.62mPD; and
 - Site 3: to amend the maximum building height restriction from 6 storeys to 38.11mPD.

Representation No. R20 (Lok Sin Tong Benevolent Society, Kowloon (LSTBS))

115. With reference to a written submission tabled at the meeting, Mr. Stanley J. Garcia made the following main points:

- (a) LSTBS had a long history of providing a wide range of social services (including education, rehabilitation, health, elderly) to the community since 1880;
- (b) the public had been very supportive of LSTBS in the provision of its various social services;

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

- (c) the existing 5-storey building was completed in 1957. At that time, LSTBS only had three departments and employed about 50 persons. Now, LSTBS was managing a number of secondary schools, evening schools, primary schools, kindergartens, medical units and elderly services, employing more than 1,200 persons; and
- (d) the existing building could no longer cope with the operational needs and requirements of LSTBS. Given the small size of the site, upward expansion was the only solution to provide additional floor

space to meet the needs of LSTBS while not affecting the air ventilation and environment of the area.

116. With the aid of a powerpoint presentation, Mr. Joseph Ma and Ms. Lau Man Man, Lisa made the following main points:

- (a) the building was built in the 1950s and LSTBS was now in dire need to create more space to accommodate an expansion of their services;
- (b) as the representation site was very small and the current site coverage was already near 100%, upward expansion was the only solution to meet the need for additional floor space. The lease did not have any height restriction and the imposed height restriction would affect the redevelopment plan of the representer and was unfair to them. Even if minor relaxation of building height (normally not more than 10%) was approved by the Board, the representer's redevelopment proposal could unlikely be implemented;
- (c) the neighbouring "R(A)2" sites adjoining the representation site could be developed up to 80mPD to 100mPD and the proposed 5-storey restriction for the representation site would put it in a sharp contrast with its neighbouring developments including the 8-storey Lok Sin Tong primary school after redevelopment;
- (d) alongside with the planned development of Kai Tak, the whole Kowloon City was undergoing transformation. In this regard, a proposed building height of 19 storeys for the representation site was considered compatible with the character of the buildings in Kowloon City which were now restricted to building heights of 80mPD to 100mPD;
- (e) the development of the representation site up to 19 storeys with a

building height of about 80mPD would not have adverse visual impact on the ridgeline of Lion Rock and was also compatible with the building height restrictions of 60mPD to 175mPD for the various developments within Kai Tak;

- (f) medium-rise to high-rise GIC buildings (e.g. Hong Kong Federation of Youth Groups Building in North Point and Methodist House in Wan Chai) were very common in Hong Kong. The representation site was away from the major visual corridor along Carpenter Road and therefore the current redevelopment proposal would not create an adverse visual impact. The existing open space at Carpenter Road and Kowloon City had already served as a visual relief. The sharp contrast of the representation site with the neighbouring “R(A)2” zone with height restrictions of 80mPD to 100mPD would not provide the intended visual relief. Instead, an innovative design of the new building upon redevelopment could help provide visual relief;
- (g) the use and development of the “G/IC” sites should be determined with due regard to the needs of the community. Given the increasing demand for more social and community services in Kowloon City, the representation site should be fully optimised;
- (h) the AVA by Expert Evaluation carried out by PlanD was only a qualitative assessment and could only be used as a reference for the general area. The assessment had not specifically examined how the redevelopment proposal at the representation site would affect the air ventilation of the area. Also, the assessment had not recommended that the existing height of the representation site should be maintained regardless of the development need;

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

- (i) the redevelopment proposal of the representation site reflecting the

future need of the representer had been planned for some time and also uploaded to the website of LSTBS though the concerned bureaux and departments had not yet been consulted;

- (j) it would be appropriate to reflect the representer's redevelopment plan in the current plan-making process. This would not create an undesirable precedent;
- (k) the redevelopment proposal had received the support of different community organisations and individuals including the Chairman and various Members of the Kowloon City District Council; and
- (l) the Board should amend the draft OZP to relax the height restriction for the representation site from 5 storeys to 19 storeys to facilitate the proposed development.

Representation No. R21 (Good Focus Holdings Ltd. (GFH))

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

- (a) the representation was against the building height restriction of 36mPD for the "OU" annotated "Commercial Development with Public Vehicle Park" site at 128 Carpenter Road;

[Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

- (b) the height restriction suppressed the representer's redevelopment plan and undermined potential architectural flexibility on the site:-
 - business was poor among the retail shops within Kowloon City Plaza. According to an opinion survey conducted on the representation site in February 2008, the majority of the collected views were in support of the redevelopment of the Kowloon City

Plaza;

- the representer in 2007 submitted GBPs to the BA for a commercial redevelopment scheme with a modern shopping mall (with a building height of 79.7mPD) to meet public aspirations. The approval of GBPs was granted in September 2007. The imposition of the building height restriction had seriously curtailed the representer's redevelopment plan;
 - approved building heights in GBPs were usually allowed in the newly gazetted OZPs. Examples could be found in Grand Waterfront (176mPD) in Kai Tak OZP and proposed Ocean Centre redevelopment (386.7mPD) in Tsim Sha Tsui OZP. Compared to these waterfront sites, the representation site which occupied an inland location should also be allowed to develop up to its approved building height. The current approach adopted in the amendment of the Ma Tau Kok OZP was inconsistent;
- (c) the current height restriction had failed to consider the unique local context:
- Kowloon City was characterized by narrow grids and the congested streetscape called for visual and spatial relief at the street level;
 - the "R(A)2" sites in the vicinity of the representation site were allowed to develop up to 80mPD (and 100mPD for sites larger than 400m²). The building height restriction of 36mPD imposed on the representation site therefore did not tally with the existing character of the neighbourhood;
- (d) the urban design guidelines in the Hong Kong Planning Standards and Guidelines had been violated:

- under the imposed building height restriction of 36mPD, site coverage of the development had to be maximized to 100% and would result in a “shoe-box” structure with massive building bulk at street and more blockage of the visual and window corridor from “R(A)2” sites in Kowloon City to the Carpenter Road Park and Kowloon Walled City Park. However, if the height restriction was relaxed to 80mPD, the ground floor and an upper floor of the future redevelopment could be opened up to maximize ventilation and visual permeability;
 - the ground floor could allow 24-hour public access to facilitate pedestrian circulation and achieve the objective of “bring people to the park and the park to people”;
- (e) the proposed 80mPD for the representation site would not create adverse visual impact on its surroundings when viewed from 6 different vantage points;
- (f) the restrictions of the representation site on the draft OZP should be amended:
- to revise the building height to a maximum main roof height of 80mPD to accord with the approved building height and provide design flexibility;
 - to add annotation/wording on the Plan and/or in the Notes and/or in the Explanatory Statement to secure public planning gains e.g. 24-hour public space at ground floor so that the Board could control the redevelopment of the representation site;
 - a Master Layout Plan (MLP) should be submitted to the Board for consideration through the s.16 application; and the ground floor could also allow 24-hour public access to facilitate pedestrian circulation and achieve the objective of “bring people to the park

and the park to people”; and

- (g) the proposed amendment put forward by the representer should be incorporated in the draft OZP in the current plan-making process (which was subject to a statutory period of 9 months) rather than deferred to the s.12A application which would subsequently incur 20 additional months for processing. It would result in unnecessary waste of resources of the Board/the Government and the representer.

[Mr. Nelson W.Y. Chan left the meeting temporarily at this point.]

118. With reference to the presentation made by R19, Members asked the following questions:

- (a) the planned height of the ESS upon redevelopment; and
- (b) whether the premium paid by the representer for Site 3 (Lung Kong Road CLP Quarters) in 1962 had reflected the control imposed by the then Airport Height Restrictions (AHR).

119. Mr. Tsang Chun Tat made the following responses:

- (a) such considerations as site characteristics and mechanical equipment needed to be taken into account in firming up the detailed layout (including building height) for the future redevelopment of ESS. At the moment, without pre-empting the design flexibility, the existing height restrictions as stipulated in the lease should be maintained for the representation sites of R19; and
- (b) the lease of the Lung Kong Road site had already incorporated a building height restriction of 38.11mPD which was more restrictive than the control imposed under the then AHR. Even if the subject site was to be redeveloped up to the maximum permissible under

the lease, it would only result in the development of a 10-storey building, meaning 4 additional storeys compared to the existing staff quarters. Therefore, the building height permitted under the lease was still considered compatible with the high-rise buildings in the vicinity of the Lung Kong Road site.

120. In response to the Chairman's enquiry about whether the representer of R19 intended to redevelop Site 1 (Ma Tau Wai ESS) up to 120mPD, Mr. Tsang Chun Tat said that the representer did not have such an intention but the representer's proposal for the three sites (including Site 1) was primarily aimed at providing the design flexibility for the future redevelopment of the ESS and staff quarters, in the light of the future demand and supply of electricity and requirements for staff requirements.

121. Some Members asked the following questions with regard to R20:

- (a) in drawing up building height restrictions for the "R(A)" and "C" zones, due account had been given to ensuring that the development right of these sites could be achieved. However, the current height restrictions imposed on the "G/IC" site were just based on the existing building height. As such, what was the mechanism available to the representer to ensure its redevelopment proposal of plot ratio 12 (claimed by the applicant) would be attainable;
- (b) the representation site was surrounded by high-rise buildings and whether the proposed relaxation put forward by the representer would be compatible with the surrounding developments; and
- (c) whether there was any scope for the representer to refine and improve their current proposal by providing more building setback, lowering the floor-to-floor height of the upper floors and incorporating more public facilities.

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

122. Mr. Eric Yue made the following responses:

- (a) while there was no plot ratio control for the representation site of R20, it did not mean that the site would have a development potential of plot ratio 12. The optimal plot ratio for the site could be scheme specific. Both SLW and SFH had indicated that they had not received any redevelopment scheme from LSTBS. DSW advised that the proposed scheme was just an indicative scheme and only limited information was available. As policy support for redevelopment and provision of the proposed services from concerned bureaux and department had yet to be given, it was considered prudent to maintain the restrictions based on the height of the existing building;
- (b) the current height profile had been formulated in a comprehensive manner with regard to various factors, including the existing development right. For the “R(A)2” zone, the imposition of building height restriction of 80mPD had given due regard to the current plot ratio allowed under the OZP whereas the 8-storey height restriction for the school site adjoining the representation site was based on the standard school design adopted by the Education Bureau; and
- (c) generally speaking, “G/IC” zone served the dual purpose of providing visual and spatial relief in addition to the provision of community facilities. The former was particularly important in a densely developed urban area. Compared to other land use zones (e.g. “R(A)”), there was generally no control on the development intensity for these GIC sites. Since different GIC facilities would have different height requirements, the general practice was to reflect the existing height restriction on the OZP. Any relaxation in the building height had to be fully justified on functional grounds or operational needs, and until a redevelopment proposal was

known and accepted by all concerned bureaux and departments, subject to the Board's agreement.

123. Messrs. K.C. Yuen, Stanley J. Garcia and Joseph Ma made the following responses:

- (a) the current redevelopment plan of the representation site of R20 had been conceived for some time with a view to coping with the current and future needs of the LSTBS;
- (b) constrained by the size of the site, the current scheme had tried to fully optimise the representation site and provide the necessary social services serving the community while achieving a better design for the redevelopment proposal (e.g. building setback). Owing to site constraints, the same social services to be provided within the redeveloped building had to spread over different floors;
- (c) a higher floor height for the upper floors of the redeveloped building was intended for specific uses (e.g. conference) requiring more space while ensuring better ventilation and lighting, thus achieving energy saving;
- (d) the conference room in the current or redeveloped building was intended to be open to the public, including Government. Recently, the Financial Secretary had used the conference room for meeting with the public. Hence, putting the conference room on a higher level would ensure a better environment for the public; and
- (e) the proposed 19-storey building (of about 80mPD) was still lower than the neighbouring "R(A)2" zones which were allowed to be developed up to a range of 80mPD to 100mPD. A stepped height profile could still be achieved.

124. The Chairman asked whether the application for amendment to the

development restriction could be processed as a s.12A application should policy support from concerned bureaux and department be given for the redevelopment proposal initiated by R20. Mr. Eric Yue replied in the affirmative.

125. Mr. Joseph Ma of R20 responded that it would create an undue and additional burden to the representer as a charitable organization if it was required to submit a s.12A application which needed to be supported by technical assessments (including traffic and environment).

126. In response to the Chairman's enquiry on the estimated 20 months for pursuing amendment of plan through a s.12A application, Ms. Theresa Yeung of R21 explained that the estimated time span had included the time starting from the submission of a s.12A application to the final stage of approval of the draft OZP by the Chief Executive in Council. The Chairman said that according to the Town Planning Ordinance, the Board was required to consider a s.12A application within the statutory three-month period.

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

Deliberation Session

[Ms. Maggie M.K. Chan returned to join the meeting at this point.]

Representation No. R19

128. A Member commented that after consideration of the justifications put forward by R19, there were no grounds for the Board to amend the restrictions of the two ESS and ESS/Quarters sites at Ma Tau Wai and Ma Tau Kok Road (Sites 1 and

2). However, knowing that the Lung Kong Road CLP Quarters site (Site 3) was acquired by the representer at full market premium in the 1960s, he asked whether the draft OZP should be amended to allow the representer to develop the site up to the maximum building height permitted under the lease.

129. On the other hand, another Member considered that lease terms should not override planning considerations. The Member said that prior to the relocation of the former Kai Tak Airport, developments in Kowloon City including the representation sites of R19 were subject to the AHR which was more restrictive than the height allowed under the lease. A previous court case had confirmed that the AHR could override the lease terms and the land owner was not necessarily entitled to develop his site up to the maximum permitted under the lease. The representer should be well aware of this constraint. For this site, there was no guarantee that the representer could develop it up to the maximum permitted under the lease should there be other statute that had imposed restrictions on valid grounds. Another Member agreed to his views and stated that as PlanD had confirmed that the current building height restrictions would not affect the existing development at Site 3 of R19, there were no valid grounds to amend the OZP. Other Members agreed.

Representation No. R20

130. On R20, some Members stated the following views and comments:

- (a) the imposed building height restriction of 5-storey based on the existing building bulk would create difficulties for the representer to proceed with the redevelopment plan for a 19-storey new social service block;
- (b) given the small size of the representation site, redevelopment up to 19 storeys as proposed by the representer should not have far-reaching implications on air ventilation and visual aspects. However, given the “G/IC” zone of the representation site, it might not be desirable to relax the building height restriction up to the same level as the adjoining “R(A)2” zone;

- (c) based on the current submission, there was still some scope for the representer to refine their current redevelopment plan and lower the building height by reducing the floor-to-floor height, and making better use of the basement;
- (d) as the redevelopment proposal put forward by the representer had yet to obtain policy support for the types of services to be provided from the concerned bureaux/departments, it would not be appropriate for the Board to make a decision, at this stage, on the need to develop a 19-storey building at the representation site. For some charitable organisations, the redevelopment cost might be borne by the organisations themselves and thus no policy support for the redevelopment per se would be required, but the subsequent recurrent costs for the provision of various social services would require the Government's subvention. In this regard, policy support was important;
- (e) if the Board decided to amend the Plan to meet R20 while policy support and detailed redevelopment proposal were still pending, the Board would need to adopt the same approach to other similar representations in respect of "G/IC" sites on all OZPs; and
- (f) the representer should be advised to liaise with the relevant bureaux/departments to ascertain their support of the redevelopment proposal of the representation site.

131. Miss Annie K.L. Tam said that given that policy support was still pending, it might be prudent to process the proposed amendment to the OZP through a s.12A application after ascertaining policy views and support. Mrs. Ava Ng explained that it was the practice to stipulate restrictions for the "G/IC" zone to reflect the existing use if a development/redevelopment plan had not been firmed up. With reference to the presentation made by the representer's representatives, it seemed that details of the redevelopment proposal had yet to be thrashed out and therefore, it might not be

appropriate to amend the OZP based on a redevelopment proposal without policy support. The Secretary added that the decision on R20 would also have implications on, and set a precedent for, “G/IC” sites on other OZPs to be reviewed by the Board.

132. The Chairman recapitulated that in considering the R9 to R13 and R15 against the draft Ho Man Tin OZP in the morning session of the same meeting, the Board had decided to amend the OZP to allow the development of two school sites up to 6 storeys, one basically taking account of a approved redevelopment plan endorsed by the concerned school, with 1st phase having firm plans and resources for implementation and the other to 6 storeys to cater for its long-term redevelopment. However, for R20, there was currently no policy support from the concerned bureaux/departments on the redevelopment proposal put forward by LSTBS and the needs and requirement for various facilities as included in the redevelopment plan had not yet been confirmed. He considered that there was no solid basis for the Board to amend the draft OZP to allow the redevelopment proposal of R20. Otherwise, it might set an undesirable precedent for other “G/IC” sites. Nevertheless, the representer could submit a s.12A application if policy support was subsequently obtained. Members agreed.

Representation No. R21

133. A Member considered that the alternative scheme put forward by R21 had some design merits in that the ground floor could be made available for public use, thereby improving the pedestrian connectivity from Kowloon City to the Carpenter Road Park and Kowloon Walled City Park. This view was shared by another Member.

134. The other Member, however, considered that the representer had yet to submit concrete proposals to justify the proposed relaxation of the building height restrictions. As the site was located at a prominent location at Carpenter Road, it was considered prudent not to amend the OZP at the moment. Another Member supported this view.

135. The Secretary informed the meeting that the representation site had a long

planning history. It was the subject of several rezoning requests and planning applications considered by the Board. Though the general building plans (with 79.7mPD) had been approved by the BA, the representer of R21 was still required to modify the lease to facilitate their redevelopment proposal. In parallel, the representer had submitted a s.12A application proposing a building height of 79.7mPD for residential development with a plot ratio of 9. The application was considered by MPC on 22.2.2008 but had been deferred in order not to pre-empt the Board's deliberation of the representation.

136. The Chairman concluded that there were insufficient details to justify relaxing the building height restrictions for R21. The representer should further consider lowering the building height to provide spatial and visual relief to Kowloon City neighbourhood. Amendment to the building height restriction of representation site of R21 was considered not appropriate at this stage. Members agreed.

Representation No. R19

137. After further deliberation, the Board decided not to uphold Representation No. R19 for the following reasons:

- (a) the purpose of imposing building height restriction was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Ma Tau Kok Planning Scheme Area (the Area). The building height restrictions for the Area had taken due account of the existing topography, site formation level, existing land use zoning and characteristics of existing building height profile and the building height restrictions imposed on the outline zoning plans for the surrounding areas, as well as the wind performance of the existing condition and the recommendations of the air ventilation assessment, as appropriate. It had struck a balance between meeting the public

aspirations for a better living environment and private development rights;

- (b) apart from providing Government, Institution or Community (GIC) facilities, “G/IC” sites in the built-up urban area also served as visual relief and breathing space. As there was no plot ratio restriction for “G/IC” zone, removal of or piecemeal amendments to the building height restrictions for the “G/IC” sites could result in proliferation of high-rise GIC developments, leading to cumulative loss of visual relief and breathing space for the area; and
- (c) the Notes for the “G/IC” zone already provided the necessary flexibility for application to the Board for minor relaxation of the building height restriction based on individual merits of the development/redevelopment proposal. Should the representer consider that a higher building height restriction was required to facilitate the proposed development schemes at the subject sites, there were also provisions under the Town Planning Ordinance to apply for amendments to the statutory building height restrictions pertaining to the subject sites.

Representation No. R20

138. After further deliberation, the Board decided not to uphold Representation No. R20 for the following reasons:

- (a) the purpose of imposing building height restriction was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Ma Tau Kok Planning Scheme Area (the Area). The building height restrictions for the Area had taken due account of the existing

topography, site formation level, existing land use zoning and characteristics of existing building height profile and the building height restrictions imposed on the outline zoning plans for the surrounding areas, as well as the wind performance of the existing condition and the recommendations of the air ventilation assessment, as appropriate. It had struck a balance between meeting the public aspirations for a better living environment and private development rights;

- (b) apart from providing Government, Institution or Community (GIC) facilities, “G/IC” sites in the built-up urban area also served as visual relief and breathing space. As there was no plot ratio restriction for “G/IC” zone, removal of or piecemeal amendments to the building height restrictions for the “G/IC” sites could result in proliferation of high-rise GIC developments, leading to cumulative loss of visual relief and breathing space for the area;
- (c) without policy support from the concerned bureaux/departments on the redevelopment proposal and the various social services as put forward by the representer, amendment of the draft Ma Tau Kok Outline Zoning Plan to allow the representer’s redevelopment proposal would set an undesirable precedent; and
- (d) the Notes for the “G/IC” zone already provided the necessary flexibility for application to the Board for minor relaxation of the building height restriction based on individual merits of the development/redevelopment proposal. Should the representer consider that a higher building height restriction was required to facilitate the proposed development scheme at the subject site, there were also provisions under the Town Planning Ordinance to apply for amendments to the statutory building height restrictions pertaining to the subject site.

139. After further deliberation, the Board decided not to uphold Representation No. R21 for the following reasons:

- (a) the purpose of imposing building height restriction was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Ma Tau Kok Planning Scheme Area (the Area). The building height restrictions for the Area had taken due account of the existing topography, site formation level, existing land use zoning and characteristics of existing building height profile and the building height restrictions imposed on the outline zoning plans for the surrounding areas, as well as the wind performance of the existing condition and the recommendations of the air ventilation assessment, as appropriate. It had struck a balance between meeting the public aspirations for a better living environment and private development rights;
- (b) the building height restriction for the “Other Specified Uses” (“OU”) annotated “Commercial Development with Public Vehicle Park” site was to reflect and contain the existing building height to serve as spatial and visual relief to the urban environment. The proposed relaxation of building height was not in line with the intended planning control for the site and it might set an undesirable precedent, which would cumulatively jeopardise the visual relief function of this “OU” site in the Area; and
- (c) the Notes for the “OU” annotated “Commercial Development with Public Vehicle Park” zone already provided the necessary flexibility for application to the Board for minor relaxation of the building height restriction based on individual merits of the

development/redevelopment proposal. Should the representer consider that a higher building height restriction was required to facilitate the proposed development scheme at the subject site, there were also provisions under the Town Planning Ordinance to apply for amendments to the statutory building height restrictions pertaining to the subject site.

[Professor Paul K.S. Lam, Professor Bernard V.W.F. Lim, Mr. Edmund K.H. Leung, Ms. Sylvia S.F. Yau and Ms. Maggie M.K. Chan left the meeting at this point.]

Agenda Item 5

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

Review of Application No. A/YL-HT/531

Temporary Open Storage of Second-hand Electrical Appliances for a Period of 3 Years in “Undetermined” zone, Lots 1922RP(Part), 1923(Part), 1926(Part), 1941BRP(Part), 1942BRP(Part) and 1943(Part) in DD 125, Ha Tsuen, Yuen Long (TPB Paper No. 8133)

Presentation and Question Session

140. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD), and Mr. Sit Kwok Keung, the applicant’s representative, were invited to the meeting at this point.

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

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

- (a) the applicant sought planning permission for temporary open storage of second-hand electrical appliances for a period of 3 years on a site zoned “Undetermined” (“U”) on the Ha Tsuen Outline Zoning Plan (OZP);
- (b) the reasons for the Rural and New Town Planning Committee to reject the application on 7.3.2008 were set out in paragraph 1.2 of the Paper;
- (c) justifications submitted by the applicant in support of the review application were summed up in paragraph 3 of the Paper, including (i) the operation on the site would not have significant adverse impacts on the sensitive receiver nearby; (ii) the operation involved a storage undertaking without heavy breaking/workshop activities. In addition to the improvements in operation procedures, the applied use would not cause soil and water pollutions; and (iii) the site fell within “U” zone which was suitable for open storage purpose before the designation of long term use for the subject zone. The site had long been used for open storage and it was undesirable to displace the current operation to other areas;
- (d) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. The Director of Environmental Protection (DEP) did not support the application. The applicant failed to address the traffic noise nuisance issue arising from the proposed use. The proposed use had potential to cause soil and water pollution due to breakage of television (TV) monitors during loading/unloading/piling;
- (e) public comments – during the statutory publication period, no public comment on the review application was received; and
- (f) PlanD’s view – PlanD did not support the application for reasons stated in paragraph 5.1 of the Paper. The application did not comply with the TPB Guidelines No. 13D for ‘Application for Open Storage

and Port Back-up Uses' (TPB PG-No. 13D) in that no previous planning approval had been granted for the application site and there was insufficient information in the submission to demonstrate that the proposed use would not have adverse environmental impact on the surrounding areas. DEP did not support the application as there were sensitive uses in the vicinity.

143. The Chairman then invited the applicant's representative to elaborate on the application.

144. Before making his presentation, Mr. Sit Kwok Keung drew Members' attention to the following:

- (a) with reference to the written submission by the applicant at Annex D of the Paper, "power" in line 1 of paragraph 3.4 should read "powder"; and
- (b) it was too early for PlanD to issue an enforcement notice on the subject site while the planning application was being processed by the Board. According to the provisions of the Town Planning Ordinance, the applicant had taken reasonable steps by submitting a planning application and therefore, PlanD should not initiate enforcement action when the planning application had yet to be considered by the Board.

[Miss Annie K.L. Tam left the meeting temporarily and Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

145. With the aid of some photos, Mr. Sit Kwok Keung then made the following points:

- (a) the principal use of the site was for storage of used electrical appliances. There was no broken TV set nor compaction machine on the site. The applicant would store the loose items in metal cages

and cover all metallic goods by nylon sheets. These nylon covers would only be removed when the goods were being loaded onto the trucks for transferring elsewhere;

- (b) the current proposal only involved a storage undertaking without heavy breaking/workshop activities and would not cause soil and water pollution;
- (c) trees on the site had remained intact and new trees had been planted by the applicant;
- (d) in response to Fire Services Department's requirements, fire extinguishers had been provided at different spots within the site;
- (e) as stated in paragraph 7.1 of the Paper, the site fell within Category 1 areas under the TPB PG-No. 13D in that favourable consideration would normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses might cause significant environmental and traffic concerns;
- (f) with regard to the said requirements in (e) above, no complaint against the site had been received. The site was surrounded by different open storage yards and enclosed by peripheral corrugated steel sheet fencing. The nearest sensitive receiver viz. Yan Wu Garden was about 200-300m away from the site. The traffic noise of Ping Ha Road should have a greater noise impact on Yan Wu Garden than the operation on the site. Besides, a vehicle repair workshop approved by the Board to the north of the site was closer to Yan Wu Garden. Given that, the application should not have significant adverse impacts on the sensitive receiver nearby;

- (g) there should not be more than 4 vehicle trips per week and no adverse traffic impact would be generated by the application;
- (h) the site was the subject of a previous planning application for temporary open storage of excavators approved by the Board. The approved use of this previous application should have more traffic and noise impacts than the current application. On this account, the applicant considered that the proposed use should not have any adverse traffic and environmental impacts;
- (i) should approval be given by the Board, the Board should not impose conditions which could not be complied with by the applicant and the fewer approval conditions the better. With reference to the proposed approval conditions in paragraph 8.2 of the Paper, conditions (a), (b), (d), (e), (g), (h), (i) and (j) were considered not necessary as they had been implemented by the applicant or were already covered by other legislation. The term “electronic wastes” in condition (c) was too loose and considered inappropriate; and
- (j) having regard to the above, the current application was considered to be in line with the TPB PG-No. 13D and approval should be given by the Board.

[The Chairman left the meeting temporarily at this point.]

146. The Vice-Chairman requested Mr. Wilson So to comment on the applicant's representative's accusation that the PlanD had not acted in accordance with the Town Planning Ordinance in issuing an enforcement notice while the planning application was being processed by the Board. Mr. So explained that with the enactment of the Town Planning (Amendment) Ordinance 2004 in June 2005, upon the service of an enforcement notice, the notice recipient should be required to discontinue the unauthorised development (UD) within a specified period. The submission of a planning application for regularizing the UD would not be taken as a reasonable step to comply with the notice as was provided for under the pre-amended

Ordinance. Therefore, PlanD's issue of an enforcement notice to the subject site was in compliance with the current provisions of the Ordinance.

[The Chairman returned to join the meeting at this point.]

147. In response to a Member's enquiry on the environmental impact caused by the broken TV set stored on the site, Mr. Wilson So responded that in case of any breakage of TV monitors, there would be soil and water pollution. This concern was also raised by DEP in commenting the application.

148. With reference to Plan R-3a of the Paper, Mr. Sit Kwok Keung added that the subject site was only used for storage purpose and all TV sets would be properly covered and packed prior to loading onto a container truck for export purpose. In response to a Member's enquiry on the use of plastic bags as seen in some photos shown by the applicant's representative and the untidy situation shown in Photos 8 and 9 on Plan R-3b of the Paper, he advised that the bags were just used for storing some garbage generated in the processing of packing and re-packing. He confirmed that no workshop activities had been undertaken on the site.

149. 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 PlanD's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

150. Dr. Michael Chiu pointed that though the main use of the site was for storage purpose, there might also be breaking/workshop activities on the site. In this regard, any breakage of TV monitors would create soil and water pollution.

151. The Chairman added that despite the claim made by the applicant's representative that the site was far away from the residential settlements, soil

contamination at the subject site itself should also be a concern. The applicant's representative had not provided sufficient information to address the issues relating to possible environmental impact. Members agreed.

152. After further deliberation, the Board decided to reject the application on review and the reason was that the application did not comply with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses' in that no previous planning approval had been granted to the application site and insufficient information had been submitted to demonstrate that the proposed use would not generate adverse environmental impact on the surrounding areas.

Agenda Item 6

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

Review of Application No. A/YL-KTS/414

Temporary Open Storage of Private Vehicles for a Period of 3 Years in "Agriculture" zone, Lots 1023(Part), 1024(Part) and 1026RP(Part) in DD 113 and Adjoining Government Land, Kam Tin, Yuen Long

(TPB Paper No. 8134)

153. The Secretary reported that Dr. James C.W. Lau had declared an interest on this item for having current business dealings with Top Bright Consultants Ltd., the agent for the applicant.

[Dr. James C.W. Lau left the meeting and Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

Presentation and Question Session

154. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD), and the following applicant's representatives, were

invited to the meeting at this point:

Mr. Raymond Leung

Mr. Lam Tim Kit

Ms. Li Yee Ting

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

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

- (a) the applicant sought planning permission for temporary open storage of private vehicles for a period of 3 years at a site zoned “Agriculture” (“AGR”) on the Kam Tin South Outline Zoning Plan (OZP);
- (b) the reasons for the Rural and New Town Planning Committee to reject the application on 7.3.2008 were set out in paragraph 1.2 of the Paper;
- (c) no written submission had been submitted by the applicant in support of the review application;
- (d) departmental comments – the departmental comments were summarized in paragraph 4 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) was not in favour of the application from the agricultural point of view. The site had been used for open storage purpose for some time. However, the agricultural activities in the vicinity of the site were active. The site could be rehabilitated for agricultural purpose such as indoor cultivation. Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD did not support the application from the landscape planning point of view. The surrounding area of the site was predominately rural and characterised by a mixture of

undeveloped rural land and occasional village clusters with tree groups scattered across this low-lying and open landscape. Open storage was not common in the area and could only be found sporadically. The application use was not in keeping with the existing rural landscape character and the approval would set an undesirable precedent to more similar applications in the area. The Director of Environmental Protection (DEP) did not support the application as there was sensitive receiver in the vicinity and environmental nuisance was expected;

- (e) public comments – during the statutory public inspection period, a public comment was received from a member of the Yuen Long District Council stating that he had received a number of complaints from Ho Pui Tsuen villagers against the unauthorized development/change of land use within the village which had damaged the environment. The commenter was concerned that the proliferation of unauthorized development had resulted in frequent movements of heavy vehicles, thereby causing adverse impacts on the environment, traffic and regular life/safety of the villagers. The commenter also questioned the suitability of the site for the applied use; and

- (f) PlanD's view – PlanD did not support the application for reasons stated in paragraph 7.1 of the Paper, including non-compliance with the planning intention of the “AGR” zone and the TPB Guidelines No. 13D, insufficient information to demonstrate that the proposed development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas, and the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. By comparing the aerial photos taken in June 2003 and April 2005, it was revealed that the condition of the site had been reinstated upon completion of the West Rail project. The aerial photos subsequently taken in November 2005, December 2006 and November 2007

showed that the vegetation had been cleared for site formation.

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

158. With the aid of a powerpoint presentation, Mr. Raymond Leung made the following points:

- (a) the context and physical settings of the site and its surrounding areas had been permanently and noticeably altered as a consequence of the West Rail construction which lasted for five years. The site had not been reinstated to its original use or rehabilitated for its original agricultural use. The site had been paved, its physical condition and surrounding areas were now less favourable for agricultural purpose;

[Dr. Greg C.Y. Wong left the meeting temporarily at this point.]

- (b) given the changing character of the site since the implementation of the West Rail project, the original agricultural use was no longer suitable for the site. Therefore, the applicant had submitted planning application to reflect the actual circumstances of the site and its adjoining areas. The proposed use would also provide a source of income to the applicant to help maintain his livelihood;
- (c) if there was no chance to give any temporary approval to applications for open storage within the Category 3 areas, the Board should clearly state this intention in the draft TPB PG-No. 13E being revised. This would avoid giving any false hope to the public;
- (d) as to the comments raised by DAFC and CTP/UD&L, it should be noted that the character of the area had changed since the implementation of the West Rail project. As such, the proposed temporary use of open storage of private vehicles was considered to

be in line with the actual conditions of the site and its surroundings. The landscape concerns raised by CTP/UD&L could be addressed by the implementation of a landscape proposal. Besides, other departments had no comments on or objections to the application;

- (e) there was no environmental complaint received in the past four years;
- (f) upon approval of the application, the applicant was ready to submit a revised landscape proposal and a drainage proposal for concerned departments' consideration;
- (g) the materials stored on site were limited to private vehicles, which could be concealed by the site fencings without causing significant visual impacts on the surrounding environment; and
- (h) there was no access for heavy vehicles and only private vehicles would be delivered to the site. Transport Department and Highways Department had no objection or comment in this regard. The proposed storage site would only involve private vehicles which would be delivered to the applicant's sales centre on a need basis. It was not a high traffic generating use and no medium or heavy goods vehicles would be stored on the site. It would not result in any increase in heavy vehicles on the local transport network.

159. In response to a Member's enquiry on the reinstatement work done by the then KCRC, Mr. Wilson So explained that according to the tenancy agreement signed between Lands Department and KCRC, KCRC was required to reinstate the works areas after completion of the West Rail project. The aerial photo taken in 2005 had indicated the subject site had been reinstated by KCRC at that time.

160. 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 representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

[Dr. Greg C.Y. Wong, Miss Annie K.L. Tam and Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

161. Some Members considered that as the site had been paved and used as the works areas for the West Rail project for five years, it might no longer be suitable for agriculture use though reinstatement work had been carried out by the KCRC.

162. The Secretary informed Members that there were applications (Applications No. A/YT-KTS/424 and 425) in the vicinity of the subject application site pending review by the Board and therefore a precedent case might be set should the subject application be approved by the Board.

163. A Member considered that apart from the issues on whether the site was still suitable for agriculture use, comments made by DEP and CTP/UD&L should also be taken into account before deciding whether approval of the application should be given.

164. Dr. Michael Chiu said that the EPD's concern was related to the possible environmental nuisance caused by workshop activities (e.g. paint spraying) on the site and the adverse impact on the neighbouring residents. If the site was only used for the storage of private vehicles and appropriate approval condition could be included to prohibit workshop activities, he would have no objection to the application.

165. Mrs. Ava Ng agreed that given the changing character of the site and its surroundings (now being occupied by open storage and workshop uses) since the development of the West Rail, the current "AGR" zone might no longer be the appropriate use for the area and the surrounding areas. On a long-term basis, there might be scope to review the current land use zoning and explore alternative uses of

the area.

166. The Chairman summed up Members' views and said that in the light of the changing character of the area with the implementation of the West Rail project and the difficulty to reinstate the site for agriculture use, the site could be approved for the proposed storage of private vehicles on a temporary basis. However, appropriate conditions were required to address the concerns raised by concerned departments, including DEP and CTP/UD&L as well as the public comments relating to possible environmental nuisance. Also, to ensure close monitoring of the open storage activities on the site, a shorter approval period, say two years, might be appropriate. Members agreed.

167. After further deliberation, the Board decided to approve the application on a temporary basis for a period of 2 years until 11.7.2010 on the terms of the application as submitted and subject to the following conditions:

- (a) no operation between 6:00 p.m. and 9:00 a.m. during weekdays and between 1:00 p.m. and 12:00 a.m. during Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or

of the Town Planning Board by 11.1.2009;

- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 11.4.2009;
- (g) the submission of drainage proposal 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 11.1.2009;
- (h) in relation to (g) above, the implementation of drainage proposal 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 11.4.2009;
- (i) the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 11.4.2009;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during planning approval, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

168. The Board also agreed to advise the applicant:

- (a) a shorter approval period of two years was granted in order to monitor

the operation on site and the fulfilment of relevant approval conditions;

- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) the permission was given to the use under application and did not condone any other use which currently existed on the site but not covered by the application;
- (d) to resolve any land issues relating to the development with the concerned owners of the application site;
- (e) to note District Lands Officer/Yuen Long's comments that his office reserved the right to take lease enforcement action against unauthorized structures on site and the applicant should apply for issue of Short Term Waiver/Short Term Tenancy to regularize the unauthorized structures, and his comment on the maintenance responsibility of the access of the site;
- (f) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by Director of Environmental Protection to minimise any potential environmental nuisances;
- (g) to note Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the proposed access road between the site and Kam Ho Road should be checked with the lands authority. The management and maintenance responsibility of the access road should be clarified;
- (h) to note Chief Highway Engineer/New Territories West, Highways Department's comments that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Ho Road;
- (i) to note Director of Fire Services' comment that detailed fire safety requirement would be formulated upon receipt of formal submission

of general building plans; and

- (j) to note Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be constructed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person had to be appointed to coordinate all building works.

Agenda Item 7

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

Request for Deferral for Review of Application No. A/NE-TKL/306

Proposed Temporary Open Storage of Metal Goods and Equipment for a Period of 3 Years in "Agriculture" zone, Lots 1356RP(Part) and 1357(Part) in DD 82 and Lots 4A, 4B, 4C(Part), 5, 6A, 6B, 7(Part) and 8A(Part) in DD 84 and Adjoining Government Land, Ping Che, Fanling

(TPB Paper No. 8135)

169. The Secretary said that the applicant's representative on 18.6.2008 wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for two months on the ground that more time was required to prepare written representation in support of the review.

170. After deliberation, the Board decided to agree to the request for deferment of 2 months and that the application would be submitted to the Board for consideration within 3 months upon receipt of further submission from the applicant.

171. The Board also decided to advise the applicant that the Board had allowed 2 months for the applicant for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 9

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

Any Other Business

172. There being no other business, the meeting was closed at 7:05 p.m..