

**Minutes of 918<sup>th</sup> Meeting of the  
Town Planning Board held on 23.8.2008**

**Present**

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

Chairman

Dr. Greg C.Y. Wong

Vice-Chairman

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Edmund K.H. Leung

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Mr. K.Y. Leung

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Deputy Director of Environmental Protection  
Dr. Michael Chiu

Director of Planning  
Mrs. Ava S.Y. Ng

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

Secretary

**Absent with Apologies**

Mr. Leslie H.C. Chen

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. Maurice W.M Lee

Professor Edwin H.W. Chan

Dr. Ellen Y.Y. Lau

Dr. Winnie S.M. Tang

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

Director of Lands  
Miss Annie Tam

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

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

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

1. The Chairman extended a welcome to Members and remarked that today's meeting was a rescheduled meeting from 22.8.2008 due to disruption caused by Typhoon Nuri.

**Agenda Item 1**

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

Confirmation of Minutes of the 917<sup>th</sup> Meeting held on 8.8.2008

2. The minutes of the 917<sup>th</sup> meeting held on 8.8.2008 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

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

Proposed Amendments to the

Draft Wong Nai Chung Outline Zoning Plan No. S/H7/14

Arising from Consideration of Representations and Comments

(TPB Paper No. 8163)

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3. The Secretary said that on 8.8.2008, the Board considered the representations and comments in respect of the draft Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/14, and decided to uphold Representations No. R37, 43 and 44, and partially uphold Representations No. R4-32, 42, 45 and 47. In accordance with the Board's decision, the proposed amendments to the OZP and its Notes and Explanatory Statement (ES) were set out at Annexes I, II and III respectively of the Paper. She added that as requested by the Board on 8.8.2008, photomontages showing the visual effects of the proposed amendments to the building height restrictions had been prepared and were at Plans 1 and 2 of the Paper.

4. After deliberation, the Board agreed that the proposed amendments as shown at Annexes I and II of the Paper were suitable for publication for further representation in accordance with the provisions of the Town Planning Ordinance and the revised ES at Annex

III of the Paper was suitable for publication together with the OZP.

**Agenda Item 3**

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

Consideration of Representations and Comments in respect of the  
Draft Hung Hom Outline Zoning Plan No. S/K9/21  
(TPB Papers No. 8140 and 8164)

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Group 1

Representations No. R1 and 5-105, Comments No. C2, 4 and 5

Group 2

Representations No. R2-4, Comments No. C1-3

**Hearing for Group 1 - Representations No. R1 and 5-105, Comments No. C2, 4 and 5**  
**(TPB Paper No. 8140)**

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

Dr. Greg C.Y. Wong	] having current business dealing with one of
Mr. Felix W. Fong	] the Representers (i.e. R1 - Hutchison
	] Whampoa Property)
Ms. Starry W.K. Lee	her spouse owning a property in Whampoa
	Garden
Mr. Maurice W.M. Lee	owning a property in Hung Hom

6. Members noted that Dr. Greg C.Y. Wong had tendered apologies for not being able to attend the morning session of the meeting and Messrs. Felix W. Fong and Maurice W.M. Lee and Ms. Starry W.K. Lee had tendered apologies for not being able to attend the meeting.

[Dr. C. N. Ng and Professor Bernard V.W.F. Lim arrived to join the meeting at this point.]

7. The following representatives from the Planning Department (PlanD), consultant and the representers/representers' representatives were invited to the meeting:

Mr. Eric Yue	District Planning Officer/Kowloon (DPO/K), PlanD
Mr. C.C. Lau	Senior Town Planner/Kowloon, PlanD
Professor Edward Ng	Professor, Department of Architecture, The Chinese University of Hong Kong

**Representation No. R5**

Civic Party

Mr. Paul Zimmerman	] Representer's representatives
Ms. Mo Man Ching, Claudia	]

**Representation No. R9**

Owners' Committee of Whampoa Garden Phase IV

Ms. Tsui Hung Ying	- Representer's representative
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**Representation No. R10**

Owners' Committee of Whampoa Garden Phase IX

Ms. Ng Mei Wah	] Representer's representatives
Ms. Leung Mei Fun	]
Mr. Lau Wai Wing	]
Mr. Wong Chen Chung	]
Miss Wong Lai Ha	]
Miss Wong Yim Lan	]
Mr. Poon Tsang Wa	]

**Representation No. R12**

Mr. Cheung Yan Hong

**Representation No. R17**

Mr. Chan Chan Pui

**Representations No. R22 and 23**

Mr. Cheung Kin-keung, Martin - Representer of Representation No. R22  
and representative of Representation  
No. R23

**Representations No. R59-62**

Ms. Wong Kit Fong - Representative of Representations No.  
R59-61 and representer of Representation  
No.R62

**Representation No. R89**

Mr. Leung Yi Man

**Representation No. R38**

Mr. Chan Hon Tao ] Representer  
Mr. Leung Ching Ho ] Representer's representative

**Representation No. R35**

Mr. Kwan Wai Lung  
(attending but no presentation)

**Representation No. R42**

Miss Tsang Yuen Kwan  
(attending but no presentation)

**Representation No. R64**

Mr. Wong Chun Chung  
(attending but no presentation)

**Representation No. R67**

Mr. Wong Sing Chuen  
(attending but no presentation)

**Representation No. R82**

Ms. Wong Wai Ying  
(attending but no presentation)

**Representation No. R88**

Ms. Elsie Fung  
(attending but no presentation)

8. 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.

9. 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.

10. Prior to his presentation, Mr. Eric Yue informed Members that a replacement page to Paper No. 8140 had been tabled at the meeting to amend typos on the plot ratio (PR) of the “Residential (Group A) 2” (“R(A)2”) site and the difference in PR between the current Hung Hom Outline Zoning Plan (OZP) No. S/K9/21 and the previous OZP No. S/K9/20. He added that in response to a letter submitted by the representer of Representation No. R10 dated 18.8.2008, a Supplementary Paper No. 8140A proposing some revisions to Paper No. 8140 and its annexes had been tabled at the meeting. The revisions were mainly related to the amendment of the terms “Owners’ Corporation of Whampoa Garden” to “Owner’s Committee of Whampoa Garden” in the Paper, “Owners’ Corporation of Whampoa Garden Phase IV” to “Owner’s Committee of Whampoa Garden Phase IX(9)” in paragraph 3.3.3 of the Paper and listing of the 13 organizations which had submitted 393 signatures for



Representation No. R10. Members noted the replacement page and supplementary paper as well as the information contained therein.

11. With the aid of a powerpoint presentation, Mr. Eric Yue briefed Members on Paper No. 8140 and made the following points:

- (a) the background of the amendments to the Hung Hom 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, 5-105 and the related comments (No. C2, 4 and 5) as detailed in paragraphs 2.1 and 2.2 of the Paper. In brief, the representations could be divided as follows:
  - R5, 97-105: opposed the building height restrictions in various development zones in the Hung Hom Planning Scheme Area (the Area) in general;
  - R6-105: opposed to the zonings in terms of uses, heights, PR and site coverage of the waterfront sites zoned “Comprehensive Development Area (1)” (“CDA(1)”), “CDA(2)” and “R(A)2”;
  - R1: opposed the revision to the original building height restriction of 116mPD to the current building height restriction of 100mPD (without the claim of existing building height) of “Commercial (4)” (“C4”) zone, i. e. the Harbourfront and Harbour Plaza;
- (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:
  - R5: the Board should urge PlanD for a comprehensive urban design

study with full engagement of the community to determine the appropriate building density, land use distribution, and other urban planning and design parameters for the Area; other specific measures were proposed as follows:

- (i) to ensure stepped building heights by specifying a lower building height for sites immediately adjacent to the waterfront;
  - (ii) to amend the Notes of the OZP to include a minimum setback rule for each site, a maximum site coverage of 60% at ground level (to avoid podium structures), mandatory gardens and open spaces at ground level, and mandatory visual and air corridors;
  - (iii) to review the PRs for all sites yet to be sold for private development or developed for Government/public uses, and to reduce PRs of these sites by a minimum of 20%;
  - (iv) to increase open space by identifying and rezoning parcels of land to “Open Space” (“O”);
- R6-105: the proposals put forward by various representers included:
- (i) to reduce the PR of “CDA(1)”, “CDA(2)” and “R(A)2” zones from 4.0 to 2.0, or lower. On the other hand, one representation (R104) proposed to increase the PR of the waterfront sites to 8.0;
  - (ii) stepped building height restrictions should be adopted and buildings should not be tall;
  - (iii) the exact delineation of building height restriction of 15mPD to 75mPD of “CDA(1)” zone should be confirmed. Wind corridors between “CDA(1)” and “CDA(2)”, and at ground level between the building blocks of 100mPD within “R(A)2” zone

should be provided;

- (iv) more open space, greening areas and public facilities should be provided to the residents. The site coverage of the “CDA(1)” zone should be reduced from 80% to 60%. The boundary of both the “CDA(1)” and “CDA(2)” zones should be set back to provide wider open space promenade;
  - (v) a non-interrupted waterfront promenade should be provided from Tsim Sha Tsui to Kai Tak or Kowloon City;
  - (vi) a bicycle track should be provided in the promenade and the podium of the “CDA(1)” and “CDA(2)” zones should be turned into a public park;
  - (vii) to shift the “CDA(1)” and “CDA(2)” zones westwards to the “O” zone and “Road” in Kin Wan Street. Part of the “CDA(1)” zone could then merge with the “O” zone to the east, forming a larger “O” zone adjoining Whampoa Garden;
  - (viii) “CDA(1)”, “CDA(2)” and “R(A)2” zones were proposed for the provision of more social and recreational facilities such as library, indoor recreation centre and services for the elderly;
- R1: to maintain the original maximum building height restriction of 116mPD for the “C(4)” zone; and
- (e) PlanD’s views – PlanD did not support Representations No. R1 and 5-105 and considered that the representations should not be upheld for the reasons stated 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, 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, existing land use zoning and characteristics of existing building height profile and 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 Air Ventilation Assessment (AVA), as appropriate. It had struck a balance between the public aspirations for a better living environment and private development rights.

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

Representation No. R5 (The Civic Party)

13. With the aid of a powerpoint presentation and a video, Ms. Mo Man Ching, Claudia and Mr. Paul Zimmerman made the following main points:

- (a) the current amendments to the OZP affected the whole Hung Hom rather than a few individual buildings. Given the dense development of the Area, it was necessary to further reduce the current PR of the Area;
- (b) it was wrong for some representers to propose removing the height restriction with a view to erecting more landmark buildings. The effect of no height restriction could be seen in West Kowloon where the development of high-rise buildings had resulted in wall development causing an adverse impact on the environment;
- (c) the development of additional office and hotel buildings in the Hung Hom Bay Reclamation Area would aggravate the current traffic and pollution problems in Hung Hom;
- (d) the Chief Executive in his election campaign last year had promised to tackle the problems of air pollution and wall development. The Board and PlanD should therefore keep the Chief Executive's promise and address these problems in the current amendments to the OZP;

- (e) since the enactment of the Protection of the Harbour Ordinance, there was unlikely to be any chance to produce new land through reclamation within the Victoria Harbour. The undeveloped land in the Hung Hom Bay Reclamation Area should be taken as the final opportunity to enhance the waterfront. It was important to ensure the future development of this final waterfront be sustainable and could be accommodated within the existing and planned infrastructure capacity;
- (f) with reference to paragraph 4.5.2(c)(iii) of the Paper, PlanD had taken away the opportunity to provide open space and cycle track meeting the public aspirations by allowing more building development at the waterfront;
- (g) paragraph 4.5.1(c) of the Paper had indicated that PlanD had yet to carry out a comprehensive study to examine whether the currently permitted development intensity on the OZP would create a sustainable environment in Hung Hom having regard to the infrastructure capacity. It was important for PlanD to let the public know when and how this comprehensive study would be undertaken before the “CDA” sites at the waterfront were to be disposed of for development;
- (h) the “CDA” and “R(A)2” sites at the waterfront should be broken up into smaller plots to ensure that there would not be any podium structure obstructing three corridors which would provide direct visual access from the inland area to the waterfront. Large development sites might be efficient for land disposal but would not be amenable to creating a community with good visual access at the street level; and
- (i) the temporary use of the undeveloped sites in the Hung Hom Bay Reclamation Area for car park had deprived public access to the waterfront. The Harbour-front Enhancement Committee had not been consulted on this temporary use. The Board was obliged to control both the short and long-term uses of the waterfront sites to ensure that the people living in Hung Hom could always enjoy the waterfront.

Representation No. R9 (Owners' Committee of Whampoa Garden Phase IV)

14. With reference to a written submission tabled at the meeting, Ms. Tsui Hung Ying made the following main points:

- (a) it was important for the Board to take due account of the public views in making its decision on town planning matters, based on the principle of planning for the people;
- (b) the following proposals relating to the "CDA(1)" and "CDA(2)" sites were put forward:
  - PR be reduced from 4.0 to 2.0;
  - the building height of the hotel blocks annotated F2 and F3 on Plan H-11 of the Paper be reduced to below 40m;
  - the height of podium be reduced to below 7m;
  - buildings fronting the waterfront should not exceed 15-20m;
  - the promenade be widened to 25-30m;
  - shifting the "CDA" sites westwards so as to make available more land for the development of a bigger park;
  - public facilities e.g. community hall, library, indoor recreational hall, dancing hall should be provided for the use of local residents;
  - sufficient landscaped and green areas should be provided along the waterfront;
- (c) the provision of public facilities in the "CDA" sites and landscaped areas at the waterfront was justified because the existing Hutchison Park and Tai Wan Shan Park were just medium-sized parks whilst there was a lack of an open area for organizing local community activities in Whampoa. The new community hall at Bailey Street was within To Kwa Wan and opportunity should be taken to provide one more community hall serving Hung Hom;

- (d) the two buildings of 100mPD high planned within the “R(A)2” zone at the waterfront should be changed to three building blocks of 54mPD, similar to the building height of Whampoa Garden;
- (e) as the height of a building would affect air ventilation, it was important to shift the “CDA(1)” site westwards without blocking the current wind corridor along Shung King Street;
- (f) in considering the preservation of view corridor, it was important to take account of other perspectives taken within the Victoria Harbour or from ferries crossing the Harbour. This would ensure the existing view of Hung Hom currently enjoyed by the residents be duly protected;
- (g) at present, local residents could watch fireworks display at the waterfront around the Hung Hom ferry pier and such a vantage point should not be affected by the planned developments at the waterfront;
- (h) though it might not be possible to widen the whole promenade up to 25-30m given the constraints of some existing development, the opportunity should be taken wherever possible to widen sections of the promenade to 25-30m; and
- (i) buildings within the Hung Hom Bay Reclamation Area near the waterfront should not be higher than 15m to 20m. Otherwise, high-rise buildings would create a constrictive feeling to the pedestrians using the waterfront.

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

Representation No. R10 (Owners’ Committee of Whampoa Garden Phase IX)

15. With reference to a written submission tabled at the meeting, Ms. Ng Mei Wah, Ms. Leung Mei Fun and Mr. Lau Wai Wing made the following main points:

- (a) there were already 43 high-rise buildings ranging from 20 to 70 storeys (e.g.

Harbourfront Landmark, Harbourfront Plaza, Harbour Plaza, Laguna Verde) in the areas near the Hung Hom Bay waterfront. The wall effect created by these tall buildings had blocked two major wind corridors between Whampoa Garden and the waterfront, thereby resulting in a general degradation of the living environment there. The planned development of high-rise buildings in the “CDA(1)” and “CDA(2)” sites would block the remaining wind corridor to Whampoa Garden and further exacerbate the heat island effect;

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

- (b) as there were already existing hotels at the Hung Hom Bay waterfront e.g. Harbour Plaza and Harbourfront Horizon, there was no need to provide more hotels within “CDA(1)”. The planned hotel development there would only benefit the developers at the expense of local residents;
- (c) to improve air ventilation, the hotel block as annotated F3 on Plan H-11 of the Paper should be relocated to the site located in-between “CDA(2)” and “C(2)” and planned for “O” at Kin Wan Street;
- (d) further development in Hung Hom would result in heat island effect, adversely affecting the living environment of the Area;
- (e) cities in the Mainland had prohibited the development of high-rise buildings near waterfront. Allowing high-rise developments at the Hung Hom Bay waterfront was a retrogression compared to the Mainland;
- (f) relative to the PR in North Point Estate (i.e. 3.05) and West Kowloon Cultural District (i.e. 1.81), the PR of the waterfront sites in the Hung Hom Bay Reclamation Area should be reduced to 2.0;

[Professor Bernard V.W.F. Lim left the meeting temporarily at this point.]

- (g) environmental experts had been engaged by the local residents between



May and September 2007 to assess the impact of new developments at the waterfront on Whampoa Garden. It was found that the new developments would increase the temperature of Whampoa Garden by 3°C. Given the ageing of the population of Whampoa Garden, further increase in temperature would adversely affect the well-being of the elderly there;

- (h) the currently planned development at the waterfront would cause an adverse impact on the environment and there was a genuine aspiration among the Hung Hom residents for retaining the waterfront for open space development. The Hung Hom Bay Reclamation Area was not suitable for further building development and should only be reserved for recreational use by the local residents. Compared to other cities e.g. Sydney and Wuhan, Hong Kong had been lagging behind in its planning of waterfront;
- (i) even from a political point of view, the Board should ensure the waterfront promenade be duly landscaped and linked to the inland areas by one to two boulevards. The promenade would not only serve Hung Hom but also the whole Hong Kong;
- (j) consideration should be given to the provision of public facilities (about 1,000m<sup>2</sup>) at the waterfront to cater for such uses as arts development for the youth, library for the elderly and a public heated swimming pool. This heated pool could be designed with glass façade and become a tourist spot at the waterfront area;
- (k) a proposal to landscape the promenade had been submitted by about 30 independent West Kowloon District Councillors to the Secretary for Development in May 2008. This proposal suggested the implementation of easier projects (including the waterfront of Hung Hom Bay Reclamation Area) in the first place. However, the currently planned development at the waterfront would adversely affect the proposed greening strategy for the waterfront;

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

- (l) it was important to implement the purification of sea water in Hung Hom Bay as one of the measures to enhance the environment;
- (m) the waterfront in the Hung Hom Bay Reclamation Area represented an opportunity to create a green and landscaped waterfront for the enjoyment of the public as well as our next generation. Further building development at the waterfront was a deviation from such a direction. Also, to avoid possible litigation or argument with the property developer, the Board should not entrust the private developer with the development of the promenade at the waterfront; and
- (n) Hung Hom had witnessed planning mistakes in the past e.g. the development of the out-of-context Harbourfront Landmark, development of 3 funeral parlours, conversion of open space sites for residential development and intensification of development through reclamation in the Hung Hom Bay. To avoid repeating and to rectify past mistakes, no more haphazard development of high-rise buildings should be allowed at the waterfront. The currently proposed stepped-height buildings would only result in new wall development. The waterfront should be returned to the public and our next generation.

Representation No. R12 (Mr. Cheung Yan Hong)

16. Mr. Cheung Yan Hong made the following main points:

- (a) supported the views expressed by the representatives for the Owners' Committees of Whampoa Garden Phases IV and IX and the two District Councillors;
- (b) the planned community hall at Bailey Street was not on a convenient location for the use by Hung Hom residents. The walking distance was about 15 minutes whereas for the elderly, the walking distance would be up to 30 minutes;

- (c) at present, it was difficult to find appropriate venues and space for organizing local community activities and holding meetings for the owners' committees/incorporations. The latter was a statutory requirement pursuant to the Building Management Ordinance (Cap. 344). Besides, floor space was much needed for the organization of activities by the non-profit-making bodies; and
- (d) to meet the community needs as well as to meet the Chief Executive's pledge for creating a harmonious society in his election campaign, about 10,000m<sup>2</sup> within the "CDA" sites should be reserved for the construction of a community centre which would include a multi-purpose hall of 200-300 persons where gatherings, variety could take place; and 4 to 5 multi-purpose rooms for conference, yoga and parent-child activities.

[Ms. Anna S.Y. Kwong left the meeting temporarily and Professor Bernard V.W.F. Lim returned to join the meeting at this point.]

Representation No. R17 (Mr. Chan Chan Pui)

17. With reference to a written submission tabled at the meeting, Mr. Chan Chan Pui made the following main points:

- (a) the Paper prepared by PlanD had misinterpreted his representation relating to the "R(A)2" and "R(A)3" sites. The former site was originally zoned "G/IC" and now rezoned to "R(A)2" for residential development. On this account, he had raised objection. For the latter site, the imposition of 100mPD on the Harbourfront Landmark was supported;
- (b) the previously approved building height of the Harbourfront Landmark was confirmed as a mistake by PlanD and the building height restriction was now revised to 100mPD. Therefore, PlanD should reserve land in the "CDA" sites as a green park to compensate the residents' loss of space;

- (c) despite public consultation done by PlanD, the views expressed by the public had not been duly taken into account in the current OZP. The current amendments to the OZP did not meet the public aspirations;
- (d) during the Stage 2 of the public engagement programme of the Hung Hom District Study (HHDS), the consultants had come up with three options for the “CDA” sites in the Hung Hom Bay Reclamation Area, i.e. Option 1: PR 3, Option 2: PR 3.5 and Option 3: PR 6, for public consultation. The public on various occasions, including questionnaire, survey, public forum, District Council and meetings with local residents, had expressed clearly the following views on the development of the “CDA” sites:

- the need for hotel and office development in the “CDA” sites was queried;
- development of hotel above the public transport interchange (PTI) was opposed;
- the proposed urban park was supported but its size was considered inadequate. It was proposed to convert part or whole of the “CDA” sites for the development of urban park;
- an open-air PTI was preferred;
- the recommended PR and building height of some development sites should be lower than those of Whampoa Garden;
- the PR and building height should be lowered towards the waterfront;
- the lease or OZP should include specific provision on the building disposition to avoid wall development and to protect visual permeability;

the aforesaid views had been summed up in the HHDS Final Report and Executive Summary published in March 2008;

- (e) notwithstanding the public views as mentioned above, the current OZP had only reduced the PR of the “CDA” sites from 6.0 to 4.0. The following as incorporated in the OZP were still against the public aspirations and views as expressed during the public engagement programme of the HHDS:

- the size of the “CDA” sites remained unchanged;
  - the front row of the buildings with a height of 40mPD would block the harbour view whilst the latter row of buildings with a height of 75mPD would be higher than that of Whampoa Garden, blocking the only wind corridor to the Whampoa area;
  - there was no increase in the area of open space and urban park;
- (f) the Board was requested to amend the “CDA” sites as below:
- PR to be reduced from 4.0 to 2.0;
  - the front row of the buildings to be reduced to lower than 15mPD whilst the latter row of buildings to less than 40mPD;
  - the two “CDA” sites to be shifted to the “O” zone beside Harbourfront Horizon with a view to making available more land to the east for developing a larger urban park; and
- (g) the views as expressed by the representatives of R10 were supported.

Representation No. R22 (Mr. Cheung Kin Keung, Martin)

Representation No. R23 (Mr. Chan Yuk Tak)

18. Mr. Cheung Kin Keung, Martin made the following main points:

- (a) though being a former member of the Board, the representation was submitted by himself in the capacity of an individual citizen, without access to any inside information of the Board;
- (b) owing to the former housing policy of producing 85,000 flats, the PR of the Hung Hom Bay had been increased to 9.0. Therefore, though the PR of the “R(A)2” site was now reduced to 4.5, it was still excessive considering the over-built situation. It was important that the Board should introduce measures to rectify such a problem in Hung Hom;
- (c) the Board should duly formulate a strategy to enhance the waterfront with a

view to creating a vibrant waterfront whilst improving the environment and attracting more visitors. This would help enhance the status of Hong Kong as a world class city;

[Dr. C.N. Ng left the meeting temporarily at this point.]

- (d) the waterfront of the Hung Hom Bay Reclamation Area should be planned and developed based on the principle of sustainability to ensure our precious land would be duly enjoyed by the public and our next generation. This concept of sustainability had not been emphasized in the course of public consultation undertaken by PlanD;
- (e) zoning of the waterfront sites in the Hung Hom Bay Reclamation Area as “CDA” and “R(A)2” for further development was undesirable as Hung Hom was already over-built;
- (f) at present, open space was just provided along roads and this was not favourable to users. It was important to save Hong Kong by making good use of the waterfront for open space development. It was regretted that the public engagement of the HHDS had only focused on the future uses and development of the “R(A)2” and “CDA” sites instead of the provision of more open space to serve the need of the public; and
- (g) there was already a sufficient supply of residential flats in Hung Hom and To Kwa Wan and further residential development in the “R(A)2” zone at the waterfront was not necessary and should be deleted. If necessary, the “R(A)2” site should be converted for hotel development whereas the “CDA” sites should be setback for open space development.

Representation No. R59 (Mr. Kong Ho Tak)

Representation No. R60 (Miss Kong Chin Ching)

Representation No. R61 (Mr. Kong Chung Yau)

Representation No. R62 (Ms. Wong Kit Fong)

19. Ms. Wong Kit Fong made the following main points:

- (a) the current amendments to the OZP were considered deficient in the following aspects:
- there was no mention of the planned population of Hung Hom and it was difficult to understand how the planned development on the current OZP would help cope with the population increase;
  - the way public health would be addressed in the densely-developed Hung Hom had not been studied. Given the close relationship between population density and mental illness as well as contagious disease, the public health and life safety needed to be carefully studied in planning the future development of Hung Hom;
  - it was unclear what kind of activities e.g. fishing and cycling would be allowed at the waterfront promenade. More careful planning of the future development of the waterfront promenade to allow different recreational activities e.g. cycling was necessary. It would not be proper to entrust the property developer with the development of the promenade. There might be a risk that restrictions would be imposed limiting public access to the waterfront;
  - there was a lack of policy for enforcing the OZP. It was unclear as to which areas within the “CDA” sites were subject to 15mPD and which areas were subject to 75mPD. This should be clearly shown on Plan H-4 of the Paper. Besides, the indicative scheme as shown on the Paper might be misleading as it was not sure whether such a scheme would be subsequently followed by the future developer;
  - there was a lack of policy to monitor the future building development at the waterfront;
  - there was a lack of compliance with the Board’s policy in that the

current imposition of 100mPD on “C(4)” site was higher than that of Whampoa Garden. This was contrary to the planning objective of achieving a stepped height profile from the waterfront towards the inland area; and

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

- (b) given the past mistake (e.g. Harbourfront Landmark) committed in the planning of Hung Hom, the Board should seize every opportunity to provide more recreational opportunities and improve quality of life by making good use of the scarce land resources at the waterfront.

20. On behalf of Representations No. R59 and 60, Ms. Wong Kit Fong made the following main points:

- (a) the current land available at the Hung Hom Bay waterfront should not be sold for property development which was not in the interests of our next generation;
- (b) facilities should be provided within the public open space planned at the waterfronts to allow cycling. More open space should be provided for recreational activities for children;
- (c) action should be taken to improve poor air quality of Hung Hom; and
- (d) the planned podium within the “CDA” sites near the Hung Hom ferry pier should be turned into a park.

[Professor Bernard V.W.F. Lim returned to join the meeting and Mr. Nelson W.Y. Chan left the meeting temporarily at this point.]

21. With reference to a written submission tabled at the meeting, Ms. Wong Kit Fong made the following main points on behalf of Representation No. R61:



- (a) the photomontage in Plan H-10 was misleading in that the proposed development in the “CDA” sites (up to 75mPD) should be much higher than Whampoa Garden. According to Plan H-10, the “CDA” developments appeared to be at the same level with Whampoa Garden;
- (b) Hung Hom had been over-built and therefore, having regard to the existing development intensity of the whole Hung Hom area, the reduced PR for “CDA(1)” and “CDA(2)” sites was still considered excessively high and a non-development scenario of the waterfront was preferred;
- (c) the size of the “CDA(1)” site should be further reduced by half so as to increase the size of the urban park planned near the Hung Hom ferry pier; and
- (d) the traffic generated by the existing commercial activities at the “C(4)” site had to make use of the internal streets of Whampoa Garden. The resultant through traffic had adversely affected the traffic of the narrow streets within Whampoa Garden. However, the maintenance and management of the local streets were the local residents’ responsibility. It was necessary to reduce the building height and PR of the “C(4)” site.

Representation No. R89 (Mr. Leung Yi Man)

22. With the aid of some plans, Mr. Leung Yi Man made the following main points:

- (a) it was regretted that PlanD’s recommendations in the Paper had not taken account of the public views;

[Ms. Anna S.Y. Kwong and Mr. Nelson W.Y. Chan returned to join the meeting at this point.]

- (b) the current amendments to the OZP were considered contrary to the Urban Design Guidelines in the Hong Kong Planning Standards and Guidelines. Also, it could not ensure a stepped height profile from the waterfront be visible from different perspectives;

- (c) the proposed hotel development as annotated F3 on Plan H-11 had a building height of 60mPD, being higher than that of Whampoa Garden (of about 52mPD). The photomontage at Plan H-10 was misleading in that it gave an impression of a stepped height of the waterfront when viewed from North Point. However, should another perspective be taken to the south of the proposed hotel development (i.e. F3 on Plan H-11), it was found that all the buildings behind it including Whampoa Garden Phases III, IV, IX (part), Hung Hom Bay Centre and Ma Tau Chung Government Primary School would be blocked;
- (d) the location of F3 would block the only wind corridor from the waterfront to Whampoa Garden in a south-west direction. The proposed hotel development (i.e. F3) was therefore objected as it would adversely affect the wind corridor to the Whampoa area and degrade the living quality of the local residents;
- (e) the proposed relocation of F3 to the open space site at Kin Wan Street was not supported by PlanD probably due to the fear of objection from the existing hotels there, including Harbourfront Horizon and Harbourview Horizon. If relocation of F3 could not be pursued, it was suggested this proposed hotel development be deleted. Economic consideration could not justify hotel development at F3 as it would cause a detrimental impact on the living quality of the local residents in Hung Hom; and
- (f) to provide a recreation outlet for the public, it was proposed that no more building development should be allowed in the whole waterfront in the Hung Hom Bay Reclamation Area. The Board should just turn the waterfront into a landscaped and green area for the enjoyment of the public.

Representation No. R38 (Mr. Chan Hon Tao)

23. With the aid a powerpoint presentation, Mr. Chan Hon Tao made the following main points:

- (a) town planning should take due account of various factors relating to human, environment and economics;
- (b) two major wind corridors to Whampoa Garden along Tak On Street and Tak Fung Street had been respectively blocked by Harbourfront Landmark and Harbourfront. The remaining wind corridor along Shung King Street with the opening at Blocks 1 and 2 of Whampoa Garden Phase IX provided the only gap allowing the penetration of wind from the south-west direction;
- (c) in connection with the future development of the MTR Hung Hom Station, a ventilation opening had been planned at Shung King Street within Whampoa Garden. As such, it was important to ensure air ventilation within Whampoa Garden would not be further blocked by any development at the waterfront; otherwise, the air quality of Whampoa Garden would further deteriorate and there would also be adverse impact on the future passengers of the MTR Hung Hom Station;
- (d) the waterfront at the Hung Hom Bay Reclamation Area was a popular place to watch fireworks display not only for Hung Hom residents but also residents from other districts. However, with the development of “CDA” sites at the waterfront, the current view of fireworks display in the Victoria Harbour would be blocked;
- (e) in New York, no high-rise developments were allowed at the waterfront. Also, with reference to a local newspaper dated 27.7.2008, a new swimming pool with architectural features had been planned at the waterfront of the Western District on Hong Kong Island without any high-rise development. The future use of the waterfront of the Hung Hom Bay should follow such examples by not allowing high-rise development;
- (f) despite the intention to create a stepped height profile within the “CDA” sites as mentioned in the Paper, there was no specific control on the detailed disposition and area of the buildings to be developed thereat. There was a

likelihood that there would be a wall development of only two different heights spanning the “CDA” sites and blocking the sea view currently enjoyed by the public;

- (g) in revisiting the future development of the “CDA” sites at the waterfront, it was important to carefully examine the needs of various uses (e.g. commercial, hotel, various public facilities) with due regard to human, environment and economic considerations; and
- (h) it was proposed to reduce the PR of the “CDA” sites from 4.0 to 2.0 and the building height to 25m.

[Mr. Rock C.N. Chen left the meeting and Dr. C.N. Ng returned to join the meeting at this point.]

24. After hearing all the representers and representers’ representatives, the Chairman asked the following questions:

- (a) whether the community hall at Bailey Street was away from the existing residential development in Hung Hom; and
- (b) whether the wind corridor along Shung King Street would be affected by the current amendments to the OZP.

25. Mr. Eric Yue had the following responses:

- (a) according to the Hong Kong Planning Standards and Guidelines, there was no set standard for the provision of community hall which was determined on the basis of need, having regard to community aspirations and other relevant considerations. With regard to the request of Home Affairs Department, the Bailey Street site was considered suitable for provision of a community hall catering for the local needs. This site was within walking distance of Whampoa Garden. As to the need to provide additional GIC facilities in the Hung Hom Bay Reclamation Area, it should be noted that

GIC facilities had already been provided within some large residential developments. This had been clearly stated in paragraph 8.5.4 of the Explanatory Statement of the OZP; and

- (b) taking account of the prevailing wind of the Area, two major wind corridors had been preserved along Hung Hom South Road and Hung Lok Road. Besides, the need to preserve the wind and visual permeability along Shung King Street was noted. The planning intention of the “CDA(1)” site was to ensure the future development would not affect the wind and visual permeability along Shung King Street. With reference to the indicative development scheme of the “CDA” sites on Plan H-11 of the Paper, the disposition of the proposed building as annotated F3 and the landscaped podium structure had been so designed as to avoid blocking the wind and visual permeability of Shung King Street. Under the current “CDA” zoning, the developer of the subject sites would be required to submit a Master Layout Plan (MLP) together with detailed assessments for the Board’s approval prior to the commencement of development. Furthermore, there was also a planned open space between Whampoa Garden and the “CDA(1)” site serving as a wind entrance to Whampoa Garden and the inland area.

26. Some individual Members asked the following questions:

- (a) what kind of community facilities would be provided in the “G/IC” site at Bailey Street;
- (b) whether it was possible to identify a separate site at the waterfront of the Hung Hom Bay Reclamation Area for the provision of community facilities catering to the needs of Whampoa Garden;
- (c) whether the “CDA(1)” and “CDA(2)” sites could be shifted westwards despite the presence of the drainage reserve in the “O” site at Kin Wan Street;

- (d) whether the “CDA” and “R(A)2” sites at the waterfront area would affect the air ventilation of Whampoa Garden and whether a boulevard could be provided along Shung King Street to improve air ventilation; how the wind and visual corridor along Shung King Street could be preserved;
- (e) whether there was any scope to further refine the design of the landscaped podium deck above the PTI within the “CDA(1)” site e.g. lowering the 15mPD podium by adopting a stepped height podium structure, enhancing the interface and linkage with the adjoining “O” site located to the east of the “CDA(1)” site; and
- (f) whether the photomontage of the future development in the “CDA” sites as shown on Plan H-10 was inaccurately presented in terms of its comparison with the existing building height of Whampoa Garden.

27. Mr. Eric Yue had the following responses:

- (a) with reference to Plan H-12 of the Paper, the planned GIC facilities at Bailey Street included a community hall and a clinic. The subject development had been included in the Public Works Programme;
- (b) the planned community hall at Bailey Street was intended to serve the whole Kowloon City District. The current location was considered appropriate and suitable not only to serve the residents of Whampoa Garden to the south but also the residents in the inland and northern part of the District areas e.g. To Kwa Wan;
- (c) there was a 25m-wide drainage reserve running north-south across the middle of the planned “O” zone at Kin Wan Street posing constraints to building development, should the “CDA” sites be shifted westwards. Besides, any building development at the planned “O” zone at Kin Wan Street would also affect the wind corridor to be preserved along Hung Lok Road. Also, shifting the “CDA” sites would result in the new PTI being away from the Hung Hom ferry pier and adversely affect the provision of

PTI services to the public;

- (d) Hung Hom South Road and Hung Lok Road were the main wind corridors in the Area. Sites for open space had been designated along these two roads from inland down to the waterfront to ensure air circulation for the Area. Greenery and tree planning along these wind paths were recommended. Besides, the “CDA” and “R(A)2” sites at the reclamation area had incorporated stepped height profile and view corridor to maintain wind penetration from the prevailing south-east direction. The currently planned 15mPD podium structure covering the PTI in the “CDA(1)” site should not cause any adverse impact on the air circulation and visual porosity along Shung King Street;
- (e) the major development parameters for the “CDA” sites in the reclamation area would be set out in the planning brief to be prepared by PlanD and submitted to the Metro Planning Committee (MPC) of the Board for consideration. Besides, the future development of the “CDA” sites needed to be submitted to the Board in the form of a MLP together with relevant technical assessments. The MLP should be prepared based on the requirements set out in the planning brief agreed by the MPC. On this premise, there was scope to further enhance the detailed design of the “CDA” sites and their interface with the neighbouring sites at the MLP stage; and
- (f) the photo for preparing the photomontage at Plan H-10 was taken at North Point being at some distance from the Hung Hom waterfront, the difference in height of 8m between F3 (60mPD) within “CDA(1)” site and Whampoa Garden (52mPD) might not be distinguished easily. There was no intention to provide any misleading information to the public. Impression of some representers might be a matter of perspective. Plan H-8 had indicated the existing building height of Whampoa Garden of 52mPD and the building height restrictions of “CDA(1)” site of 15mPD to 75mPD.

28. Ms. Wong Kit Fong, representer of Representation No. R62, did not agree to Mr.

Eric Yue's views that the interpretation of the building height on the photomontage at Plan H-10 was a matter of perspective. She also said the Notes of the OZP only stipulated a building height of 15mPD to 75mPD for the "CDA(1)" site and there was no mechanism to ensure the future development would only be up to 60mPD as shown on Plan H-11. Given the development intensity of the Hung Hom Bay Reclamation Area which was higher than that of Whampoa Garden, there was a justified need to provide additional GIC facilities in the reclamation area to serve the future population there.

29. Mr. Cheung Kin Keung, Martin, representer of Representation No. R22, said that the proposed hotel as annotated F3 on Plan H-11 together with the podium structure (including the swimming pool) should be deleted so as to ensure the waterfront of the reclamation area be used for the Hong Kong residents. Should there be a genuine need for hotel development, the "R(A)2" site at Hung Luen Road should be rezoned for reprovisioning the hotel development as well as the PTI planned within the "CDA(1)" site.

30. Mr. Leung Yi Man, representer of Representation No. R89, considered the planned hotel development at F3 with a height of 60mPD together with the podium structure would not only block the sea view but also adversely affect the wind corridor along Shung King Street which was the remaining wind corridor to Whampoa Garden. The current sea view enjoyed by the residents of those buildings behind the Ma Tau Chung Government Primary School would also be blocked by the future development of the "CDA(1)" site.

31. Mr. Chan Chan Pui, representer of Representation No. R17, said that the F3 building would block entrance to the wind corridor along Shung King Street.

32. Ms. Ng Mei Wah, representative of Representation No. R10, said that the hotel development at F3 together with PTI should be relocated to the "R(A)2" site and a community hall should be provided there instead. As to the future developments in the Hung Hom area, PlanD should take account of her views presented at the meeting and lay down specific requirements (e.g. 10-15m building separation) in the OZP to avoid excessive building bulk of the new developments in the Hung Hom area.

33. Mr. Eric Yue made the following responses:



- (a) the major development parameters for the “CDA” sites in the reclamation area would be set out in the planning brief which would form the basis for the preparation of a MLP. The MLP together with relevant technical assessments (including assessment of the air ventilation and visual impacts on Shung King Street) would be submitted to the Board for consideration according to section 16 of the Town Planning Ordinance. The public would have the opportunity to comment on the MLP and their views would be relayed to the Board for consideration when the MLP was submitted;
- (b) the podium structure of 15mPD was intended to accommodate the PTI within the “CDA(1)” site rather than to cater for the development of a podium swimming pool for the hotel as shown on Plan H-11 which was an illustrative scheme; and
- (c) relocation of the planned PTI to the “R(A)2” site was undesirable as it would be away from the existing Hung Hom ferry pier and would adversely affect the effectiveness of PTI services to the public.

34. Mr. Cheung Yan Hong, representer of Representation No. R12, considered that relocation of the PTI from “CDA(1)” site to “R(A)2” site would not cause much inconvenience to the public and there was no need to locate the PTI near the ferry pier. As in Central, the PTI under the Exchange Square was away from the ferry piers. He added that on top of the planned community hall at Bailey Street, the provision of an additional one in the Hung Hom Bay Reclamation Area was justified. Besides, the community hall at Bailey Street was far away from Whampoa Garden, the residents of which would take about 15-30 minutes to get there. The GIC facilities currently provided within Whampoa Garden and Laguna Verde mainly catered to the needs of non-government organisations rather than the general public. As such, there was a need to provide additional GIC facilities for the local organisations and the elderly in the reclamation area.

35. Mr. Cheung Kin Keung, Martin, representer of Representation No. R22, added that the current utilization rate of the existing PTI near the ferry pier was low and the need to provide a new PTI within the “CDA(1)” site should be revisited.

36. The Chairman asked whether the building blocks of the “CDA” sites as shown on Plan H-11 were indicative subject to further examination. Mr. Eric Yue replied in the affirmative and said that the indicative scheme was based on the previous recommendation of the HHDS. He advised that detailed layout and building block disposition of the “CDA” sites were subject to the development requirements to be drawn up in the planning brief and the MLP to be submitted to the Board for consideration.

37. Mrs. Ava Ng asked if there was any misunderstanding of the submission made by the representer of Representation No. R17. Mr. Eric Yue responded that paragraphs 2.1.2(a) and (b) of the Paper had clearly set out the representer’s views in that the representer had raised opposition to the building height of the “CDA(1)” and “CDA(2)” sites but partly supported the stipulation of 100mPD for the “R(A)3” site. There should be no misunderstanding of the submission made by the representer.

38. Mr. Chan Chan Pui, representer of Representation No. R17, said that his views had been misinterpreted by PlanD and confused with the views submitted by the Commenter No. C5 in the Paper. Besides, his detailed comments had not been attached to the Paper for the Board’s consideration. Mr. Eric Yue responded that all the views submitted by the representers and commenters had been attached to the Paper for Members’ consideration. He referred Members to the original submission made by R17 and C5 in Annex III-R17A and Annex IV-C5 of the Paper. Mr. Yue also pointed out that paragraph 2.5.3 of the Paper was a summary of the comments of C5 on R17 and his proposal relating to the waterfront sites.

39. Ms. Wong Kit Fong, representer of Representation No. R62, considered that the current amendments to the OZP were unfair to the residents of Whampoa Garden. Also, similar to the PTI under China Hong Kong City, the planned PTI in the Hung Hom Bay Reclamation Area should be developed underground. Mr. Eric Yue responded that the feasibility of developing an underground PTI needed to be examined separately. His initial views were that such a proposal would have engineering difficulties as well as cost implications.

40. Ms. Ng Mei Wah, representative of Representation No. R10, said that the current amendments to the OZP had totally defied the objection raised by the local residents. On three different occasions, about 7,600 signatures including 13 organizations in opposition to

the amendments had been collected by the representer. However, the Paper had only included the supportive views of some representers but excluded the opposition views raised by others as well as the proposals raised in her representation. This was unfair to her. In response, Mr. Eric Yue said that in response to a letter submitted by the representer of Representation No. R10 dated 18.8.2008, a Supplementary Paper No. 8140A proposing some revisions to Paper No. 8140 and its annexes had been tabled at the meeting earlier. Her representation with 2,098 signatures, including 393 signatures from 13 organizations, had been clearly set out in the Supplementary TPB Paper No. 8140A as presented to Members. The Chairman noted the opposition views raised by her.

41. On the planning control of the future development of the “CDA” sites, the Chairman said that under the provisions of the Town Planning Ordinance, planning permission would be required for the developer of the “CDA” sites. In submitting the planning application, a set of MLP together with relevant technical assessments would be required. The public would have an opportunity to comment on the MLP and any public views would be relayed to the Board in considering the planning application. He advised that the scheme shown on Plan H-11 was an indicative scheme and the details of the future development of the “CDA” would be further deliberated in the course of MLP preparation. He also noted some representers’ views that the “CDA” sites should not be used for any building development.

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

### Deliberation Session

#### *Provision of GIC facilities*

43. A Member considered that the current amendments to the OZP had duly taken

account of the findings of the AVA by expert evaluation to protect the local wind environment and helped preserve the main wind corridors along Hung Hom South Road and Hung Lok Road. However, noting that a community hall and clinic would be provided in a proposed Joint User Government Complex in a “G/IC” zone at Bailey Street, this Member commented whether it was feasible to incorporate the provision of some community facilities in the “CDA” zones to meet some of the representers’ request. This view was shared by another Member.

44. The Chairman considered that given that the concerned bureaux and departments had been consulted and there was no request for additional GIC facilities in the Area, it was difficult for the Board to impose a requirement for the future developers to provide some public facilities without the support of concerned bureaux and departments. Members agreed to the Chairman’s views. In passing, a Member suggested that to cater to some representers’ concerns about the difficulty to find appropriate venues for local residents’ functions, the Education Bureau should be requested to explore the feasibility of making use of the school facilities in the Area for the local residents’ functions during the after-school period. In response, the Chairman said that the Education Bureau had currently allowed the use of some government school facilities by the local organisations.

#### *Waterfront Sites*

45. A Member commented that in view of some representers’ concerns to preserve the wind and visual corridors along Shung King Street, it might be worthwhile to examine the feasibility of a half-sunken PTI, thereby lowering the podium structure of 15mPD high within “CDA(1)” site as indicated on Plan H-11. As explained by DPO/K earlier, there might be some technical problems should the PTI be provided in the basement. Since a planning brief would be prepared to guide the future development of the “CDA” sites in which detailed development parameters and relevant planning requirements would be stipulated, the feasibility of a half-sunken PTI could be examined in the course of preparing the planning brief which would be submitted to the MPC of the Board for consideration. Members agreed that the feasibility of a half-sunken PTI should be further examined by PlanD at the stage of preparing the planning brief.

46. A Member commented that whilst some representers’ concerns relating to the

future design of the “CDA” sites could be addressed in the process of preparing the planning brief, it seemed that their fundamental concern was the adverse visual impact rather than air ventilation on the existing developments subsequent to the development of new buildings at the waterfront.

47. Another Member considered that the preservation of two major wind corridors along Hung Hom South Road and Hung Lok Road had already helped preserve the local wind environment of the Area taking account of the directions of the prevailing wind. As to the representers’ concern to preserve the wind corridor along Shung King Street, the indicative scheme of the future development of the “CDA” sites on Plan H-11 had already demonstrated a possible design and layout to address the need to preserve the wind corridor along Shung King Street though there might be room for further improvement. On this premise, the specific planning and design requirements (e.g. the feasibility to adopt a stepped height design for the open space above the proposed PTI and how to strengthen its connectivity and interface with the new urban park as annotated “J” on Plan H-11) should be further studied by PlanD and explicitly set out in the planning brief. Given this, this Member supported the current amendments to the OZP.

48. In response to a Member’s concern about whether further gross floor area concessions would be allowed on top of the permitted PR 4.0 for the “CDA” sites, the Secretary clarified that the PTI to be provided in the “CDA(1)” would be accountable for PR calculation; and there would be exemption only for ancillary uses and back-of-house facilities according to Buildings Ordinance, which was to be determined by the Building Authority.

49. With reference to the indicative scheme on Plan H-11, a Member commented that in view of the representers’ allegation that the Board might have misled the public by providing some layout of the development which might not be materialised subsequently, care should be exercised in deciding the level of details in presenting the materials to the public.

50. In response to a question raised by a Member on the widths of the waterfront promenade, the Secretary advised that the promenade in Tsim Sha Tsui had a width of 10m to 15m while that in Kai Tak Development which was a new development area was about 20m to 30m. The Chairman commented that the currently planned 20m wide promenade in Hung Hom was considered adequate, given that further expansion of this promenade was

constrained by the existing development in the “C” zone at the waterfront. However, the planning brief to be prepared would specify the setback requirement of the building blocks of “CDA(1)” and “CDA(2)” zones to ensure an integrated design in harmony with the proposed promenade. Detailed design would be examined during the planning brief preparation stage and the brief would be submitted to the MPC of the Board for consideration.

51. In respect of the HHDS, Mrs. Ava Ng added that the study was commissioned in December 2006 and the public had been consulted on the future development of the waterfront of the Hung Hom Bay Reclamation Area including the indicative development shown on Plan H-11, amongst others, through the public engagement programme. PlanD had also reported the public views collected and its responses to the Board in October 2007. Members noted.

#### Representation No. R1

52. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) the purpose of imposing building height restrictions in the Hung Hom Planning Scheme Area (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 the public aspirations for a better living environment and private development rights; and
- (c) in view of its prominent waterfront and main wind entrance location, the building

height restriction for the “Commercial (4)” site should be amended to 100mPD. The 100mPD building height restriction was also consistent with the current restriction for other developments along the waterfront with plot ratio of 9.0 or above. Based on individual merit, minor relaxation for building height might be submitted to the Town Planning Board for consideration.

Representation No. R5

53. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) the purpose of imposing building height restrictions in the Hung Hom Planning Scheme Area (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 (OZPs) 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 the public aspirations for a better living environment and private development rights; and
- (c) stipulation of building height restrictions on the OZP was an initial effort in enhancing planning control over development/redevelopments. It did not preclude the imposition of further plot ratio control where justified.

Representations No. R6-97 and 105

54. After further deliberation, the Board decided not to uphold the representations for

the following reasons:

- (a) the purpose of imposing building height restrictions in the Hung Hom Planning Scheme Area (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 (OZPs) 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 the public aspirations for a better living environment and private development rights;
- (c) based on the recommendations of the Hung Hom District Study of which the local and public at large had been widely consulted, the Hung Hom Outline Zoning Plan was amended to incorporate the development parameters for “Comprehensive Development Area (1)” (“CDA(1)”), “CDA(2)” and “Residential (Group A)2” (“R(A)2”) zones. The current development parameters, which were more stringent than those in the previously approved OZP, had struck a balance between meeting the public aspiration for a better living environment and the demands of land for commercial and residential uses without adverse impact on local road network and infrastructure provisions;
- (d) there had been no “Government, Institution or Community” (GIC) facilities proposed in “CDA(1)” and “CDA(2)” sites before. The previously proposed facilities in the “R(A)2” site were now planned in a “Government, Institution or Community” (“G/IC”) zone at Bailey Street. Should relevant Government departments have programme for additional GIC facilities,



consideration could be given to locate them at suitable undesignated “G/IC” zones or premises in the appropriate locations of the Area;

- (e) swapping the “CDA(1)”, “CDA(2)” and “R(A)2” zones with nearby “Open Space” (“O”) zone was not supported because the concerned “O” zones were at major wind entrance and visual corridor. Relocation of the “CDA(1)” to the “O” zone at Kin Wan Street would pose development constraints to future development due to the presence of drainage reserve on site. The swapping proposal would also affect the effectiveness of the planned public transport interchange services to the public due to the inconvenient location from the ferry pier; and
- (f) a planning brief would be prepared to guide the future development, including the disposition and height of building blocks and the integration of the open space and the proposed waterfront promenade.

#### Representations No. R98-104

55. After further deliberation, the Board decided not to uphold the representations for the following reasons:

- (a) the purpose of imposing building height restrictions in the Hung Hom Planning Scheme Area (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 (OZPs) 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

the public aspirations for a better living environment and private development rights;

- (c) in general, the building height restrictions, except “Residential (Group A)2” zone, had not affected the maximum domestic plot ratio or gross floor area restrictions under the OZP. There would be no significant adverse effect on flat production. Reduction in development intensity at the waterfront would enhance the visual quality and air ventilation in the Area, and was based on the recommendations of the Hung Hum District Study (HHDS);
- (d) based on the recommendations of the HHDS of which the local and public at large had been widely consulted, the Hung Hom OZP was amended to incorporate the development parameters for “Comprehensive Development Area (1)” (“CDA(1)”), “CDA(2)” and “R(A)2” zones. The current development parameters, which were more stringent than those in the previously approved OZP, had struck a balance between meeting the public aspiration for a better living environment and the demands of land for commercial and residential uses without adverse impact on local road network and infrastructure provisions;
- (e) there had been no “Government, Institution or Community” (GIC) facilities proposed in “CDA(1)” and “CDA(2)” sites before. The previously proposed facilities in the “R(A)2” site were now planned in a “Government, Institution or Community” (“G/IC”) zone at Bailey Street. Should relevant Government departments have programme for additional GIC facilities, consideration could be given to locate them at suitable undesignated “G/IC” zones or premises in the appropriate locations of the Area;
- (f) swapping the “CDA(1)”, “CDA(2)” and “R(A)2” zones with nearby “Open Space” (“O”) zone was not supported because the concerned “O” zones were at major wind entrance and visual corridor. Relocation of the “CDA(1)” to the “O” zone at Kin Wan Street would pose development constraints to future development due to the presence of drainage reserve on site. The swapping proposal would also affect the effectiveness of the

planned public transport interchange services to the public due to the inconvenient location from the ferry pier; and

- (g) a planning brief would be prepared to guide the future development, including the disposition and height of building blocks and the integration of the open space and the proposed waterfront promenade.

56. The meeting was adjourned for lunch at 12:35p.m..

57. The meeting was resumed at 2:00 p.m..

58. The following Members and the Secretary were present in the afternoon session:

Mr. Raymond Young

Dr. Greg C.Y. Wong

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Edmund K.H. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Mr. K.Y. Leung

Mr. Timothy K.W. Ma

Dr. Michael Chiu

Mrs. Ava Ng

**Agenda Item 3** (cont'd)

[Open Meeting (Presentation and Question Session Only)]

Consideration of Representations and Comments in Respect of the Draft Hung Hom  
Outline Zoning Plan No. S/K9/21

**(TPB Paper No. 8164)**

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[The meeting was conducted in Cantonese.]

Presentation and Question Session

59. The Secretary reported that the following Members had declared interests on this item:

Ms. Starry W.K. Lee		Her spouse owning a property in Whampoa Garden
Mr. Maurice W.M. Lee		Owning a property at Bulkeley Street
Mr. Felix W. Fong	)	Having current business
Dr. Greg C.Y. Wong	)	dealing with Cheung Kong (Holdings) Ltd., holding company of R3

60. Members noted that Ms. Starry W.K. Lee, Mr. Maurice W.M. Lee and Mr. Felix W. Fong had tendered her apologies for not attending the meeting while Dr. Greg C.Y. Wong had not arrived to join the meeting.

61. Members noted that sufficient notice had been given to the representers and commenters to attend the meeting. The representer of Representation No. 4 had indicated not to attend the meeting. The Board agreed to proceed with the hearing in his absence.

**Group 2**

**Representation Nos. 2 to 4, Comment Nos. 1 to 3 (TPB Paper No. 8164)**

62. The following representatives from PlanD were invited to the meeting at this point:

Mr. Eric Yue	DPO/K, PlanD
Mr. C.C. Lau	STP/K, PlanD

63. The following representatives of the representers and commenters were also invited to the meeting:

**Representation No. R2 (Super Time Ltd.)**

Mr. Henry Lai Chi Leung

**Representation No. R3 (Global Coin Ltd. and Santon Resources Ltd.)**

Mr. Eric Ho  
Mr. Terence Lo  
Mr. Andrew Chan

**Comment No. C1 (Siu Yuen Sheung) &  
Comment No. C2 (Siu Yuen Sheung and the Association of Buildings of Hok Yuen District)**

Ms. Wong Pui Che

**Comment No. C3 (Owners Committee of Laguna Verde)**

Ms. Ho Siu Fong  
Mr. Lui Yuen Yuen  
Ms. Ko Mei Kuen

64. 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.

65. With the aid of a Powerpoint presentation, Mr. Eric Yue made the following main points as detailed in the Paper:

- (a) the subject of representations and comments were detailed in paragraphs 2.1 and 2.2 of the Paper:
  - R2 opposed to the building height restriction of 100mPD at 77-87 Ma Tau Wai Road (zoned “R(A)”);
  - R3 opposed to the building height restriction of 120mPD at the “OU(B)” site at the junction of Hok Yuen Street and Man Lok Street;
  - R4 opposed to the height restriction of 3 storeys for two electricity substations (ESS) zoned “G/IC” at Tai Wan Road and Hung Ling Street;
  - C1 was related to R2 and R3. It supported the building height restriction of 100mPD for the subject “R(A)” site and requested to restrict the building height of the subject “OU(B)” zone to 100mPD;
  - C2 had the same comments as C1. In addition, it opposed R4’s proposal to relax the building height restrictions for the two ESSs; and
  - C3 opposed to R4’s proposal on relaxation of building height restrictions;
  
- (b) the grounds of representations and the representers’ proposals were summarized in paragraphs 2.3 and 2.4 of the Paper:
  - R2 proposed to amend the building height restriction for the representation site from 100mPD to 120mPD and to exclude communal sky garden and podium garden from the calculation of building height restriction;
  - R3 proposed to relax the height restriction of the representation site from 120mPD to 150mPD; and
  - R4 proposed to amend the height restrictions of the two ESS sites at Tai Wan Road and Hung Ling Street from 3 storeys to 80mPD and 100mPD respectively;

[Mr. David W.M. Chan arrived while Dr. C.N. Ng returned to join the meeting at this point.]

- (c) PlanD’s views – PlanD did not support any amendments to the OZP to meet the representations. The planning considerations and assessments of the representers’

proposals were detailed in paragraph 4 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, 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 into account all relevant factors including existing land use zoning, characteristics of existing building height profile, building height restrictions on the OZPs of the surrounding area and air ventilation assessment. It had struck a balance between meeting the public aspirations for a better living environment and private development rights. The building height restrictions for the representation sites were appropriate to achieve a stepped height profile. The intactness of the building height bands of the Area would be compromised by piecemeal relaxation of building height restrictions for the representation sites which would set undesirable precedent for the continuous proliferation of tall buildings affecting the character of the Area. In addition, for the “G/IC” sites, they also served as visual relief and breathing space in the built-up urban area. As there was no plot ratio restriction for the “G/IC” zone, relaxation of the building height restrictions of the “G/IC” sites would result in proliferation of high-rise GIC developments, leading to cumulative loss of visual relief and breathing space for the Area.

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

Representation No. R2

67. With the aid of three plans, Mr. Henry Lai Chi Leung made the following main points:

- (a) as illustrated in one of the plans shown by him, the proposed building height bands should step up from the waterfront westward towards the inland area. The representation site should therefore fall within the 120mPD height band which was the same as the site south of Bailey Street;
- (b) redevelopment at the representation site up to the building height restriction of 100mPD would create screen wall effect blocking the penetration of prevailing



wind to the developments west of Ma Tau Wai Road; and

- (c) his proposal to relax the building height restriction to 120mPD at the site would enable the provision of sky garden and refuge floors which allowed penetration of prevailing wind to the developments west of Ma Tau Wai Road, thus improving air ventilation.

[Dr. Daniel B.M. To arrived to join while Mr. B.W. Chan returned to the meeting at this point.]

### Representation No. R3

68. With the aid of a Powerpoint presentation, Mr. Andrew Chan made the following main points:

#### Compliance with Urban Design Guidelines

- (a) redevelopment at the representation site up to their proposed building height restriction of 150mPD would still be in line with the planning intention of keeping a 20% building-free zone below the Kowloon ridgeline;
- (b) when viewed from the vantage points at Quarry Bay Park and HK Convention & Exhibition Centre, a building of 150mPD in height at the site would serve as a transition between the lower buildings in front and taller buildings at the back. It created a stepped height profile from the waterfront to the inland;

#### More Interesting Skyline

- (c) in the Hong Kong Planning Standards and Guidelines, it was stated that there should be flexibility for relaxation of building height for special landmark buildings to give punctuation effects at suitable locations. Being located at a strategic transport location, a taller building at the representation site would help develop a varying building height profile with more interesting skyline. The currently proposed building height bands were unable to achieve such purpose but would result in uniform building height and a monotonous skyline;
- (d) unlike the above-mentioned height band concept which was 2-dimensional, in some Mainland cities, the building height profile was a 3-dimensional one and

taller buildings were allowed at strategic locations to create a more interesting profile. There was a need for more variations in building height;

#### Creation of a Town Centre in Hung Hom

- (e) the representation site adjoined a “Commercial” zone and was only 260m from the train station of the proposed Shatin-Central Link. It was suitable for a transit-oriented development and had good potential to be developed as the town centre of Hung Hom with taller buildings to enhance its legibility;

#### Improvement to Streetscape

- (f) the current streetscape in the locality was not satisfactory. The proposed higher building height would allow more spacious setback at street level, thus enabling more interesting architectural design and frontage treatment at the lower part of the building for streetscape improvement;

#### Planning Intention of the zone

- (g) the planning intention of the zone was not clear. In their previous s.12A application for rezoning the representation site to “Residential (Group E)” (“R(E)”) submitted to the Town Planning Board in April 2006, they had proposed a building height of 161mPD which was considered by PlanD to have slightly exceeded the 20% building-free zone of the ridgeline. In response, they had reduced the proposed building height to 150mPD in the second application submitted in April 2007. The application was subsequently rejected mainly on land use grounds and there was no objection from the Urban Design and Landscape Section of PlanD to the proposed building height of 150mPD. However, in the TPB Paper No. 8164 for hearing of the current representation, PlanD stated in paragraph 4.4.2 (a)(i) that the building height issue was not considered in the s.12A applications and should the “R(E)” zoning be approved by the Board, the building height would be considered at the s.16 application stage and that there should not be any bearing that the Board would accept a building height of 150mPD in the rejected scheme. It was a change in PlanD’s stance which had created planning uncertainty for the developer and the public;
- (h) building plans for a commercial/office building at the representation site (which

were in line with the planning intention of the zone) were submitted four times but were rejected on planning grounds including an alleged excessive building height. However, there was no height restriction in the OZP effective at the time of consideration of the building plans;

Conclusion

- (i) while the broad concept of building height control was supported, the proposal in the representation was a refinement of the building height restriction; and
- (j) the proposed relaxation of the building height restriction would provide incentives for redevelopment and improvement of the dilapidated buildings in the area.

69. The Chairman then invited the commenters to elaborate on their comments.

Comment Nos. C1 & C2

70. Ms. Wong Pui Che, representative of C1 and C2, made the following main points:

- (a) they opposed the proposals of R2 and R3 to relax the building height restrictions. The building height restrictions for the two sites should not exceed 100mPD to avoid wall effect;
- (b) they also objected to R4's proposal to relax the building height of the two ESSs. The redevelopment of the two ESSs to a higher intensity development would create health hazard to the neighbouring residential developments; and
- (c) their other views included reduction of plot ratio for the Comprehensive Development Area site at the waterfront, to develop the Kowloon Permanent Pier No. 90 as a waterfront promenade to increase open space provision, and objection to change of land use for logistics uses in the area.

Comment No. C3

71. Ms. Ho Siu Fong said that they objected to R4's proposal to relax the building height of the ESSs at Tai Wan Road and Hung Ling Street to 80mPD and 100mPD respectively as it would adversely affect the living environment of twenty thousand residents of Laguna Verde.

72. Mr. Lui Yuen Yuen supplemented that the ESS at Tai Wan Road was located immediately next to Phase 1 of Laguna Verde. The proposed relaxation of building height to 80mPD would be higher than the building height of Phase 1 of Laguna Verde which was about 20 storeys (about 60 metres) high. It would block air circulation and create wall effect with visual intrusion and adverse implication on property value of Laguna Verde.

73. The Chairman then invited Mr. Eric Yue to respond to R3's argument that the proposed relaxation of building height to 150mPD at the representation site would help create an interesting skyline.

74. Mr. Eric Yue replied that in formulating the stepped building height profile for the Area, consideration had been given to creating an interesting skyline. The representation site was not the town centre of Hung Hom and the proposed building height of 150mPD was not justified. The building height restriction of 120mPD at the subject site was already higher than the "OU(B)" zone near the waterfront within the height band of 100mPD.

75. A Member asked whether China Light & Power HK Limited (CLP) had any plan to redevelop the two ESSs to a taller building to meet the electricity demand after 2013. Mr. Eric Yue said that he was not aware of any plan from CLP to redevelop the two ESS sites. CLP would need to obtain Government's approval for any future development plan.

76. In response to the Chairman's enquiry on whether the proposed building height of 150mPD at the site of Representation No. 3 was considered acceptable in the last rezoning application from "OU(B)" to "R(E)", Mr. Eric Yue said that the s.12A application submitted in April 2007 was rejected by the Metro Planning Committee (MPC) mainly based on land use incompatibility reasons and the building height of 150mPD was not included as a rejection reason because even if the s.12A application was approved, s.16 planning application would be required for residential development under the new zoning and the building height of the proposed development could be considered at that stage. Mr. Yue stressed that PlanD had not indicated that the proposed building height of 150mPD in the rejected scheme was acceptable although it did not exceed the 20% building-free zone of the ridgeline.

77. Mr. Andrew Chan disagreed that the building height of the proposal was not

considered in the s.12A applications. He said that in the earlier application for rezoning submitted in April 2006, one of the rejection reasons by the MPC was that the proposed building height of 161mPD slightly exceeded the 20% building-free zone. Hence, the applicant revised the building height to 150mPD in the second application.

78. At the request of the Chairman and with the aid of visualizer highlighting the relevant pages of the MPC papers and minutes, the Secretary clarified that there were two previous s.12A applications for the representation site. The first application involved a development with a building height of 161mPD but it was withdrawn by the applicant on 28.10.2006 before consideration by the MPC. In that regard, though the MPC paper was prepared, it was not submitted to the MPC. In the MPC paper prepared, PlanD had commented that the proposed building height of 161mPD slightly intruded into the 20% building-free zone of the ridgelines. The second application involved a development with a building height of 150mPD and it was rejected by MPC on 22.6.2007. In paragraph 8.1.7 of the MPC paper, the Chief Town Planner/Urban Design and Landscape of PlanD raised concern on the building height of the proposed development and considered that the building height needed to be reviewed taking into account the proposed building height restrictions for the Ma Tau Kok District and the fact that the site was close to the waterfront where lower building heights were generally expected. MPC Members' concerns were also recorded in paragraphs 30, 31 and 34 of the minutes of the MPC meeting in that the proposed building height of 150mPD was considered excessive and out-of-scale with other adjoining developments which had a much lower building height and that there was a need to impose building height control in the area.

79. Mr. Andrew Chan said that the concern on the building height of the proposed development was not mentioned in the section on 'PlanD's Views' in the MPC paper and the rejection reasons in the decision letter issued to them.

80. In response to a Member's question on whether a higher building height limit would help improve the streetscape, Mr. Eric Yue said that the existing buildings in the district were generally about 60 to 80mPD in height. There was good opportunity to improve the streetscape upon redevelopment up to the permitted building height restrictions under the OZP.

81. Mr. Eric Ho said that with the lower building height restrictions imposed, the room for building setback at street level would be limited resulting in greater constraints for streetscape

improvement.

82. The Chairman asked whether air ventilation could be improved with higher building height restrictions to allow for incorporation of green features. Mr. Eric Yue responded that the proposed building height restrictions in the OZP were adequate to accommodate green features in developments. For cases with constraints or special requirements, there was a provision under the OZP for minor relaxation of building height restriction on application to the Board.

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

#### Deliberation Session

##### Representation No. R2

84. Members considered that the building height restrictions for the Area had taken into account all relevant considerations and the building height restriction of 100mPD at the site was appropriate to achieve a stepped height profile. There was no strong justification to relax the building height restriction as proposed by the representer.

85. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) the purpose of imposing building 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, 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, as well as the wind performance of the existing condition and the recommendations of the AVA, 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 the representation site would be compromised by piecemeal amendment for individual lot to relax the building height restriction as proposed by the representer. Such amendment would also set an undesirable precedent for the continuous proliferation of tall buildings, and hence affecting the character of the area; and
- (d) to provide flexibility for innovative design adopted to the characteristics and site conditions of particular sites and provision of green features for the building, minor relaxation of the building height restriction or application for amendments to the OZP under s.16 and s.12A of the Ordinance respectively might be considered by the Board through the planning permission system. Each application would be considered on its individual merits.

### Representation No. R3

86. A few Members said that both PlanD and MPC had raised concerns on the building height of 150mPD in the consideration of the s.12A application for residential development at the representation site. Members were not convinced by the representer's argument that an increase of height restriction for the representation site could create a more interesting streetscape and considered that there was no strong justification to relax the restriction to 150mPD. The building height restriction of 120mPD was appropriate.

87. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) the purpose of imposing building 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, 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, as well as the wind performance of the existing condition and the recommendations of the AVA, 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 the representation site would be compromised by piecemeal amendment for individual lot to relax the building height restriction as proposed by the representer. Such amendment would also set an undesirable precedent for the continuous proliferation of tall buildings, and hence affecting the character of the area; and
- (d) to provide flexibility for innovative design adopted to the characteristics and site conditions of particular sites and provision of green features for the building, minor relaxation of the building height restriction or application for amendments to the OZP under s.16 and s.12A of the Ordinance respectively might be considered by the Board through the planning permission system. Each application would be considered on its individual merits.

Representation No. R4

88. Members considered that “G/IC” sites served as visual relief and breathing space in the built-up urban area. There was no strong ground to justify the proposed relaxation of building height restrictions for the two ESSs.

89. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) the purpose of imposing building 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 excessive 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, 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, as well as the wind performance of the existing condition and the recommendations of the AVA, as appropriate. It had struck a balance between meeting the public aspirations for a better living environment and private development rights;
- (c) 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 plot ratio 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
- (d) 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 representer 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.

90. As the applicants’ representatives for items 4 and 5 had not yet arrived, Members agreed to proceed with consideration of the other items first.

### **Agenda Item 6**

[Open Meeting]

Request for Deferral of Review of Application No. A/K15/83

Proposed Flat in “Residential (Group E)” zone, 8 Sze Shan Street, Yau Tong, Kowloon (YTIL 36)

(TPB Paper No. 8157)

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[The meeting was conducted in Cantonese.]

91. The Secretary reported that on 30.5.2008, the Board agreed to the applicant's request to defer making a decision on the review application in order to allow time to prepare technical assessments for further consultation with relevant Government departments. In response to the amendments to the OZP No. S/K15/16 gazetted on 23.5.2008 under section 7 of the pre-amended Town Planning Ordinance, the applicant lodged an objection to the statutory height restriction of 120mPD for the application site. On 29.7.2008, the applicant's representative wrote to the Secretary of the Board requesting the Board to extend the date for submission of further information until the objections to the OZP had been cleared.

92. The Secretary said that the justifications for deferment meet the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33). In order not to pre-empt the Board's consideration of the objections on building height restrictions received during the exhibition period, it was prudent to consider the review application after a decision by the Chief Executive in Council (CE in C) on the unwithdrawn objections, if any, had been made.

93. After deliberation, the Board decided to defer a decision on the review application until a decision by the CE in C on the unwithdrawn objections, if any, had been made. The Board agreed that the review application should be submitted to the Board for consideration within 3 months from the date of receipt of further submission from the applicant. The Board also agreed to advise the applicant that 2 months after the date of CE in C's decision on the unwithdrawn objections was allowed for the preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 7**

[Open Meeting]

Request for Deferral of Review of Application No. A/SK-CWBN/8

Filling and Excavation of Land for Agricultural Use in "Conservation Area" and "Coastal Protection

Area” zones, Lots 137A, 137RP, 138, 139A, 139RP, 140-149, 151, 152, 158-160 and 161 in DD 227, and Adjoining Government Land, Pak Shui Wun, Sai Kung  
(TPB Paper No. 8158)

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[The meeting was conducted in Cantonese.]

94. The Secretary reported that on 15.8.2008, the applicant’s representative wrote to the Secretary of the Board requesting the Board to defer making a decision on the review application for three weeks to allow time for the applicant to submit additional information to address the concerns raised by the RNTPC. The justifications for deferment meet the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33).

95. After deliberation, the Board agreed to the request for deferment and that the application would be submitted to the Board for consideration on 12.9.2008 as requested by the applicant.

### **Agenda Item 8**

[Open Meeting]

Information Notes and Hearing Arrangement for Consideration of Further Representations to the Draft Tai Po Outline Zoning Plan No. S/TP/20  
(TPB Paper No. 8160)

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[The meeting was conducted in Cantonese.]

96. The Secretary reported that Messrs. Stanley Y.F. Wong and Tony C.N. Kan had declared interest on the item as they owned a property at Deerhill Bay and Grand Palisades respectively. Members noted that Messrs. Wong and Kan had tendered their apologies for not able to attend the meeting.

97. The Secretary reported that on 4.7.2008, the proposed amendments to meet partially

the representations to the draft Tai Po Outline Zoning Plan No. S/TP/20 were published under section 6C(2) of the Ordinance for further representations. Upon expiry of the three-week publication period, 4 further representations were received. Under section 6D(1) of the Ordinance, any person, other than that who had made any representation or comment after consideration of which the proposed amendments were proposed, might make further representation to the Board in respect of the proposed amendments. Of the 4 submissions received, only the further representation No. TPB/R/S/TP/20- F1 complied with the above requirement. The other 3 made by the original representers and commenter of the proposed amendments were invalid. As all the representations were considered by the full Board on 30.5.2008 and there was only 1 further representation, it was more appropriate for the full Board to hear the further representation itself. The hearing could be accommodated in the Board's regular meeting. Consideration of the further representation by the full Board was scheduled for 26.9.2008.

98. After deliberation, the Board agreed that:

- (a) the Further Representations No. TPB/R/S/TP/20-F2 to F4 submitted by the original representers and commenter were considered invalid under section 6D(1) of the Ordinance; and
- (b) the further representation should be considered in the manner as proposed in paragraph 2.2 of the Paper.

### **Agenda Item 9**

[Open Meeting]

Information Notes and Hearing Arrangement for Consideration of Representations and Comments to the Draft Tsim Sha Tsui Outline Zoning Plan No. S/K1/23

(TPB Paper No. 8161)

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[The meeting was conducted in Cantonese.]

99. The Secretary reported that Dr. James C.W. Lau had declared interest on the item as

he owned a property at Austin Road. Members noted that Dr. Lau had tendered apology for not able to attend the meeting.

100. The Secretary briefly introduced the paper. On 25.4.2008, the draft Tsim Sha Tsui Outline Zoning Plan (OZP) No. S/K1/23 was exhibited for public inspection under section 5 of the Town Planning Ordinance. A total of 305 representations and 14 comments were received. Since the amendments incorporated in the Plan mainly related to the imposition of building height restrictions for the Tsim Sha Tsui area and had attracted wide public and local concerns, it was recommended that the representations and comments should be considered by the full Board. Due to the large number of representations received and the complexity of the issues involved, a separate hearing session outside the Board's normal meeting schedule would be necessary. As some of the representations were of similar nature, it was suggested to structure the hearing of the representations into 6 groups as detailed in paragraph 2.2 of the Paper. Consideration of the representations and comments by the full Board under section 6B was scheduled for October 2008.

101. After deliberation, the Board agreed that the representations and comments should be considered in the manner as proposed in paragraphs 2.1 and 2.2 of the Paper.

### **Agenda Item 10**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the draft The Peak Area Outline Zoning Plan No. S/H14/8  
(TPB Paper No. 8162)

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102. The Secretary reported that on 25 April 2008, the draft The Peak Area Outline Zoning Plan (OZP) No. S/H14/8 was exhibited for public inspection under section 5 of the Town Planning Ordinance. A total of 7 representations and 2 comments were received. As there were only 7 representations and 2 comments received, and the representations and comments were mostly related to the same amendment items, it was recommended that the representations and comments should be considered by the full Board in its regular meeting and grouped under one collective hearing. Consideration of the representations and related comments by the full

Board under section 6B of the Ordinance was scheduled for 26 September 2008.

103. After deliberation, the Board agreed that the representations and comments should be considered in the manner as proposed in paragraphs 2.1 and 2.2 of the Paper.

### **Agenda Item 11**

[Open Meeting]

Submission of the Draft Ha Tsuen Outline Zoning Plan No. S/YL-HT/9A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance  
(TPB Paper No. 8165)

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104. The Secretary briefly introduced the paper.

105. After deliberation, the Board:

- (a) agreed that the draft Ha Tsuen Outline Zoning Plan (OZP) No. S/YL-HT/9A together with its Notes at Annex A and Annex B of the Paper were suitable for submission under section 8 of the Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Ha Tsuen OZP No. S/YL-HT/9A at Annex C of the Paper as an expression of the planning intention and objectives of the Board for various land-use zones on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES for the draft Ha Tsuen OZP No. S/YL-HT/9A was suitable for submission to CE in C together with the draft OZP.

### **Agenda Item 12**

106. The item was reported under confidential cover.
107. The meeting adjourned at 3:25 p.m. for a short break for five minutes.

**Agenda Item 4**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-KTS/422

Temporary Office for a Period of 3 Years in “Agriculture” and “Village Type Development” zones, Lot 1028B(Part) in DD 113, Kam Tin, Yuen Long  
(TPB Paper No. 8159)

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[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

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

Mr. Raymond Leung

Miss Li Yee Ting

Mr. Lam Tim Kit

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

110. 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 office for 3 years in an

area zoned “Agriculture” (“AGR”) with a minor portion zoned “Village Type Development” (“V”);

- (b) the reasons for the Rural and New Town Committee (RNTPC) to reject the application on 9.5.2008 were set out in paragraph 1.2 of the Paper;
- (c) no written submission in support of the review was submitted by the applicant;
- (d) departmental comments – Agriculture, Fisheries and Conservation Department did not support the application as the site could be rehabilitated for agricultural purpose. The Chief Town Planner/Urban Design and Landscape, PlanD had some reservations on the application as the development was not compatible with the existing rural landscape setting;
- (e) public comments – there was 1 public comment from a Yuen Long District Council member expressing concerns on unauthorized change of land uses in the area and the adverse impact of the development on the local roads;
- (f) PlanD’s view – PlanD did not support the application for the reasons stated in paragraph 7.1 of the Paper. The development was not in line with the planning intention of “AGR” zone and was not compatible with the surrounding rural land uses. There was insufficient information to demonstrate that the development would not generate adverse landscape and visual impacts and approval of the application would set an undesirable precedent. Although a similar application (A/YL-KTS/414) to the southeast of the site was approved by the Board on review on 11.7.2008, the development approved was of different nature (for temporary open storage of private vehicles) and was closer to the main road. The Board had previously rejected on review on 12.1.2007 an application (A/YL-KTS/385) involving a much larger site area covering the subject site for temporary open storage of construction materials and machinery.

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

111. The Chairman then invited the applicant’s representatives to present. With the aid



of a Powerpoint presentation, Mr. Raymond Leung made the following main points:

- (a) the site was previously agricultural land but was used by West Rail as temporary works area for 5 years. There was disagreement between the landowners and West Rail on the reinstatement of the adjoining sites and as evident in a letter dated 29.5.2007 to the landowner, Lands Department agreed to reinstate the site with asphalt paving. Since the site was hard-paved, it was not suitable for agricultural use;
- (b) there was no requirement for West Rail to reinstate the land for agricultural purpose after completion of the railway project. West Rail was also not required to mitigate the drainage, and environmental impacts during temporary occupation of the area;
- (c) the proposed office use was for an agriculture trading company, providing new farming techniques for the nearby villagers;
- (d) the area for office use was not excessive. There were 4 blocks of converted containers providing space for office workers, file racks and meeting facilities. Parking spaces were also provided for the staff. The area for meeting facilities was spacious because they might be used by the villagers for meeting purpose;
- (e) concerned Government departments had no objection to the application. The Agriculture, Fisheries and Conservation Department did not object to but only did not favour the application because of the difficulties to rehabilitate the site for agricultural use;
- (f) the existing agricultural policy was to allow agricultural uses to develop according to market forces. The temporary office use would not prevent the use of the land for agricultural purpose permanently. The site could be rehabilitated for agricultural purpose when there was market demand; and
- (g) there were no insurmountable technical problems generated by the temporary office use. Sympathetic consideration should be given to the application.

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

- (a) whether there were similar applications for office use in “AGR” and “V” zones and how many of them were approved;
- (b) the amount of land in the application site falling within “AGR” and “V” zones respectively;
- (c) whether the villagers were allowed to use the office for meetings and whether they would be charged for the use;
- (d) whether the office use was related to agricultural operations;
- (e) what was the extent of the work areas used by the West Rail project and the detailed arrangements on reinstatement of the area particularly whether the land was reinstated with asphalt paving; and
- (f) noting that there was a large covered structure for parking in Plan R-3, whether the site would also be used for other purposes.

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

- (a) there was no information at hand on the number of applications for office use in “AGR” and “V” zones. According to his experience, there were not many such approval cases in rural areas;
- (b) about 96% of the application site fell within “AGR” zone and about 4% was within “V” zone;
- (c) the Government had resumed the land temporarily for works area use. According to the tenancy agreement (No. RDS/WR-002) signed in 1999 between the Government and the then Kowloon-Canton Railway Corporation (KCRC), the works area of the West Rail project covered the application site and the adjoining

area to the south. The KCRC was required to reinstate the land after its use as a works area to the satisfaction of Lands Department. KCRC was also required to carry out drainage impact assessment for the works area and any tree felling would also require the approval of Lands Department. Normally, the land involved would be reinstated with grass area. As evident in the aerial photo taken on 3.4.2005 in Plan R-6, the application site was covered with some vegetation. The aerial photo taken on 22.12.2006 in Plan R-5 showed that the site was subsequently covered with structure. The site which the applicant claimed had been reinstated with asphalt paving by LandsD was not referring to the application site but another site further to the south (i.e. Lot 1017); and

- (d) according to 2 site inspections conducted by his staff, the subject site was used as office with a small area for parking purpose.

114. Mr. Raymond Leung made the following main points:

- (a) the office would not be used for meeting by the villagers. The meeting facilities would only be used by clan members of the applicant;
- (b) the office use was related to agricultural trading. The business involved selling of seeds and flowers as well as leasing of agricultural land. All activities were related to agricultural operations;
- (c) while Lot 1017 was reinstated with asphalt paving, according to the information provided by the villagers, the subject site was also reinstated with asphalt paving. There was dispute between the villagers and KCRC on reinstatement of the works area, and there was doubt on whether KCRC had properly reinstated the area according to the tenancy agreement; and
- (d) the site was for office use only with some ancillary parking spaces for staff of the trading company. In the Enforcement Notice issued by PlanD in February 2008, the subject development was confirmed as office use.

115. As the applicant's representatives had no further comment to make and Members had

no further question to raise, the Chairman informed them that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant's representatives and DPO/TMYL for attending the meeting. They left the meeting at this point.

### Deliberation Session

116. A Member said that office use in "AGR" zone was an incompatible land use and the application should not be approved. Two other Members considered that there were doubts on the actual use of the site and expressed reservation about the application.

117. The Chairman said that although the applicant claimed that the office was related to agricultural use, there was insufficient information to demonstrate the claim.

118. Members generally considered that there were no strong justifications to support the application.

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

- (a) the development was not in line with the planning intention of the "AGR" zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development was not compatible with the surrounding land uses which were predominantly rural in character with cultivated and fallow agricultural land and scattered residential structures;
- (c) there was insufficient information to demonstrate that the proposed development would not generate adverse landscape and drainage impacts on

the surrounding areas; and

- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

### **Agenda Item 5**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-MUP/54

Temporary Warehouse for Storage of Ceramic Tiles for a Period of 3 Years in “Agriculture” zone, Lots 806, 808(Part), 809, 811, 812, 813(Part), 823BRP, 824BRP, 825, 826(Part) in DD 46 and Adjoining Government Land, Loi Tung, Sha Tau Kok  
(TPB Papers No. 8150)

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[The meeting was conducted in Cantonese.]

### **Presentation and Question Session**

120. Mr. W.K. Hui, District Planning Officer/Shia Tin, Tai Po and North (DPO/STN) of the Planning Department (PlanD) and the following applicant’s representatives were invited to the meeting at this point.

Mr. Raymond Leung

Miss Li Yee Ting

Mr. Lam Tim Kit

Mr. Wu Shuen Kwong

Ms. Ling Yat Mei

121. The Chairman extended a welcome and thanked the applicant for agreeing to defer the review to this meeting due to the over-run in the hearing of the Wong Nai Chung Outline Zoning Plan on 8.8.2008. He explained briefly the procedures of the review hearing and then

invited Mr. W.K. Hui to brief Members on the application.

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

- (a) the applicant sought planning permission for a temporary warehouse for storage of ceramic tiles for 3 years in “Agriculture” (“AGR”) zone;
- (b) the reasons for the Rural and New Town Planning Committee to reject the application on 18.4.2008 was set out in paragraph 1.2 of the Paper;
- (c) no written submission in support of the review was submitted by the applicant;
- (d) departmental comments – the Agriculture, Fisheries and Conservation Department did not support the application as the site had a high potential for agricultural rehabilitation;
- (e) public comments – one public comment was received from the ‘Tso’ manager of the neighbouring lots raising objection to the application. The District Officer/North advised that the Resident Representatives of Loi Tung and Indigenous Inhabitant Representatives of Ha Wo Hang supported the application; and
- (f) PlanD’s view – PlanD did not support the application for the reasons stated in paragraph 8.1 of the Paper. The development was not in line with the planning intention of “AGR” zone and there were no strong justifications for a departure from the planning intention.

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

- (a) the site had an area of 3,091m<sup>2</sup>. The majority part (54%) of the site was an existing use for storage of ceramic tiles. It was most unfortunate that another part of the site with an area of about 1,086m<sup>2</sup> (29%) was purchased only a few months

after the gazettal of the Interim Development Permission Area (IDPA) Plan on 12.10.1990 and hence could not be used for the same purpose;

- (b) the only reason for rejection of the application was contravention of the planning intention of the “AGR” zone;
- (c) concerned Government departments had no objection to the application. There were no technical problems on traffic and environmental aspects;
- (d) although the Agriculture, Fisheries and Conservation Department did not support the application, the applied temporary use would not prevent the use of the land for agricultural purpose permanently. There would still be opportunity to rehabilitate the site for agricultural use in future. This was in line with Government’s agriculture policy;
- (e) there was only one objector to the development who expressed concern on the structural safety of the converted container office and blockage of access to the adjoining lots. It should be noted that the safety concern was purely a building matter and the development was predominantly an ‘existing use’. The applicant had made necessary arrangement to resolve the access problem;
- (f) according to the District Officer/North, there was local support for the application as it provided local employment opportunities;
- (g) the adjoining lots to the east of the site were not for agricultural use. They were rented to a religious institution for preaching purpose in the guise of farming; and
- (h) the Board was invited to give sympathetic consideration to the application which would unlikely be a precedent.

124. A Member asked about the number of employment provided at the application site.

125. Mr. Wu Shuen Kwong replied that there were about thirty workers at the site.

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

#### Deliberation Session

127. The Chairman asked whether there were any grounds for sympathetic consideration of the application.

128. A Member said that as the proposed use provided about 30 employment opportunities which was higher than that provided by agricultural use, the application could be considered on sympathetic ground. Two other Members also expressed sympathy on the application.

129. A Member asked if the Planning Authority could exercise discretion not to carry out enforcement action on the unauthorized use given that a predominant portion of the site was an 'existing use'.

130. Mrs. Ava Ng replied that under the Town Planning Ordinance, PlanD was obliged to take enforcement action if the development was unauthorized. If PlanD did not take action against unauthorized development, the department might be criticized by the Ombudsman for failing to discharge its duty. The applicant should properly submit planning application to the Board for approval before the development took place.

131. A Member queried if access problem to the adjoining lots had been resolved as the objection was only received in June 2008. This Member also considered that approval of the application would set an undesirable precedent for the Wo Hang area.

132. Another Member said that as shown in Plan R-1 of the Paper, since approval of an application (No.A/DPA/NE-MUP/9) upon review in 1994, the Board had not approved any application for warehouse or open storage uses in the area. There should be strong justification



to support the approval of the application. The fact that 29% of the site was bought only a few months after the gazettal of the IDPA plan should not be taken as a supporting ground. The cut-off date was a statutory timeline that needed to be followed. Noting that 54% of the site was covered by an “existing use” and there were other sites involving “existing use” in the surrounding areas, whether the approval of the subject application would set a precedent should be carefully considered.

133. A Member said that even if the application was rejected, the applicant could still continue the “existing use” on part of the application site. This Member noted that there was a previous planning application (No. A/NE-MUP/19) for temporary open storage of ceramic tiles for a period of 12 months at the site by the same applicant. It was rejected on review on 13.6.1997 and there was no change in circumstances for approval of the current review application.

134. The Chairman drew Members’ attention to the comments of Agriculture, Fisheries and Conservation Department that the site had a high potential for agricultural rehabilitation and the adjoining lots were also used for agricultural purpose. He considered that there were no strong justifications nor new grounds to revert the decision of the RNTPC.

135. After discussion, Members agreed that there were no strong justifications to approve the application.

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

the use under application was not in line with the planning intention for “AGR” zone which was intended to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications had been provided in the submission for a departure from the planning intention, even on a temporary basis.

**Agenda Item 13**

[Open Meeting]

**Any Other Business**

[The meeting was conducted in Cantonese.]

137. There being no other business, the meeting was closed at 4:50 p.m.

CHAIRMAN  
TOWN PLANNING BOARD