

**Minutes of 924th Meeting of the
Town Planning Board held on 28.11.2008**

Present

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

Chairman

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor N.K. Leung

Dr. C.N. Ng

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Mr. K.Y. Leung

Mr. Rock C.N. Chen

Dr. Winnie S.M. Tang

Deputy Director of Environmental Protection
Mr. Benny Wong

Director of Lands
Miss Annie Tam

Director of Planning
Mrs. Ava S.Y. Ng

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

Secretary

Absent with Apologies

Dr. Greg C.Y. Wong

Mr. David W.M. Chan

Professor Bernard V.W.F. Lim

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Professor Paul K.S. Lam

Ms. Starry W.K. Lee

Mr. Maurice W.M Lee

Mr. Timothy K.W. Ma

Professor Edwin H.W. Chan

Dr. Ellen Y.Y. Lau

Principal Assistant Secretary (Transport),
Transport and Housing Bureau
Mr. Tony Lam

Assistant Director (2), Home Affairs Department
Mr. Andrew Tsang

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. W.S. Lau (a.m.)
Ms. Christine Tse (p.m.)

Senior Town Planner/Town Planning Board
Mr. Ivan Chung (a.m.)
Ms. Amy Wu (p.m.)

1. The Chairman extended a welcome to Members.

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 923rd Meeting held on 14.11.2008

[The meeting was conducted in Cantonese.]

2. The minutes of the 923rd meeting held on 14.11.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

3. The item was recorded under separate confidential cover.

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in Respect of the
Draft Tseung Kwan O Outline Zoning Plan No. S/TKO/16
(TPB Papers No. 8254, 8255, 8256 and 8257)

[The meeting was conducted in Cantonese and English.]

Group 1

R1 to R811, R813 to R853, R860 to R863

C1 to C19 and C38 to C57

Group 2

R854 to R856 and R866

C4, C20 to C51 and C55

Group 3

R857 to R859, R863 and R865
C4 and C55

Group 4

R864

**Hearing for Group 1 - Representations No. R1 to R811, R813 to R853 and R860 to R863,
Comments C1 to C19 and C38 to C57
(TPB Paper No. 8254)**

Presentation and Question Session

[Miss Annie Tam and Mr. Nelson W.Y. Chan arrived to join the meeting at this point.]

4. The following Members had declared interests in this item:

Mr. Felix W. Fong]
] being members of the Democratic Alliance for the
Ms. Starry W.K. Lee] Betterment and Progress of Hong Kong, which was the
] representer of R860
Ms. Maggie M.K. Chan]

5. It was noted that Ms. Starry W.K. Lee had tendered apology for not being able to attend the meeting and Mr. Felix W. Fong and Ms. Maggie M.K. Chan had not yet arrived to join the meeting.

6. The following representatives from Government departments, the representers, commenters and representers'/commenters' representatives were invited to the meeting:

Planning Department (PlanD)

Mr. Alfred Lau	District Planning Officer/Sai Kung & Islands (DPO/SKIs)
Mr. Wilfred Cheng	Senior Town Planner/Tseung Kwan O (STP/TKO)

Civil Engineering and Development Department (CEDD)

Mr. Talis Wong Chief Engineer/Sha Tin (CE/ST)
Mr. T.S. Li Senior Engineer/Tseung Kwan O (SE/TKO)

Housing Department (HD)

Mrs. Connie Lai Chief Planning Officer (CPO)
Mr. Andy Leung Chief Architect (CA)

Leisure and Cultural Services Department (LCSD)

Mr. Alfred Chow Chief Leisure Manager (CLM)
Mr. Peter Kan Chief Executive Officer (Planning) (CEO(P))

Architectural Services Department (ArchSD)

Mr. Lo Wing Sau Project Manager (PM)
Mr. Andrew Sung Project Manager (PM)

Transport Department (TD)

Mr. Joseph Tsui Chief Transport Officer (CTO)
Mr. Lau Kin Kwok Senior Transport Officer (STO)
Mr. C.H. Wong Senior Engineer (SE)

Representers/Commenters and their representatives

R345 Mr. Lee Yung Kong - Representer

R406 Mr. Ng Cheung Kau

(Representer of R406 and representative of the representers of R1, 3, 7-10, 12-13, 15-17, 20, 25-29, 31-33, 37, 40, 42-43, 45, 49, 52, 56, 58, 60-61, 64-65, 67-69, 72-74, 78, 83, 86-88, 90-91, 94-95, 97-100, 102-106, 108, 110, 118, 120, 122-123, 127-129, 131-132, 134-136, 139, 141, 146-147, 150-151, 153, 155, 157-163, 165-166, 168-171, 173, 175, 177, 179, 181-185, 187-191, 193-194, 197-198, 200-202, 204-205, 209, 216-217, 220-221, 224-225, 229, 231-234, 236, 238, 240-243, 245, 249, 252, 255, 257, 261-263, 265-267, 269-272, 274, 276, 278-280, 282, 285-288, 290-292, 295-297, 301, 303-305, 309, 314-317, 319-320, 323-327,

329-330, 335, 340, 342-343, 345, 347, 352-353, 355-356, 370, 372, 374, 378-383, 385, 390, 393-398, 404, 410-411, 413, 418, 423, 425, 427-430, 432-433, 435-438, 440, 442, 445, 447-454, 458, 460-461, 464, 465, 470-473, 482, 487-489, 491-492, 498, 502-505, 507-509, 512-513 & 516)

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| R537 | Mr. Tsui Kit Wai | - Representer |
| R565 | Mr. Fu Chi Keung | - Representer |
| R601 | Ms. Chick Yim Fong | - Representer's representative |
| R796 | Ms. Esther Kwan | - Representer |
| R860 | Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) | |
| | Mr. Chan Kwok Kai |] Representer's representatives |
| | Mr. Tam Lanny |] |
| | Mr. Leung Ping Hung |] |
| | Mr. Chan Ka Chun |] |
| R863 | Designing Hong Kong
(also commenter of C7) | |
| | Mr. Paul Zimmerman | - Representer's representative and
commenter's representative |
| C4 | Mr. Cheung Kwok Keung | - Commenter |
| C42 | The Incorporated Owners of Bauhinia Garden | |
| | Mr. Ng Cheung Kau |] Commenter's representatives |
| | Mr. Chan Heung Ming |] |
| | Ms. Kwan Shuk Han |] |
| | Mr. Chan Kin Keung |] |
| C47 | The Incorporated Owners of Tseung Kwan O, Kwong Ming Court | |

	Mr. Shi Hau Kit, Simon	- Commenter's representative
C49	Ocean Shores Owners' Committee	
C54	Mr. Chan Kai Wai	- Commenter of C54 and representative of C49
	Tam Yu Ling	- Representative of C49
C55	Mr. Fan Kwok Wai, Gary	- Commenter

7. 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.

8. Members noted that a letter submitted by some Sai Kung District Council (SKDC) members raising their opposition to Real Estate Developers Association's proposal to relax the building height restrictions of TKO was tabled at the meeting. Members noted the letter.

9. The Chairman extended a welcome and briefly explained the procedures of the hearing. He then invited Mr. Wilfred Cheng, STP/TKO, to brief Members on the background to the representations and comments.

10. With the aid of a Powerpoint presentation, Mr. Wilfred Cheng, STP/TKO, briefed Members on the Paper and made the following points:

- (a) the background of the amendments to the Tseung Kwan O Outline Zoning Plan (the TKO OZP) as detailed in paragraph 2 of the Paper;

Representations

- (b) Group 1 covered Representations No. R1 to R811, R813 to R853 and R860 to R863. R812 had been withdrawn by the representer after the issue of the Paper;

- (c) the grounds of representations and the proposals of the representers as detailed in paragraph 3.3 of the Paper were summed up below:

Supportive Representations

- R860 supported the proposed Road P2 and its semi-submerged design and the proposed feature bridge design of the Cross Bay Link (CBL);

Site Specific Concerns

Public Housing Development in Area 65B

- R1 to R521 and R861 opposed the proposed public housing estate in Area 65B (zoned “R(A)3”), and further high-rise or residential developments south of Po Yap Road and Chui Ling Road;
- R1 to R521 proposed to rezone Area 65B to “Open Space” with provision of recreational facilities;
- R522 to R811 and R813 to R853 proposed no public housing development in the TKO South (TKOS) area;
- R506 and R861 proposed to develop a 3-storey community hall and R861 further proposed to build a sports ground for active and passive sports adjacent to the community hall on the site;
- R489 pointed out that it was necessary to safeguard wastage of public spending on public housing development. Redevelopment should be expedited and persons with ownership of multiple units should be taxed heavily;

Refuse Collection Point in Area 72

- R522 to R811 and R813 to R853 opposed the proposed refuse collection point (RCP) in Area 72 (zoned “G/IC(4)”) on environmental hygiene grounds;

Finger Piers

- R863 opposed the deletion of the 2 proposed finger piers at the waterfront of Area 68. The proposed finger piers should be retained;

The Water Sports Club

- R863 supported Amendment Item C and the zoning for a water sports recreation club but opposed the boundary and location of the proposed water sports club at the toe of the TKO Stage I Landfill (TKOLF-I) site in Area 77 (zoned “OU” annotated “Sports and Recreation Club” (“OU(SRC)”)), as the water sports centre in Area 77 had no interface with the sheltered Eastern Channel where water sports sensitive to rough water would take place;
- a thorough understanding of the future marine uses and their requirements for safety, mooring, berthing and launching was required before carrying out planning;

Cross Bay Link

- R537 opposed the CBL development, reclamation and destruction of the original shoreline without giving any ground of representation;

General Concerns

Wall Effect/Air Ventilation/Sunlight Penetration

- R1 to R811, R813 to R853, R861 and R862 raised concern about the wall effect of further high-rise high-density residential developments in the Town Centre South (TCS) (R1 to R521, R861 and R862) and TKOS (R522 to R811 and R813 to R853) areas;
- R1 to R811 and R813 to R853 proposed to lower the building height restriction for the areas south of Po Yap Road, i.e. TCS (R1 to R521, R861 and R862), and TKOS (R522 to R811 and R813 to R853), from 100m to 50m. R861 proposed to restrict building height in TCS to 2 to 5 storeys;

Podium Structures

- R863 was concerned about the site coverage restriction which was not sufficient to pre-empt large podium structures and proposed to reduce the population target and site coverage of the yet to be disposed sites;

Green/Open Space and Cultural and Recreational Facilities

- R1 to R811, R813 to R853 and R860 to R862 raised concerns about the inadequacy of open space and/or cultural and recreational facilities in TKOS area;
- R522 to R811, R813 to R853 and R860 to R862 proposed to increase green/open spaces to redress the serious inadequacy of open spaces in TKOS area. R862 suggested to increase the ratio of green (open) space provisions in TCS and TKOLF-I site;
- R860 had submitted a proposal to enhance the proposed open space development in TCS area, namely, the Central Avenue, town plaza and waterfront park with supportive drawings as shown in Drawings H-1(a) to H-1(e) of the Paper;

Cycle Tracks and Footpath Provisions

- R863 opposed the vague and uncommitted (covering) Notes of the OZP on cycle tracks and footpath;
- R494, R504, R521 and R863 proposed that additional and comprehensive cycle track and footpath networks covering the entire new town should be provided and identified on the OZP;
- R486 proposed to provide footbridge connections with MTR TKO Station, Grandiose and Bauhinia Garden;

Re-planning of the Town Centre South Area

- R861 was concerned about the planning of TCS, which would have negative impacts on the air quality, living environment and thus the health of residents;

- R861 proposed to increase the open space provision, to stop further high-rise high-density development and to turn TCS into a centre of tourism and recreation. The representer also submitted a draft plan requesting the Board to over-haul and re-plan the land uses in TCS which should include a park, private housings (restricted to 5 storeys), GIC facilities (restricted to 5 storeys) and resort hotels (restricted to 2 storeys);

Other Concerns and Proposals

Junk Bay to be Protected by the Protection of the Harbour Ordinance

- R1 to R811 and R813 to R853 (except R450) requested that the water body of Junk Bay should be protected under the Protection of the Harbour Ordinance (PHO);

Vehicular Access Road Serving Junk Bay Chinese Permanent Cemetery

- R522 to R811 and R813 to R853 (except R530, R710 and R851) proposed that a vehicular access road should be constructed to link up the Junk Bay Chinese Permanent Cemetery (JBCPC) with the TKO-Lam Tin Tunnel (TKO-LTT);

Bus Services in TKO

- R516 considered supportive transportation facilities not sufficient to cater for the population growth in TKO and more bus services should be provided;

Commercial Development in Area 86, TKO

- R521 proposed to expedite commercial development in “Dream City” (i.e. CDA development in Area 86);

Comments

- (d) comments on the representations as detailed in paragraph 4 of the Paper were summed up below:

- C1, C2, C4 to C6, C15, C38 to C57 supported R1 to R811, R813 to R853 and R860 to R862 relating to public housing development in Area 65B specifically or requested no further public housing development in TKOS area generally, rezoning of Area 65B to “Open Space”, against the RCP development in Area 72, requested for more open space, cultural and recreational facilities, restructuring of the open space networks for TCS proposed by R860, the tightening of building height, access road to JBCPC, and protecting Junk Bay under the PHO;
- C3 (Real Estate Developers Association of Hong Kong (REDA)) opposed the proposed building height reduction from 100m to 50m for developments south of Po Yap Road. The building height should be increased from 100mPD to 140mPD (about 40 storeys) for the “R(A)2” and “R(A)3” zones and from 65mPD to 100mPD (about 30 storeys) for the “R(A)4” and “R(A)5” zones so as to allow for better design flexibility and better space around the building;
- C7 (Designing Hong Kong) urged for a review of the design and engineering of the planned traffic interchange to reduce the size, impact and landtake. It was inappropriate to extend the PHO but the need to protect the natural shorelines of Hong Kong was agreed;
- C16 to C19 supported the proposal to retain the two planned public piers in TKO;

[Dr. C.N. Ng and Dr. Winnie S.M. Tang arrived to join the meeting at this point.]

- (e) PlanD’s views – planning considerations and assessments, and responses to grounds of representations and comments on representations as detailed in paragraph 5 of the Paper were summed up below:

Public Housing Development in Area 65B

- Area 65B had been zoned “R(A)” since the first TKO OZP No. S/TKO/1 gazetted on 11.12.1992. Its suitability for residential purposes was reinforced by the Feasibility Study for Further

Development of Tseung Kwan O (the TKO Study);

- the Explanatory Statement of the OZP did not specify whether the subject site was for private or public housing development. It was a matter of policy to determine the suitability of the site for public housing development;
- regarding the effect of density, building height, visual effect, air ventilation, sunlight penetration and infrastructure provisions, there were development restrictions imposed under the “R(A)3” zoning (i.e. a maximum domestic and non-domestic plot ratio of 4 and 0.5 respectively, a maximum site coverage of 50% and a maximum building height of 100mPD) to ensure future development(s) at this site be compatible with the adjacent developments;
- the subject site had been combined with a proposed local open space to its south at Chi Shin Street, which was about 4,600 m² in size, to be provided as part of the development package;
- as to the proposal to develop Area 65B for community hall purpose, there were currently 4 existing and 2 planned community halls in TKO, which were sufficient to meet the standards under HKPSG;
- regarding expediting public housing redevelopment and heavy tax on owners of multiple public housing units, these were matters outside the purview of the Board;

Refuse Collection Point

- the proposed RCP was required to cater for the need of the GIC uses in Areas 67 and 72. It was within a cluster of GIC uses and relatively isolated from residential developments, far away from the nearest residential developments (about 230m) and well buffered by a variety of GIC uses, open spaces and roads. Its location was considered appropriate from the land use compatibility point of view;

- the proposed RCP would incorporate the latest and most advance design and facilities to mitigate its potential adverse impacts;

Finger Piers

- according to TD, with the commissioning of MTR TKO Line in August 2002, there were no longer planned or proposed ferry routes from TKO and the demand for marine travel was likely restricted to chartered services (mainly on weekends). Since most leisure vessels were relatively small in size, landing steps should be provided in place of the proposed piers. TD did not support the retention of the 2 ferry piers;
- as to other functions of these piers suggested by the representer, the proposed waterfront park and town plaza would offer exactly these functions as suggested under the TKO Study;

The Water Sports Club

- the location of the proposed water sports club at the toe of TKOLF-I in Area 77 was recommended by the TKO Study and was generally accepted by concerned parties and the SKDC. For water sports sensitive to rough water, they could still take place in the Eastern Channel not far away from this location by water;

Cross Bay Link

- CBL would be one of the major and critical components of the road network serving and facilitating the further development of TKO. It would be subject to detailed technical and environmental impact assessments and further public consultation process;

Cycle Tracks and Footpath

- detailed land use proposals including cycle tracks and footpaths were set out in layout plans (LPs), which were of much larger scale and thus could accommodate more details like cycle tracks and footpaths;

- the existing footpaths and cycle parking areas covered most of the developed areas of TKO, and were adequate to serve the current needs in TKO. There would be new cycle tracks and footpaths to enhance the networks. These cycle tracks would be implemented in tandem with the various infrastructure works packages for the TKO New Town Development, between 2009 and 2016;
- regarding the proposed footbridges linking the MTR TKO Station, Grandiose and Bauhinia Garden, they were already planned as part of the elevated walkway system in TKOS;

Wall Effect/Air Ventilation/Sunlight Penetration

Development Intensity

- in line with the development concept of the TKO Study, the population of the TKO would be reduced from 480,000 to 450,000 as a result of lowering the plot ratio of various residential development sites in the TKOS area from about 6 - 7.5 to about 2 - 5. Residential developments under the "R(A)" zoning were all subject to a maximum site coverage restriction of 50% to reduce the size of podium of the development;

Building Height Restriction

- the representers' proposal to reduce the height restriction in TKOS from 100m to 50m (or capped at 5 storeys) nor REDA's proposal to increase the height restriction was not supported because the "stepped height" concept recommended by the TKO Study had been widely accepted by the SKDC and the local community and had undergone various impact assessments. There were insufficient justifications to substantiate the proposals of relaxing or reducing building height;

Breezeways

- existing major breezeways along Road P2 and the Eastern Channel and the Town Park, together with additional breezeways through the centre

of TCS along the north-south streets, had been respected and maintained. Principal views were maximized through the creation of green open space corridors and along the major breezeways through maintaining low- to medium-rise developments on the waterfront;

Podium Structures

- on the OZP, a maximum 50% site coverage restriction had been imposed on the “R(A)” zone to avoid massive podium development and to improve the street level environment;

- measures to reduce wall effect were detailed planning issues and would be developed as detailed planning for the TCS proceeded. The Explanatory Statement would be revised to incorporate the following to provide guidance on building design:

“In order to minimize negative air ventilation impact, future developments are encouraged to adopt suitable design measures to minimize any possible adverse impact. These include lower podium height, greater permeability of podium, wider gap between buildings, non-building area to create air path for better ventilation and minimizing the blocking of air flow through positioning of building towers and podiums to align with the prevailing wind directions, as appropriate.”

Open Space Provisions and Cultural and Recreational Facilities

- TKOS, and TKO as a whole, would be served by a comprehensive network of open/green spaces;

- according to HKPSG, the planned population of TKO would require 45 ha of district open space (DO) and 45 ha of local open space (LO). Currently, a total of 50 ha of DO and 66 ha of LO were planned in TKO. The overall provision of open space was more than required to meet the planned population;

- as to the request for the provision of more parks and cultural and

recreational facilities, there were quite a number of such projects underway, e.g. the sports centre, velodrome and town park in Area 45, the riverine park and recreation centre in Area 65, the cultural complex in Area 67, the town plaza and waterfront park in Area 68, the waterfront promenade along the coast of TCS, the Tiu Keng Leng Park in Area 72 and the open space cum sports centre and library in Area 74;

Proposal of R860 (DAB)

- the impacts of this proposal had not been properly assessed. Regarding the lack of open space near the MTR TKO Station, attention should be drawn to the open space provision within and outside the proposed comprehensive hotel, apartment, commercial and leisure development above the MTR TKO Station in Area 56, which included about 6,000 m² of open space within the development and a large DO to the north of the development at Tong Tak Street to be developed by the developer. These projects were currently under the design stage;

[Mr. Leslie H.C. Chen, Mr. Tony C.N. Kan and Ms. Sylvia S.F. Yau arrived to join the meeting at this point.]

Proposal on Swapping the Housing Site in Area 65B with Area 45

- R861's proposal to swap the housing site in Area 65B with the open space development in Area 45 was not supported because:
 - a) Area 45 was within the eastern breezeway with a 30m height limit and could unlikely accommodate the intended development intensity of Area 65B;
 - b) supporting infrastructural capacity in Area 45 could not support housing development;
 - c) the town park, velodrome and sports centre project in Area 45 had been upgraded to Category B of the Public Works Programme. Its relocation would have serious financial, resource and

contractual implications. SKDC and the locals had high expectation on this project urging for its early and expeditious implementation;

Re-planning of Town Centre South

- R861's land use reshuffling proposal was not supported:
 - a) the proposed land uses and the layout under the OZP had been carefully examined and assessed under the TKO Study to ensure the proposals were feasible and acceptable;
 - b) the representer had not provided sufficient information/justification to support the proposal nor any technical assessments to demonstrate its feasibility and implementability;

Other Concerns and Proposals

Junk Bay to be Protected by the Protection of the Harbour Ordinance

- this proposal was outside the purview of the Town Planning Ordinance and did not relate to any of the amendments;

Vehicular and Pedestrian Access Road to the Junk Bay Chinese Permanent Cemetery (JBCPC)

- road, footbridge and footpath were permitted as of right under the OZP and might be dealt with at the detailed planning stage. Regarding pedestrian access link, Home Affairs Department, CEDD and TD had already worked out a footpath proposal allowing pedestrian access between the JBCPC and MTR Tiu Keng Leng Station, which had been authorized under the Road (Works, Use and Compensation) Ordinance on 18.3.2008 and was currently at the detailed design stage;
- Transport and Housing Bureau did not support the vehicular access proposal on the ground of insufficient justification. Such an access would also have geotechnical and visual impacts;

Supportive Transportation Facilities and Bus Services

- these matters fell under the purview of various Government departments. TD would review the bus network for TKO to cater for the new passenger demand;

Design of Road P2

- R860 with the support of C7 welcomed the depressed road design of Road P2 and suggested that similar design should be adopted for other future new roads in TKO. C7 urged for a review of the design and engineering of the planned traffic interchange. CEDD assured that the suggestion would be taken into account in the planning of future new roads including the interchange of the TKO-LTT; and

Expediting Development of the Commercial Facilities at “Dream City”

- the development of “Dream City” (now “Lohas Park”) at the CDA site in Area 86 had commenced. Lohas Park development was a private development and its programme depended on the initiative of the land owner/developer and the market conditions.

PlanD recommended the Board not to uphold the representations.

11. The Chairman then invited the representers, commenters and their representatives to elaborate on their representations and comments.

Representation No. R406 (Mr. Ng Cheung Kau)

12. Mr. Ng Cheung Kau, representer of R406, and representative of C42 and R1, 3, 7-10, 12-13, 15-17, 20, 25-29, 31-33, 37, 40, 42-43, 45, 49, 52, 56, 58, 60-61, 64-65, 67-69, 72-74, 78, 83, 86-88, 90-91, 94-95, 97-100, 102-106, 108, 110, 118, 120, 122-123, 127-129, 131-132, 134-136, 139, 141, 146-147, 150-151, 153, 155, 157-163, 165-166, 168-171, 173, 175, 177, 179, 181-185, 187-191, 193-194, 197-198, 200-202, 204-205, 209, 216-217, 220-221, 224-225, 229, 231-234, 236, 238, 240-243, 245, 249, 252, 255, 257, 261-263, 265-267, 269-272, 274, 276, 278-280, 282, 285-288, 290-292, 295-297, 301, 303-305, 309, 314-317, 319-320, 323-327, 329-330, 335, 340, 342-343, 345, 347, 352-353, 355-356, 370,

372, 374, 378-383, 385, 390, 393-398, 404, 410-411, 413, 418, 423, 425, 427-430, 432-433, 435-438, 440, 442, 445, 447-454, 458, 460-461, 464, 465, 470-473, 482, 487-489, 491-492, 498, 502-505, 507-509, 512-513 & 516, made the following main points:

- (a) supported the decision of the Housing & Environmental Hygiene Committee of SKDC on 15.4.2008 opposing the public housing development in Area 65B of TKO and the land concerned should be turned into a park;
- (b) HD should keep its previous promise with SKDC that Area 73 was the last public housing development in TKO;
- (c) in view of the high-density development of TKO and the odour created by the TKOLF, Area 65B should be kept as a breezeway to facilitate air ventilation of the new town;
- (d) development of public housing in Area 65B with good sea view would only encourage people to keep these public housing units for a long time, thus lengthening the waiting time of people eligible for public housing;
- (e) the building height restriction for the areas south of Po Yap Road should be lowered from 100m to 50m (about 15 storeys) to minimize the wall effect and prevent deterioration of air quality of TKO;
- (f) development of public housing in Area 65B would have an adverse impact on the water body of Junk Bay which formed an integral part of the Victoria Harbour in terms of the marine ecology; and
- (g) public housing should not be allowed in Area 65B at the expense of TKO residents' interests.

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

13. Mr. Tsui Kit Wai made the following main points:

- (a) residents of the TKO new town were being affected by odour from the water body of Junk Bay. Despite repeated complaints, the Environmental Protection Department (EPD) could not identify the source of the odour;
- (b) the high-rise and high-density development in TKO had caused irreparable damage to the environment, causing loss of natural landscape and shoreline;
- (c) a consequence of high-density development was the need to develop supporting road network which would in turn adversely affect the environment. The proposed CBL was a case in point as it would be a blot on the beautiful shoreline of TKO; and
- (d) as a remedial measure, the Board was obliged to lower the development density of TKO as well as to preserve its natural environment. Sustainable development and improvement of living quality should not be sacrificed for the economic considerations to generate more income and revenue.

Representation No. R860 (DAB)

14. Mr. Chan Kwok Kai, representative of R860, tabled a leaflet at the meeting. With the aid of a Powerpoint presentation and a physical model displayed at the meeting, Mr. Chan Kwok Kai made the following main points:

- (a) the representer had undertaken public consultation on the amendments to the TKO OZP and the local residents' views could be summed up as follows:
 - in support of the major amendments to the TKO OZP, the urban design concept, the proposed Road P2 and its semi-submerged design, and the proposed feature bridge design of CBL;
 - an area of major concern was about Amendment Item B1 relating to

TCS. Local residents supported the stepped building height profile towards the waterfront and the planned development of 13 ha of open space in the waterfront. However, they expected that no “wall development” would be allowed in TCS which should instead provide wider visual and wind corridor, accessible and enhanced green open space, varied cultural and recreational facilities, and a uniquely-designed waterfront;

(b) in the light of the public expectations, the representer found it necessary to refine some aspects of the TKO OZP as below:

- areas in the vicinity of the MTR TKO Station were surrounded by high-density developments;
- in the planning of the Kai Tak Development, a station plaza with an area of 7 ha was planned around the MTR Station to meet the needs of a planned population of about 100,000. In the TKO new town with a planned population of over 400,000, the Government had failed to provide any open space in the vicinity of the MTR Station. Consideration should be given to the provision of an open plaza around the MTR Station with a view to improving the crowded environment;
- with a length of 300m and a width of 30m, the circulation space on the Central Avenue would be limited and ventilation would be insufficient. The Central Avenue was also a major link to the northern part of the town centre. With a long walking distance of 15 to 20 minutes, it would be inconvenient for the local residents;

(c) the representer had come up with an enhanced scheme for TCS which would provide an open plaza to the south of the MTR TKO Station and a widened Central Avenue, details of which were set out below:

- to redesign the open space network in TCS to make it more convenient and diversified, and to provide better connectivity with the waterfront;

- to allocate part of the open space from the waterfront to the vicinity of the MTR TKO Station where pedestrian flow was the highest, so as to alleviate the problem of overcrowding in the built-up areas. A green plaza of about 2 ha was proposed to the south of the MTR TKO Station for accommodating diversified leisure, entertainment and cultural facilities;
 - the Central Avenue was proposed to be widened from 30m to 50m. Shops and cafes would be provided on both sides to create a lively and vibrant atmosphere. Different kinds of cultural and recreational facilities would be included, including a green environment for enjoyment by citizens and visitors, and provision of free of charge venues for display of works by local and overseas artists;
 - the planned waterfront park should provide sufficient public open space and inject more vibrancy to the place by providing water feature designs and diversified activities;
- (d) the proposed enhancement scheme of TCS was considered practicable and feasible as it would not affect the current land reservation for various uses including “R(A)2” (of 6.32 ha), “R(A)5” (of 3.95 ha) and “O” (of 13.42 ha) on the TKO OZP;
- (e) as to PlanD’s comments on the representer’s enhancement scheme, the representer had the following responses:
- the enhancement scheme primarily called for revision of the distribution for different land uses without affecting the area of land reservation for development. These amendments should be feasible and practicable without creating any technical problems. Besides, the enhancement scheme would improve the visual corridor and air ventilation of TCS and integrate a green area into the living environment of the local residents;

- though there was open space provision within and outside the proposed comprehensive development above the MTR TKO Station in Area 56, including a large district open space to the north of the development at Tong Tak Street, the enhancement scheme would provide green open space to the south of the MTR TKO Station and bring about an enhancement to the overall design of the open space network in TCS and integrate it with the planned open space to the north of the MTR TKO Station;
 - although the public had been previously consulted in the TKO Study in 2002, it was still necessary to consider further enhancements to the current proposals in the TKO OZP given the local residents' current aspirations for a better living environment; and
- (f) the Board should duly consider the representer's proposed amendments to TCS, which were prepared based upon local residents' views and represented a further enhancement of the current proposals in the draft TKO OZP.

Representation No. R863 (Designing Hong Kong)

15. Mr. Paul Zimmerman, representative of R863 and C7, made the following main points with the aid of a Powerpoint presentation and some plans:

- (a) he supported the enhancement scheme of TCS proposed by R860 as it represented a marked improvement to the current proposals in the TKO OZP;
- (b) it was inappropriate to extend the PHO outside the city centre and core harbour area, but he supported reduced reclamation in TKO and agreed with the need to protect the natural shorelines;
- (c) the planned traffic interchange for the TKO-LTT would take away too much

sea area and destroy the natural shoreline. It was necessary to review the design and engineering of the interchange to reduce the size, impact and landtake through measures such as lowering the design speed of the road. Reduction of land for the interchange would help preserve the existing shoreline of TKO;

- (d) paragraph 7.3 of the Explanatory Statement of the TKO OZP had clearly spelled out the intention to maximize the development potential of the Eastern Channel and Junk Bay by promoting water sports and recreation. However, the proposed water sports centre at the toe of TKOLF-I would be exposed to wind and waves which would make it difficult to launch small vessels like dragon boat and canoe. This water sports centre hardly had any interface with the sheltered Eastern Channel. The sheltered Eastern Channel had a calm water environment suitable for water sports sensitive to rough water like rowing, canoeing and dragon boat. However, there were no facilities planned for the launching and berthing of small vessels in the Eastern Channel;
- (e) the deletion of two finger piers was not supported. The piers were first identified in the development plan of TKO in 1982, including one for public use and two for ferry use. In the amended plans of 1990, the piers were reduced to two which would be linked up with the MTR TKO Station through a north-south spine. In the TKO Study completed in 2005, the preferred development option still retained two finger piers at the waterfront park. It was astounded to find that the two piers were now deleted and replaced by landing steps in the current TKO OZP;
- (f) while the two finger piers were no longer required on traffic grounds given the development of the MTR TKO Line, piers at the waterfront of Area 68 could still serve leisure uses and social functions like leisure boating, unscheduled kaito services to outlying islands, a vantage point over Junk Bay and a place for dating or gathering with friends. In fact, piers in other parts of Hong Kong such as Stanley, Central and Sai Kung were currently serving as public destinations, places of meeting with friends and various

social functions. Retention of these two finger piers in TKO would also complement the enhancement scheme for TCS as proposed by R860; and

- (g) cycling was very popular in TKO and the Government had promoted the use of cycling in the new town. However, the missing links of the cycle track network within the new town had created inconvenience to the residents and posed safety risk to cyclists. The current problem was due to TD's policy that cycling was only for leisure purpose but not a transport mode and road should only be reserved for vehicles. To avoid fatal accidents to cyclists, it was important for the Board to ensure that additional and comprehensive cycle track covering the entire new town should be provided and identified on the OZP instead of just giving a loose statement in the TKO OZP allowing cycle track as an always permitted use.

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

Comment No. C4 (Mr. Cheung Kwok Keung)

16. Mr. Cheung Kwok Keung made the following main points:

- (a) he supported the views of R494, 805, 855, 857, 858, 862, 863 relating to the lowering of the building height of the areas south of Po Yap Road from 100m to 50m, construction of a vehicular access to JBCPC, rezoning of Area 45 to "Open Space", development of a permanent bus depot in Area 137, rezoning of Area 26 to "Open Space", increase in green/open spaces, and the retention of the finger piers and provision of berthing facilities for small vessels and provision of continuous cycle track/footpath;
- (b) the proposal of R860 to restructure the open space networks for TCS (including widening of the Central Avenue and inclusion of more commercial elements) was supported. It was also proposed that more office buildings should be provided in TCS with a view to creating more employment opportunities for the local residents, thereby reducing traffic generation and alleviating the burden on the traffic network; and

- (c) he opposed the views of the Real Estate Developers Association of Hong Kong (C3) to relax the building height restrictions in TCS.

Comment No. C49 (Ocean Shores Owners' Committee)

Comments No.C54 (Mr. Chan Kai Wai)

17. With the aid of some plans, Mr. Chan Kai Wai, commenter of C54 and representative of C49, made the following main points:

- (a) the future Road P2 connecting with the TKO-LTT would be a major source of noise nuisance. Based on the current design, a section of Road P2 near Ocean Shores would not be decked over. According to an independent consultant study commissioned by the Ocean Shores Owners' Committee, the traffic noise created by Road P2 would exceed the standard stipulated by EPD. As such, it was necessary at the design stage to ensure this section of Road P2 be covered so as to avoid any adverse impact on the local residents in future;
- (b) they opposed the proposed RCP in Area 72 which had been planned for more than 10 years. Under the current design and standard, every housing estate in the vicinity of Area 72 already had its own RCP and therefore, this additional RCP would be redundant and unnecessary. Housing estates in the vicinity like Park Central, Ocean Shores, Tong Ming Court and Choi Ming Court had raised opposition to this RCP;
- (c) a vehicular access road should be constructed to link up the JBCPC with the TKO-LTT, which would allow the crowd in Ching Ming and Chung Yeung Festivals to leave through Lam Tin, thereby saving them the long distance travelling through TKO. CEDD had already reserved a connection in the design of TKO-LTT for providing this road link. It seemed contrary to the view in the Paper that the proposed vehicular access road was not feasible on technical grounds; and

- (d) apart from a temporary cycling park in Area 74, no public open space was found in TKO south. To address such a shortfall, more open space should be provided to cater to the needs of the local residents in TKO south.

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

Comment No. C55 (Mr. Fan Kwok Wai, Gary)

18. Mr. Fan Kwok Wai, Gary made the following main points:

- (a) since the commissioning of the TKO Study in 2002, SKDC, local residents and the commenter had offered different suggestions and comments, many of which had been taken on board by CEDD and PlanD in preparing the current proposals as embodied in the TKO OZP. However, there were still some aspects and issues of the TKO OZP that should be further refined;
- (b) similar proposal to enhance the open space network of TCS as proposed by R860 had been put forward by the commenter in April 2008. The commenter's proposal was based on the self-sufficient principle of a garden city, which should be applicable to TKO new town. The comprehensive development in the MTR TKO Station was the only site providing hotel and office uses in TKO new town. To ensure these commercial uses be attractive to future users, it was important to provide an open and green plaza around the station to enhance its value and attractiveness. With a well-designed plan, an open plaza would be beneficial to the future users of the hotel and office uses in the station as well as the local residents. This would achieve a "win-win" case;
- (c) at present, the Government had tried to conceive the gateway view of TCS in a south to north direction, i.e. from the waterfront to the MTR TKO Station. However, another perspective to conceive the gateway function of the town centre with the MTR TKO Station as a node should be considered under the current design of TCS. In a north to south direction, an open plaza around the MTR TKO Station would add value to its gateway

function; and

- (d) a cultural complex/town hall was planned in Area 67 in proximity to the MTR TKO Station. Should an open plaza be incorporated in the current design of TCS, the connectivity between the cultural complex/town hall and the MTR TKO Station could be further strengthened, thereby enhancing its important status in the new town.

19. After hearing the presentations of the representers, commenters and representers'/commenters' representatives, Members had the following questions:

Open space network of TCS

- (a) the Government's assessments of the enhancement scheme of TCS as submitted by the R860 given that the land area reserved for different uses remained unchanged as compared with that proposal under the TKO Study;
- (b) whether the widened Central Avenue (from 30m to 50m) as proposed in the enhancement scheme would impose constraints on the future design and development of the adjoining "R(A)2" and "R(A)5" sites;
- (c) what were the reasons to provide a waterfront park of 7 ha in the current TKO OZP and the planned facilities to be provided therein and whether there would be any implementation problems should the current size be reduced;
- (d) whether there were detailed development and design guidelines for the "R(A)2" and "R(A)5" sites on both sides of the Central Avenue;

RCP

- (e) whether there was still a need to reserve a RCP in Area 72; and

Finger Piers

- (f) what was the type of vessels that would be served at the retained finger piers.

20. Mr. Alfred Lau, DPO/SKIs, had the following responses:

Open space network of TCS

- (a) it was noted that the land area reserved for different uses remained unchanged under the enhancement scheme submitted by R860. There would be merits for both the current proposal in the TKO OZP and R860's proposal. For the former, the planning intention was to make use of the Central Avenue as a major landscaped linkage bringing people from the MTR TKO Station to the waterfront area. Under the current proposal in TKO OZP, a sizable waterfront park would be provided in Area 68 with a view to having a landmark open space at the waterfront for public enjoyment while still retaining a Central Avenue with a reasonable width. For R860's proposal, two open space sites would be created at both ends of the Central Avenue;
- (b) under R860's proposal, the Central Avenue was to be widened from 30m to 50m and as a result, the "R(A)" sites on both sides would become more elongated in shape. This might create some constraints on the future design of the residential developments. Under the TKO OZP, these "R(A)" sites were subject to a maximum site coverage of 50% and through this restriction, there was already a mechanism to avoid 100% podium coverage and to ensure provision of open area within these sites in alignment with the development of the Central Avenue and the waterfront park;
- (c) provision of a waterfront park of 7 ha was intended predominantly for passive recreation with a high quality landscaping design to promote a unique identity for the new town at the waterfront though detailed design of the waterfront park including its facilities to be provided had yet to be worked out. No implementation problem at this stage was expected should the size of the waterfront park be reduced;
- (d) in accordance with the Notes of the TKO OZP, the "R(A)2" and "R(A)5"

sites on both sides of the Central Avenue were mainly subject to control of plot ratio, site coverage and building height; and

RCP

- (e) as explained in paragraph 5.4.2(a) of the Paper, the proposed RCP was required to cater for the need of the GIC uses in Areas 67 and 72. In terms of location, it would be within a cluster of GIC uses including a proposed police station, a clinic and a proposed fire station. It was relatively isolated from residential developments, far away from the nearest residential developments (about 230m) and well buffered by a variety of GIC uses, open spaces and roads. Its location was considered appropriate from the land use compatibility point of view.

[Mr. Rock C.N. Chen left the meeting at this point.]

21. Mr. Chan Kwok Kai, representative of R860, said that though the width of the “R(A)” sites on both sides of the Central Avenue had to be reduced by 10m, there should still be ample flexibility for developers to undertake the design of residential developments there. Besides, with a widened Central Avenue of 50m, the visual corridor through TCS would be much improved.

22. Mr. Cheung Kwok Keung, commenter of C4, advised that taking account of past development of fishing industry in TKO and the natural shoreline, there was a need to retain the finger piers for the landing of small-scale leisure boats, thus adding vibrancy to the new town.

23. A Member said that if the representers and commenters could reach a consensus on the retention of the finger piers on the premise of limited reclamation in Junk Bay, it would be a mutual gain to different parties concerned.

24. In response to the Chairman’s enquiries on the need to retain the finger piers from transport and leisure points of views, Mr. Joseph Tsui of TD responded that with the commissioning of MTR TKO Line, the cross-harbour transport need was adequately met by the railway services and there was no need for these piers from the traffic planning point of

view. Mr. Alfred Chow of LCSD said that as the proposed retention of finger piers was intended to be places for social and tourist functions whilst water sports facilities to be managed by LCSD had been reserved in Area 77, they had no comment on the proposals of representers and commenters to retain the two finger piers.

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

25. Mr. Paul Zimmerman, representative of R863 and C7, gave the following views:

- (a) they agreed with TD's views that there might not be a need to retain the finger piers from the transport planning viewpoint. However, it was worth considering to retain these piers which could serve social uses and other functions like kaito services on weekends. Also, in terms of functions and design, finger piers would be much better than the currently proposed landing steps;
- (b) the proposed water sports club at the toe of the TKOLF-I site in Area 77 had no interface with the sheltered Eastern Channel where water sports sensitive to rough water would take place. It was necessary to provide facilities in the Eastern Channel for launching such water sports facilities like canoeing, rowing and dragon boat;
- (c) the proposed water sports club in Area 77 was suitable for water sports including sailing boat requiring deep water. However, as the site was susceptible to strong wind and waves, it would be necessary to provide breakwater opposite to the club with a view to enabling such sport activities to take place;
- (d) they supported the enhancement scheme of TCS put forward by R860 which would create a quality waterfront park of 7 ha beside Junk Bay. This scheme would also allow a better interaction between the waterfront and the water. On this premise, consideration should be given to enhancing the value of the water which should be considered as part of open space alongside with the waterfront park catering to the public needs. In

the light of the examples of Stanley and Central, it would be worthwhile to create piers of good design and quality which would complement the waterfront park in TCS; and

- (e) the proposed piers and breakwater mentioned earlier would call for reclamation but it could be justified having regard to their improvements or value added to the coast of Junk Bay.

26. The Chairman asked if LCSD had any views on the location of the water sports club in Area 77. Mr. Peter Kan of LCSD advised that the proposed club had to be near water for carrying out different water sports facilities and the current location was considered as an ideal one after considering SKDC's views. A Member pointed out that the concerns and views made by the representer on the planned provision of water sports facilities and location of the water sports club should be relayed to LCSD for consideration.

27. Another Member had the following questions:

- (a) how the natural shoreline of TKO could be fully utilized for promoting water sports and tourism under the current TKO OZP;
- (b) whether there was any plan to fill in the missing links of the cycle track network in the new town; and
- (c) the currently planned reclamation to provide toll plaza and related facilities for the TKO-LTT and CBL was considered excessive and whether there was any scope to reduce the landtake of these transport facilities.

28. Mr. Alfred Lau, DPO/SKIs, said that the waterfront of Junk Bay would be fully utilized for the development of water sports and attraction of tourists. The landing steps in place of the originally planned finger piers could still serve the functions of providing kaito services and landing of leisure boats. The location of the proposed water sports club in Area 77 was recommended by the TKO Study and accepted by concerned parties and SKDC. This was expected to be a place offering club, launching and storage facilities and was considered a suitable location for water sports activities like water skiing, diving. For water

sports that were sensitive to rough water, they could still take place in the Eastern Channel not far away from this location by water. A cycle track and a footpath would be built along the coast of the TKOLF-1, which would provide adequate linkage through the southern and northern bridges across the Eastern Channel between the future water sports club in Area 77 and the waterfront promenade and riverine park in TCS. A leisure centre in Area 65 and a riverine park together with existing landing steps in the Eastern Channel had been planned to complement the water sports activities in the vicinity.

29. On the cycle track network planned in the TKO new town, Mr. C.H. Wong of TD had the following responses:

- (a) cycling was primarily intended for leisure use though it was noted that cycling was also used by TKO residents as a mode of transport for short distance commuting;
- (b) a cycle track network had currently been provided to connect different areas including Po Lam, Hang Hau and Sheung Tak within the new town. Care had been taken to provide sufficient cycle parking facilities in such nodes as MTR stations, public transport interchanges and commercial developments having high pedestrian flow. To date, the number of cycle parking spaces managed by TD in these areas was about 2,600. For individual housing estates, cycle parking spaces were normally provided at a rate of 1 cycle parking space for every 30 residential units. In TKO new town, the provision had increased to 1 cycle parking space for 10 to 15 residential units to ensure the provision of sufficient cycle parking facilities;
- (c) TD was very concerned about recent fatal accidents of cyclists in TKO new town. From the traffic safety view point, provision of cycle track on sloping topography was considered inappropriate. However, for level and flat areas within the new town, TD together with PlanD and CEDD would always plan for the provision of cycle tracks and related facilities for the enjoyment of the public. As to the problem of illegal occupation of cycle parking spaces, TD would continue to work closely with other relevant departments to carry out enforcement action; and

- (d) CBL would be designed as a feature bridge compatible with the proposed TCS development. Consultants would be commissioned to undertake detailed design of CBL later and public views on CBL would be taken into due account at the design stage to examine the feasibility of reducing the landtake of the toll plaza and related facilities.

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

30. In response to TD's views, Mr. Paul Zimmerman, representative of R863 and C7, pointed out that there was ample flat land around and within TKO new town suitable for provision of cycle track and related facilities. The current problem of missing links of cycle track network in TKO new town was mainly a matter of policy and due to the lack of direction and control from the Board. The unbinding statement of allowing cycle track as a use always permitted on the OZP was not enough. Instead, it was important for the Board to set out a comprehensive cycle track network on the OZP at the early planning stage which would ensure concerned departments to follow. This would help avoid more fatal accidents causing death to the cyclists.

31. Mr. Chan Kai Wai, commenter of C54 and representative of C49, referred to a letter sent by DPO/SKIs on 2.11.2006 indicating that the proposed RCP in Area 72 was planned for collecting the domestic waste in Tiu Keng Leng and TKO south, which was contrary to the explanation given in the Paper. Mr. Alfred Lau, DPO/SKIs, responded that there was a change in the planning intention for the proposed RCP which would mainly cater to the need of GIC uses in Areas 67 and 72.

32. In response to the concerns of Mr. Tsui Kit Wai, representer of R537, about the planned reclamation in connection with development of CBL, Mr. T.S. Li of CEDD responded that the planned reclamation would mainly provide land for toll plaza, road interchange and related connecting roads to CBL and TKO-LTT. Noting the public concerns about the extent of reclamation, CEDD would review the detailed design of TKO-TLL and CBL and the extent of reclamation required with a view to reducing landtake and minimizing any adverse impact on the existing shoreline. Mr. Li added that CBL was based on the recommendation of the TKO Study which had gone through extensive public consultation in

which a bridge option was preferred to a tunnel option. To minimize the possible visual impact, CBL would be designed as a feature bridge compatible with the TCS development.

33. As the representers, commenters and representers'/commenters' 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, commenters and representers'/commenters' representatives and representatives from Government departments for attending the hearing. They all left the meeting at this point.

[The meeting was adjourned for a break of five minutes at 11:25am.]

Deliberation Session

Town Centre South

34. The Chairman expressed his support of the enhancement scheme of TCS submitted by R860 having regard to the improvements to the gateway functions of the MTR TKO Station and enhancement of the open space networks in TCS whilst not affecting the land reservations for different uses there. Also, the proposed open plaza proposed to the south of the MTR TKO Station could be integrated with the proposed cultural complex/town hall in Area 67, thus further adding value to the nodal functions of the station.

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

35. Members gave their support to R860's enhancement scheme and had the following views:

- (a) this proposal which would not affect the development parameters and land use reservation for different uses in TCS was worth pursuing and should be incorporated in the TKO OZP;
- (b) it was appreciated that the local residents had made real efforts to come up with workable proposals which could be taken on board without

fundamentally affecting the TKO OZP. Other representers and commenters at the meeting had also given their support to R860's proposal;

- (c) whilst the open plaza proposed to the south of the MTR TKO Station was supported, it might be necessary to give further thoughts to the size of this open plaza having regard to the design of the widened Central Avenue and the waterfront park; and
- (d) the proposal by R860 should be used as a reference for revising the land use distribution of TCS but PlanD should be given the flexibility to make appropriate adjustments in proceeding with the revision of the TKO OZP.

36. The Secretary informed Members that the current proposals of TCS in the TKO OZP were based on the urban design plan of the TKO Study. The planning intention was to provide a comprehensive open space network augmented by the provision of additional open/green spaces and view corridors. To avoid excessive podium structures and ensure provision of more open area, the "R(A)2" and "R(A)5" sites in TCS would be subject to a maximum site coverage of 50%, which would ensure building setback and provision of open area within these residential sites alongside with the public open space planned in TCS. Subject to Members' views, the current proposal by R860 could be accommodated in the TKO OZP.

37. The Chairman summed up Members' views that the configuration of the open space of TCS on the TKO OZP should be revised with reference to the enhancement scheme submitted by R860. The amendments should be published for public inspection under the Town Planning Ordinance. In formulating the proposed amendments of the OZP, PlanD should be given the flexibility to make adjustments and revisions as appropriate. Members agreed.

Finger piers

38. A Member commented that the proposal to retain the two finger piers needed detailed and careful assessment having regard to economic gains and benefits to the development of tourism in TKO. With reference to the Blake Pier provided in the vicinity of Murray Building in Stanley as quoted by the representative of R863 and C7, this Member

recalled that the Southern District Council had been cautious in consideration of the proposal. The finger piers in Area 68 in TKO were in a different district context and the needs and functions should be carefully examined before making a decision.

39. Other Members gave the following views on the retention of finger piers:

- (a) from the point of optimizing the waterfront of the new town and enhancing its tourist attraction, there would be benefits to preserve the proposed finger piers which would also be reminiscent of the fishing industry of TKO;
- (b) comparatively speaking, the landing steps might not serve the same functions to complement the waterfront park and provide places for social and other functions as suggested by the representers and commenters at the meeting;
- (c) retention of the finger piers would not only add value to the water of Junk Bay but also complement the water sports facilities planned in the Eastern Channel and the water sports and recreation club planned in TKOLF-site 1 in Area 77;
- (d) knowing TD's views that the proposed piers were not required from the traffic point of view, there was still scope to provide two finger piers of smaller scale to cater to the need for small leisure boats and kaito services;
- (e) if finger piers of a smaller scale were to be provided and TD could not take up the subsequent management and maintenance works, SKDC could be invited to take up the future management and maintenance of the piers; and
- (f) it would be a "win-win" situation if a consensus was reached amongst the representers and commenters that limited reclamation was agreeable for the development of two finger piers.

40. Whilst having no objection to the retention of the finger piers of smaller scale, a Member commented that in revising the TKO OZP, PlanD should consider widening the

separation of the two piers to tie in with the widened Central Avenue as suggested in R860's proposal and ensure a continuous visual corridor from the MTR TKO Station.

41. The Chairman summed up Members' consensus that the two finger piers should be preserved but their scale could be smaller such that the future maintenance and construction could be taken up by the District Council, if necessary. PlanD should further liaise with concerned departments including TD and Tourism Commission to sort out the revised design and future management and maintenance. Members agreed.

42. Mrs. Ava Ng said that given the issues relating to the revised design and maintenance and management of the finger piers might not be resolved within a short period whilst submission of the TKO OZP to the Chief Executive in Council was subject to a statutory time limit, there might be an alternative that in case a solution could not be worked out within a short period, the Board might deal with the amendments to the finger piers at a later stage, probably under s.7 of the Town Planning Ordinance. Knowing that an agent to undertake the future management and maintenance of the piers might not be sorted out in the near future, the Chairman considered that for this case, the TKO OZP could still be amended to provide two smaller finger piers and it was not necessary to wait for another round of amendments. He requested PlanD to liaise with concerned parties on the retention of the finger piers with a view to reporting back the outcome of discussion to the Board for consideration. Members agreed with the Chairman's suggestion.

Cycle Track

43. A Member was concerned about whether sufficient cycle parking facilities would be provided in the new town other than the planned provisions in different housing estates. The Chairman explained that Government had plans in hand for the development of cycle track and related facilities in new towns. CEDD and TD had proposed new cycle tracks to enhance the network as long as physical and topographical conditions allowed. These cycle tracks would be implemented in tandem with various infrastructure works packages for new towns. Besides, as the OZP was a small scale plan showing only broad brush zonings and major roads and detailed land use proposals including cycle tracks would be dealt with in layout plans, amendment to the OZP to indicate the cycle track network was not necessary. Members agreed.

RCP

44. The Chairman said that there was a need to reserve the proposed RCP in Area 72 to cater for the need of the GIC uses in Areas 67 and 72. In terms of location, the proposed RCP was within a cluster of GIC uses and relatively isolated from residential developments, far away from the nearest residential developments (about 230m) and well buffered by a variety of GIC uses, open spaces and roads. Members agreed.

Water sports facilities

45. The Chairman said that the location of location of the proposed water sports club at the toe of TKOLF-I in Area 77 was acceptable to LCSD after considering the views raised by the public including SKDC. Other issues relating to the sports facilities raised by the representers and commenters should be duly addressed by concerned departments at the detailed design of the water sports club. Mrs. Ava Ng added that according to the current planning intention, a cycle track and a footpath would be built along the coast of the TKOLF-1, providing adequate linkage through the southern and northern bridges across the Eastern Channel between the future water sports club in Area 77 and the waterfront promenade and riverine park in TCS. As such, there would be no space on the eastern side of the Eastern Channel to provide additional facilities for launching small leisure boats. On the other side of the Eastern Channel, the TKO OZP had proposed a leisure centre in Area 65 and a riverine park along the Eastern Channel which could provide a range of water-related and passive recreational facilities and opportunities. There were also landing steps adjacent to the proposed riverine park to facilitate landing of small boats. The concerns about the water sports facilities raised by the representers and commenters should be addressed at the detailed design stage. Members agreed.

Others Issues

46. A Member commented that CBL might be over-designed and asked whether the land take due to the proposed public transport interchange could be reduced through traffic management measures. The Chairman said that the issue could be further considered in the hearing of another group of representation later.

47. Another Member said that given the proximity of Road P2 to the residential development of Ocean Shores, mitigation measures should be adopted in the future design of P2 to minimize its adverse impact on local residents. The Chairman said that the

Environmental Impact Assessment for the road project would duly address the noise impact and propose mitigation measures, if required, for this road.

48. On other issues including opposition to public housing in Area 65B and further reduction/relaxation of building heights restrictions on the OZP, Members agreed that no amendments to the draft OZP should be made having regard to PlanD's assessments as set out in the Paper.

49. Members also agreed to the proposal in paragraph 5.4.8 of the Paper to incorporate the following in the Explanatory Statement of the OZP to provide guidance on building design to reduce wall effect as detailed planning for TCS proceeded:

“In order to minimize negative air ventilation impact, future developments are encouraged to adopt suitable design measures to minimize any possible adverse impact. These include lower podium height, greater permeability of podium, wider gap between buildings, non-building area to create air path for better ventilation and minimizing the blocking of air flow through positioning of building towers and podiums to align with the prevailing wind directions, as appropriate.”

Representations No. R1 to 493, 495 to 503, 505 to 515, 517 to 520

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

- (a) the land use proposals in the OZP had been fully evaluated under all the required technical feasibility and environmental impacts assessments in the Feasibility Study for Further Development of TKO (the TKO Study) and found to be viable and sustainable. Moreover, they were the result of a consensus built on 3 stages of extensive public consultation process since the commissioning of the TKO Study in July 2002. The SKDC had raised no objection to the proposed land uses as shown under Amendment Items A1, B1, B2 and C;
- (b) many of the concerns and proposals of the representers were unfounded and unwarranted with insufficient information and justifications. In particular,

they had given no technical support to substantiate that the proposals were viable and feasible. Besides, they failed to demonstrate that their proposals, particularly on the land uses aspect, represented the best use of scarce land and financial resources;

Public Housing Development in Area 65B

- (c) the “R(A)3” zoning was an appropriate zoning for the site in Area 65B, which was considered suitable for residential development. It was not the intention of the “R(A)3” zoning to control housing type;
- (d) the development intensity of this site was considered compatible with that of the adjacent developments and in line with the development concept for the Town Centre South area, particularly the “stepped height” concept;
- (e) the anticipated housing development at this site was not expected to have adverse impacts in terms of wall effect, air ventilation, sunlight penetration and visual impact on nearby developments;
- (f) preliminary technical feasibility and impact assessments indicated that the proposed development intensity of this site would be acceptable;

Building Height

- (g) the representers had not provided sufficient information to allow a meaningful evaluation and assessment on the broad brush proposal of lowering or increasing the building height limit for the Tseung Kwan O South area. The proposal in the OZP represented an optimal proposal balancing various factors such as local characters, need for design flexibility, public aspiration for a better living environment and private development rights;

Junk Bay to be Protected by the Protection of the Harbour Ordinance

- (h) this proposal was outside the purview of the Town Planning Ordinance;

High Density Developments in Tseung Kwan O South Area

- (i) the population level of TKO had been reduced by about 30,000 persons as a result of lowering the PR of various residential development sites in the Tseung Kwan O South area. The proposal in the OZP represented an optimal proposal balancing various factors such as the need to house the growing population, infrastructure capacity, local characters, public aspiration for a better living environment and private development rights; and

Open Space Provision and Cultural and Recreational Facilities

- (j) there would be more than adequate open space and cultural and recreational facilities planned for Tseung Kwan O town upon full development even discounting the TKO Stage I Landfill site which was primarily for recreational use.

Representations No. R494 and 504

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

- (a) the land use proposals in the OZP had been fully evaluated under all the required technical feasibility and environmental impacts assessments in the Feasibility Study for Further Development of TKO (the TKO Study) and found to be viable and sustainable. Moreover, they were the result of a consensus built on 3 stages of extensive public consultation process since the commissioning of the TKO Study in July 2002. The SKDC had raised no objection to the proposed land uses as shown under Amendment Items A1, B1, B2 and C;
- (b) many of the concerns and proposals of the representers were unfounded and unwarranted with insufficient information and justifications. In particular, they had given no technical support to substantiate that the proposals were viable and feasible. Besides, they failed to demonstrate that their proposals, particularly on the land uses aspect, represented the best use of scarce land and financial resources;

Public Housing Development in Area 65B

- (c) the “R(A)3” zoning was an appropriate zoning for the site in Area 65B, which was considered suitable for residential development. It was not the intention of the “R(A)3” zoning to control housing type;
- (d) the development intensity of this site was considered compatible with that of the adjacent developments and in line with the development concept for the Town Centre South area, particularly the “stepped height” concept;
- (e) the anticipated housing development at this site was not expected to have adverse impacts in terms of wall effect, air ventilation, sunlight penetration and visual impact on nearby developments;
- (f) preliminary technical feasibility and impact assessments indicated that the proposed development intensity of this site would be acceptable;

Building Height

- (g) the representers had not provided sufficient information to allow a meaningful evaluation and assessment on the broad brush proposal of lowering or increasing the building height limit for the Tseung Kwan O South area. The proposal in the OZP represented an optimal proposal balancing various factors such as local characters, need for design flexibility, public aspiration for a better living environment and private development rights;

Junk Bay to be Protected by the Protection of the Harbour Ordinance

- (h) this proposal was outside the purview of the Town Planning Ordinance;

High Density Developments in Tseung Kwan O South Area

- (i) the population level of TKO had been reduced by about 30,000 persons as a result of lowering the PR of various residential development sites in the Tseung Kwan O South area. The proposal in the OZP represented an optimal proposal balancing various factors such as the need to house the

growing population, infrastructure capacity, local characters, public aspiration for a better living environment and private development rights;

Open Space Provision and Cultural and Recreational Facilities

- (j) there would be more than adequate open space and cultural and recreational facilities planned for Tseung Kwan O town upon full development even discounting the TKO Stage I Landfill site which was primarily for recreational use;

Cycle Tracks and Footpaths

- (k) according to the Notes of the OZP, cycle track and footpath/footbridge were always permitted use in all zones;
- (l) detailed land use proposals including cycle tracks and footpaths would be dealt with in larger scale layout plans and the public would be duly consulted in the detailed planning process; and

Footbridges

- (m) regarding the proposed footbridges linking the MTR TKO Station, Grandiose and Bauhinia Garden, they were already planned as part of the elevated walkway system in TKOS.

Representation No. R521

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

- (a) the land use proposals in the OZP had been fully evaluated under all the required technical feasibility and environmental impacts assessments in the Feasibility Study for Further Development of TKO (the TKO Study) and found to be viable and sustainable. Moreover, they were the result of a consensus built on 3 stages of extensive public consultation process since the commissioning of the TKO Study in July 2002. The SKDC had raised no objection to the proposed land uses as shown under Amendment

Items A1, B1, B2 and C;

- (b) many of the concerns and proposals of the representers were unfounded and unwarranted with insufficient information and justifications. In particular, they had given no technical support to substantiate that the proposals were viable and feasible. Besides, they failed to demonstrate that their proposals, particularly on the land uses aspect, represented the best use of scarce land and financial resources;

Public Housing Development in Area 65B

- (c) the “R(A)3” zoning was an appropriate zoning for the site in Area 65B, which was considered suitable for residential development. It was not the intention of the “R(A)3” zoning to control housing type;
- (d) the development intensity of this site was considered compatible with that of the adjacent developments and in line with the development concept for the Town Centre South area, particularly the “stepped height” concept;
- (e) the anticipated housing development at this site was not expected to have adverse impacts in terms of wall effect, air ventilation, sunlight penetration and visual impact on nearby developments;
- (f) preliminary technical feasibility and impact assessments indicated that the proposed development intensity of this site would be acceptable;

Building Height

- (g) the representers had not provided sufficient information to allow a meaningful evaluation and assessment on the broad brush proposal of lowering or increasing the building height limit for the Tseung Kwan O South area. The proposal in the OZP represented an optimal proposal balancing various factors such as local characters, need for design flexibility, public aspiration for a better living environment and private development rights;

Junk Bay to be Protected by the Protection of the Harbour Ordinance

- (h) this proposal was outside the purview of the Town Planning Ordinance;

High Density Developments in Tseung Kwan O South Area

- (i) the population level of TKO had been reduced by about 30,000 persons as a result of lowering the PR of various residential development sites in the Tseung Kwan O South area. The proposal in the OZP represented an optimal proposal balancing various factors such as the need to house the growing population, infrastructure capacity, local characters, public aspiration for a better living environment and private development rights;

Open Space Provision and Cultural and Recreational Facilities

- (j) there would be more than adequate open space and cultural and recreational facilities planned for Tseung Kwan O town upon full development even discounting the TKO Stage I Landfill site which was primarily for recreational use;

Cycle Tracks and Footpaths

- (k) according to the Notes of the OZP, cycle track and footpath/footbridge were always permitted use in all zones;
- (l) detailed land use proposals including cycle tracks and footpaths would be dealt with in larger scale layout plans and the public would be duly consulted in the detailed planning process;

Footbridges

- (m) regarding the proposed footbridges linking the MTR TKO Station, Grandiose and Bauhinia Garden, they were already planned as part of the elevated walkway system in TKOS; and

Expediting Development of the Commercial Facilities at “Dream City”

- (n) Lohas Park development was a private development and its programme depended on the initiative of the land owner/developer and the market conditions. The representer’s concern could be conveyed to the Mass

Transit Railway Corporation Limited.

Representation No. R516

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

- (a) the land use proposals in the OZP had been fully evaluated under all the required technical feasibility and environmental impacts assessments in the Feasibility Study for Further Development of TKO (the TKO Study) and found to be viable and sustainable. Moreover, they were the result of a consensus built on 3 stages of extensive public consultation process since the commissioning of the TKO Study in July 2002. The SKDC had raised no objection to the proposed land uses as shown under Amendment Items A1, B1, B2 and C;
- (b) many of the concerns and proposals of the representers were unfounded and unwarranted with insufficient information and justifications. In particular, they had given no technical support to substantiate that the proposals were viable and feasible. Besides, they failed to demonstrate that their proposals, particularly on the land uses aspect, represented the best use of scarce land and financial resources;

Public Housing Development in Area 65B

- (c) the “R(A)3” zoning was an appropriate zoning for the site in Area 65B, which was considered suitable for residential development. It was not the intention of the “R(A)3” zoning to control housing type;
- (d) the development intensity of this site was considered compatible with that of the adjacent developments and in line with the development concept for the Town Centre South area, particularly the “stepped height” concept;
- (e) the anticipated housing development at this site was not expected to have adverse impacts in terms of wall effect, air ventilation, sunlight penetration

and visual impact on nearby developments;

- (f) preliminary technical feasibility and impact assessments indicated that the proposed development intensity of this site would be acceptable;

Building Height

- (g) the representers had not provided sufficient information to allow a meaningful evaluation and assessment on the broad brush proposal of lowering or increasing the building height limit for the Tseung Kwan O South area. The proposal in the OZP represented an optimal proposal balancing various factors such as local characters, need for design flexibility, public aspiration for a better living environment and private development rights;

Junk Bay to be Protected by the Protection of the Harbour Ordinance

- (h) this proposal was outside the purview of the Town Planning Ordinance;

High Density Developments in Tseung Kwan O South Area

- (i) the population level of TKO had been reduced by about 30,000 persons as a result of lowering the PR of various residential development sites in the Tseung Kwan O South area. The proposal in the OZP represented an optimal proposal balancing various factors such as the need to house the growing population, infrastructure capacity, local characters, public aspiration for a better living environment and private development rights;

Open Space Provision and Cultural and Recreational Facilities

- (j) there would be more than adequate open space and cultural and recreational facilities planned for Tseung Kwan O town upon full development even discounting the TKO Stage I Landfill site which was primarily for recreational use; and

Bus Services in TKO

- (k) bus services fell under the purview of Transport Department, who would closely monitor the population intake programme and review the bus

network for TKO correspondingly in order to cater for the new passenger demand.

Representations No. R522 to R536, R538 to R811 and R813 to R853

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

- (a) the land use proposals in the OZP had been fully evaluated under all the required technical feasibility and environmental impacts assessments in the Feasibility Study for Further Development of TKO (the TKO Study) and found to be viable and sustainable. Moreover, they were the result of a consensus built on 3 stages of extensive public consultation process since the commissioning of the TKO Study in July 2002. The SKDC had raised no objection to the proposed land uses as shown under Amendment Items A1, B1, B2 and C;
- (b) many of the concerns and proposals of the representers were unfounded and unwarranted with insufficient information and justifications. In particular, they had given no technical support to substantiate that the proposals were viable and feasible. Besides, they failed to demonstrate that their proposals, particularly on the land uses aspect, represented the best use of scarce land and financial resources;

Public Housing Development in Area 65B

- (c) the “R(A)3” zoning was an appropriate zoning for the site in Area 65B, which was considered suitable for residential development. It was not the intention of the “R(A)3” zoning to control housing type;
- (d) the development intensity of this site was considered compatible with that of the adjacent developments and in line with the development concept for the Town Centre South area, particularly the “stepped height” concept;
- (e) the anticipated housing development at this site was not expected to have

adverse impacts in terms of wall effect, air ventilation, sunlight penetration and visual impact on nearby developments;

- (f) preliminary technical feasibility and impact assessments indicated that the proposed development intensity of this site would be acceptable;

Building Height

- (g) the representers had not provided sufficient information to allow a meaningful evaluation and assessment on the broad brush proposal of lowering or increasing the building height limit for the Tseung Kwan O South area. The proposal in the OZP represented an optimal proposal balancing various factors such as local characters, need for design flexibility, public aspiration for a better living environment and private development rights;

Junk Bay to be Protected by the Protection of the Harbour Ordinance

- (h) this proposal was outside the purview of the Town Planning Ordinance;

Vehicular and Pedestrian Access Road to the Junk Bay Chinese Permanent Cemetery

- (i) according to the notes of the OZP, road, footbridge and footpath were permitted as of right under the OZP and might be dealt with at the detailed planning stage;
- (j) in addition to geotechnical difficulties, there was little justification for a vehicular access linking Junk Bay Chinese Permanent Cemetery with the TKO-Lam Tin Tunnel from traffic and transport perspective given traffic demand being extremely seasonal, which concentrated mainly during the periods around Ching Ming and Chung Yeung Festivals;

High Density Developments in Tseung Kwan O South Area

- (k) the population level of TKO had been reduced by about 30,000 persons as a result of lowering the PR of various residential development sites in the Tseung Kwan O South area. The proposal in the OZP represented an

optimal proposal balancing various factors such as the need to house the growing population, infrastructure capacity, local characters, public aspiration for a better living environment and private development rights;

Open Space Provision and Cultural and Recreational Facilities

- (l) there would be more than adequate open space and cultural and recreational facilities planned for Tseung Kwan O town upon full development even discounting the TKO Stage I Landfill site which was primarily for recreational use;

Proposed Refuse Collection Point in Area 72

- (m) the RCP was required to serve the GIC developments in the vicinity;
- (n) the location of the proposed RCP in Area 72 being carefully located within a GIC cluster and far away from the residential developments was considered appropriate from land use compatibility point of view; and
- (o) the proposed RCP would incorporate the latest and most advance design and facilities to mitigate its potential adverse impacts.

Representation No. R537

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

- (a) the land use proposals in the OZP had been fully evaluated under all the required technical feasibility and environmental impacts assessments in the Feasibility Study for Further Development of TKO (the TKO Study) and found to be viable and sustainable. Moreover, they were the result of a consensus built on 3 stages of extensive public consultation process since the commissioning of the TKO Study in July 2002. The SKDC had raised no objection to the proposed land uses as shown under Amendment Items A1, B1, B2 and C;

- (b) many of the concerns and proposals of the representers were unfounded and unwarranted with insufficient information and justifications. In particular, they had given no technical support to substantiate that the proposals were viable and feasible. Besides, they failed to demonstrate that their proposals, particularly on the land uses aspect, represented the best use of scarce land and financial resources;

Public Housing Development in Area 65B

- (c) the “R(A)3” zoning was an appropriate zoning for the site in Area 65B, which was considered suitable for residential development. It was not the intention of the “R(A)3” zoning to control housing type;
- (d) the development intensity of this site was considered compatible with that of the adjacent developments and in line with the development concept for the Town Centre South area, particularly the “stepped height” concept;
- (e) the anticipated housing development at this site was not expected to have adverse impacts in terms of wall effect, air ventilation, sunlight penetration and visual impact on nearby developments;
- (f) preliminary technical feasibility and impact assessments indicated that the proposed development intensity of this site would be acceptable;

Building Height

- (g) the representers had not provided sufficient information to allow a meaningful evaluation and assessment on the broad brush proposal of lowering or increasing the building height limit for the Tseung Kwan O South area. The proposal in the OZP represented an optimal proposal balancing various factors such as local characters, need for design flexibility, public aspiration for a better living environment and private development rights;

Junk Bay to be Protected by the Protection of the Harbour Ordinance

- (h) this proposal was outside the purview of the Town Planning Ordinance;

Vehicular and Pedestrian Access Road to the Junk Bay Chinese Permanent Cemetery

- (i) according to the notes of the OZP, road, footbridge and footpath were permitted as of right under the OZP and might be dealt with at the detailed planning stage;
- (j) in addition to geotechnical difficulties, there was little justification for a vehicular access linking Junk Bay Chinese Permanent Cemetery with the TKO-Lam Tin Tunnel from traffic and transport perspective given traffic demand being extremely seasonal, which concentrated mainly during the periods around Ching Ming and Chung Yeung Festivals;

High Density Developments in Tseung Kwan O South Area

- (k) the population level of TKO had been reduced by about 30,000 persons as a result of lowering the PR of various residential development sites in the Tseung Kwan O South area. The proposal in the OZP represented an optimal proposal balancing various factors such as the need to house the growing population, infrastructure capacity, local characters, public aspiration for a better living environment and private development rights;

Open Space Provision and Cultural and Recreational Facilities

- (l) there would be more than adequate open space and cultural and recreational facilities planned for Tseung Kwan O town upon full development even discounting the TKO Stage I Landfill site which was primarily for recreational use;

Proposed Refuse Collection Point in Area 72

- (m) the RCP was required to serve the GIC developments in the vicinity;
- (n) the location of the proposed RCP in Area 72 being carefully located within a GIC cluster and far away from the residential developments was considered appropriate from land use compatibility point of view;

- (o) the proposed RCP would incorporate the latest and most advance design and facilities to mitigate its potential adverse impacts; and

Cross Bay Link

- (p) the Cross Bay Link was the major and critical components of the road network serving and facilitating the further development of TKO. Its completion was essential to relieve the anticipated congestion of the existing TKO Tunnel, Wan Po Road and other roads in TKO town centre. There was no reason why the link should be deleted.

Representation No. R860

56. After further deliberation, the Board decided to partially meet the representation by revising the open space design of Town Centre South having regard to the proposal submitted by the representer.

57. The Board decided not to uphold the remaining part of the representation for the following reasons:

- (a) the land use proposals in the OZP had been fully evaluated under all the required technical feasibility and environmental impacts assessments in the Feasibility Study for Further Development of TKO (the TKO Study) and found to be viable and sustainable. Moreover, they were the result of a consensus built on 3 stages of extensive public consultation process since the commissioning of the TKO Study in July 2002. The SKDC had raised no objection to the proposed land uses as shown under Amendment Items A1, B1, B2 and C; and
- (b) many of the concerns and proposals of the representers were unfounded and unwarranted with insufficient information and justifications. In particular, they had given no technical support to substantiate that the proposals were viable and feasible. Besides, they failed to demonstrate that their proposals, particularly on the land uses aspect, represented the best use of scarce land and financial resources.

Representation No. R861

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

- (a) the land use proposals in the OZP had been fully evaluated under all the required technical feasibility and environmental impacts assessments in the Feasibility Study for Further Development of TKO (the TKO Study) and found to be viable and sustainable. Moreover, they were the result of a consensus built on 3 stages of extensive public consultation process since the commissioning of the TKO Study in July 2002. The SKDC had raised no objection to the proposed land uses as shown under Amendment Items A1, B1, B2 and C;
- (b) many of the concerns and proposals of the representers were unfounded and unwarranted with insufficient information and justifications. In particular, they had given no technical support to substantiate that the proposals were viable and feasible. Besides, they failed to demonstrate that their proposals, particularly on the land uses aspect, represented the best use of scarce land and financial resources;

Public Housing Development in Area 65B

- (c) the “R(A)3” zoning was an appropriate zoning for the site in Area 65B, which was considered suitable for residential development. It was not the intention of the “R(A)3” zoning to control housing type;
- (d) the development intensity of this site was considered compatible with that of the adjacent developments and in line with the development concept for the Town Centre South area, particularly the “stepped height” concept;
- (e) the anticipated housing development at this site was not expected to have adverse impacts in terms of wall effect, air ventilation, sunlight penetration and visual impact on nearby developments;

- (f) preliminary technical feasibility and impact assessments indicated that the proposed development intensity of this site would be acceptable;

Building Height

- (g) the representers had not provided sufficient information to allow a meaningful evaluation and assessment on the broad brush proposal of lowering or increasing the building height limit for the Tseung Kwan O South area. The proposal in the OZP represented an optimal proposal balancing various factors such as local characters, need for design flexibility, public aspiration for a better living environment and private development rights;

Junk Bay to be Protected by the Protection of the Harbour Ordinance

- (h) this proposal was outside the purview of the Town Planning Ordinance;

High Density Developments in Tseung Kwan O South Area

- (i) the population level of TKO had been reduced by about 30,000 persons as a result of lowering the PR of various residential development sites in the Tseung Kwan O South area. The proposal in the OZP represented an optimal proposal balancing various factors such as the need to house the growing population, infrastructure capacity, local characters, public aspiration for a better living environment and private development rights;

Open Space Provision and Cultural and Recreational Facilities

- (j) there would be more than adequate open space and cultural and recreational facilities planned for Tseung Kwan O town upon full development even discounting the TKO Stage I Landfill site which was primarily for recreational use; and

Re-planning of the Land Uses in Town Centre South

- (k) the representer had not demonstrated the proposed uses represented the best use of scarce land resources as well as their feasibility.

Representation No. R862

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

- (a) the land use proposals in the OZP had been fully evaluated under all the required technical feasibility and environmental impacts assessments in the Feasibility Study for Further Development of TKO (the TKO Study) and found to be viable and sustainable. Moreover, they were the result of a consensus built on 3 stages of extensive public consultation process since the commissioning of the TKO Study in July 2002. The SKDC had raised no objection to the proposed land uses as shown under Amendment Items A1, B1, B2 and C;
- (b) many of the concerns and proposals of the representers were unfounded and unwarranted with insufficient information and justifications. In particular, they had given no technical support to substantiate that the proposals were viable and feasible. Besides, they failed to demonstrate that their proposals, particularly on the land uses aspect, represented the best use of scarce land and financial resources;

High Density Developments in Tseung Kwan O South Area

- (c) the population level of TKO had been reduced by about 30,000 persons as a result of lowering the PR of various residential development sites in the Tseung Kwan O South area. The proposal in the OZP represented an optimal proposal balancing various factors such as the need to house the growing population, infrastructure capacity, local characters, public aspiration for a better living environment and private development rights; and

Open Space Provision and Cultural and Recreational Facilities

- (d) there would be more than adequate open space and cultural and recreational facilities planned for Tseung Kwan O town upon full development even discounting the TKO Stage I Landfill site which was primarily for

recreational use.

Representation No. R863

60. After further deliberation, the Board decided to partially meet the representation by retaining the two proposed finger piers of a smaller scale.

61. The Board decided not to uphold the remaining part of the representation for the following reasons:

- (a) the land use proposals in the OZP had been fully evaluated under all the required technical feasibility and environmental impacts assessments in the Feasibility Study for Further Development of TKO (the TKO Study) and found to be viable and sustainable. Moreover, they were the result of a consensus built on 3 stages of extensive public consultation process since the commissioning of the TKO Study in July 2002. The SKDC had raised no objection to the proposed land uses as shown under Amendment Items A1, B1, B2 and C;
- (b) many of the concerns and proposals of the representers were unfounded and unwarranted with insufficient information and justifications. In particular, they had given no technical support to substantiate that the proposals were viable and feasible. Besides, they failed to demonstrate that their proposals, particularly on the land uses aspect, represented the best use of scarce land and financial resources;

Water Sports Club

- (c) in the absence of a more superior alternative site, the proposed site at the coast of Area 77 was considered appropriate and acceptable;
- (d) the concerns on the land water interface and other facilities might be addressed at the detailed design stage;

Cycle Tracks and Footpaths

- (e) according to the Notes of the OZP, cycle track and footpath/footbridge were always permitted use in all zones; and
- (f) detailed land use proposals including cycle tracks and footpaths would be dealt with in larger scale layout plans and the public would be duly consulted in the detailed planning process.

[Dr. Winnie S.M. Tang left the meeting while Ms. Maggie M.K. Chan and Ms. Anna S.Y. Kwong arrived to join the meeting at this point.]

Hearing for Group 2 - Representations No. R854 to R856, R866 and Comments C4, C20 to C51, C55
(TPB Paper No. 8255)

Presentation and Question Session

62. The following representatives from Government departments, the representers, commenters and representers'/commenters' representatives were invited to the meeting:

Planning Department (PlanD)

Mr. Alfred Lau District Planning Officer/Sai Kung & Islands (DPO/SKIs)
Mr. Wilfred Cheng Senior Town Planner/Tseung Kwan O (STP/TKO)

Civil Engineering and Development Department (CEDD)

Mr. T.S. Li Senior Engineer/Tseung Kwan O (SE/TKO)

Leisure and Cultural Services Department (LCSD)

Mr. Alfred Chow Chief Leisure Manager (CLM)
Mr. Peter Kan Chief Executive Officer (Planning) (CEO(P))

Transport Department (TD)

Mr. Joseph Tsui Chief Transport Officer (CTO)
Mr. Lau Kin Kwok Senior Transport Officer (STO)

Mr. C.H. Wong Senior Engineer (SE)

Architectural Services Department (ArchSD)

Mr. Lo Wing Sau Project Manager (PM)

Mr. Andrew Sung Project Manager (PM)

Representers/Commenters and their representatives

R855	The Owners' Committee of Nan Fung Plaza	
	Mr. Ng Mi Kau	- Representer's representative
R866	The Incorporated Owners of Choi Ming Court (also commenter of C43)	
C24	Mr. Ho Man Kit, Raymond	- Commenter and representative of R866 and C43
C4	Mr. Cheung Kwok Keung	- Commenter
C29	Mr. Ng Kin Wah	- Commenter
C32	Mr. Wong Ping Hung	- Commenter
C47	The Incorporated Owners of Tseung Kwan O, Kwong Ming Court Mr. Shi Hau Kit, Simon	- Commenter's representative
C50	Owners' Committee of Nan Fung Plaza	
	Mr. Yeung Moon Fai] Commenter's representatives
	Mr. Leung Kin Man]

63. 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.

64. The Chairman extended a welcome and briefly explained the procedures of the hearing. He then invited Mr. Wilfred Cheng, STP/TKO, to brief Members on the background to the representations and comments.

65. Before making his presentation, Mr. Wilfred Cheng, STP/TKO, informed Members that upon the issue of the Paper, further comments were received from Mr. Chan Wing Chuen, representer of R854, on 27.11.2008 and were tabled at the meeting. Members noted Mr. Chan's comments. Members also noted the letters submitted by the incorporated owners of some housing estates in TKO new town expressing their views on the future development of Areas 45 and 74 as tabled at the meeting.

66. With the aid of a Powerpoint presentation, Mr. Wilfred Cheng, STP/TKO, briefed Members on the Paper and made the following points:

- (a) the background of the amendments to the Tseung Kwan O Outline Zoning Plan (the TKO OZP) as detailed in paragraph 2 of the Paper;

Representations

- (b) Group 2 covered Representations No. R854 to R856 and R866 as detailed in paragraph 3. The grounds of representations and the proposals of the representers were summed up below:

Notes of OZP

- R854 opposed the revision to the Notes for "O" zone by adding 'Library' and 'Place of Recreation, Sports or Culture' uses to Column 1 of the new "O(1)" zone. The representer proposed to:
 - a) transfer the 'Library' and 'Place of Recreation, Sports or Culture' uses in the new "O(1)" zone from Column 1 to Column 2;
 - b) incorporate building height restriction of 'not more than 10m' in the Remarks of the Notes of the new "O(1)" zone;

Area 45

- R855 opposed the rezoning of a piece of land in Area 45 from “O” and “G/IC” to “O(1)” and R856 raised no objection to the development of various sports ground in Area 45 but expressed concerns on the building height and visual impact of the recreational development on the area;
- R855 proposed to rezone Area 45 to “O” for provision of a landscaped sitting out area. R856 had not proposed any amendments;

Area 74

- R866 did not indicate whether he opposed or supported the rezoning of part of Area 74 from “C/R” to “G/IC” and “O(1)”. R866 had made some proposals in relation to the development of the future Design Institute of Vocational Training Council (VTC) cum the reprovisioning of Lee Wai Lee campus (DI&LWL) and the sports centre cum library (SCL):
 - a) air-conditioned footbridges to connect the proposed DI&LWL complex with Metro Town and Choi Ming Court, and between the open space cum SCL development and Park Central;
 - b) vehicular accesses to DI&LWL campus and the open space cum SCL should be from Chui Ling Road with the provision of a taxi stand at Choi Ming Street at the DI&LWL complex;
 - c) to open up the indoor swimming pool, basketball courts and landscaped podium at the DI&LWL complex for use by the public and to be served by an access connection with the adjacent open space cum SCL development;
 - d) the SCL should be accommodated in two blocks of building instead of one to avoid wall effect and to improve air ventilation;
 - e) there should be building height restriction for SCL (e.g. same height as Po Kok Secondary School (i.e. 32m));

Comments

- (c) comments on the representations as detailed in paragraph 4 of the Paper were summed up below:

Area 45

- C4, C38 to C50 and C55 supported R855. Their concern was the potential noise nuisance generated from the proposed developments in Area 45 to nearby residents and suggest amending the zoning of Area 45 from “O(1)” to “O”;

Area 74

- C20 to C37 supported R866 that building height restriction should be included in the “O(1)” zone in Area 74. They also supported the reduction in plot ratio, the need of a comprehensive footbridge system, cycle track, cycle parking area and adequate space for planters and trees, increase green space and other detailed design aspects of the VTC school in Area 74;

- (d) PlanD’s views – planning considerations and assessments, and responses to grounds of representations and comments on representations as detailed in paragraph 5 of the Paper were summed up below:

Notes of OZP

- while the proposed indoor velodrome cum sports centre (IVSC) in Area 45 and the proposed SCL in Area 74 were always permitted uses under the previous “G/IC” and “C/R” zones, the revision of the Notes for the “O” zone by adding ‘Library’ and ‘Place of Recreation, Sports or Culture’ uses under Column 1 in the new “O(1)” zone was to allow design flexibility for these facilities and better integration with the proposed town park in Area 45;
- putting ‘Library’ and ‘Place of Recreation, Sports or Culture’ uses under Column 1 would facilitate the early implementation of these facilities

which had the support from SKDC and the local community;

- though s.16 planning application would not be required, the public would be consulted on the design of these facilities in accordance with established public consultation procedures of concerned departments;
- the local public had high expectations on the proposed projects in Area 45 and Area 74 and had urged for their early implementation;

Stipulation of Building Height

- part of Area 45 and Area 74 fell within the major breezeways. Any development within the breezeways would be subject to a maximum building height of 30m as recommended by the Feasibility Study for Further Development of TKO (the TKO Study). The proposed IVSC in Area 45 and the proposed SCL in Area 74 would not exceed 30m. Air ventilation assessment would be undertaken;
- it was not technically feasible to implement the proposed IVSC in Area 45 and the proposed SCL in Area 74 subject to a maximum building height of 10m;

Area 45

Noise Aspect

- Environmental Protection Department (EPD) advised that the project in Area 45 had very little potential for giving rise to adverse environmental impacts. Noise mitigation measures, however, would be considered to ameliorate the potential noise nuisance to nearby residents;

Visual Impact

- as the proposed IVSC was located in a large area designated as open space in Area 45 and its building height would not exceed 30m, it was unlikely that the building height of the proposed development would result in adverse visual impact;

Area 74

Design Aspect

- the proposed SCL was designed as two buildings with building heights less than 30m instead of stacking up all the facilities in one single block. The proposed SCL would be in harmony with the surrounding environment and would not result in adverse visual impact;
- an air ventilation assessment expert evaluation report had been carried out and finalized. The proposed design of SCL would have little impact on the breezeway;

Footbridge Connection

- the need for another footbridge between Park Central and the proposed open space cum SCL development in Area 74 would be reviewed by the CEDD together with the proposed grade-separated cycle track cum footbridge at P2/D4 under the coming investigation consultancy of the TKO-Lam Tin Tunnel (TKO-LTT) project. A pedestrian access had been planned in the proposed open space cum SCL to connect with DI&LWL campus;

Vehicular Access and Taxi Stand

- the vehicular ingress into DI&LWL would be at King Ling Road and the egress at Chui Ling Road, with an emergency vehicular access at Choi Ming Street. The vehicular access for the open space cum SCL would be at Chui Ling Road. There would be a general loading and unloading bay at Choi Ming Street frontage for DI&LWL to facilitate loading/unloading activities of vehicles including taxis; and

Recreational Facilities Opening to the Public

- according to the special conditions of the lot for DI&LWL, the grantee should, when required so to do by the Permanent Secretary for Education (PSED), permit such portion or portions of the lots and any recreational and sport facilities provided thereon to be opened to members of the public for use at such time in such manner and at such

charges as might be stipulated by the PSED.

PlanD recommended the Board not to uphold the representations.

[Mr. Benny Wong left the meeting temporarily at this point.]

67. The Chairman then invited the commenters and representers'/commenters' representatives to elaborate on their representations and comments.

Representation No. R855 (The Owners' Committee of Nan Fung Plaza)

68. Mr. Ng Mi Kau, representative of R855, made the following points:

- (a) the existing residential developments including Nan Fung Plaza in the vicinity of the planned town park in Area 45 were susceptible to noise nuisance due to the traffic flow of Wan Po Road and the construction work at the sports ground in Area 45;
- (b) the result of the noise emission test carried out by EPD showing that the noise emission by traffic along Wan Po Road not exceeding HKPSG standard (as shown in EPD's letter in Attachment I-B of the Paper) was not agreed by the representer;
- (c) local residents expected the town park in Area 45 to provide passive recreation with extensive greenery and landscaping. However, the development of the sports grounds and IVSC had taken away about two-thirds of the site in Area 45, leaving only one-third for public use;
- (d) with a much reduced scope and size, the town park in Area 45 was akin to a concourse for public passage. Besides, the planned provision of multipurpose performance venue, outdoor rock climbing site and outdoor skateboard area within the town park would further undermine and reduce the greenery and landscaped area longed for by local residents;

- (e) the planned development of sports grounds, IVSC together with the multipurpose performance venue within the town park would be a major source of noise nuisance to the nearby residents. These would further exacerbate the current noise problem affecting the residential developments in the vicinity of Area 45; and
- (f) in the light of the above, the current rezoning of Area 45 was opposed by the representer.

Representation No. R866 and Comment No. C43 (The Incorporated Owners of Choi Ming Court)

Comment No. C24 (Office of Mr. Ho Man Kit, Raymond)

69. With reference to a submission tabled at the meeting, Mr. Ho Man Kit, Raymond, commenter of C24, and representative of R866 and C43 made the following points:

- (a) Area 74 was originally zoned for residential development on the previous version of TKO OZP. However, due to ExCo's agreement to the Education Bureau's proposal to develop the DI&LWL there, a site in Area 74 had been handed over to VTC for the development of DI&LWL, the construction work of which had already commenced despite that the statutory amendments to the TKO OZP for that particular site had yet to be completed. This made a mockery of the public consultation undertaken under the Town Planning Ordinance;
- (b) in the public consultation on the TKO Study previously carried out by CEDD in 2003, 80% of Area 74 had been proposed to be reserved for open space with the remaining 20% for secondary school development. However, the current TKO OZP had totally disregarded the previous proposal of the TKO Study;
- (c) the future use of many GIC sites was unclear and had not been specified on the TKO OZP. For example, it had been reported by the newspapers that the "G/IC(3)" site in Area 73B would be developed as university hostel for

the Hong Kong University of Science and Technology (HKUST). Despite repeated enquiries with the HKUST and the University Grants Committee, no definite answers and advice had been provided as to whether HKUST would provide university hostel in TKO. As university hostel would be no different from residential development, it was considered not appropriate to provide such a use in the “G/IC” zone. For the sake of clarity, the Explanatory Statement of the OZP should spell out that no university hostel would be provided in TKO new town;

- (d) local residents were concerned about the possible relocation of the Government office buildings in Wan Chai North to TKO new town. From the current TKO OZP, the local residents were not aware of the potential sites for accommodating these Government office buildings. As these Government office buildings would have grave impact on TKO on the planning side, it was important that the Board would duly consult local residents before making any amendments to the OZP; and
- (e) the cycle track network in TKO was not comprehensive enough to serve the public. As advised by TD and LCSD, cycling was only for leisure use rather than a mode of transport. This standpoint was not agreeable to the representer because cycling was an environmentally friendly mode of transport and had been accepted by local residents as a mode of transport within the new town. The current problems were the lack of comprehensive cycle track network in the new town and insufficient cycle parking and related facilities which had greatly undermined the usage of cycling as a mode of transport in TKO. Compared to Shatin new town which had been provided with a comprehensive and well-designed cycle track network, the Government had never provided a clear-cut policy on the planning of cycle track network in TKO. For example, no cycle track had been planned in Kin Ming Estate with a population of more than 20,000. To facilitate the improvement of the cycle track network in TKO, the Explanatory Statement of the OZP should be amended to clearly state that the cycling was not only for leisure but also a mode of transport in the new town.

Comment No. C4 (Mr. Cheung Kwok Keung)

70. Mr. Cheung Kwok Keung expressed his support of rezoning Area 45 from “O(1)” to “O” for the provision of landscape open space and addressing the open space shortfall in TKO south.

Comment No. C29 (Mr. Ng Kin Wah)

71. Mr. Ng Kin Wah made the following points:

- (a) the current parking of vehicles including taxi at the ingress/egress of Choi Ming Court had adversely obstructed the school buses to/from the two schools there. It was important that the proposed general loading and unloading bay at Choi Ming Street would cater for taxi use with a view to improving the current situation;
- (b) a 24-hour access should be provided within DI&LWL to the planned open space in Area 74. Otherwise, local residents going to this open space from Area 73 had to detour through King Ling Road and Choi Ming Street; and
- (c) an area near Kin Ming Estate had been planned for public transport interchange for many years but still remained vacant.

Comment No. C32 (Mr. Wong Ping Hung)

72. Mr. Wong Ping Hung made the following points:

- (a) whether there was any plan to provide pedestrian links connecting the DI&LWL complex, Metro Town, Kin Ming Estate and Park Central; and
- (b) Kin Ming Estate was now surrounded by seven schools and the residents had kept complaining of the noise nuisance created by these schools. Whether the Government had any planning standards in undertaking school

design with a view to minimizing the noise impact.

Comment No. C47 (The Incorporated Owners of Tseung Kwan O, Kwong Ming Court)

73. With reference to a submission tabled at the meeting and the aid of some plans, Mr. Shi Hau Kit, Simon, representative of C47, made the following points:

- (a) Area 45 was planned originally as a town park providing open space serving the TKO residents. However, with the development of sport grounds and the IVSC, only one-third of the site was now reserved for the town park. There were doubts on whether the remaining area in Area 45 could still be called a town park given the reduced scale and scope;
- (b) according to the current development plan of the town park, a host of outdoor active recreational facilities including multipurpose performance venue, outdoor rock climbing site and outdoor skateboard area would be provided. Excluding such outdoor active facilities, the area that would really function as a park and could be enjoyed by local residents had been further reduced;
- (c) given its central location and proximity to residential developments, development of the sports grounds and the IVSC in Area 45 would turn out to be a major source of noise nuisance to the nearby residents;
- (d) when SKDC was consulted on the facilities to be provided in the proposed town park in June 2008, the local residents had expressed the view that the outdoor skateboard area and BMX training area did not meet the expectations of the young people who would be the main patrons of these facilities. Besides, the proposed outdoor rock climbing site located at the tip of the town park would function more as a noise barrier and unlikely be attractive to the users; and
- (e) the Board was requested to delete the active recreational facilities proposed in the town park with a view to ensuring more area of the park be developed

as genuine open space serving the local residents.

Comment No. C50 (Owners' Committee of Nan Fung Plaza)

74. Mr. Yeung Moon Fai, representative of C50, made the following points:
- (a) without prior consultation with local residents, SKDC had agreed to the proposal to include a multi-purpose performance venue in the town park. This was not agreeable to the commenter. Given its central location and nearness to residential developments, an outdoor performance venue inside the town park would create noise nuisance to the nearby residents;
 - (b) the commenter did not agree with the views of ArchSD and LCSD that the proposed IVSC would not have any adverse impact on the surrounding areas. Owing to its proximity to the residential buildings, the proposed IVSC having a height of 30m would block the views of these residential buildings. For example, the podium of Nan Fung Plaza only had a height of 18.3m, which would be far exceeded by the IVSC. Government departments should consider lowering the height of the IVSC;
 - (c) local residents had repeatedly complained to EPD about the noise nuisance of Wan Po Road. Before the commencement of construction work of the sports ground in Area 45, the noise emission test had recorded a level of 68.5 to 69.5dB. After the construction work commenced, the noise level had reached 71dB. With the development of various active sport facilities in Area 45, the noise level in the surrounding residential developments would undoubtedly exceed the noise standard in HKPSG; and
 - (d) having regard to the constraints of Area 45 and the fact that there were a number of open space sites in TKO new town, the Board should consider relocating the active recreational facilities in Area 45 to other sites such as areas near hillside or country park area.
75. After hearing all the commenters and representers'/commenters' representatives,

the Chairman asked representatives from the Government departments to answer the questions raised by the commenters and representers'/commenters' representatives.

76. Mr. Alfred Lau, DPO/SKIs, advised that concerned departments would be consulted on any school development in the new town and any concerns including noise nuisance would be duly addressed at the planning and design stages. At present, two more schools had been planned in Pak Shing Kok with adequate separation from residential developments.

77. Mr. C.H. Wong, representative of TD, said that under the development plan of DI&LWL, a general loading and unloading bay at Choi Ming Street would be implemented to facilitate loading/unloading activities of vehicles including taxis. TD would keep liaising with VTC on the future design DI&LWL and its interface with the surrounding developments.

78. In response to the Chairman's enquiry on the connectivity between DI&LWL and the planned open space in Area 74, Mr. W.S. Lo, representative of ArchSD, advised that a pedestrian access had been planned in the proposed open space to connect with DI&LWL. However, it was not up to ArchSD to decide whether the pedestrian access would be open for 24 hours.

79. With regard to the Chairman's concern about the possible noise nuisance created by the sports facilities in Area 45 as raised at the meeting, Mr. Alfred Lau, DPO/SKIs, said that LCSD on 18.11.2008 had consulted SKDC on the future design of the town park and IVSC in Area 45. As to the possible noise nuisance, it should be noted that the various active sports facilities in Area 45 were not near residential developments. Besides, ArchSD had proposed a half-sunken design for the multi-purpose performance venue planned in the town park to minimise noise nuisance. ArchSD would ensure the potential noise generated from IVSC and various outdoor facilities be reduced wherever possible through careful design.

80. Mr. Yeung Moon Fai, representative of C50, asked whether the proposed multi-purpose performance venue would be fully covered. Mr. Andrew Sung of ArchSD advised that on different occasions, views from SKDC and local residents had been collected and would be duly considered in refining the design of the town park including the

multi-purpose performance venue to be provided. The current design to locate the multi-purpose performance venue in the northern tip of the town park was in response to local concerns about locating the venue away from the residential buildings. It was estimated that the distance between the nearest residential building and the performance venue was about 280m. The performance venue would adopt a half-sunken design with a cover over the spectator seats. Possible materials which would help reduce the noise generated would be considered by ArchSD upon detailed design. Mr. Yeung Moon Fai was dissatisfied that only a cover was provided for the spectator seats as it would not help reduce the noise generated by the performance activities. He requested for a fully covered venue.

81. Mr. Ho Man Kit, Raymond, commenter of C24, and representative of R866 and C43, indicated that the original intention was to provide a comprehensive footbridge connection linking all the residential developments in Areas 56, 57, 59, 73 and 74. However, with the conversion of the planned residential development to DI&LWL in Area 74, there would be a missing link in the footbridge network. Though the Education Bureau and VTC had been approached for a number of times, there was no guarantee from them that a pedestrian footbridge would be provided in the DI&LWL to connect with the open space in Area 74 for further connection with Park Central.

82. Mr. Wong Ping Hung, commenter of C32, indicated that the existing distance between Kin Ming Estate and existing school buildings was less than 30m and asked if there was any planning standard to govern a proper distance between school and residential uses. Mr. Alfred Lau, DPO/SKIs, responded that there was no standard in HKPSG.

83. Members had the following questions:

- (a) how cyclist could access the town park in Area 45 and what were the planned cycling facilities to be provided there; and whether the entrances to the town park were inter-connected;
- (b) whether the detailed issues relating to the design of the town park and IVSC had been deliberated by SKDC;
- (c) what was the current position to provide a university hostel in Area 73B;

- (d) what was the latest progress on the relocation of the Government office buildings in Wan Chai North to TKO; and
- (e) whether the development of DI&LWL in Area 74 would create a missing link in the footbridge connection between Area 74 and Park Central.

84. Mr. Alfred Lau, DPO/SKIs, had the following responses:

- (a) PlanD had not received any instruction from any policy bureau as to the provision of any university hostel in Area 73B;
- (b) the “G/IC(1)” site in Area 67 south of Po Yap Road had been earmarked for such uses as cultural complex/town hall and Government offices. At present, there was no plan for relocating the Government office buildings in Wan Chai North to TKO;
- (c) a footbridge across King Ling Road had been planned to connect Metro Town and the DI&LWL in Area 74. Besides, CEDD would further study the feasibility to provide a footbridge across Po Shun Road to connect Park Central with the planned open space in Area 74. It should be noted that at present, there was currently a pedestrian subway connecting Park Central with Area 74; and
- (d) SKDC had been consulted on different occasions on the amendments to the TKO OZP, and the design of the town park and IVSC. LCSD on 18.11.2008 had submitted the detailed design of the town park and IVSC to SKDC for consultation. On these occasions, SKDC had not raised objection to the proposed town park and IVSC.

85. With the aid of some plans, Mr. Andrew Sung of ArchSD had the following responses to questions relating to the design of the town park and IVSC:

- (a) an integrated design would be adopted for the future development of IVSC

and town park in Area 45. Cycle track and footpath had been provided around Area 45. Four 24-hour entrances to the town park would be provided for pedestrians, two from Wan Po Road and two from Po Hong Road. All the four entrances would be inter-connected within the town park. However, as cycling would not be allowed inside the park, cycle parking facilities would be provided at the four entrances to allow people to park their bicycles before entering the town park; and

- (b) separate entrances would be provided for the outdoor skateboard area without causing disturbance to the users of the town park. A separate entrance would also be provided for cyclists for direct access to IVSC.

86. Mr. Cheng Kwok Keung, commenter of C4, said that according to the previous consultation with SKDC, the Government had already indicated that a footbridge would be provided across Po Shun Road to connect Park Central with the planned open space in Area 74, and some engineering work had been done in this connection. Mr. C.H. Wong, representative of TD, responded that in connection with the future development of TKO-LTT and Road P2, it was estimated that vehicular traffic of Po Shun Road would increase accordingly. As such, the need to provide a footbridge across Po Shun Road would be examined in CEDD's study. Another footbridge across King Ling Road was now being actively pursued by VTC.

87. A Member asked where there was any standard in HKPSG to control the distance between schools and residential uses and asked about the current distance between the existing primary school and the Nan Fung Plaza. Mr. Yeung Moon Fai, representative of C50, advised that Nan Fung Plaza was located about 30m from the existing primary school. The Chairman added that HKPSG had not provided any standard on the separation between school and residential uses.

88. Mr. Shi Hau Kit, Simon, representative of C47, advised that though being away from the nearest residential development, i.e. Kwong Ming Court, for about 200m, the multi-purpose performance venue in Area 45 was located opposite to Kwong Ming Court across a street. Noise nuisance created by this performance venue would inevitably be a problem that had to be faced by the residents living there. As Area 77 was already planned

for active recreational uses, the Board should consider relocating the outdoor active facilities in Area 45 to Area 77.

89. Mr. Leung Kin Man, representative of C50, asked for ArchSD's explanation on whether the proposed IVSC would block the view of Nan Fung Plaza. With the aid of a plan, Mr. Andrew Sung of ArchSD responded that the design of the IVSC would be keeping in harmony with the neighboring developments. Based on the current design, the IVSC would be located about 86m from Nan Fung Plaza. The highest point of the roof structural frame would have a height of about 30m with both sides descending to about 17m, which would be equivalent to the podium height of Nan Fung Plaza.

90. Mr. Ng Kin Wah, commenter of C29, did not agree with the DPO/SKIs' response that no adverse comments on the amendments to the TKO OZP had been raised by SKDC. He pointed out that Mr. Ho Man Kit, Raymond, a SKDC member, had previously raised objection to the proposed construction of DW&LWL during the previous term of SKDC. The Chairman clarified that on different occasions of consultation, SKDC as a whole had not objected to the major amendments to the TKO OZP though individual members might have raised differing views and comments on the amendments.

91. Mr. Cheung Kwok Keung, commenter of C4, was concerned about relocation of the Government office buildings in Wan Chai North to the site zoned "G/IC(1)" in Area 67. The Chairman responded that TKO was suggested as one of the possible sites for relocation of the Government office buildings in Wan Chai North and as at today, there was no plan to relocate these Government office buildings to TKO. Such a proposal would require detailed assessments and studies.

92. Mr. Ho Man Kit, Raymond, commenter of C24, and representative of R866 and C43, pointed out that according to the relevant lease conditions for Park Central, a connection in Park Central had been reserved for the construction of footbridge to link up with the planned open space in Area 74. The Government should ensure its implementation as originally planned. It was equally important to ensure that the internal linkage between DW&LWL and planned open space in Area 74 would be fitted in with the overall footbridge network and open to the public.

93. Mr. Wong Ping Hung, commenter of C32, pointed out that in TKO, some housing estates were just located 5m from the nearest school based on the distance between the outer walls of the residential building and school building.

94. As the commenters and representers'/commenters' representatives had finished their presentations and Members had no further question to raise, the Chairman informed them that 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 commenters and representers'/commenters' representatives and representatives from Government departments for attending the hearing. They all left the meeting at this point.

Deliberation Session

95. Members generally considered that there were no strong justifications which warranted the Board to uphold the representations. Members agreed with PlanD's assessments and recommendations in paragraphs 5 and 7 of the Paper. As to the representers' and commenters' concern about the noise nuisance of Area 45, Members noted EPD's advice that the project in Area 45 had very little potential for giving rise to adverse environmental impacts. Besides, both Arch SD and LCSD would consider taking such noise mitigation measures as proper location, orientation of the stage, provision of noise barrier through design features to ameliorate the potential noise nuisance to nearby residents in the design of the project in Area 45. Members agreed that there was no need to amend the zoning of Area 45 to uphold the representations.

96. Members noted that at present there were footbridges linking Metro Town, Kin Ming Estate and Choi Ming Court and another footbridge linking Metro Town and DI&LWL campus had been planned by VTC as part of DI&LWL development. The need for another footbridge between Park Central and the proposed open space cum SCL development in Area 74 would also be reviewed by CEDD under the TKO-LTT project. In view of the representers' and commenter's concerns, Members concurred with the need to ensure pedestrian connectivity between DW&LWL and the planned open space in Area 74 which could fit in with the overall footbridge network in TKO new town. The Chairman said that the pedestrian connectivity between DW&LWL and the planned open space in Area 74 should be dealt with at

detailed design stage. He suggested that such a concern should be relayed to the Education Bureau and VTC in proceeding with the detailed design of DW&LWL and there was no need to amend the OZP. Members agreed.

Representation No. R854

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

- (a) adding 'Library' and 'Place of Recreation, Sports or Culture' uses to be always permitted in the new "O(1)" zone under Column 1 was intended to allow design flexibility for the proposed IVSC and the proposed SCL to be better integrated with the proposed town park in Area 45 and the proposed open space in Area 74 respectively and also to facilitate their early implementation; and
- (b) it was not technically feasible to implement the proposed IVSC in Area 45 and the proposed SCL in Area 74 if they were restricted to a maximum building height of only 10m. To address the representer's concerns, the Explanatory Statement of the OZP would stipulate that the proposed IVSC in Area 45 and the proposed SCL in Area 74 should not exceed the building height of 30m above ground.

Representations No. R855 and R856

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

- (a) as advised by EPD, the project in Area 45 had very little potential for giving rise to adverse environmental impacts. Mitigation measures if required would be provided by concerned departments to ensure that there was no adverse noise nuisance to nearby residents; and
- (b) given the site context and its building height, the proposed IVSC would

unlikely result in adverse visual impact.

Representation No. R866

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

- (a) the footbridges, vehicular access points and taxi-stand for the DI&LWL campus and the SCL, which were basically design details, were under various stages of planning which were either planned to be provided or to be reviewed. The implementation of them should be examined at detailed planning stage rather than at the OZP level; and
- (b) allowing the recreational facilities of DI&LWL Campus to serve the public was primarily a land administration matter and policy matter of the Education Bureau, which were outside the purview of the Town Planning Ordinance.

[Mr. Walter K.L. Chan left the meeting and Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

Hearing for Group 3 - Representations No. R857 to R859, R863, R865, C4 and C55
(TPB Paper No. 8256)

Presentation and Question Session

100. Members noted that the following Member had declared an interest in this item:

Mr. Tony Lam	for being an alternate member for the
PAS for Transport & Housing	Deputy Secretary for Transport &
(Transport), Transport & Housing Bureau	Housing (Transport) (who was an
	alternate member of the Board of MTR
	Corporation Limited which was the

representer of Representation No.
R865)

101. Members noted that Mr. Lam had tendered an apology for not attending the meeting.

102. The following representatives from Government departments, the representer, commenter and representers' representatives were invited to the meeting:

Planning Department (PlanD)

Mr. Alfred Lau District Planning Officer/Sai Kung & Islands (DPO/SKIs)

Mr. Wilfred Cheng Senior Town Planner/Tseung Kwan O (STP/TKO)

Civil Engineering and Development Department (CEDD)

Mr. T.S. Li Senior Engineer/Tseung Kwan O (SE/TKO)

Transport Department (TD)

Mr. C.H. Wong Senior Engineer (SE)

Representers/Commenters and their representatives

R857 Sai Kung District Council

R858 Mr. Or Yiu Lam, Ricky - Representer of R858 and
representative of R857

R865 MTR Corporation Ltd. (MTRC)

Mr. Steve Yiu] Representer's representatives

Ms. Rebecca Wong]

Mr. Kervis Chan]

C4 Mr. Cheung Kwok Keung - Commenter

103. 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.

104. The Chairman extended a welcome and briefly explained the procedures of the hearing. He then invited Mr. Wilfred Cheng, STP/TKO, to brief Members on the background to the representations and comments.

105. With the aid of a Powerpoint presentation, Mr. Wilfred Cheng then briefed Members on the Paper and made the following points:

- (a) the background of the amendments to the Tseung Kwan O Outline Zoning Plan (the TKO OZP) as detailed in paragraph 2 of the Paper;

Representations

- (b) Group 3 covered Representations No. R857 to R859, R863 and R865 as detailed in paragraph 3. The grounds of representations and the proposals of the representers were summed up below:

TKO Stage I Landfill

- R865 opposed the deletion of Town Centre Link (TCL) because the TCL was a key component of the road network formed together with Wan Po Road and the future Cross Bay Link (CBL) to serve the south-eastern part of TKO. At present, Wan Po Road was the only road linking the south-eastern part of TKO to other areas. Deletion of TCL constituted a major risk to the road access to residents and/or workers in this part of TKO, as TCL could serve as an alternative access to the south-eastern TKO;
- R865 proposed to reinstate TCL and its early implementation;

Clear Water Bay Road (CWBR) Improvement

- R857 and R859 opposed the deletion of the possible alignment for CWBR Improvement in Area 111 on the ground that only widening section of CWBR (from Tai Po Tsai to CWBR north bound) but not the

section from Tai Po Tsai to Hang Hau Road might not have sufficient capacity to cater for the traffic in future. R857 and R859 requested to retain the alignment for CWBR Improvement in Area 111;

- R863 supported the deletion of the alignment for CWBR Improvement;

Bus Depot

- R857 and R858 opposed the retention of the bus depot in Area 26 because of:

- a) concerns on the potential environmental impacts and the potential fire hazard of the bus depot to the existing TKO offtake station to its north-east;
- b) strong objection from residents of Kwong Ming Court;
- c) insufficient size to accommodate two bus depots for the two operators;
- d) negative visual impact on the “Gateway to the New Town”;
- e) bus depot development unsuitable for the area as a quiet place for medical treatment and convalescence (i.e. Haven of Hope Hospital), causing damage to the tranquillity of the nearby residential areas (i.e. Kwong Ming Court and Sheung Tak Estate), and resulting in road safety hazards to the residents living nearby;

- R857 proposed to develop the permanent bus depot in the TKO Industrial Estate in Area 87 or in the industrial area in Area 137. R858 proposed to rezone Area 26 to open space;

Comments

- (c) comments on the representations as detailed in paragraph 4 of the Paper were summed up below:

CWBR Improvement

- C4 and C55 commented on R857 and R859 and supported the retention

of the alignment for CWBR Improvement;

Bus Depot

- C4 and C55 commented on R857 and R858 and supported developing the bus depot in Area 137 and rezoning Area 26 to open space;
- (d) PlanD's views – planning considerations and assessments, and responses to grounds of representations and comments on representations as detailed in paragraph 5 of the Paper were summed up below:

TKO Stage I Landfill

- according to the Concept Plan of the Feasibility Study for Further Development of TKO (the TKO Study), the western shoreline of TKOLF-I in Area 77 and the water channel were recommended for active recreation while the waterfront area of the Town Centre South was for provision of waterfront park, riverine park and promenade. The deletion of TCL was to implement the planning concept of providing recreation use along the shoreline as recommended by the TKO Study;
- based on a reduced population of 450,000 for TKO, the future road network without TCL was considered adequate to meet the traffic demand generated in the south-eastern part of TKO. The use of the mass public transportation mode should be encouraged, given the completion of the MTR TKO South Station in Area 86 around mid-2009. Apart from this, planning conditions and lease conditions had been imposed on the development of Area 86 to carry out improvement at related road junctions prior to the completion of CBL and TKO-Lam Tin Tunnel by end 2016;
- to deal with emergency situations like blockage of Wan Po Road prior to the operation of CBL, a 6m wide cycle track had been planned to be built along the embankment of TKOLF-I which would function as a vehicular relief route to the Town Centre South if required;

CWBR Improvement

- the possible alignment for CWBR Improvement or transport bypass in Area 111 as shown on the previous version of the OZP was no longer required from traffic engineering viewpoint. Even if improvement to CWBR was required, it would be carried out in the form of local widening. According to the TKO Study, improvement of CWBR near Tai Po Tsai would not be required;

- regarding improvement of the road link between the section from CWBR to Hang Hau area, TD would continue to monitor traffic conditions and implement improvement measures as and when necessary to enhance traffic flow in the area;

Bus Depot

- a strip of land in Area 26 was proposed to be rezoned from “OU” annotated “Bus Depot” and “G/IC” to ‘Road’, mainly to reflect the finalized and completed alignment of the road scheme gazetted under the Roads (Works, Use and Compensation) Ordinance on 3.2.2000 and 11.2.2000 and authorized on 3.1.2001. The road scheme was deemed approved under section 13A of the Town Planning Ordinance. Consequential to the technical amendment of the road alignment, the boundary of the bus depot site had to be adjusted slightly;

- since 1992, the planning intention of reserving the site in Area 26 for bus depot purpose had remained the same as reflected in all previous versions of approved OZPs. It was the only suitable site identified for bus depot purpose within the new town. In particular, it was at a relatively isolated location and at the periphery of TKO and was about 220m away from Kwong Ming Court, 260m from On Ning Garden and 360m from Chung Ming Court. The proposed bus depot was surrounded by open spaces/amenity areas, G/IC developments and elevated roads, which acted as buffers between the bus depot and the residential developments. The bus depot would also not have

significant visual impact on the surrounding area;

- environmental mitigation measures for the proposed bus depot development would be imposed to minimize any potential adverse impacts on nearby developments;
- the proposed bus depot was located 100m away from the existing offtake station and was required to equip with appropriate fire safety installation in compliance with the fire safety regulations and standards. Concerned departments had no objection to the location of the proposed bus depot and the offtake station;
- bus depot use did not appear to fit into the vision of TKO Industrial Estate, which was primarily for manufacturing and service industries which could help to broaden the base of industry and upgrade technology levels, thereby benefiting the overall economy of Hong Kong;
- Area 137 was zoned “OU” annotated “Deep Waterfront Industry” (“OU(DWI)”) reserved for special industries requiring marine access, access to deep water berths or water frontage. Relocation of the bus depot use to this area might compromise the planning intention of the area and was considered not appropriate; and
- TKO was planned to accommodate a total population of 450,000. According to HKPSG, the planned population of 450,000 would require provision of 45 ha of district open space (DO) and 45 ha of local open space (LO). In the new town, a total of 50 ha of DO and 66 ha of LO were planned. Therefore, the overall provision of open space was more than required to meet the planned population.

PlanD recommended the Board not to uphold the representations.

[Mr. Benny Wong and Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

106. The Chairman then invited the representer, commenter, and representers' representatives to elaborate on their representations and comments.

Representation No. R857 (Sai Kung District Council)

Representation No. R858 (Mr. Or Yiu Lam, Ricky)

107. Mr. Or Yiu Lam, Ricky, representer of R858 and representative of R857, made the following points:

- (a) the public was firstly advised that bus depot in Area was a temporary use but later informed by Government departments that it would be a permanent use in Area 26;
- (b) bus depot was not suitable in Area 26 given that its surroundings were a quiet place for medical treatment and convalescence (i.e. Haven of Hope Hospital). Development of bus depot would damage the tranquillity of the nearby residential areas (i.e. Kwong Ming Court and Sheung Tak Estate) and cause road safety hazards to the residents living nearby;
- (c) when people came to TKO new town via the TKO Tunnel, Po Hong Park together with other community facilities in the vicinity provided a gateway function whilst the TKO Tunnel road network also served as a visual corridor. However, development of a bus depot in Area 26 would spoil the visual effect of this gateway;
- (d) Area 45 to be developed as a town park was located opposite to the bus depot, just across Po Shun Road. It would be incompatible to locate a bus depot close to the town park which would be a landmark of TKO new town;
- (e) it was noted that the bus depot had been planned in Area 26 for a number of years. Nonetheless, given the current aspirations of SKDC and the local

residents to relocate the bus depot as expressed during the public consultation of the TKO OZP, the Board should duly respect the public views and amend the OZP accordingly;

- (f) there were concerns on the potential environmental impacts (e.g. noise and oil leakage) generated by the operation of bus depot on nearby residential estates; and
- (g) the Board was requested to relocate the bus depot to Areas 87 or 137, which should be better alternative sites for being away from residential uses. In particular, it was understood that the Government had yet to firm up the land uses in Area 137 and therefore, there should be ample scope to accommodate a bus depot in this area.

Representation No. R865 (MTRC)

108. With the aid of a Powerpoint presentation, Mr. Steve Yiu, representative of R865, made the following points:

- (a) TCL was a key component of the road network formed together with Wan Po Road and the future CBL to distribute the traffic generated in the south-eastern part of TKO to the external area in an efficient manner and to cater for the population growth of this part of TKO;
- (b) at present, Wan Po Road was the only road linking the south-eastern part of TKO to other areas. The previously planned 3 external road links including Wan Po Road, CBL and TCL were essential in providing the needed network operation reliability. Also, prior to the completion of CBL in 2016, TCL was particularly important to cater for the high population growth in southeast TKO, imminent population intake of Lohas Park in Area 86 around mid-2009 and continuous development of TKO Industrial Estate;
- (c) deletion of TCL would constitute a major risk to the road access to residents

and/or workers in this part of TKO, especially during the interim period, as TCL was essential in providing an alternative access to the southeast TKO area. There were past incidents in which the blockage of Wan Po Road would bring about traffic jams in the southeast TKO. For Tai Koo Shing which was of similar development scale, there were three different roads connecting with the development; and

- (d) the representer proposed to reinstate TCL and its early implementation to provide an alternative route linking the south-eastern part of TKO to the other parts of the new town. Through careful design, TCL could be designed in such a way as to achieve full segregation between pedestrian and vehicle whilst providing access road to serve users of future sports and recreational facilities.

Comment No. C4 (Mr. Cheung Kwok Keung)

109. Mr. Cheung Kwok Keung expressed his support of rezoning Area 26 to “O”. Bus depot in Area 26 was considered incompatible with the surrounding developments including open space and GIC uses. Movement of buses to/from the depot would create traffic safety problems and it would be in the public interest to relocate the bus depot to Area 137.

110. After hearing the presentations of all the representer, commenter and representers’ representatives, the Chairman asked about the planning of bus depot in Area 26. Mr. Alfred Lau, DPO/SKIs, responded that since 1992, the planning intention of reserving the site in Area 26 for bus depot purpose had remained the same as reflected in all previous versions of approved OZPs. It was the only suitable site identified for bus depot purpose within the new town after consulting relevant departments, including EPD. Regarding environmental concerns, appropriate environmental mitigation measures for the proposed bus depot development would be imposed to minimize any potential adverse impacts on nearby developments.

111. Mr. Cheung Kwok Keung, commenter of C4, informed Members that the bus depot in Area 26 had yet to be developed and the subject site was being used as a temporary car park.

112. A Member asked the following questions:

- (a) the number of car parks to be provided in Lohas Park; and
- (b) given the deletion of TCL, whether Wan Po Road would be overloaded by the planned development in the southeast TKO.

113. Mr. C.H. Wong of TD said that knowing the development of Lohas Park in Area 86 would have an impact on Wan Po Road, TD had been working closely with concerned departments to ascertain the need of adopting appropriate measures to cope with the anticipated traffic flow. In response to the first population intake of Lohas Park in 2009, TD had already requested MTRC to carry out improvement at two road junctions of Wan Po Road to cope with the anticipated traffic flow during interim stage prior to the completion of CBL by end 2016. Mr. T.S. Li of CEDD supplemented that as part of the TKO Study, traffic impact assessment had been carried out to assess the overall traffic generated upon the full development of TKO new town, including the planned residential developments in southeast TKO. Based on the assessment, the future road network including CBL was adequate to cope with the traffic generated from the existing and proposed developments even without TCL.

114. Mr. Steve Yiu, representative of R865, said that based on a ratio of 1 car park per 5 to 7 flats, about 2,857 to 4,300 car parks would be provided in Lohas Park.

115. A Member commented that the provision of such a large number of car parks in Lohas Park seemed contrary to MTRC's policy of developing their property with railway as the major transport mode. It was likely that the low usage of private vehicles by the occupiers of Lohas Park would result in high vacancy of car parks as found in some Housing Authority estates in the New Territories. In response, Mr. Steve Yiu, representative of R865, said that MTRC had all along followed the principle of railway-basis in undertaking their property development along the railway lines. In the traffic assessments for Lohas Park, railway had been adopted as the residents' principal mode of transport. On this premise, the current provision of 1 car park for every 5 to 7 units within the development was already lower than HKPSG standard.

116. A Member asked whether PlanD had any plan to relocate the temporary bus depot in Area 26. Mr. Alfred Lau, DPO/SKIs, responded that the subject site in Area 26 had been zoned as “OU” annotated “Bus Depot” on the TKO OZP for a number of years and there was no plan to relocate the bus depot. The current amendment affecting the bus depot site was mainly a technical amendment to reflect the finalized and completed alignment of a gazetted road scheme. The Chairman added that given the current zoning of the subject site on the OZP, the bus depot planned in Area 26 was not intended for temporary use.

117. On the bus depot in Area 26, Mr. Or Yiu Lam, Ricky, representer of R858 and representative of R857, gave the following views:

- (a) according to the previous consultations with SKDC, Government departments had indicated that the proposed bus depot in Area 26 was meant for temporary use. Given its temporary nature, no high-rise building would be developed there. The local residents were now astounded to find that the subject site would be for permanent bus depot;
- (b) as the site was not large enough to accommodate two bus depots for two operators, the operators would have to build high-rise developments to accommodate their own facilities. These high-rise buildings would have adverse visual impact on the area and its surroundings which were in a gateway location of the new town; and
- (c) there were a number of housing estates (e.g. Po Ming Court, Kwong Ming Court, Sheung Tak Estate, Metro City, The Pinnacle) in the vicinity of Area 26. Movement of buses to/from the bus depot would create noise nuisance to these housing estates. Besides, as these housing estates were already well-developed, there was hardly any scope to provide any noise mitigation measures to address the noise nuisance generated by the bus depot.

118. Mr. Cheung Kwok Keung, commenter of C4, drew Members’ attention to a case in Mei Foo where a bus depot had been relocated owing to its proximity to residential buildings.

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

Deliberation Session

120. As to the bus depot in Area 26, a Member noted that there might be some interface issues as the adjoining sites were planned for open space and GIC uses but the proposed bus depot was located away from the existing housing estates and the future operation of bus depot would unlikely create any noise nuisance to the local residents. This Member did not support representers' proposal to relocate the bus depot because the zoning of "OU" annotated "Bus Depot" had remained on the TKO OZP for some years and the subject zoning of the site was not also an amendment item on the current TKO OZP. Other Members agreed and considered that there was no need to amend the zoning of Area 26.

121. Mr. Benny Wong informed Members that strictly in accordance with the Environmental Impact Assessment (EIA) Ordinance, the bus depot in Area 26 was not a designated project as the nearest residential development was located more than 200m away. However, in view of some uses including chapel and staff quarters in the vicinity of the bus depot site, EPD had yet to come to a view on whether an EIA for the development of the bus depot in Area 26 was required or not. Members noted.

122. As to other issues raised by the representers and commenters, Members agreed with PlanD's assessment and recommendations as set out in paragraphs 5 and 7 of the Paper and considered that there was no need to amend the TKO OZP.

Representation No. R857

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

Clear Water Bay Road (CWBR) Improvement

- (a) since the Government had adopted the CWBR widening option instead of a bypass option, the road reserve for the possible alignment of the bypass option was no longer required. With the adoption of this alternative option, the deletion of the original alignment of the CWBR Bypass would allow the preservation of the existing greenery and visual amenity by saving the need of large amount of tree felling and steep cut slopes;
- (b) TD would continue to monitor the traffic conditions and implement improvement measures as and when necessary to enhance traffic flow of the road links from Tai Po Tsai to Hang Hau area;

Bus Depot

- (c) Amendment Item P was a technical amendment mainly to reflect the finalized and completed alignment of the road scheme of the T1/P1/P2 Grade Separated Interchange (i.e. the interchange at the TKO Tunnel Road/Wan Po Road and Po Shun Road junction);
- (d) since 1992, the planning intention of reserving the site in Area 26 for bus depot purpose had remained unchanged. The bus depot was at the periphery of TKO, which was a relatively isolated location with no major residential developments nearby. Besides, the site was surrounded by open spaces/amenity areas, G/IC developments and elevated roads, which acted as a buffer between the bus depot and the residential developments. Given the site context, the bus depot was not expected to have significant visual impact on the surrounding; and
- (e) the proposed bus depot development was required to provide appropriate environmental mitigation measures to minimize any potential adverse impacts on nearby developments and equip with appropriate fire safety installation in compliance with the fire safety regulations and standards.

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

- (a) Amendment Item P was a technical amendment mainly to reflect the finalized and completed alignment of the road scheme of the T1/P1/P2 Grade Separated Interchange (i.e. the interchange at the TKO Tunnel Road/Wan Po Road and Po Shun Road junction);
- (b) since 1992, the planning intention of reserving the site in Area 26 for bus depot purpose had remained unchanged. The bus depot was at the periphery of TKO, which was a relatively isolated location with no major residential developments nearby. Besides, the site was surrounded by open spaces/amenity areas, G/IC developments and elevated roads, which acted as a buffer between the bus depot and the residential developments. Given the site context, the bus depot was not expected to have significant visual impact on the surrounding; and
- (c) the proposed bus depot development was required to provide appropriate environmental mitigation measures to minimize any potential adverse impacts on nearby developments and equip with appropriate fire safety installation in compliance with the fire safety regulations and standards.

Representation No. R859

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

- (a) since the Government had adopted the Clear Water Bay Road (CWBR) widening option instead of a bypass option, the road reserve for the possible alignment of the bypass option was no longer required. With the adoption of this alternative option, the deletion of the original alignment of the CWBR Bypass would allow the preservation of the existing greenery and visual amenity by saving the need of large amount of tree felling and steep

cut slopes; and

- (b) TD would continue to monitor the traffic conditions and implement improvement measures as and when necessary to enhance traffic flow of the road links from Tai Po Tsai to Hang Hau area.

Representation No. R863

126. After further deliberation, the Board noted the representation in support of the rezoning of the “possible alignment for Clear Water Bay Road Improvement” in Area 111 from area shown as “Road” to “GB” under Amendment Item J.

Representation No. R865

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

- (a) the future road network was adequate to cope with the traffic generated from the existing and proposed developments even without the Town Centre Link (TCL);
- (b) the waterfront areas of the landfill site and the Town Centre South were planned for water sports recreation use, waterfront park, riverine park and promenade. The reinstatement of TCL would frustrate the planning concept of providing these recreational facilities as recommended by the Feasibility Study for Further Development of TKO; and
- (c) to deal with emergency situations like blockage of Wan Po Road prior to the operation of CBL, a 6m wide cycle track had been planned to be built along the landfill embankment which would function as a vehicular relief route to the Town Centre South.

Hearing for Group 4 - Representation No. R864

(TPB Paper No. 8257)

Presentation and Question Session

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

128. Members noted that the following Members had declared interests in this item:

Professor David Dudgeon - being members of the Mai Po Management and Development Committee under the World Wide Fund (WWF) Hong Kong, which was the representer of R864

Dr. James C.W. Lau - being an ex-member of WWF Hong Kong, which was the representer of R864

129. Members noted that Professor Dudgeon had yet to arrive to join the meeting and Dr. Lau had yet to return to join the meeting.

130. The following representatives from Government departments and the representer were invited to the meeting:

Planning Department (PlanD)

Mr. Alfred Lau District Planning Officer/Sai Kung & Islands (DPO/SKIs)

Mr. Wilfred Cheng Senior Town Planner/Tseung Kwan O (STP/TKO)

Civil Engineering and Development Department (CEDD)

Mr. T.S. Li Senior Engineer/Tseung Kwan O (SE/TKO)

Representer

R864 WWF

Mr. Michael Lee - Representer's representative

131. The Chairman extended a welcome and briefly explained the procedures of the hearing. He then invited Mr. Wilfred Cheng, STP/TKO, to brief Members on the

background to the representation.

132. With the aid of a Powerpoint presentation, Mr. Wilfred Cheng, STP/TKO, briefed Members on the Paper and made the following points:

- (a) the background of the amendments to the Tseung Kwan O Outline Zoning Plan (the TKO OZP) as detailed in paragraph 2 of the Paper;
- (b) Group 4 covered Representation No. R864 as detailed in paragraph 3 of the Paper. No comment on the representation had been received;
- (c) PlanD's views – planning considerations and assessments, and responses to grounds of representation as detailed in paragraph 5 of the Paper were summed up below:
 - based on the findings of the Feasibility Study for Further Development of TKO (the TKO Study), the extent of reclamation was kept to the minimum. The extent of the reclamation as well as the different design options to form the land, including an option of adopting a piled deck design, would be further reviewed and explored in the next investigation and preliminary design consultancy study for the TKO-Lam Tin Tunnel (TKO-LTT) project; and
 - the representer had given no technical support and no suggestion on the extent of reclamation to substantiate that his proposal to shift the zoning boundary further northwards and adopt a flyover design would lessen the impact on the survival of Philippine Neon Goby (PNG) and would provide sufficient room to accommodate the toll plaza, administration building, ventilation building, TKO Interchange, Road P2 and associated facilities for the TKO-LTT as compared with the existing zoning boundary of "Other Specified Uses" annotated "Toll Plaza, Ventilation Building and Associated Facilities" ("OU(TPVB&AF)").

PlanD recommended the Board not to uphold the representation.

133. The Chairman then invited the representer's representative to elaborate on the representation.

Representation No. R864 (WWF)

134. With the aid of a Powerpoint presentation, Mr. Michael Lee, representative of R864, made the following points:

- (a) PNG was considered having important conservation value in view of its rarity in Hong Kong, and declining local and global populations;
- (b) the proposed development within the zoning boundary of "OU(TPVB&AF)" would severely threaten the survival of PNG. In the Environmental Impact Assessment (EIA) report carried out in the TKO Study, it was proposed, amongst others, to provide a 2.5m permanent culvert to maximize the breeding success of the PNG population. This measure was not sufficient because the culvert would not be a natural estuary and PNG would unlikely make use of the culvert for breeding purpose;
- (c) it was noted that paragraphs 5.3.4 and 5.4.1 of the Paper had respectively stated that the proposed mitigation measures on PNG would be further reviewed and examined by the investigation and preliminary design consultancy study for the TKO-LTT project (paragraph 5.3.4) and the extent of the reclamation as well as the different design options to form the land, including an option of adopting a piled deck design, would be further reviewed and explored in the next investigation and preliminary design consultancy study for the TKO-LTT (paragraph 5.4.1). The representer welcomed such responses;
- (d) notwithstanding the above, the Board was requested to further specify in paragraphs 8.11.1(m) and 9.1.3 of the Explanatory Statement that the estuary of the subject stream should be preserved as far as possible and to

minimise the impact of the proposed development within the zoning boundary of “OU(TPVB&AF)” on PNG; and

- (e) CEDD should make a commitment that if a permanent culvert was finally adopted as a mitigation measure, scientific proof should be provided to demonstrate its effectiveness. Apart from piled deck design, CEDD should undertake to explore other options such as shifting of the works area to its further east so as to maintain the existing shoreline.

135. After hearing the presenter’s presentation, a Member had the following questions:

- (a) where was the estuary of the stream inhabited by PNG and what was the level of the reclaimed site for the toll plaza of TKO-LTT; and
- (b) whether it was possible to reduce the area zoned “OU(TPVB&AF)” through alternative design (e.g. use of roundabout) and traffic management measures (e.g. lower speed limit).

136. With the aid of a plan, Mr. T.S. Li of CEDD had the following responses:

- (a) the estuary of the subject stream was located near the exit of the TKO-LTT. Based on the current design, the reclaimed site would be formed at a level of about 10mPD; and
- (b) the extent of reclamation would be kept to the minimum to provide sufficient area to accommodate the toll plaza, administration building, ventilation building, TKO Interchange, Road P2 and associated facilities for the TKO-LTT. The extent of the reclamation as well as the different design options to form the land, including an option of adopting a piled deck design, would be further reviewed and explored in the next investigation and preliminary design consultancy study for the TKO-LTT project. As the planned road network would be of highway standard (with a speed of 70km to 80km), use of roundabout might not be appropriate.

137. A Member asked about the local population of PNG currently found in Hong Kong. Mr. Michael Lee responded that there was no such data in hand but based on the literature findings, the local population of PNG was found to be declining.

138. As the representer's representative had finished his presentation and Members had no further question to raise, the Chairman informed him the hearing procedures had been completed, and the Board would deliberate on the representation in his absence and would inform the representer of the Board's decision in due course. The Chairman thanked the representer's representative and representatives from Government departments for attending the hearing. They all left the meeting at this point.

Deliberation Session

139. A Member commented that the subject matter had been duly considered during the EIA stage of TKO Study. Having regard to the population of PNG affected and the ecological importance of the estuary of the stream, the current mitigation measures as proposed in the EIA report of the TKO Study were considered acceptable. However, this Member raised concern about the visual impact caused by the large landtake due to the provision of a large toll plaza and related facilities, and considered that CEDD should consider alternative design of the toll plaza and connecting roads for the TKO-LTT with a view to minimizing reclamation and reducing any adverse impact on the shoreline. The Chairman noted the concern and said that the extent of reclamation and related design of the TKO-LTT project would be further examined by CEDD in the consultancy study to be commissioned soon. This Member's concern could be conveyed to CEDD for consideration. Members agreed.

Representation No. R864

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

- (a) as indicated in paragraph 5.4.1 of the Paper, the extent of the reclamation as shown on the outline zoning plan was the minimum area to accommodate

all the identified facilities. It should be reiterated that disturbance to coastal marine habitats was unavoidable due to dredging and reclamation works irrespective of the limit of reclamation;

- (b) the representer's concern on preserving Philippine Neon Goby (PNG) had been addressed in the Environmental Impact Assessment of the Feasibility Study for Further Development of Tseung Kwan O, which had proposed mitigation measures to address the possible impacts of the proposed reclamation to the species during both construction and operation phases of the reclamation project. The proposed mitigation measures were considered the most effective measures in protecting the PNG population, given all the identified constraints;
- (c) the proposed measures to mitigate adverse impacts on PNG and the extent of the reclamation as well as the different design options to form the land, including an option of adopting a piled deck design, would be further reviewed and explored in the next investigation and preliminary design consultancy study for the TKO-Lam Tin Tunnel (TKO-LTT) project; and
- (d) the representer had given no technical support and no suggestion on the extent of reclamation to substantiate that his proposal to shift the zoning boundary further northwards and adopt a flyover design would lessen the impact on the survival of PNG and would provide sufficient room to accommodate all the required facilities for the TKO-LTT as compared with the existing zoning boundary of "OU(TPVB&AF)".

141. The meeting was adjourned for lunch at 2:40pm.

142. The meeting resumed at 3:20 p.m.

143. The following Members and the Secretary were present after the lunch break:

Mr. Raymond Young Chairman

Mr. Nelson W.Y. Chan

Professor David Dudgeon

Mr. Tony C.N. Kan

Dr. C. N. Ng

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Dr. James. C. W. Lau

Mr. K.Y. Leung

Deputy Director of Environmental Protection

Mr. Benny Wong

Director of Lands

Miss Annie Tam

Director of Planning

Mrs. Ava Ng

Agenda Item 4

[Open Meeting]

Draft Sham Chung Outline Zoning Plan No. S/NE-SC/B

Preliminary Consideration of a New Plan

(TPB Paper No. 8230)

[The meeting was conducted in Cantonese.]

144. Members noted that Dr. Greg C.Y. Wong, Mr. Alfred Donald Yap, Mr. Raymond Y.M. Chan, Mr. Y.K. Cheng and Mr. Felix W. Fong had declared interest for having current business dealings with Sun Hung Kai Properties Ltd. (SHK) who was the major developer in Sham Chung. Members agreed that since the item involved plan-making process, Mr. Yap, Y.K. Cheng and Felix W. Fong could stay in the meeting. Members also noted that Dr. Wong and Mr. Chan had tendered apology for not being able to attend the meeting.

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

145. The following representative from Government were invited to the meeting at this point:

Ms. Lisa Cheng - Senior Town Planner/Tai Po (STP/Tai Po),
Planning Department (PlanD)

Ms. Jessica Lee - Town Planner/Tai Po, PlanD

146. The Chairman extended a welcome and invited Ms. Lisa Cheng to brief Members on the Paper.

147. With the aid of a powerpoint presentation, Ms. Lisa Cheng briefed Members on the background of the new Plan as detailed in the Paper and made the following main points:

(a) the background was set out in paragraph 2 of the Paper. The draft Sham

Chung Development Permission Area (DPA) Plan No. DPA/NE-SC/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance) on 3.2.2006. As the DPA Plan was only effective for 3 years, an OZP had to be prepared to replace the DPA Plan before its expiry;

- (b) the details of the planning scheme area (the area) was set out in paragraph 4 of the Paper. Since the gazettal of the DPA Plan, site conditions of the area remained unchanged;
- (c) the land use planning considerations for the OZP was set out in paragraph 6 of the Paper and summarised as follows:
 - the area was of high conservation and landscape value and was one of the 12 priority sites having potential for public-private partnership (PPP) under the new Nature Conservation Policy (NCP) in 2004;
 - there were two planning applications submitted by the landowner in 2008 for a proposed ecological enhancement and eco-tourism development and was deferred by the Rural and New Town Planning Committee at the request of the applicant;
 - the flat land in the middle area comprised abandoned agricultural land which had been partly turned into an artificial turf and water ponds. Since the publication of the DPA plan, Green groups suggested "Conservation Area" ("CA") zoning for most part of the middle area. However, AFCD had reservation on the appropriateness of the "CA" zoning for the whole middle area since such zoning was generally intended for more specific natural landscape, ecological or topographical features. PlanD considered that "Agriculture" ("AGR") zone could better reflect the original use and lease entitlement while allowing flexibility for compatible

recreational uses which was a balance between conservation value and development needs. “CA”, “Coastal Protection Area” (“CPA”) and “Green Belt” zones were already designated for sensitive landscape features, streams and woodlands; and

- indigenous villagers had requested to extend the “Village Type Development” (“V”) zone but PlanD considered that the current “V” zone area and the provision for planning application for Small House within “AGR” and “Green Belt “ (“GB”) zones should be adequate to meet the Small House demand;
- (d) as the conditions of the area had remained unchanged since the approval of the DPA Plan, it was appropriate for the land use zonings of the draft OZP to basically follow that on the current DPA Plan. The general planning intention for the area was to conserve the areas of high ecological significance, to protect the rural character, to maintain the unique landscape and cultural heritage of the area, and to reserve land for Small House development by indigenous villagers. The details of the land use zonings of the OZP were set out in paragraph 8 of the Paper; and
- (e) there was no adverse comment from Government departments on the draft OZP. Subject to the Board’s agreement, the draft OZP would be submitted to the Tai Po District Council (TPDC) and the Sai Kung North Rural Committee (SKNRC) for consultation. The outcome of the consultation would be reported to the Board in due course.

Village Housing Development

148. A Member asked why two strips of land in the northern and southern parts of the area where traditional village houses were located, were zoned “GB” instead of “V”. Ms. Lisa Cheng replied that these village houses were vacant. As the two areas were located near vegetated slope and there was concern on the geotechnical safety, PlanD

considered that the sites were not suitable for housing development. A piece of flat land to the south of the “GB” area was zoned “V” to provide land for village house development. Ms. Cheng said that discussion meetings had been held with villagers and the land reserved within the “V” zone would allow for the development of about 80 Small Houses to meet the future Small House demand. In response to the two other Members’ concern that the “GB” zone would deprive the existing development right of villagers as development of village houses was normally not allowed. Ms. Cheng clarified that under the covering Notes of the OZP, rebuilding of New Territories Exempted House was always permitted within all zones including the “GB” zone and no planning permission was required for the redevelopment. The Secretary also supplemented that there was provision for planning application for Small House development within “GB” zone, and each case would be assessed by the Board in accordance with the Board’s Interim Criteria for consideration of Application for New Territories Exempted House/Small House in the New Territories.

Nature Conservation

149. Two Members queried whether the “AGR” zoning for the middle area was appropriate in view of the high conservation value of the area, with the existing wetland and streams forming an important habitat and breeding site for rare plants and wildlife species. The middle area, in particular the stream course, should be zoned “CA” to preserve the natural habitat and rare species. One of the members considered that “CA” zoning would give more recognition to the conservation value of the area, given that Sham Chung had already been identified as one of the 12 priority sites having potential for PPP under the new NCP. The other Member also stated that the middle area was formerly a wetland of ecological importance but was later filled and transformed by the landowner. A precautionary approach should thus be adopted by zoning the area into “CA”, and allowing it to be restored to a wetland.

150. Ms. Lisa Cheng replied that the wetland area with mangroves on the western part of the planning scheme area with high ecological value were already zoned “CA” and “CPA” on the OZP. The middle area which comprised fallow agricultural land partly turned into an artificial turf and man-made ponds did not justify a “CA” zoning. AFCD

had not agreed with the “CA” zoning for the whole middle area since such zoning was generally intended for more specific natural landscape, ecological or topographical features. She added that under the “AGR” zoning, any diversion of streams or filling of land/pond required planning permission from the Board. The Chairman asked if there was any feature in the middle area that was worth preserving noting that it had been transformed to turf land. A Member said that previous research indicated that the value of the wetland in the middle area was high and therefore at least the area along both sides of the stream should be zoned “CA”.

151. A Member said that it was not reasonable to zone the middle area into “AGR” just because the area had been illegally transformed by the landowner as golf course. The Secretary said that the zoning of the middle area and whether it was illegally transformed for golf course use had been thoroughly discussed by the Board during the consideration of the draft DPA plan. The Board noted that the golf course was not an unauthorized development as it had existed before the gazetting of the DPA plan and the Board then agreed to the “AGR” zoning on the DPA plan. Director of Lands also confirmed at that time that the golf course use did not contravene the lease. As there had been no change in planning circumstances since the gazetting of the DPA plan and no new proposal was accepted after the publication of the DPA plan, the land use zoning of the Sham Chung OZP basically followed that of the DPA plan.

152. The Chairman asked if the change in zoning of “AGR” to “CA” would affect the planning applications submitted by the landowner. Ms. Lisa Cheng replied that the middle area was held under private ownership and the landowner was actively preparing proposal for ecological enhancement and eco-tourism development but the applications were deferred pending the resolution of technical issues. It would be better to retain the land use zoning of the DPA plan before a proposal was considered by the Board. Should the Board consider the landowner’s proposal acceptable, further amendment to the zoning would be undertaken.

153. As Members had no further questions to raise, the Chairman thanked PlanD’s representatives for attending the meeting. Ms. Lisa Cheng and Ms. Jessica Lee all left the

meeting at this point.

Deliberation

154. Two Members expressed reservation on the “AGR” zoning in the middle area and considered that “CA” zoning would be more appropriate for the area with high ecological and conservation value. One of the Members also pointed out that AFCD and green groups always had different views on the conservation aspect. This Member said that the ecological study carried out by the University of Hong Kong in 1996 had demonstrated that the area was of high ecological and conservation value.

155. The other Member said that the conservation value of the middle area should be confirmed by zoning it “CA” so as to help justify the potential for PPP. The Chairman said that Sham Chung had already been identified as one of the 12 priority sites and the area was zoned “AGR” since the publication of the DPA plan three years ago. There was no change in planning circumstances and no justification for the change in zoning. Noting AFCD’s reservation on the “CA” zoning and that no survey had been done to justify the ecological value, the Board really had no firm or scientific basis to support the “CA” zoning.

156. Another Member however considered that a “CA” zoning would not only deprive the existing development right of the landowner but also weaken private incentive to develop the site. This Member pointed out that there had along been strong objection from Heung Yee Kuk for the Government to rezone rural land into “GB”, “CA” or “CPA” at the expense of the development right of local villagers. He considered there should be a balance between consideration and development.

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

157. The Chairman said that he agreed to the overall planning intention to conserve the rural environment of Sham Chung. He noted that some areas had already been appropriately zoned “CPA” and “CA” to reflect their ecological value. However, he

pointed out that there was a need to allow some kinds of development so that the PPP scheme could be viable, thus enabling the ecologically sensitive parts of the site to be better preserved and the less ecologically sensitive parts to be developed. Whilst he noted that there were two streams of opinion on conservation and development, majority of the Members agreed that it would be appropriate to maintain the “AGR” zone for the middle area for the time being, noting the comment of AFCD and that the issue had already been thoroughly discussed by the Board during the consideration of the draft DPA plan. After some discussion, Members generally agreed that as there was no change in planning circumstances since the publication of the DPA plan, the land use zonings of the draft OZP should basically follow those on the DPA plan.

[Ms. Sylvia S.F. Yau left the meeting while Mr. Y.K. Cheng returned to join the meeting at this point.]

158. After further deliberation, the Board agreed that the draft Sham Chung OZP No. S/NE-SC/B together with its Notes and Explanatory Statement were suitable for submission to the TPDC and SKNRC for consultation.

159. The Chairman proposed and Members agreed that as the meeting was running behind schedule, the Board would reschedule the consideration of Agenda Item 5 after Agenda Item 11.

[Mr. Tony C.N. Kan left the meeting while Mr. Alfred Donald Yap left the meeting temporarily at this point.]

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Review of s.16A Application No. A/H5/372

Proposed Office in “Residential (Group A)” zone, 24-34 Hennessy Road, Wan Chai

(TPB Paper No. 8237)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

160. As the application was submitted by a subsidiary of Swire Pacific Ltd. (SP). Mr. Raymond Y.M. Chan, having current business dealings with SP, had declared interest on this item. Members noted that Mr. Chan had tendered apology for not being able to attend the meeting.

161. The Chairman informed Members that the subject application for a proposed commercial/office building at a plot ratio of 15 in an area zoned “Residential (Group A)” (“R(A)”) on the Wan Chai OZP was rejected by the Metro Planning Committee (MPC) on 1.8.2008 on the ground that the approval would set a precedent for similar developments of a higher plot ratio within “R(A)” zone and the cumulative impact was yet to be assessed.

162. The Chairman further stated that subsequent to the rejection, the MPC considered a land use review of the area to the southwest of the junction between Hennessy Road and Johnson Road (including the application site) on 7.11.2008. The MPC agreed that in terms of land use, redevelopment within the area to commercial developments was compatible with the predominately commercial pattern of the area. However, owing to traffic concern, a wholesale rezoning of the area to commercial use would not be appropriate. Commercial developments within the area would be acceptable subject to the submission of detailed Traffic Impact Assessment (TIA) to ensure no adverse traffic impact. An application for commercial development (Application No. A/H5/377) covering the current site and the tenements buildings to its south was also approved by MPC on 7.11.2008.

163. The Chairman said that as stated in paragraph 8.2 of the Paper, the applicant had submitted a revised TIA in support of the review application and Assistant Commissioner for Transport/Urban (AC for T/U) had no in-principle objection to the application. Based on PlanD's assessments as set out in paragraphs 8 and 9 of the Paper, Members agreed to approve the application.

164. The following representatives of the Government and the applicant were invited to the meeting at this point:

Ms. Brenda Au - District Planning Officer/Hong Kong
(DPO/HK), Planning Department (PlanD)

Mr. Ian Brownlee)

Mr. Henry Lee) Applicant's representatives

165. The Chairman extended a welcome and informed the representatives of the applicant that the Board had decided to approve the application with conditions. He asked the representatives of the applicant whether he would like to elaborate on the application. Noting that the Board would grant approval to the application, Mr. Ian Brownlee agreed with PlanD's view on the Paper and had no further point to make on the application.

166. As the representatives of the applicant had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures for the review application had been completed. The Board would further inform the applicant of the Board's decision in due course. The Chairman thanked the representative of the PlanD and the applicant for attending the meeting. They all left the meeting at this point.

Deliberation Session

167. After further deliberation, the Board decided to approve the application on review, on the terms of the application as submitted to the Board. The permission should be valid until 28.11.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the provision of footpaths and corner splays surrounding the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (c) the submission of a revised Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environment Protection or of the Town Planning Board;
- (d) the implementation of necessary local sewerage upgrading/sewerage connection works as identified in the revised SIA in condition (c) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (e) the submission of a revised Drainage Impact Assessment and implementation of the drainage improvement works identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

168. Members also agreed to advise the applicant:

- (a) that the proposed GFA and site coverage of the scheme under application might not be achievable under the Buildings Ordinance. The applicant should approach the Buildings Department to obtain the necessary

approval. If there was any major change to the current scheme, a fresh application to the Board might be required;

- (b) to note the comments of CBS/HKE, BD with regard to the excessive headroom for various uses in the proposed development and to address this issue at the building plan submission stage;
- (c) to consult MTRCL on full details of the development and comply with their requirements with respect to the operation, maintenance and safety of the railway line;
- (d) the arrangement on Emergency Vehicular Access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administrated by the Buildings Department; and
- (e) to prepare and submit the revised SIA as early as possible in view of the time required for the implementation of any required sewerage work.

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

[The meeting adjourned for a five-minutes break.]

Agenda Item 8

[Open Meeting (Presentation and Question Session only)]

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. 8235)

[The meeting was conducted in Cantonese and English.]

Presentation and Question Session

169. Members noted that the World Wide Fund Hong Kong (WWF) submitted comments on the application. Professor David Dudgeon, being a member of the the Mai Po Management and Development Committee and Dr. James C.W. Lau and Professor Paul K.S. Lam, being ex-members of WWF had declared interest. Members noted that Professor Lam had tendered apologies for not being unable to attend the meeting while Professor Dudgeon and Dr. Lau had left the meeting.

170. Members noted that a summary of court case (Court of Appeal, Civil Appeal No. 356 of 2006 - Fine Tower Associates Ltd. v. Town Planning Board), an extract of the Board’s Definition of Terms, an extract of Halsbury’s Laws of Hong Kong were tabled by the applicant at the meeting. The following representatives of the Government and the applicant were invited to the meeting at this point:

Mr. Alfred Lau - District Planning Officer/Sai Kung and Islands (DPO/SKI), Planning Department (PlanD)

Ms. Ann Wong - Senior Town Planner/Sai Kung, PlanD

Mr. Andrew Ma	-	Survey Officer/Sai Kung, PlanD
Mr. Menachem Hasofer)	
Ms. Betty S.F. Ho)	Applicant's representatives
Mr. Edward Chan)	
Ms. Hester P.K. Chan)	
Mr. K.L. Lau	-	Applicant
Ms. Jenny Mok	-	Applicant

171. The Chairman extended a welcome and explained briefly the procedures of the review hearing. He then invited Ms. Ann Wong to brief Members on the background to the application.

172. With the aid of a Powerpoint and video presentation, Ms. Ann Wong covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for filling and excavation of land for agricultural use (organic farm) in an area mostly zoned "Conservation Area" ("CA") (about 99%) with a minor portion zoned "Coastal Protection Area" ("CPA") (about 1%) on the approved Clear Water Bay Peninsula North OZP;
- (b) the Rural and New Town Planning Committee rejected the application on 18.4.2008 for the reasons that there was a general presumption against development in both the "CA" and "CPA" zones. There was insufficient information to justify the extensive filling and excavation of land for the proposed organic farm use which had damaged the natural landscape and adversely affected the environmental and nearby coastal character. The approval would set an undesirable precedent;
- (c) the applicant had submitted further written representation with justification in support of the review application as summarised in paragraph 3 of the Paper;

- (d) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. District Lands Officer/Sai Kung (DLO/SK) had no objection to the proposed filling and excavation works for an organic farm but advised that the private lots affected by the site did not have any right of access to the sea under lease and no guarantee on the right of way over Government land would be given. Assistant Commissioner for Transport/New Territories (AC for T/NT) had reservation on the proposed vehicular access leading to the organic farm. Director of Environmental Protection (DEP) stated that building works partly or wholly in a conservation area was a Designated Project and an Environmental Permit would be required. Director of Agriculture, Fisheries and Conservation (DAFC) supported agricultural activities such as organic farming in appropriate places but the method and ways of clearance and preparation works should not be in breach of any relevant ordinances. Geotechnical Engineering Office, Civil Engineering and Development Department (H/GEO/CEDD) was not in a position to address whether the works on site could be considered as substantial as the nature and extent of filling and excavation works was uncertain. Director of Marine (D of M) stated that the applicant should elaborate whether the loading operation of the farm product was safe;
- (e) public comments - during the statutory publication period, 14 public comments were received. Two comments were from the Rural Committee's Chairman and some Tai Po Tsai villagers including village representatives who supported the application as it would create job opportunities and revitalise the fallow agricultural land. One comment was from a group of Tai Po Tsai villagers who objected to the filling and excavation of land which would affect the nearby stream and public beach. The remaining 12 comments objected to the application including 3 environmental organisations (Kadoorie Farm and Botanic Garden Corporation, WWF and Green Power), a group of Tai Po Tsai

villagers and 7 members of the public, mainly on the grounds that the filling and excavation would cause irreversible damage to the site and surrounding areas; vehicular access would lead to loss of woodland, lack of monitoring on the farm operation; water pollution; adverse visual impact and undesirable precedent; and

- (f) PlanD's view – PlanD did not support the application based on the assessments set out in paragraph 7 of the Paper. The site was subject to planning enforcement action and the issue on whether there was unauthorised filling and excavation of land was a matter for the court to decide. The current assessment should focus on whether the proposed organic farming activities which involved filling and excavation of land were considered appropriate under the “CA” and “CPA” zones. There was a general presumption against development in both “CA” and “CPA” zones. There was insufficient information in the submission to demonstrate that the proposed organic farming would not cause adverse impacts on the natural environment and the coastal character. The approval of the application would set an undesirable precedent for other similar applications within the “CA” and “CPA” zones. The cumulative effect of approving such applications would result in a degradation of the natural environment in the area.

173. The Chairman then invited the representatives of the applicant to elaborate on the application.

174. With the aid of a Powerpoint presentation, Ms. Betty Ho made the following points:

- (a) according to the Notes of the OZP, “Agricultural Use” was always permitted as of right under the “CA” and “CPA” zones. Any diversion of stream or excavation of land required planning permission from the Board. According to the Board's Definition of Terms, “Agriculture Use” meant

any land used for arable and/or pastoral purposes and included any structure or building to be used ancillary to and directly connected with agricultural activities. For cultivation, soil might be deposited or placed on land. The thickness of such deposition or replacement of soil should not exceed 1.2m above the original ground level;

- (b) the land lots were held under Block Government Lease for agricultural purpose. DLO/SK had no objection to the application but the applicant would have to apply for approval for erection of structures;
- (c) the proposed organic farming was intended to revitalise farming on the disused farmland. It involved ploughing of only 30cm of top soil and adding in organic materials of 6cm to 8cm deep. This was not “filling” or “excavation” of land but ploughing and placing/depositing soil on land of less than 1.2m for cultivation purpose. The application was submitted out of good will, in an open and transparent manner upon PlanD’s request;
- (d) since agricultural use was always permitted in “CA” and “CPA” zones, it was misleading to state in paragraph. 7.1 of the Paper that the current assessment should focus on whether the proposed organic farming activities were considered appropriate under these zones. The focus should be on whether the proposed ploughing and placing of soil on the land for cultivation (less than 1.2m) were reasonable in the context of the always permitted agriculture use;
- (e) the removal of weed and undergrowth on site was to prepare for farming. AFCD agreed that this was a must in preparing land cultivation and land ploughing and soil filling were fundamental preparation works. There was no cutting of slopes or terraces and the landform was not destroyed. CTP/UD&L, PlanD had no objection from urban design and landscape planning perspectives;

- (f) eight on-farm structures with height ranging from 2.5m to 4.5m were proposed for use as farming shed, fertiliser and insecticide storage, process area, agricultural store, watchman sheds etc. They were part and parcel of the agriculture use which was permitted as of right. The extent of concreting and paving would be limited to the area of the structures and there would be no paving or concreting of open areas; and
- (g) sea transport plan, sewage treatment and disposal proposal, drainage proposal, landscaping and tree preservation proposal, remedial geotechnical works would be submitted to relevant Government departments as required under the approval conditions.

175. Mr. Menachem Hasofer stated and Members noted that Mr. Edward Chan, who had been involving in the farming activities of the subject application, was prepared to answer Members' question on the agricultural aspect at the meeting.

176. In response to the Chairman's query on the purpose of the application, Mr. Menachem Hasofer stated that the primary position of the applicant was that the proposal did not involve excavation and filling (only ploughing up to 30cm) and there was no need for planning permission under the "CA" zone. However, the landowner had received an enforcement notice from PlanD and was advised by PlanD's staff that the only way to resolve the matter was by way of planning approval. Hence, the planning application was submitted out of good will, in an open and transparent manner upon PlanD's request.

177. The Chairman then queried whether the Board would still need to hear the arguments on the need for planning permission for excavation and filling. Mr. Hasofer replied that this was basically a legal point and referred to his submission under the s.17 application (paragraphs 8.1 and 8.2 of Annex D of the Paper). It was stated in the submission that the applicant had always contended that the proposed activities did not amount to excavation or filling of land. The proposed activities did not effect a change of use of the subject piece of land to agricultural use, but rather, it was a continuation of the agriculture use. If such propositions were accepted, it had to necessarily follow that the

proposed activities did not fall within the ambit of paragraphs (b) and (c) of the remarks of the OZP, and no application under section 16 of the Ordinance was required. If the Board accepted the submissions above and determined that the proposed organic farming did not involve excavation or filling of land, then it was open to the Board to conclude that it had no power to approve or reject the s.16 application, on the basis that the Board was not permitted to exercise authority not conferred upon it. In fact, it was submitted that the Board had to have the power to determine the preliminary issue of whether or not planning permission was required for the proposed organic farming activities. Therefore, he considered that the Board should hear all the facts and determine whether excavation and filling was involved in the proposal within the meaning of the OZP. If yes, the Board could then decide whether to approve or reject the application.

178. With the aid of a Powerpoint presentation, Mr. Menachem Hasofer made the following points:

- (a) the reasons for not supporting the application as stated in paragraph 8.1 of the Paper were misconceived;
- (b) the description of “Agricultural Use” in the Board’s Definition of Terms applied to the interpretation of Column 1 use of the Notes of OZP. “Agricultural Use” was defined to include deposit/placement of soil up to 1.2m and erection of ancillary structures. AFCD acknowledged that clearance of vegetation was the first step in the process;
- (c) planning permission was not required as “Agricultural Use” was always permitted and the proposed ploughing and mixing of top soil (less than 1.2m) was not “excavation” or “filling”. The proposed concreting and paving were above ground level and did not involve “excavation”. The general presumption against development was not applicable to a use which was always permitted under Column 1. There was no change of existing/previous agriculture use;

- (d) if planning permission was required, the inquiry must be limited to the proposed “excavation” or “filling”. There was no statutory basis for a wide-ranging inquiry into all aspects of the proposed organic farm;
- (e) there was no reason to disapprove the proposed “excavation” and “filling” as CTP/UD&L, PlanD had no objection to the application which caused minor impact to the landscape character and retained the existing topographical features and AFCDC also agreed that ploughing and soil filling were fundamental preparation works and organic farming was supported;
- (f) RNTPC’s reasons for rejecting the s.16 planning application were flawed and there was an error of fact by assuming substantial “excavation” or “filling” as this was no longer relied on by PlanD (as stated in paragraphs 7.1, 7.3 and 7.4 of the Paper). Besides, there was an approval condition for appointment of registered geotechnical engineer to identify the unauthorised geotechnical works and if found necessary, to submit plans for remedial works to BD for approval;
- (g) the prohibition of economically viable agricultural purposes was a de facto deprivation of property for which compensation was payable (as in the Fine Tower court case). Removal of any meaningful use, or of all economically viable use gave rise to a right to compensation;
- (h) PlanD accepted that the question of whether there had been “unauthorised development” should be determined by the court. It would be wrong to take into account the alleged “unauthorised development” in considering the s.17 review application;
- (i) the conditions of approval would adequately deal with all substantial concerns whereas the advisory clause (a) would remove concerns of development other than that of the proposed organic farm;

- (j) applicant had a legal right of access to the site over Government land (Easement of Necessity). It was proposed that the approval condition (a) be amended to “no vehicular access leading to the organic farm was allowed except in accordance with a land transport proposal approved by the Director of Lands”;
- (k) the Board’s decision was requested on:
 - (i) a determination that planning permission was not required for ploughing and mixing of organic matter of less than 1.2m, or for erection of ancillary structures; and
 - (ii) alternatively, a permission be granted subject to a set of proposed approval conditions and advisory clauses, subject to modification of condition (a) as stated above.

[Mr. Benny Wong left the meeting at this point.]

179. The Chairman stated that subject to the views of Members, he had no in-principle objection to the farming activities under the “CA” and “CPA” zones. He said that according to the Notes of OZP, any filling and excavation of land within “CA” and “CPA” zones required planning permission from the Board. There was no specification on the extent of filling or excavation permitted under the Notes of the OZP. As the subject application involved some kind of excavation and filling (though in the form of shallow ploughing as claimed by the applicant), the Board should have jurisdiction over the application. He further clarified that the application, if approved, was not for the reason that no planning permission was required for filling and excavation of less than 1.2m for agriculture use under “CA” and “CPA” zones as claimed by the applicant. He then asked if Mr. Menachem Hasofer would agree to withdraw this ground of application in order to avoid setting a bad precedent that planning permission was not required for any filling or excavation of land within “CA” and “CPA” zones.

180. Mr. Menachem Hasofer replied that the proposal under the current application

only involved the removal of existing vegetation and the ploughing of soil of 30cm. The applicant supported the position of landowner who was now subject to prosecution action and would adopt the same line as the landowner i.e. there was no filling and excavation on the land under application. He said that whether the ploughing of 30cm soil constituted excavation was a technical question. The issue would be determined by the Court in January/February 2009. For the subject application, the position of the applicant was on two bases. First, planning permission was not required for the current proposal and second, if permission was granted, the applicant would accept all proposed approval conditions (subject to the amended condition (a)) and advisory clauses.

181. On the two decisions requested in Mr. Hasofer's presentation (paragraph 178(k) above), the Chairman asked Mr. Hasofer whether the Board was given a choice on the two items. Mr. Hasofer replied that as the Chairman had already indicated that he would not agree to the first item in that planning permission was required for the ploughing and mixing of organic matter of less than 1.2m or for erection of ancillary structures, the applicant would be happy to accept the second item i.e. permission be granted subject to a set of proposed approval conditions and advisory clauses.

182. Regarding Mr. Hasofer's suggested amendment to approval condition (a), Miss Annie Tam, Director of Lands, stated that the applicant should not presume a guarantee on the granting of right of way but she agreed to consider the applicant's application upon receipt. Mr. Hasofer clarified that the applicant had not made any presumption on this aspect and would submit applications and proposals as required under the approval conditions for the consideration of Government department in the usual manner.

183. As the representatives of the applicant had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures for the review application had been completed. 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 representative of the PlanD and the applicant for attending the meeting. They all left the meeting at this point.

Deliberation Session

184. A Member said that there should not be any planning concern if the applicant was to restore its original agricultural use. On the right of way, Miss Annie Tam pointed out that she would not guarantee granting a right of way and the applicant had also stated clearly that he had no presumption on the granting of right of way.

185. After discussion, Members generally agreed that the extent of ploughing of 30cm top soil and adding of organic materials of 6 to 8cm deep was a reasonable extent for the proposed organic farming and considered the application should be approved. However, Members stated clearly that the approval was granted not for the reason that no planning permission was required for the proposed filling and excavation of less than 1.2m as claimed by the applicant. The Board also confirmed that under "Agriculture" zone, no planning permission was required for laying of soil not exceeding 1.2m in thickness for cultivation as specified in the Notes for the "Agriculture" zone. However, no such provision was stipulated in "CA" or "CPA" zones which were conservation related zones and more stringent control would be appropriate. Under the "CA" and "CPA" zones, any filling and excavation of land, even for a Column 1 use such as agriculture use, would require planning permission from the Board. This was reflected in the different sets of remarks under the Notes of these zones.

186. After further deliberation, the Board decided to approve the application on review. The planning permission should be valid on a temporary basis for a period of three years up to 28.11.2011 in order to enable close monitoring of the application, and should be subject to the following conditions:

- (a) any activity should not affect the potential archaeological area;
- (b) no vehicular access leading to the organic farm was allowed;
- (c) the control of run-offs during the construction and operation of the proposed development to prevent contamination of nearby watercourse to

the satisfaction of the Director of Water Supplies or of the Town Planning Board;

- (d) the submission of a sea transport proposal within 6 months from the date of planning approval to the satisfaction of the Director of Marine or of the Town Planning Board by 28.5.2009;
- (e) in relation to (d) above, the implementation of the sea transport proposal within 9 months from the date of planning approval to the satisfaction of the Director of Marine or of the Town Planning Board by 28.8.2009;
- (f) the submission of a landscaping and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 28.5.2009;
- (g) in relation to (f) above, the implementation of the landscaping and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 28.8.2009;
- (h) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.5.2009;
- (i) in relation to (h) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.8.2009;
- (j) to appoint a registered geotechnical engineer to inspect the site and identify the extent of all unauthorized geotechnical works, and if found necessary, to submit plans for remedial works to the Buildings

Department for approval; and to relocate the watchman shed (near the southern extremity of the site) away from the hillside to minimize the potential landslide risk within 6 months from the date of planning approval to the satisfaction of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department or of the Town Planning Board by 28.5.2009;

- (k) the submission of on-site sewage treatment and disposal facilities within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 28.5.2009;
- (l) in relation to (k) above, the provision of on-site sewage treatment and disposal facilities within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 28.8.2009;
- (m) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the cessation of the organic farm, the site should be reinstated to the satisfaction of the Director of Planning or of the Town Planning Board.

187. Members also agreed to advise the applicant:

- (a) that the permission was given to the development under application.

It did not condone any other use(s)/development which currently exist(s) on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use(s)/development not covered by the permission;

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to liaise with the District Lands Officer/Sai Kung, Lands Department on the application for approval prior to erection of any structures and of right of access to the sea;
- (d) to liaise with the Director of Fire Services on fire service installations and fire fighting water supplies requirements;
- (e) to note the Chief Engineer/Development (2), Water Supplies Department's comments on the water supplies requirements in the area; and
- (f) to consult the Director of Environmental Protection regarding the application for the Environmental Permit under the Environmental Impact Assessment Ordinance.

Agenda Item 9

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/SK-HC/163

Redevelopment of 2 Houses (New Territories Exempted House) in "Conservation Area" zone, Lot 604 in D.D. 247 and adjoining Government land, Ngau Pui Wo, Ho Chung, Sai Kung (TPB Paper No. 8236)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

188. Members noted that the World Wide Fund Hong Kong (WWF) submitted comments on the application. Professor David Dudgeon, being a member of the the Mai Po Management and Development Committee and Dr. James C.W. Lau and Professor Paul K.S. Lam, being ex-members of WWF had declared interest. Members noted that Professor Lam had tendered apologies for not being able to attend the meeting while Professor Dudgeon and Dr. Lau had left the meeting.

189. The following representatives of the Government and the applicant were invited to the meeting at this point:

Mr. Alfred Lau - District Planning Officer/Sai Kung and Islands (DPO/SKI), Planning Department (PlanD)

Ms. Ann Wong - Senior Town Planner/Sai Kung (STP/SK), PlanD

Mr. Chan Ho Chin, Colin - Applicant

190. The Chairman extended a welcome and explained briefly the procedures of the

review hearing. He then invited Ms. Ann Wong to brief Members on the background to the application.

191. With the aid of a powerpoint presentations, Ms. Ann Wong covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to redevelop two New Territories Exempted Houses (NTEHs) in an area zoned “Conservation Area” (“CA”) on the Ho Chung OZP;
- (b) the Rural and New Town Planning Committee rejected the application on 15.8.2008 for the reasons that the development was not in line with the planning intention of the “CA” zone. There was no information to demonstrate that the two NTEHs were redeveloped to the existing intensity and that the two houses and the proposed access road would not have significant landscape impact. The approval would set an undesirable precedent;
- (c) the applicant had submitted further written representation with justification in support of the review application as summarised in paragraph 3 of the Paper;
- (d) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. District Lands Officer/Sai Kung (DLO/SK) did not support the application as the proposed built-over area (about 123.3m²) exceeded the registered area of the lot (about 80.9m²). Director of Agriculture, Fisheries and Conservation (DAFC) and Director of Environmental Protection (DEP) had no strong view/no comment on the application noting that the proposed access road was deleted. Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the area was generally covered by natural low vegetation that harmonised well

with the nearby woodland and adjacent Country Park. Assistant Commissioner for Transport/New Territories (AC for T/NT) had reservation over the proposed redevelopment as it would result in cumulative traffic impacts on the road network;

- (e) public comments - during the statutory publication period, 5 public comments were received from two Sai Kung District Councillors, two green groups (Kadoorie Farm and Botanic Garden Corporation and Worldwide Fund Hong Kong) and a representative of a local village nearby who objected to the application. The commenter stated that construction of access was inevitable due to the isolated location and would incur adverse landscape and ecological impacts; the approval would set an undesirable precedent and disturb the natural setting of the area;
- (f) PlanD's view – PlanD did not support the application for reasons as detailed in paragraph 8 of the Paper. The application was not in line with the planning intention of “CA” zone. There was insufficient information to justify the built-over area proposed for the two NTEHs which had significantly exceeded the lease entitlement and the approval of the application would set an undesirable precedent for other similar applications within the “CA” zone. The cumulative impacts of approving such application would generate adverse landscape impact.

192. The Chairman then invited the applicant to elaborate on the application.

193. Mr. Chan Ho Chin, Colin stated that the proposed built-over area under application was based on the latest land use survey undertaken by an authorised land surveyor. The unit of measurement of “fan” (0.01 acre) was adopted by Lands Department in the old land use surveys for lots in the New Territories and the records might contain approximate data. As such, the application should be based on the latest land survey findings undertaken by an authorised land surveyor.

194. A Member noted that the registered area measured by DLO/SK was two “fan” (i.e. 0.02 acres) whereas that by the authorised land surveyor was three “fan” (i.e. 0.03 acres). This Member asked whether the latter measurement was based on actual building footprint. In response, Mr Chan Ho Chin, Colin stated that the measurement was based on PlanD’s old record.

195. As the applicant had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures for the review application had been completed. 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 representative of the PlanD and the applicant for attending the meeting. They all left the meeting at this point.

Deliberation Session

196. A Member expressed sympathy to the applicant and considered that private development rights were affected once the site was zoned under “CA” and “Green Belt”. He said that applications for development within these zones were always rejected by the Board. The Secretary clarified that part of the site was in fact the subject of a previously approved planning application for the rebuilding of NTEHs. The subject application involved a much larger site area as the applicant claimed that the area of private land involved (123.3m²) should be much larger based on the latest land survey carried out by him. However, DLO/SK said that the registered area of the building lot should be 0.02 acres (about 80.9m²).

197. Miss Annie Tam said that the dispute on the measurement of the existing built-over area related to the discussion on the claim of building right between Lands Department and the applicant and should be treated as a separate matter from the consideration of the subject application. She considered that the Board could still approve the application if there were planning merits. The Secretary however pointed out that according to the Notes of the OZP for “CA” zones, no redevelopment of an existing house

should result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication of the interim development permission area plan. In this regard, the Board had to rely on the registered area provided by Lands Department, which was a legal document, in determining the existing development intensity that could be allowed. A Member pointed out that the land use survey data prepared by the land surveyors of the Government in the old days might not be accurate. The Chairman asked Miss Tam whether Lands Department would agree to conduct a re-measurement of the site area to confirm the accuracy of the figure provided by the authorised land surveyor. Noting that the main concern on the subject application was on the measurement of the registered built-over area and LandsD was carrying out an investigation on the rebuilding area, Miss Tam suggested and Members approved the application subject to Lands Department's agreement on the applicant's claim on the existing built-over area.

198. After further deliberation, the Board decided to approve the application on review, on the terms of the application as submitted to the Board. The permission should be valid until 28.11.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was granted. The permission was subject to the following conditions:

- (a) the maximum built-over area should not exceed 123.3m² subject to the agreement of Director of Lands;
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (c) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

199. Members also agreed to advise the applicant:

- (a) to note the comments of the Director of Electrical and Mechanical Services that agreement of CLP Power Hong Kong Limited should be obtained by the applicant to divert an 132kV overhead line and the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines;

- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
 - (i) all spoils arising from the site formation and building construction works should be contained and protected to prevent all nearby watercourses from being polluted or silting up;

 - (ii) the septic tank and soakaway pit system must be located not less than 30m from any existing watercourse. The whole system should be properly maintained and desludged at regular frequency. All sludge should be carried away and disposed of outside the water gathering ground;

 - (iii) the whole of the foul/sewage system should be connected to the public sewers when they become available; and

 - (iv) the applicant might need to extend the inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department’s standards;

- (c) to note the comments of the Director of Environmental Protection that

the applicant should follow the statutory procedures of the Environmental Impact Assessment Ordinance to apply for an Environmental Permit for the new access road within “CA” zone should the applicant propose in future, before its construction and operation;

- (d) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that a Geotechnical Planning Review Report (GPRR) should be submitted to assess the natural terrain hazard as addressed in the GEO Advice Note for Planning Applications under Town Planning Ordinance (CAP. 131) which set out the essential contents of a GPRR; and
- (e) to apply to District Lands Officer/Sai Kung, Lands Department for lease modification matters.

Agenda Item 10

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TKL/306

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

Che, Fanling

(TPB Paper No. 8240)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

200. The following representatives of the Government and the applicant were invited to the meeting at this point:

Mr. W. K Hui - District Planning Officer/Shu Tin, Tai Po and North
(DPO/STN), Planning Department (PlanD)

Mr. Kenneth Chan)

Mr. Li Yee Mui) Representatives of the Applicant

Mr. Thomas Luk)

Mr. Law Chai Chuen)

Mr. Leung Hung Lin)

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

202. With the aid of plans and photographs, Mr. W.K. Hui covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for proposed temporary open storage of metal goods and equipment for a period of 3 years in an area zoned “Agriculture” (“AGR”) on the Ping Che and Ta Kwu Ling OZP;
- (b) the Rural and New Town Planning Committee rejected the application on 7.3.2008 for the reasons that the application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that there was no previous approval and there were adverse comments from Government departments. There was insufficient information to demonstrate the proposed development would not generate adverse environmental, traffic and landscape impacts;
- (c) the applicant had submitted further written representation with justification in support of the review application as summarised in paragraph 3 of the Paper;

- (d) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application in view of the high potential for agricultural rehabilitation. Director of Environmental Protection (DEP) did not support the application as there were residential structures in the vicinity and environmental nuisance was expected. Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the landscape proposal was inadequate to compensate the loss of original landscape and would not change the incompatible nature of the development with the surrounding. Assistant Commissioner for Transport/New Territories (AC for T/NT) did not support the application from traffic engineering and road safety viewpoints;

- (e) public comments - during the statutory publication period, three public comments were received. Two stated ‘no comment’ while one supported the application as there were many approved/tolerated open storage yards in the areas surrounding the site. They could achieve economic benefits without causing any inconvenience nor adverse impacts on the nearby residents. The District Officer (North) had consulted the Resident Representative (RR) of Lei Uk who supported the application without providing any reason while the incumbent North District Council Member, Chairman of Ta Kwu Ling District Rural Committee, Indigenous Inhabitant Representative (IIR) of Lei Uk and IIR, RR of Tai Po Tin had no comments on the application; and

- (f) PlanD’s view – PlanD did not support the application for reasons as detailed in paragraph 8 of the Paper. The application did not comply with the Town Planning Board Guidelines on ‘Application for Open Storage and Port Back-up Uses’ in that no previous planning approval had been granted to the application site and there were adverse

departmental comments on the application. Insufficient information had been submitted to demonstrate that the proposed use would not generate adverse environmental, traffic and landscape impacts on the surrounding areas.

203. The Chairman then invited the representatives of the applicant to elaborate on the application.

204. With aid of a powerpoint presentation, Mr. Kenneth Chan made the following points:

- (a) there was a precedent case for the Board to grant planning approval for temporary open storage uses under Category 3 area, even though the site was not the subject of any previous planning approval (i.e. Application No.A/YL-KTS/407);
- (b) as shown by aerial photos, the application site had been surrounded by open storage uses since 1987. These uses were existing uses that would be tolerated. There was no land use incompatibility problem. Besides, to address the concern of CTP/UD&L, PlanD, the applicant was willing to submit detailed landscape proposal by introducing more greenery to the site to mitigate any adverse landscape impact;
- (c) though there were sensitive uses in the vicinity and environmental nuisance was expected by DEP, there were no pollution complaints received regarding the site in the past three years; and
- (d) RR of Lei Uk supported the application and there were no objection on the application during the first three weeks of the statutory publication period. Except DAFC and AC for NT, other concerned departments had no objection to the application.

205. With aid of a powerpoint presentation, Mr. Lee Yee Mui made the following

points:

- (a) he was a Member of the Rural Committee of Ping Che, Village Representative of Ping Che and executive member of Ping Che Vegetable Marketing Station;
- (b) he was familiar with the site circumstances and development of the area and had 30 years experience in agriculture;
- (c) regarding DAFC's comment that the area had a high potential for agricultural rehabilitation, Mr. Lee pointed out that agricultural activities had been declining in the area since 1989 due to increase in cost, environment nuisance to the nearby residents and incompatibility with adjacent open storage uses;
- (d) with regard to AC for T/NT's concern on vehicular access, Mr. Lee stated that the existing access had a width of 5 to 10 metres and the site was only located 100 metres from Ping Che Road. The access was currently used by medium and heavy goods vehicles entering the nearby sites for open storage uses; and
- (e) the site fell within the Ping Che/Ta Kwu Ling New Development Area (NDA), the proposed temporary uses would not affect the planning intention of the NDA.

206. Mrs. Ava Ng asked about the details of the precedent case (Application No. A/YL-KTS/407) as mentioned by the applicant. Mr. Kenneth Chan replied that the application was for temporary open storage and parking of private cars at a site located in Kam Tin South.

207. As the representatives of the applicant had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures

for the review application had been completed. 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 representative of the PlanD and the applicant for attending the meeting. They all left the meeting at this point.

Deliberation Session

208. Members generally considered that the application did not comply with the TPB Guidelines in that there was no previous approval and there were adverse comments from Government departments on environmental, traffic and landscape aspects. The precedent case quoted by the applicant was located at a different locality and of different site circumstances and hence did not warrant the same consideration by the Board. Members also considered that the approval of the application would set an undesirable precedent, the cumulative impact of which would result in a general degradation of the environment and landscape character of the area.

209. After further deliberation, the Board decided to reject the application on review and the reason was:

the application did not comply with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' in that no previous planning approval had been granted to the application site and there were adverse departmental comments on the application. Insufficient information had been submitted to demonstrate that the proposed use would not generate adverse environmental, traffic and landscape impacts on the surrounding areas.

Agenda Item 11

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TM-LTYT/171

Temporary Public Vehicle Park (Private Cars, Light/Medium/Heavy Goods Vehicles and Coaches) For a Period of 3 Years in “Village Type Development” zone, Lots 525SB, 525RP, 526RP (Part), 528 (Part), 529SB (Part), 529 RP (Part) and 530 RP (Part) in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun, New Territories
(TPB Paper No. 8239)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

210. Members noted that a support letter from San Hing Tsuen Village Representatives to the application was tabled at the meeting. The following representatives of the Government and the applicant were invited to the meeting at this point:

Mr. Wilson So - District Planning Officer/Tuen Mun & Yuen Long
(DPO/TMYL), Planning Department (PlanD)

Mr. Lau Tak)

Mr. Chan Chi Hung) Representatives of the Applicant

Mr. Lau Tsang)

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

212. With the aid of a powerpoint presentation, Mr. Wilson So covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary public vehicle park (private cars, light/medium/heavy goods vehicles and coaches) for a period of 3 years in an area zoned “Village Type Development” (“V”) on the Lam Tei and Yick Yuen OZP;
- (b) the Rural and New Town Planning Committee rejected the application on 1.8.2008 for the reasons that the development was not in line with the planning intention of the “V” zone. It was not incompatible with the residential dwellings in the surrounding areas. There was insufficient information to demonstrate the proposed development would not generate adverse environmental, traffic and drainage impacts. No similar application had been approved and the approval would set an undesirable precedent;
- (c) the applicant had not submitted further written representation in support of the review application;
- (d) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. District Lands Office/Tuen Mun (DLO/TM) advised that Small House applications were being processed within the site. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisances were expected. Assistant Commissioner for Transport/New Territories (AC for T/NT) did not support the proposed ingress/egress arrangement. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that the applicant should demonstrate that the proposed development would not cause any increase in the risk of flooding in the adjacent areas;
- (e) public comments - during the statutory publication period, a public comment was received from an individual who objected to the application for the reasons that the site was used for illegal parking and

would pose risks to pedestrians and vehicles; and

- (f) PlanD's view – PlanD did not support the application for reasons as detailed in paragraph 7 of the Paper. The development was not in line with the planning intention of the “V” zone and was not compatible with the residential dwellings in the surrounding areas. There was insufficient information to demonstrate that the development would not generate adverse environmental, traffic and drainage impacts on the surrounding areas. No similar application for the applied use had been approved in the same and nearby “V” zone. The approval of the application, even on a temporary basis, would set an undesirable precedent and would result in a general degradation of the environment of the area.

213. The Chairman then invited the representatives of the applicant to elaborate on the application.

214. With aid of a Powerpoint presentation, Mr. Lau Tak made the following points:

- (a) the applicant had revised the use under application to temporary vehicle park (excluding vehicles exceeding 24 tonnes and container vehicles) and had also shortened the term of permission to a period of one year;
- (b) as shown by an aerial photo taken in 19.6.1993 (the draft Lam Tei and Yick Yuen Development Permission Area plan was first exhibited in 18.6.1993), the northern part of the site was occupied by heavy goods vehicles. As they were now existing uses tolerated under the Town Planning Ordinance, the current application which only involved the parking of private cars and light/medium goods vehicles would help improve the surrounding environment;
- (c) the main portion of the site had been used for open storage of

construction materials since 1998 and was also the subject of five previously approved applications for temporary open storage of construction materials. The operation of these uses generated much more noise impact than the proposed use. The proposal would result in a planning gain by phasing out the obnoxious use;

- (d) the application site was separated from other sensitive uses in the area. It was located adjacent to the railway track of West Rail and was also bounded by a main road to its west, a local road and a nullah to its east, an open storage and a container vehicle park to its north. As it was located near the West Rail, it could also be used for park-and-ride purpose;
- (e) there was currently no car parking site in the area to serve the need of the three villages nearby and parking spaces for coaches and medium goods vehicles were lacking. In this regard, the Village Representatives of San Hing Tsuen supported the application and a supporting letter was tabled at the meeting; and
- (f) though there was Small House application being processed at the site, the Small House applicants indicated that five to ten years would be required for the completion of these Small Houses and they had no objection to the proposed temporary use at the site.

215. As the representatives of the applicant had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures for the review application had been completed. 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 representative of the PlanD and the applicant for attending the meeting. They all left the meeting at this point.

Deliberation Session

216. Members noted that the applicant had revised the applied use to exclude heavy goods vehicles and container vehicles and had also shortened the term of permission to a period of one year. In this regard, Members generally considered that the proposal would not affect the development programme of the Small Houses within the site and agreed to grant approval for a temporary vehicle park (excluding vehicles exceeding 24 tonnes and container vehicles) for a period of one year.

217. After further deliberation, the Board decided to approve the application on review. The permission should be valid on a temporary basis for a period of one year up to 28.11.2009 in order to monitor the situation and shorter compliance periods was also recommended, subject to the following conditions:

- (a) no night-time operation from 7:00p.m. to 8:00a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicles exceeding 24 tonnes, container vehicles and container trailers were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) all loading/unloading activities were to be carried out within the site at any time during the planning approval period;
- (e) the submission of landscape and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 28.2.2009;
- (f) in relation to (e) above, the implementation of the landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 28.5.2009;

- (g) the submission of a drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.2.2009;
- (h) in relation to (g) above, the provision of drainage facilities identified in the drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.5.2009;
- (i) the provision of a 9 litre water type/ 3kg dry powder fire extinguisher in each of the site office structure within 3 months from date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 28.2.2009;
- (j) the provision of a vehicular ingress/egress point for the site within 3 months to the satisfaction of Commissioner for Transport or of the Town Planning Board by 28.2.2009;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

218. Members also agreed to advise the applicant:

- (a) that prior planning permission should be obtained before commencing the applied use at the site;

- (b) that shorter approval period of one year and shorter compliance periods were granted so as to monitor the situations on the site and the fulfilment of the approval conditions;
- (c) to resolve any land issue relating to the development with the concerned owners of the application site;
- (d) to note DLO/TM's comments on the need to apply to his office for a Short Term Tenancy to regularize the illegal occupation of the Government land and a Short Term Wavier for erection of temporary structures on the site;
- (e) to note CBS/NTW, BD's comments on any new building works to be erected on the site requiring formal submission under the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning to any structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinances or other enactment might be taken if contravention was found. The applicant's attention was also drawn to Building (Planning) Regulation 41D regarding the provision of emergency vehicular access to the development;
- (f) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department;
- (g) to note DEMS's comments that the applicant should follow the "Code of Practice on Working on near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation and consult the CLP Power Hong Kong Limited prior to establishing any structures;
- (h) to note AC for T/NT, TD's comments that the applicant should check and ensure that there was sufficient turning space for manoeuvring of the

proposed goods vehicles within the site such that it was not necessary to reverse vehicles at the vehicular access; and

- (i) to note CHE/NTW, HyD's comments that the applicant should be responsible for provision of proper vehicle access arranged for the site and follow the HyD's standard drawings to match the existing pavement condition.

Agenda Item 5

[Open Meeting]

Planning and Engineering Review of Potential Housing Sites in Tuen Mun
East Area – Feasibility Study – Stage 2 Public Consultation
(TPB Paper No. 8238)

[The meeting was conducted in Cantonese.]

219. The following representatives from Government Departments and their consultant were invited to the meeting at this point:

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|-----------------|--|
| Mr. Wilson So | - District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), Planning Department (PlanD) |
| Ms. S. H. Lam | - Senior Town Planner/Special Duties, PlanD |
| Mr. Duncan Siu | - Chief Engineer/New Territories 2 (New Territories North & West), Civil Engineering Development Department (CEDD) |
| Mr. Collin Chan | - Consultant (Scott Wilson Ltd.) |

220. The Chairman extended a welcome and invited representatives from Government to brief Members on the Paper.

221. With the aid of a Powerpoint presentation, Mr. Wilson So briefed Members on the background of the Study as detailed in the Paper and made the following main points:

- (a) the Study commenced in September 2007 was jointly commissioned by the CEDD and PlanD. The study objectives were to examine the development potential of 14 study sites in Tuen Mun East and the impact of the proposed developments on local, planning, traffic, infrastructure capacities and environment (6 sites zoned “Government, Institution or Community” (“G/IC”) whereas 8 sites zoned for residential use) and to review the overall development intensity and provision of GIC facilities in the Study Area;
- (b) Stage 1 public consultation was conducted between January and March 2008. Key public views were summarised in paragraph 3.3 of Paper. After considering public views and conducting further reviews, a revised development scenario was formulated.

222. With the aid of a Powerpoint presentation and a computer animation, Mr. Collin Chan made the following main points:

- (a) the revised development scenario was put forth for the Stage 2 public consultation. Details of the revised development scenarios were set out in paragraph 4 of the Paper and summarised as follows:
 - Site 14 proposed for private housing development
 - 5 sites retained for GIC uses (including educational institution, school and reserved GIC facilities) (Site 1, 2, 4A, 3 & 8)
 - low-medium density for housing development with a plot ratio ranging from 0.4 to 1.3

- (b) urban design principles (with regard to harmony with surrounding areas, provision of private open space, landscape treatment and ventilation design) were suggested for designing future developments in the area;
- (c) traffic impact assessment indicated that the widening of the Castle Peak Bay section of Castle Peak Road (between Hoi Wing Road and Hong Kong Gold Coast) would be necessary to cater for the population increase arising from the currently planned/committed housing developments and the future potential redevelopments in the area; and
- (d) Stage 2 public consultation had commenced. A consultation forum was scheduled for 6.12.2008. Local residents, Tuen Mun District Council members, Tuen Mun Rural Committee members and concerned green groups etc. had been invited to the public forum. Further refinement on the development parameters, layout, design and technical assessment would be undertaken in finalising the study.

223. Members noted the revised development scenario for the study sites and had no comment on the paper.

Agenda Item 12

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Urban Renewal Authority Anchor Street/Fuk Tsun Street Development Scheme Plan No. S/K3/URA1/1

(TPB Paper No. 8252)

[The meeting was conducted in Cantonese]

224. The Secretary reported that Dr. Grey C.Y. Wong, Professor Bernard V.W.F Lim, Mr Walter K.L. Chan, Mr. Maurice W.M. Lee, Mr. Andrew Tsang (Assistant Director,

Home Affairs Department), Mrs. Ava Ng (Director of Planning) and Miss Annie Tam (Director of Lands) had declared interest on this item. Dr. Wong and Professor Lim had business dealings with Urban Renewal Authority (URA). Mr. Chan and Mr Lee were non-executive directors of URA whereas Mr. Tsang, Ms Ng and Miss Tam were official members of URA. Members noted that Dr. Wong, Professor Lim, Mr. Chan, Mr. Lee and Mr. Tsang had tendered apologies for not being able to attend the meeting. Since the item was procedural, Members agreed that Mrs. Ng and Miss Tam could stay at the meeting.

225. The Secretary briefly introduced the Paper. The draft URA Anchor Street/Fuk Tsun Street Development Scheme Plan No. S/K3/URA1/1 was exhibited for public inspection on 25.7.2008. Two representations and one comment were received. As the representations were all related to the zoning of the same site, it was suggested to consider the representations and comments collectively by the full Board. The hearing could be accommodated in the Board's regular meeting tentatively scheduled for 16.1.2009.

226. The Board decided to consider the representations and comments by the Board itself and to hear the representations and comments collectively.

Agenda Item 13

Any Other Business

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

227. There being no other business, the meeting was closed at 9:45 p.m.