

**Minutes of 928th Meeting of the
Town Planning Board held on 16.1.2009**

Present

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

Chairman

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor David Dudgeon

Mr. Tony C.N. Kan

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

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. Rock C.N. Chen

Mr. Timothy K.W. Ma

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

Deputy Director
Environmental Protection Department
Mr. Benny Wong

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

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

Mr. David W.M. Chan

Professor N.K. Leung

Mr. Edmund K.H. Leung

Professor Bernard V.W.F. Lim

Mr. Alfred Donald Yap

Professor Paul K.S. Lam

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Professor Edwin H.W. Chan

Dr. Ellen Y.Y. Lau

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

In Attendance

Assistant Director of Planning/Board (Atg.)

Ms. Christine K.C. Tse

Chief Town Planner/Town Planning Board (Atg.)

Mr. Ivan M.K. Chung

Senior Town Planner/Town Planning Board

Ms. Maggie M.Y. Chin

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 927th Meeting held on 2.1.2009

[The meeting was conducted in Cantonese.]

1. The minutes of the 927th meeting held on 2.1.2009 were confirmed without amendment.

Agenda Item 2

Matters Arising

[Open Meeting]

[The meeting was conducted in Cantonese.]

Approval of Draft Outline Zoning Plans (OZPs)

2. The Secretary reported that on 13.1.2009, the Chief Executive in Council (CE in C) approved the following draft OZPs under section (9)(1)(a) of the Town Planning Ordinance:

- Tai Po OZP (to be renumbered as S/TP/21)
- Ha Tsuen OZP (to be renumbered as S/YL-HT/10)

3. The approval of the above draft OZPs would be notified in the Gazette on 23.1.2009.

[Mr. Nelson W.Y. Chan, Miss Annie Tam, Ms. Maggie M.K. Chan, Dr. Daniel B.M. To and Professor David Dudgeon arrived to join the meeting at this point.]

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in Respect of
Draft Ma Wan Outline Zoning Plan No. S/I-MWI/13
(TPB Paper No. 8285)

[The meeting was conducted in Cantonese.]

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

Dr. Greg C.Y. Wong]
Mr. Alfred Donald Yap	] had current business dealings with
Mr. Y.K. Cheng	] Sun Hung Kai Properties Ltd. (SHK)
Mr. Raymond Y.M. Chan]
Mr. Felix W. Fong]
Mr. David W.M. Chan	Chairman of the Traffic and Transport Committee of Tsuen Wan District Council

5. Members noted that Mr. Alfred Donald Yap and Mr. David W. M. Chan had tendered apologies for not attending the meeting. Dr. Greg C.Y. Wong, Mr. Y.K. Cheng, Mr. Raymond Y.M. Chan and Mr. Felix W. Wong had not yet arrived to join the meeting at this point.

6. The following representatives from Government departments were invited to the meeting at this point:

Ms. Heidi Chan	District Planning Officer/Tsuen Wan and West Kowloon (DPO/TKW), Planning Department (PlanD)
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9. The Chairman extended a welcome and briefly explained the procedures of the hearing. He then invited Ms. Heidi Chan, DPO/TWK, to brief Members on the background to the representations and comments.

10. With the aid of a Powerpoint presentation, Ms. Heidi Chan, DPO/TWK, briefed Members on the Paper and made the following points:

(a) the background of the amendments to the Ma Wan OZP was detailed in paragraph 1 of the Paper. The key points were:

- on 1.8.2008, the draft Ma Wan OZP No. S/I-MWI/13, incorporating mainly the following two amendments, was exhibited for public inspection:

i) paragraph 9.2 of the Explanatory Statement (ES) was revised from “Ferry services is the major means of transport to and from the island. New developments on the island should maintain a transport arrangement with a 75% : 25% ratio between sea and road patronage to avoid overloading the Lantau Link.” to read as “Ferry shall be the principal transport mode for Ma Wan in terms of carrying capacity during the peak hours.”;

ii) an electricity sub-station located to the south of the Lantau Link was rezoned from “Other Specified Uses” (“OU”) annotated “Recreation and Tourism Related Uses” zone to “Government, Institution or Community” (“G/IC”) zone to reflect the as-built condition (Amendment Item A);

- during the two months of exhibition period and three weeks of publication period, a total of 15 representations and 20 comments were received respectively;

(b) the major grounds of representations and the proposals of the representers as detailed in paragraphs 2.2 and 2.3 of the Paper were

summed up below:

Oppose Paragraph 9.2 of the ES

- majority of the representations (R1-R6 and R8-R15) opposed paragraph 9.2 due to the importance of the ferry service. The representers proposed that:
 - i) ferry should be the principal transport mode for Ma Wan in terms of carrying capacity during day-time or without specifying the peak hours;
 - ii) 75%:25% ratio between sea and road patronage on Ma Wan should remain unchanged or be amended to 55%:45%;
 - iii) ferry service should be enhanced and maintained;

- most of the representers (R5, R6, R8 to R9, R11, R13 and R15) also considered that there was inadequate bus service. They proposed that the restrictions on Ma Wan land transport should be lifted and relaxed, and free access of other modes of transport should be allowed;

- R14 commented that the amendment had neglected an approval condition of a planning application of the Ma Wan Park regarding the submission and implementation of a comprehensive traffic and transport plan;

- R14 also commented that amendment to paragraph 9.2 of the ES was not well publicized;

Oppose the Draft Ma Wan OZP – Imposition of Traffic Restrictions on Ma Wan

- R7 opposed the OZP against the Government's imposition of traffic restrictions on Ma Wan through different means;

Oppose the Amendment to the Plan

- R14 opposed Amendment Item A as the matter was not well

publicized, related effect not clearly investigated and not enough consultation;

- (c) PlanD's responses to the grounds of representations and representers' proposals as detailed in paragraphs 4.2 of the Paper were summed up below:

Paragraph 9.2 of the ES

Provision of Ferry Service

- in reviewing the guideline for planning transport services, the Government had taken into account the actual transport modes of residents, demands for adjustment of land and sea transport services, the anticipated future demand for transport services, the development needs and the need to contain the road traffic from Ma Wan development to the Lantau Link. Ferry service remained the principal mode of transport during peak hours;
- TD would oversee the transport operator of Ma Wan in devising and implementing contingency measures for transportation of passengers during the closure of Tsing Ma Bridge. The change in transport planning guideline would not exempt the operator from discharging the obligation;
- the new proposed transport planning guideline would not enable the operator to adjust the timetable of the ferry services automatically. Any service changes including operating hours and frequency of ferry services should be approved by TD;
- peak hours generally covered the periods from 7 a.m. to 10 a.m, and from 4 p.m. to 7 p.m. (from Mondays to Fridays except public holidays). In Ma Wan, most trips were made from 7:30 a.m. to 8:30 a.m. (from Ma Wan); and from 7:30 p.m. to 8:30 p.m. (to Ma Wan). As the travel pattern might change with time and other factors, it was not appropriate to rigidly define peak hours in the

guideline as requested by some representers;

- the Lantau Link would have sufficient capacity to accommodate the traffic resulting from the amendment of the transport planning guideline. Nevertheless, in view of the future developments such as Hong Kong-Zhuhai-Macao Bridge, there was a need to contain the road traffic from Ma Wan developments during peak hours;

Provision of Bus Service

- the new proposed transport planning guideline would enable TD to adjust the bus service more flexibly to meet the changes in population intake and related passenger demand;
- according to TD's survey, the residents' bus services were able to cope with passenger demand in general. TD would continue to monitor the traffic demand and liaise with the transport operator for service adjustments whenever necessary;

Traffic and Transport Plan

- with regard to the approval condition relating to the comprehensive traffic and transport plan for Ma Wan under the approved planning application of the Ma Wan Park, the planning permission would be valid until 3.2.2010 and the applicant was required to fulfil such an approval condition;

Public Consultation Required

- TD had consulted the Park Island Owners' Committee and Ma Wan Rural Committee (RC) on 11.3.2008 and the Tsuen Wan District Council (TWDC) on 25.3.2008 on the proposed planning guideline of transport service on Ma Wan. TD had consulted the Board on 16.5.2008. The Park Island Owners' Committee had conducted a questionnaire survey in May 2008 to gauge the views of residents on the proposed amendment. TWDC was further consulted during the exhibition period of the draft Ma Wan OZP Plan No. S/I-MWI/13 and no representation was submitted by TWDC;

The Need for Traffic Restrictions on Ma Wan Island

- the Lantau Link was built to cater for the anticipated traffic arising from the Airport and Tung Chung developments only. In connection with the further developments on the island and the corresponding traffic growth, there was a need to contain the road traffic from the Ma Wan developments in order not to overload the Lantau Link;

Amendment to the Plan – Rezoning a Site from “OU(Recreation and Tourism Related Uses)” to “G/IC”

- the amendment was to reflect the as-built condition of an electricity substation;
- (d) the 20 comments received were related to various representers in relation to the transport arrangement stated in paragraph 9.2 of the ES, except that one of the comments (C1) was also on the amendment to the Plan. The comments were detailed in paragraph 2.4 of the Paper;
- (e) Government bureaux and departments have been consulted on the representations/comments and their comments had been incorporated in the Paper; and
- (f) based on the assessments detailed in paragraph 4 of the Paper, PlanD did not support the 14 representations (R1 to R6 and R8 to R15) opposing paragraph 9.2 of the ES; R7 opposing the draft Plan; and R14 opposing the amendment to the Plan.

11. The Chairman then invited the commenters and commenters’ representatives to elaborate on their comments in the order of the comment number. Ms. Loletta Lau stated that most of the commenters attending the hearing were the representatives of the Park Island Owners’ Committee. To facilitate Members to have a better understanding of the actual situation in Park Island, she requested the Board to allow the representative of Commenter No. C14 (the Park Island Owners’ Committee), Mr. Patrick Lam, to make a

presentation first on the overall comments/views gathering from the Park Island residents. As other commenters had no objection, the Chairman agreed to the proposed presentation order.

Commenter No. C14 (Park Island Owners' Committee)

12. With the aid of some supplementary information (C14-R1 to C14-R6) tabled at the meeting, Mr. Patrick Lam made the following main points:

- (a) there had been a steady growth of bus patronage since the intake of the population of Park Island from end 2002/early 2003 onwards. As indicated in the Ma Wan transportation daily passenger analysis provided by the Ma Wan transport operator, the ferry to bus patronage ratio was about 35% to 65% in January 2003, which had changed to 28% to 72% in December 2008;
- (b) according to the survey conducted in January 2007, over 80% of the respondents opposed the 75% : 25% ferry to land transport restriction. In response to TD's review of the transport arrangement, the Park Island Owners' Committee had undertaken a residents opinion survey in May 2008. Most of the residents agreed with the new proposed transport planning guideline. They also requested that all obligatory restrictions on the ferry-bus ratio should eventually be relaxed in the long term. The comments had been submitted for TD's consideration in July 2008 as set out in the letter at C14-R5;
- (c) they agreed to R7 that all the traffic restrictions on Ma Wan should be removed in the long term;
- (d) TD had already required the transport operator on Ma Wan to devise necessary contingency transport measures during the closure of Tsing Ma Bridge. As shown in C14-6, the transport operator had already devised and informed all Park Island residents the contingency transport measures in August 2008. The concerns of the representers should have been duly addressed; and

- (e) the relevant parties had been adequately consulted on the proposed guideline and there were no adverse comments received. The new guideline should be implemented as soon as possible to meet the needs of the Park Island residents. Further delay solely due to the concerns of some individual representers was not reasonable.

Commenters No. C3, C4, C15, C16 C17 and C19

13. Mr. Lam Wai Man made the following main points:

- (a) he did not agree with the grounds of representations put forward by the representers as summarized in paragraph 2.2.1 of the Paper;
- (b) regarding the representers' concerns on the closure of Tsing Ma Bridge, he agreed with Mr. Patrick Lam that effective contingency transport measures had been devised and implemented by the transport operator. In August 2008, Tsing Ma Bridge closed twice during peak hours. With the implementation of effective transport measures by the operator, these closures had not caused any adverse impact on the residents;
- (c) although there was no clear definition of peak hours, TD, Ma Wan RC and the Owners' Committee would oversee the transport operator in providing adequate transport services. The concerns of the representers were not necessary;
- (d) in order to meet the actual demand on land transport, TD had already allowed more bus services. The new guideline was necessary to provide TD more flexibility to adjust the transport services on Ma Wan; and
- (e) if the 75% to 25% sea and land transport ratio was not revised, the transport operator would suffer business loss due to the low ferry patronage. In such circumstances, the transport operator had to increase the fare substantially or relinquish the operational right.

Commenter No. C13

14. Mr. Li Wai Hung made the following main points:

- (a) he supported R7 that all transport restrictions on sea and land transport should be lifted. It was unfair as such restriction was imposed on Ma Wan only, but not elsewhere in Hong Kong;
- (b) the reason put forward by TD that the transport restriction was required to avoid land traffic to/from Ma Wan from overloading the Lantau Link was unfounded. Lantau Link had a lot of capacity to accommodate future development of Lantau. The residential development on Ma Wan had almost completed. The current daily passengers trips was about 23,000 in/out of Ma Wan and there would not be any further substantial increase. Ma Wan was only served by 28 buses at peak hours. It was doubtful whether the increase of a few more buses would overload the Lantau Link;
- (c) the transport policy on restricting the modal split had been enforced for six years but never matched with the actual travel pattern. This transport policy had caused much inconvenience to the Ma Wan residents who had to queue up for the bus services during peak hours;
- (d) due to the sea and land transport ratio restriction, any increase in bus service demanded corresponding increase of ferry service which was actually not used by the residents. This had led to resource wastage and was not environmental-friendly; and
- (e) the transport guideline should be revised as soon as possible as the current bus services were inadequate to meet the residents' need.

Commenter No. C5

15. Mr. Tsang Ha Yeung, Tommy made the following main points:

- (a) he supported R7 that all transport restrictions on Ma Wan should be lifted;
- (b) he did not agree with TD's argument that the road traffic from Ma Wan developments should be contained in order not to overload the Lantau Link. In fact, the traffic flow generated from Ma Wan was very limited. The island was now only served by 28 buses which did not run on the Lantau Link at the same time. The traffic impacts caused by the increase of a few more buses would be insignificant;
- (c) according to TD, the Lantau Link was now operating at a volume/capacity ratio of 0.5. There was still spare capacity to accommodate the limited increase of traffic from Ma Wan;
- (d) it was unfair to constrain the transport need of Ma Wan residents so as to reserve the capacity of the Lantau Link for the further development of Tung Chung and Hong Kong-Zhuhai-Macao Bridge. The actual transport needs of Ma Wan residents should also be met;
- (e) as far as he understood it, the Government was studying another strategic road link, i.e. Tuen Mun-Lantau Link, to serve the Hong Kong-Zhuhai-Macao Bridge as well as other strategic road link linking up Lantau island with the urban areas. Lantau Link therefore was not considered as the sole road link connecting Lantau with the urban areas; and
- (f) transport restriction should not be imposed in the OZP as administrative traffic restrictions could be imposed by TD, if required. In any case, the transport pattern of Ma Wan should be determined by the residents.

Commenter No. C6

16. With the aid of some photos, Ms. Loletta Lau made the following points:

- (a) after repeated complaints from the residents, TD had eventually come up

with the current review of the transport restriction on sea and land transport ratio. The proposed guideline had already been agreed by relevant parties and majority of the residents as indicated in various residents survey undertaken;

- (b) the Park Island residents were rational. Although they considered that all the transport restrictions on modal split should eventually be lifted, they still agreed to an incremental approach in that the new guideline should be implemented to enhance the transport service as an initial step;
- (c) due to the restriction on modal split, the transport operator was unable to provide more bus services to meet the actual demand. As indicated in the photos tabled at the meeting, there were long queues of passengers waiting at the bus stops at peak hours and overloading of buses had caused a lot of public complaints. The transport restriction had to be revised as soon as possible;
- (d) great efforts had been made by the Owners' Committee to enhance the transport services for the residents. A transport operation plan/pattern for next four years had been drawn up with the transport operator. The new guideline could provide more room for adjusting the transport plan to meet the actual need;
- (e) the representers (R1 to R5, R7 to R15) were concerned that if all the transport restrictions on the ferry-bus ratio were lifted, this might exempt the developer from providing ferry service. The concern could be addressed by other administrative restrictions to be imposed by TD; and
- (f) the residents would only be prepared to wait for another 9 months for going through the necessary administrative procedures if the Board decided to lift all the restrictions on the modal split. Otherwise, she urged the Board to endorse the new guideline as soon as possible.

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

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

- (a) what was the source of the daily passenger statistics (i.e. C14-R1 to C14-R6) provided by Mr. Partick Lam ?
- (b) the commenters mentioned that there was a total of 28 buses serving Ma Wan during peak hours. What were the traffic peak hours on Ma Wan?
- (c) were the commenters/commenters' representatives aware of the transport restriction when they moved to Ma Wan?

18. Mr. Patrick Lam stated that the daily passenger patronage statistics were provided by the transport operator of Ma Wan. The said information had also been submitted for TD's information. Regarding the traffic peak hours on Ma Wan, Mr. Lam said that most trips were made from 7:30 a.m. to 8:30 a.m. (or up to 9:00 a.m.) and from 7:30 p.m. to 8:30 p.m. as advised by the transport operator. As compared with other weekdays, the travel patterns fluctuated more on Mondays and Fridays.

19. Both Mr. Patrick Lam and Ms. Loretta Lau stated that they were not aware of the transport restriction when they moved to Ma Wan. It was until 2006 when they liaised with TD on the transport operator's proposal to increase the fares for residents' service and ferry service that the transport restriction was made known to them. Ms. Loletta Lau clarified that the residents had no intention to exempt the transport operator from providing ferry service. However, the Board should consider relaxing the restriction on the sea and land transport ratio so that there could be more room for the residents and the transport operator in adjusting/working out the transport plan for the residents. The proposed amendment to the modal split ratio was supported by majority of the residents. As advised by the ferry operator, the fuel consumption of one ferry trip was about 20 times of one bus trip. By replacing ferry service with low patronage by bus service would not only save the resources but also be more environmentally friendly.

20. Regarding the traffic flow and modal split on Ma Wan, a Member enquired

whether the representatives of the Transport Department agreed with the commenters' view that both the number of passengers and the modal split (28%:72% for sea and land transport) had been stabilized since December 2008 and there would not be further increase in the patronage. Mrs. Lily W.L. Lam of TD replied that she had no dispute about the daily passenger statistics submitted by the commenters. As the majority of residential development on Ma Wan had almost completed, there should not be further substantial increase in the transport patronage and the travel pattern in respect of sea and land transport would be more or less the same.

21. Another Member enquired the ferry and bus fares on Ma Wan and the transport arrangement for the visitors to the Ma Wan Park. Mrs. Lily W.L. Lam said that TD had all along advised the Ma Wan Park to encourage the visitors to use the existing two ferry routes to travel to/from the Ma Wan Park. The need for coach services, including those for elderly and young school children, would be co-ordinated by the Ma Wan Park who would be responsible for application of prohibited zone permits to access to Ma Wan. TD would consider the applications submitted by the Ma Wan Park with due regard to all relevant factors. Mrs. Lam also provided the following information on the existing bus and ferry fares:

	Residents (Adult)	Non-Residents (Adult)
<u>Ferry</u>		
To/From Central	\$15.2	\$20
To/From Tsuen Wan	\$6.2	\$8
<u>Bus</u>		
To/From Tsing Yi	\$5.1	\$9
To/From Tsuen Wan	\$6.6	\$7.5
To/From Kwai Fong	\$6.1	\$9.5
To/From Airport	\$24	\$24

[For children/elderly: 50% of the fare for taking ferry service.]

[Dr. C.N. Ng arrived to join the meeting at this point.]

22. A Member said that as indicated in the passenger patronage statistics, the

actual modal split of patronage was about 20% to 80 % sea and land, instead of 75% to 25% as stipulated in the transport planning guideline. It seemed that TD had already adopted a flexible approach in allowing more bus services to meet the needs of the residents. Mrs. Lily W.L. Lam of TD replied that there was a planning guideline for provision of sea and land transport. TD had been adopting a flexible approach to cater for the genuine transport need of the residents with due regard to the existing traveling pattern of the residents. Should there be a need to improve the residents' service, the transport operator had to discuss with the residents' representatives and seek their agreement on the proposed change to the service level prior to submission of application to TD for consideration. TD would take into account all relevant factors before approving the proposed adjustment to the residents' service whenever necessary.

23. Mr. Patrick Lam clarified that the statistics tabled at the meeting were the actual number of passengers using the ferry and bus services rather than the capacity of the ferry and bus services provided. As such, there were cases that some of the ferry services were of low usage rate. He added that the bus and ferry fares provided by TD reflected the current fare level only. The fares would be revised every year. If the amendment to the modal split guideline was not endorsed by the Board, the transport operator would need to provide more ferry services in order to have the corresponding increase of bus services. In order to compensate the low patronage of the ferry services, there was a higher pressure of raising the transport fare.

24. Mr. H.Y. Tsang, Tommy commented that based on the past six year experience, TD had only allowed limited flexibility in adjusting the transport services. He considered that the transport restriction should be lifted totally in order to allow the real flexibility for the transport operator.

25. Another Member said that if TD was already aware of the failure of the existing guideline to meet the actual need of the residents, whether there was any timetable to revise the guideline. Mrs. Lily W.L. Lam of TD replied that TD had been closely monitoring the traffic situation on Ma Wan. Since the population in-take of the Park Island in 2002/03, TD had gathered and analyzed the relevant information in relation to the transport demand of the residents. It was in response to the needs of the residents that TD undertook a review of the traffic and transport arrangements in 2007 and subsequently put forward the proposed

amendment to the transport planning guideline. Upon the endorsement of the proposed amendment, TD would implement the traffic and transport arrangements in accordance with the revised guideline for planning public transport services in Ma Wan which would be able to meet the demand of the residents.

26. A Member enquired whether TD had undertaken any review on the current usage of Lantau Link. Mrs. Lily W.L. Lam of TD stated that Lantau Link was originally built to cope with the traffic arising from the Airport and Tung Chung development only. According to their latest review, the Lantau Link would be able to accommodate the traffic generated as a result of the amendment of the transport planning guideline. However, TD still needed to be cautious in monitoring the road traffic from Ma Wan. To avoid adverse traffic impacts on the Lantau Link, TD proposed to revise the transport restriction in an orderly and progressive manner.

27. Another Member asked whether there were adequate car parking and loading and unloading facilities to meet the increased land transport. Mr. Raymond W.F. Chung of TD responded that as the proposed amendment was to relax the transport restriction during non-peak hours, the number of buses during the non-peak hours would not be higher than that of peak hours. There should not be any increase in the demand of parking and loading/unloading facilities on Ma Wan.

28. Ms. Loletta Lau raised the point that it was unfair to impose a restriction on the residents' transport services while the recreation demand of coach services for the Ma Wan Park was exempted. She did not agree with TD's comments that a flexible approach had been adopted and service adjustments requested by the transport operator would be allowed whenever necessary. Upon the request of the residents, Ma Wan RC had previously applied for strengthening the residents' service between Ma Wan and Tsuen Wan, but the application had been rejected by TD due to the restriction of 75% :25% sea and land transport ratio.

29. Mrs. Lily W.L. Lam of TD clarified that the coach services the Ma Wan Park had applied to provide for its visitors were subject to the same transport restrictions imposed on Ma Wan. For the application submitted by Ma Wan RC for increasing the frequency of the residents' route from Ma Wan to Tsuen Wan, Mrs. Lam advised that TD noted the bus operator had already deployed buses with higher carrying capacity to meet the residents' need

and, therefore, there was no need to increase the frequency of service.

30. As the commenters and commenters' representatives had finished their presentations and Members had no further questions 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 commenters and commenters' representatives and representatives from Government departments for attending the hearing. They all left the meeting at this point.

Deliberation Session

31. Members did not agree with the proposal submitted by some commenters that all transport restrictions on Ma Wan should be lifted totally as it might relieve the developer of the obligation to provide ferry service for Ma Wan. As compared with the existing bus routes and fares, the ferry service had provided a cheaper and more direct transport service to Central for Ma Wan residents. By referring to the supplementary information (C14-R3) provided by the representative of Commenter No. C14, a Member pointed out that majority of the respondents also requested to maintain the ferry service on Ma Wan. In general, Members considered that transport planning guideline was required to guide the development of Ma Wan. A Member shared the experience in arranging coach service for some elderly to the Ma Wan Park and pointed out that TD had strictly regulated the land transport on Ma Wan, and there was no double-standard as claimed by the commenters. Another Member said that the some other residents of Ma Wan might prefer a living environment with less/regulated land transport and a balanced approach should be adopted by the Board in reviewing the transport restriction. As to the commenters' comment about further delay in the implementation of the revised guideline, the Chairman pointed out that should there be no further amendment to the draft OZP, a submission could be made to the Chief Executive in Council in due course without waiting for another 9 months as alleged by some commenters.

Representations No. R1 to R13 and R15

32. After further deliberation, the Board decided not to uphold the representations for the following reason:

under the proposed revised transport planning guideline, ferry service would remain the principal mode of transport during peak hours. The revised guidelines were formulated taking into account the actual transport mode of residents on Ma Wan, their demands for adjustment of land and sea transport services, the anticipated future demand for transport services and the development needs of Ma Wan Island as a whole, and the need to contain the road traffic from Ma Wan development to the Lantau Link during peak hours.

Representation No. R14

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

- (a) under the proposed revised transport planning guideline, ferry service would remain the principal mode of transport during peak hours. The revised guidelines were formulated taking into account the actual transport mode of residents on Ma Wan, their demands for adjustment of land and sea transport services, the anticipated future demand for transport services and the development needs of Ma Wan Island as a whole, and the need to contain the road traffic from Ma Wan development to the Lantau Link during peak hours; and
- (b) the rezoning of an area zoned “Other Specified Uses” annotated “Recreation and Tourism Related Uses” to the south of the Ma Wan Viaduct to “Government, Institution and Community” was a technical amendment merely to reflect the as-built condition of a electricity substation.

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

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-KLH/374

Proposed House (New Territories Exempted House (NTEH) - Small House) in "Agriculture" zone, Government Land in D.D. 9, Tai Wo Village, Tai Po
(TPB Paper No. 8288)

[The hearing was conducted in Cantonese and English.]

34. Mr. Tony C.N. Kan had declared an interest in this item as he owned a property at Grand Palisades. Members agreed that the interest of Mr. Kan was remote and should be allowed to stay at the meeting.

35. The following representative for the Planning Department (PlanD), and the applicant and his representatives were invited to the meeting at this point:

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

Mr. Lee Chiu Ping) applicant
Mr. Lee Shui Man] applicant's representatives
Ms. Chu Sau Ling]

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

37. With the aid of some plans, Mr. W.K. Hui presented the application and covered the following main points as detailed in the Paper:

- (a) the Rural and New Town Planning Committee rejected the application on 19.9.2008 for the reasons that the proposed New Territories Exempted House (NTEH) (Small House) at the application site was not in line with the planning intention of the "Agriculture" ("AGR") zone, and the proposed development, which would affect the mature trees and an ecologically important stream nearby, was not supported from nature conservation point of view; .

- (b) the applicant had not submitted any written representation in support of the review;
- (c) departmental comments – the Government departments had no further comments and maintained their previous views on the s.16 application. The departmental comments were summarised in paragraph 4 of the Paper. District Land Officer/Tai Po, Lands Department (DLO/TP, LandsD) objected to the application. Though within the “village environs” of Tai Wo Village, the application site fell within a Government Land Licence No. T4668 which permitted the land for cultivation only. The site also fell within the Prohibited Area of the North District Sewerage Stage 2 Phase 1. Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from nature conservation point of view. The site was scattered with trees and mature trees, and trimming of two mature trees and felling/trimming of other trees would be required as a result of the development. Given its proximity to a section of the Ecologically Important Stream of Kau Lung Hang, there was no information on the potential impact on the stream. District Officer/Tai Po, Home Affairs Department commented that there were no new local comments/objections received and the previous local comments/objections (i.e. the objection from the Indigenous Inhabitant Representative) that the site was a piece of cultivation land had remained unchanged;
- (d) public comments - during the statutory publication period, three public comments were received objecting to the application due to adverse environmental, sewerage, air ventilation and fung-shui impacts caused by the proposed development; and
- (e) PlanD’s view – PlanD did not support the application based on the assessments detailed in paragraph 6 of the Paper. The proposed development was not in line with the planning intention of the “AGR”

zoning for the area, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications had been provided by the applicant for a departure from the planning intention. The proposed development would affect the mature trees and an ecologically important stream. There was no information in the application to assess such impacts. The application should also not be supported from the nature conservation point of view.

38. The Chairman then invited the applicant to elaborate on the application.
39. With the aid of two photos, Mr. Lee Chiu Ping made the following points:
 - (a) as indicated in the photos, there had not been any cultivation on the application site. The application site had been abandoned for more than 10 years and was currently used as a dumping ground for unwanted trash. The proposed development would improve the environment of the area;
 - (b) as the site was quite big, it was possible to adjust the footprint of the Small House to avoid affecting the existing trees;
 - (c) regarding DAFC's concern on the impact on the ecologically important stream, it was noted that the stream was over 40 feet away from the site and there were already some Small Houses built around the site and near the stream; and
 - (d) the local comments on the application was ridiculous and abusive given that the application site had been abandoned and was not under cultivation.
40. The Chairman raised the following questions:
 - (a) the applicant stated that the application site was far from the ecologically

important stream. What was the view of DAFC on this point;

- (b) whether the application site would be connected to the public sewerage network; and
- (c) the land status of the application site.

41. Members had the following questions:

- (a) the comments from the Chief Engineer/Project Management, Drainage Services Department (CE/PM, DSD) that the current village sewerage proposal at Tai Wo would not require land resumption at the subject site were not in line with the information provided by DLO/TP, LandsD that the site fell within the “Prohibited Area” of the North District Sewerage project; and
- (b) the difference between the ‘water gathering ground’ (WGG) and the ‘upper indirect gathering ground’ as advised by the Director of Environmental Protection (DEP) and the Chief Engineer/Development, Water Supplies Department (WSD).

42. In response to the questions raised by the Chairman and Members, Mr. W.K. Hui, DPO/STN made the following points with the aid of some plans:

- (a) DAFC had reservation on the application as the applicant had not provided any information with regard to the potential impacts of the proposed development on the ecologically important stream and the mitigation measures to avoid disturbances to the stream;
- (b) according to the information provided by DSD, public sewerage connection point would be provided in the vicinity of the application site. While it was likely that the proposed Small House development on the application site could be connected to the sewerage network, the connection had to be provided by the applicant at his own cost;

- (c) the application site was a piece of Government land held under a Government land licence;
- (d) as shown in the Plan attached to the planning application as well as the Plan provided by CE/PM, DSD, the application site would not have to be resumed by the Government for implementing the proposed sewerage network in the area, although the site was very close (about 5m) to the network. DLO/TP, LandsD had designated the land within 30m along the sewerage project as “Prohibited Area” as such area might be used as work areas during the implementation of the project. No land grant within such “Prohibited Area” would likely be approved by DLO/TP;
- (e) water gathering grounds (WGG) were classified into different categories, namely, upper/lower WGG as well as direct/indirect WGG depending on the vulnerability to pollution. As far as he understood it, lower WGG was more sensitive than upper WGG. For the subject application site, it was classified as upper indirect WGG;

43. As the applicant and his representatives 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 and his representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

44. Members generally considered that no valid justification was provided by the applicant for approving the subject application. A Member pointed out that the subject application did not meet the assessment criteria for NTEH/Small House development. This Member pointed out that there were a number of similar applications in the “AGR” zone that had been rejected by the Board and approval of the current application would set an undesirable precedent. Another Member pointed out that there were also local objections

on the subject application. The Chairman summed up Members' views and concluded that the applicant had not provided sufficient justification to support his application. Members agreed.

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

- (a) the application was not in line with the planning intention of the "AGR" zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purpose. No strong justifications had been provided in the submission for a departure from the planning intention; and
- (b) the proposed development, which affected the mature trees and an ecologically important stream, was not supported from nature conservation point of view.

46. The meeting was adjourned 5 minutes for a short break.

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comment in respect of
Draft Urban Renewal Authority Anchor Street/Fuk Tsun Street
Development Scheme Plan No. S/K3/URA1/1
(TPB Paper No. 8284)

[The hearing was conducted in Cantonese.]

47. The following Members had declared interest in this item:

Mrs. Ava Ng as Director of Planning]
Miss Annie Tam as Director of Lands	] Being non-executive directors of

Mr. Walter K.L. Chan	] Urban Renewal Authority (URA)
Mr. Maurice W.M. Lee	Former non-executive director of URA
Mr. B.W. Chan	Chairman of the Appeal Board Panel under the Urban Renewal Authority Ordinance
Dr. James C.W. Lau	Member of the Appeal Board Panel under the Urban Renewal Authority Ordinance
Mr. Andrew Tsang as the Assistant Director of Home Affairs Department	Being a co-opt member of the Planning, Development and Conservation Committee of URA
Dr. Greg C.Y. Wong	] Had current business dealings
Professor Bernard V.W.F. Lim	] with URA
Ms. Maggie M.K Chan	] Members of the Home Purchase
Mr. Raymond Y.M. Chan	] Allowance Appeals Committee
Professor Edwin H.W. Chan]

48. Members noted that Professor Bernard Lim, Mr. Maurice Lee and Professor Edwin H.W. Chan had tendered apologies for not attending the meeting and Mr. Andrew Tsang had not yet arrived to join the meeting. Members agreed that the interests of Dr. Greg C.Y. Wong, Mr. B.W. Chan, Mr. Walter K.L. Chan, Dr. James C.W. Lau, Mrs. Ava Ng and Miss Annie Tam were direct to this item and should be invited to leave the meeting. Members also agreed that the interests of Ms. Maggie M.K. Chan and Mr. Raymond Y.M. Chan were remote and should be allowed to stay at the meeting.

[Dr. Greg C.Y. Wong, Dr. James C.W. Lau, Mrs. Ava Ng and Miss Annie Tam left the meeting temporarily at this point of time whilst Mr. B.W. Chan and Mr. Walter K.L. Chan

the Paper and summed up as follows:

- R1 supported hotel use as there were already too many residential developments but lack of hotels in Tai Kok Tsui district. The representer also supported vertical greening as it could help improve the poor air quality of old Tai Kok Tsui district. The representer, however, opposed the building height as she was a resident of Tai Kok Tsui, who had been affected by wall buildings;
 - R2 opposed redevelopment at the representation site as she wished to maintain the character of Tai Kok Tsui old area through conservation;
- (f) the proposals of representations were detailed in paragraph 2.3 of the Paper and summed up as follows:
- R1 proposed that the proposed building height should be as low as possible in order to retain existing air ventilation and view;
 - R2 proposed to maintain the character of Tai Kok Tsui old area through conservation;
- (g) in respect of the representations, 1 comment was received from the URA. Details of the comment were set out in paragraphs 2.6 and 2.7 of the Paper;
- (h) responses to grounds of representations and representers' proposals were set out in paragraphs 4.5 to 4.8 of the Paper. The key points included:
- the existing buildings at the representation site were nearly 50 years old and in dilapidated condition. These buildings were not graded historical building;
 - the proposed development was considered not incompatible with the surrounding developments which were predominantly residential development with commercial uses on the lower floors. Rezoning

of the representation site from “R(A)” to “OU(Hotel)” would not result in any increase in development intensity as the maximum plot ratio would be maintained at 9.0;

- the implementation of the draft DSP would facilitate early redevelopment of the whole scheme area which would bring about environmental improvement in the area;
 - most of the existing buildings nearby were ranging from 25mPD to 85mPD high and redevelopment of the old buildings had been underway. The proposed maximum building height of 105mPD was lower than most of the newly completed or proposed/approved new developments in the vicinity (i.e. ranging from 100mPD to 165mPD). The proposed building height was not considered excessive and was not expected to have significant visual and air ventilation impacts;
- (i) PlanD did not support the representations and the representations should not be upheld for the following reasons:
- taking into account the existing and planned developments in the area, the proposed maximum building height of 105mPD for the “OU(Hotel)” zone was appropriate and was not expected to have significant air ventilation and visual impacts; and
 - the proposed hotel development was considered not incompatible with the surrounding predominantly residential and commercial uses.

53. As Members had no question on the representations and comment, the Chairman thanked the representative of the PlanD for attending the meeting. Ms. Heidi Chan left the meeting at this point.

Deliberation Session

54. Members generally considered that the representers had not advanced any

convincing argument and the representations should not be upheld.

Representation No. 1

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

taking into account the existing and planned developments in the area, the proposed maximum building height of 105mPD for the “Other Specified Uses” annotated “Hotel” zone was appropriate and was not expected to have significant air ventilation and visual impacts.

Representation No. 2

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

the proposed hotel development was considered not incompatible with the surrounding predominantly residential and commercial uses.

[Dr. Greg C.Y. Wong, Dr. James C.W. Lau, Mrs. Ava Ng and Miss Annie Tam returned to join the meeting and Mr. Andrew Tang arrived to join the meeting at the point of time.]

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Consideration of Representation in respect of the
Tung Chung Town Centre Area Outline Zoning Plan No. S/I-TCTC/15
(TPB Paper No. 8287)

[The hearing was conducted in Cantonese.]

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

- | | |
|-------------------|--|
| Mr. Alfred Lau | - District Planning Officer/Sai Kung & Islands, (DPO/SKIs) |
| Mrs. Margaret Lam | - Senior Town Planner/Islands |

58. The Chairman informed Members the representer had indicated not to attend the hearing. As sufficient notice had been given to the representer, the Board agreed to proceed with the hearing in the absence of the representer.

59. The Chairman invited Mrs. Maggie Lam to brief Members on the background to the representation.

60. With the aid of a Powerpoint presentation, Mrs. Margaret Lam made the following main points as detailed in the Paper:

- (a) on 8.8.2008, the draft Tung Chung Town Centre Area Outline Zoning Plan No. S/I-TCTC/15, incorporating a zoning amendment of a site in Tung Chung Areas 22 and 25 from “R(A)” to “G/IC” to facilitate the implementation of the proposed North Lantau Hospital, was exhibited for public inspection. During the two-month exhibition period, 1 representation was received;
- (b) on 17.10.2008, the representation was published for 3 weeks for public comment and no comment was received;
- (c) the representer supported the rezoning amendment which could speed up and develop the hospital legally within the proposed “G/IC” zone in Tung Chung;
- (d) Government bureaux and departments had been consulted and they had no comment on the representation; and
- (e) PlanD noted the representation which was in support of the zoning amendment.

61. As Members had no question on the representation, the Chairman thanked the representatives of PlanD for attending the meeting. Mr. Alfred Lau and Mrs. Margaret Lam left the meeting at this point.

Deliberation Session

62. After further deliberation, the Board noted the representation in support of the amendment to the Tung Chung Town Centre Area OZP.

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Proposed Amendments to the

Draft Tseung Kwan O Outline Zoning Plan No. S/TKO/16

Arising from Consideration of Representations and Comments

(TPB Paper No. 8286)

[The meeting was conducted in Cantonese.]

[Mr. Felix W. Fong and Ms Maggie M.K. Chan left the meeting at this point.]

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

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

64. Members 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 already left the meeting.

Presentation and Question Session

65. The following representatives of PlanD were invited to the meeting at this point:

Mr. Alfred Lau	- DPO/SKIs
Mr. Wilfred Cheng	- Senior Town Planner/Tseung Kwan O (STP/TKO)

66. With the aid of a Powerpoint presentation, Mr. Wilfred Cheng, STP/TKO covered the following main points as detailed in the Paper:

- (a) on 28.11.2008, the Board considered the representations and comments in respect of the draft Tseung Kwan O OZP No. S/TKO/16 (the draft TKO OZP);
- (b) upon the hearing of the representations and comments, the Board decided to partially uphold representations No. R860 and R863, and to propose amendments to the Plan based on the conceptual open space enhancement scheme suggested by R860 and to retain two proposed finger piers suggested by R863;
- (c) the proposals of R860 included:
 - addition of a semi-circular “green plaza” at the northern end of the “central avenue” in Area 66, south of Po Yap Road and opposite the MTR TKO Station;
 - a widened “central avenue” of 50m wide;
 - a reduced “town plaza/waterfront park” at the southern end of the “central avenue”;
 - sites for residential development to be maintained;
- (d) the proposal of R863 included:
 - retention of two proposed finger piers at the waterfront of Area 68 for other social functions such as leisure boating, vantage point, dating place and a designation at the end of the “central avenue”;
- (e) the Board whilst agreeing to revise the configuration of the open space of the Town Centre South with reference to the proposal of R860, flexibility was however allowed for PlanD to make adjustment and revisions as appropriate. For the finger piers, they should be retained at a smaller scale and PlanD should liaise with concerned departments to sort out the revised design and future management and maintenance issues;

Open Space at Town Centre South

(f) in revising the open space design of Town Centre South (TCS), PlanD had taken into account the following considerations:

- the proposal submitted by R860;
- ensuring site viability in terms of configuration and size;
- adherence to the stepped height concept of TKO;
- to maintain the level of development intensity in terms of achievable gross floor area and flat production number as originally intended;
- urban design considerations;
- minimizing impacts on the planned road layout and infrastructure provision;
- maintaining the integrity of a sizeable ‘waterfront park’ which had been endorsed by the community as the focal district open space of the New Town;

(g) as shown in Annex V of the Paper, the following adjustments had been made to the enhancement scheme of R860:

- a smaller semi-circular “green plaza” with a site area of about 1 ha (as compared to 2 ha of the enhancement scheme);
- a larger “town plaza/waterfront park” with a site area of about 4.7 ha (as compared with 3.9 ha of the enhancement scheme);
- area for residential development zoned “R(A)2” with a total area of about 6.6 ha (as compared to 6.3 ha of the enhancement scheme);
- area of residential development zoned “R(A)5” with a total area of about 3.6 ha (as compared to 4.0 ha of the enhancement scheme);

Finger Piers

(h) for the retention of the 2 proposed finger piers, the following adjustments had also been made:

- the length of the piers had been reduced to about 45m (as

compared to 87m previously proposed in the approved TKO OZP No. S/TKO/15);

- the location of the piers had been shifted westward slightly;
- (i) a meeting amongst concerned departments had been conducted to ascertain the functions, design and implementation of the proposed finger piers. It had been agreed that:
- the finger piers would be a long-term reservation for recreation and tourism purposes;
 - the location and configuration/dimension of the piers were considered acceptable;
 - sufficient flexibility should be allowed for the future design of the piers;
 - the implementation of the piers in terms of construction, operation/management and maintenance responsibility would be further examined and determined when a concrete development proposal could be made available;

Proposed Amendments to the OZP

- (j) the proposed zoning amendments to the Plan were shown in Annex I of the Paper and summarized as follows:
- Amendment Item A1: to rezone two pieces of land south of Po Yap Road together with two strips of land on both sides of the original 'Central Avenue' in Area 66 from "R(A)2" to "O";
 - Amendment Item A2: to rezone two strips of land on both sides of the original 'Central Avenue' from "R(A)5" to "O";
 - Amendment Item A3: to rezone two pieces of land in Area 66 from "R(A)5" to "R(A)2";
 - Amendment Item A4: to rezone two pieces of land in Areas 66 and 68 from "O" to "R(A)5";
 - Amendment Item B: to rezone the sea area at the waterfront of Area 68 from area shown as 'Sea' to "Other Specified Uses" annotated "Pier";

- (k) a new set of Notes for the proposed “OU(Pier)” zone was incorporated in the Notes of the Plan as set out in Annex II of the Paper;
- (l) the Explanatory Statement (ES) of the Plan had also been revised to reflect the proposed amendments and to take forward the Board’s decision to incorporate guidance on podium structures for developments in the Town Centre area and building height limit for the indoor velodrome cum sports centre in Area 45 and sports centre and library development in Area 74 as well as to update the general information of various land use zones where appropriate;
- (m) the Board was invited to agree that:
 - (i) the proposed amendments to the draft TKO OZP and the Notes of the “OU(Pier)” set out at Annexes I and II of the Paper were suitable for publication for further representation in accordance with section 6(C)2 of the Town Planning Ordinance; and
 - (ii) the revised ES at Annex III of the Paper was suitable for publication together with the Plan.

67. The Chairman said that the proposed amendments to the land use zonings were primarily based on the concept of the open space enhancement scheme submitted by R860. As compared with R860’s proposals, the proposed amendments would provide a relatively bigger “town plaza/waterfront park”. Members considered that the proposed amendments to the OZP were acceptable.

68. By making reference to the draft Plan at Annex I, a Member pointed out that the arc of the “waterfront park” and the 2 finger piers did not align with the “central avenue” at Areas 66 and 68. The same Member enquired whether it was feasible to shift the arc together with the finger piers slightly eastwards for better urban design and visual performance. Mr. Wilfred Cheng, STP/TKO replied that although the arc had slightly shifted to the west, there was no significant impact on the visual corridor along the “central avenue” which had been widened to 50m. Another Member stated that by shifting the arc eastwards, there might not be adequate clearance between the proposed finger pier and the landing steps. This Member suggested the distance between the 2 finger piers should be

reduced thereby allowing scope to shift the piers together with the arc in alignment with the “central avenue”. The Chairman enquired that given the retention of the finger piers, whether there was still a need to keep the landing steps. Mr. Wilfred Cheng, STP/TKO, said that the landing steps would need to be provided to meet the demand for marine travel for leisure/recreational purposes. The Secretary added that the original intention of the draft TKO OZP was to provide the landing steps in lieu of the finger piers, given the latter was no longer required on transport ground. However, during the hearing of the representations to the draft TKO OZP on 28.11.2008, the Board had directed to retain the two finger piers of a smaller scale for providing some social functions as suggested by R863. However, the detailed implementation, management/maintenance responsibility of the piers had yet to be threshed out amongst concerned bureaux/departments. In response to the enquiry of the Chairman, Mr. Alfred Lau, DPO/SKIs stated that the proposed works for the construction of the landing steps had already been gazetted by the Civil Engineering and Development Department (CEDD). Noting that there might be technical constraints, the Chairman requested PlanD to explore the feasibility of shifting the finger piers to align the arc of the “waterfront park” with the “central avenue”. In view of the technical and minor nature of the refinement, the Chairman considered that the refinement, if feasible, should be reported in the post-meeting notes for Members’ information. Members agreed.

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

[Post-meeting Notes: DPO/SKIs reported that according to the latest information provided by CEDD, the “waterfront park” had already been reclaimed and its arc at the seafront could not be shifted. To take into account the Board’s concerns and requests, DPO/SKIs had further refined the layout of the “central avenue” and the locations of the finger piers to align with the arc of the “waterfront park”. The refinements were minor in nature and would not affect the broad land use zonings on the Plan.]

[Dr. Greg C.Y. Wong, Dr. James C.W. Lau and Mr. Raymond Y.M. Chan left the meeting at this point.]

Agenda Item 8

[Closed Meeting]

Draft Quarry Bay Outline Zoning Plan No. S/H21/25
Preliminary Consideration of Objections No. 1 to 296
(TPB Paper No. 8251)

[The meeting was conducted in Cantonese and English.]

70. The following Members had declared interests in this item.

Dr. Greg C.Y. Wong	Owned a property at The Orchards
Dr. James C.W. Lau	His spouse owned a property at Tai Koo Shing
Professor Paul K.S. Lam	Owned a property at Nam Fung Sun Chuen
Mr. Raymond Y.M. Chan	Had current business dealings with Swire Properties Ltd., Objection No. 296

71. Members noted that Professor Paul K.S. Lam had tendered apology for not attending the meeting. Dr. Greg C.Y. Wong, Dr. James C.W. Lau and Mr. Raymond Y.M. Chan had left the meeting.

Presentation and Question Session

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

Ms. Brenda Au	District Planning Officer/Hong Kong (DPO/HK)
Ms. Phoebe Chan	Senior Town Planner/Hong Kong

73. With the aid of a Powerpoint presentation, Ms. Brenda Au, DPO/HK, briefed Members on the Paper and made the following points:

(a) the draft Quarry Bay Outline Zoning Plan (OZP) No. S/H21/25

incorporating mainly amendments to impose building height (BH) restrictions and to re-zone all “Commercial/Residential” (“C/R”) sites to “Residential (Group A)” (“R(A)”) or “Commercial” (“C”) zones, was gazetted under section 7 of the pre-amended Town Planning Ordinance (the Pre-amended Ordinance) on 25.7.2008;

- (b) a total of 296 objections were received during the three-week exhibition period. The objections could be divided into the following 5 categories:
- Category 1: 154 objections (Objections No. 1-154) opposed the BH restrictions in general and asked for more stringent BH control. The objections were submitted by the Democratic Party and members of the public;
 - Category 2: 124 objections (Objections No. 155, 168-275 and 277-291) opposed the BH restrictions in general and asked for more stringent BH control particularly in respect of 1-10 Sai Wan Terrace. The objections were submitted by members of the public, Incorporated Owners of Floridian, and two Eastern District Council Members;
 - Category 3: 7 objections (Objections No. 165-167, 276, 293-295) opposed the BH restrictions in respect of individual sites. The objections were submitted by the Incorporated Owners of various developments and Swire Properties Ltd.’s subsidiary companies in respect of individual sites;
 - Category 4: 1 objection (Objection No. 296) lodged the objection on grounds relating to the Board’s power under the Town Planning Ordinance. The objector objected to all amendment items on the Plan and opposed the rezoning of all “C/R” sites to “R(A)” or “C” and the designation of non-building areas (NBAs) on the OZP. The objection was submitted by Swire Properties Ltd.;

- Category 5: 10 objections (Objections No. 156-164 and 292) opposed the rezoning of various specific sites from “C/R” to “R(A)” or “C” and the BH restrictions. The objections were submitted by the Incorporated Owners of various developments, 2 Eastern District Council Members and 2 ex-Legislative Council Members;

[Mr. Timothy K.W. Ma left the meeting at this point.]

- (c) the major grounds of objections and the objectors’ proposals were set out in paragraph 2.3 of the Paper covering the following aspects:

Opposing BH restrictions in general and asking for more stringent BH control

- town planning in Hong Kong had long been criticized for lack of perspectives and vision, and placing too much emphasis on the interest of the commercial sector;
- local residents’ interests should be taken into consideration in formulating the BH control and planning proposals for the Area;
- there was a lack of public consultation and inconsistency in the BH restrictions;

Proposals

- to impose more stringent BH restrictions, to protect the ridgelines and to increase the width of air paths;
- commercial and residential buildings within the same area should be subject to the same BH restrictions;
- to allow transfer of plot ratio (PR) from the built-up area to new development area to lower the development intensity in the built-up area;

Opposing BH restrictions in general and asking for more stringent BH control particularly in respect of 1-10 Sai Wan Terrace

- the BH restrictions permitted taller buildings upon redevelopment of

the existing buildings. This would worsen the wall effect, affect air ventilation and sunlight penetration and had adverse visual and traffic impacts;

- the established stepped BH profile would be affected as major existing developments were unlikely to be redeveloped in the foreseeable future while other sites were redeveloped to taller buildings;
- the existing BH should not be relaxed since there was not yet control on building disposition/separation, podium design and NBAs to avoid irreversible impacts on the environment;
- the stepped BH concept was the right move to improve the environment. However, the BH restrictions to allow flexibility for higher 'floor-to-floor height' to meet current standard was neither reasonable nor necessary;

Residential developments along King's Road

- the BH restrictions of 105mPD or 120mPD for the residential sites along King's Road represented a 50% increase in BH comparing with the existing height of 80-90mPD which would worsen the canyon effect already affecting Quarry Bay;
- winds to the Kornhill and Taikoo Shing area would be blocked, and this would adversely affect public health and property prices;

Taikoo Shing (North)

- Taikoo Shing (north) located near the waterfront should be subject to a more stringent BH control similar to Lei King Wan, as it would affect the environment of the whole district, in particular the developments in inner areas;

1-10 Sai Wan Terrace

- the grounds of objections relating to this site were elaborated under "Opposing BH Restrictions on Specific Sites";

Taikoo Place and One Island East

- the BH restrictions of 130mPD, 160mPD, 170mPD, 200mPD for Taikoo Place were excessive and undesirable;
- the existing BHs at the eastern part of the Area occupied by Taikoo Shing, Kornhill Garden, and Lei King Wan should be retained;
- the damages to One Island East and Westlands Court during the typhoon in August 2008 reflected that tall buildings could be dangerous to local residents and developments in close proximity. The BH of developments should be properly controlled;
- the BH restriction of One Island East at 220mPD upon redevelopment could not be realised in the near future. The imposition of lower BH of 80mPD for Taikoo Place would be more effective in improving the environment;

Proposals

- to restrict Taikoo Shing (north) fronting Quarry Bay Park to 70mPD (Objection No. 269) or 80mPD (Objections No. 168-268 and 274-275);
- to restrict the BH of developments between Taikoo Wan Road and Taikoo Shing Road to 80mPD (Objections No. 168-273 and 275);
- to restrict the developments to the south of Taikoo Shing Road to 90mPD (Objections No. 168-273 and 275);
- to restrict the maximum height limit of Kornhill (upper) to 150mPD (Objections No. 168-273);
- to restrict the BH of sites in Taikoo Place to 110mPD (Objection No. 269) or 80mPD (Objections No. 277- 291);
- to restrict the BH of 1-10 Sai Wan Terrace to 91mPD with a PR restriction of 5.8 (Objections No. 168-275) or 90mPD (Objections No. 277-291);
- minor relaxation of the more stringent BH restrictions could be planned for the remaining old buildings with potential for redevelopment (Objections No. 274-275);

Opposing BH restrictions on specific sites

Objections No. 165-167 opposed BH restriction of 120mPD for the “R(A)” site at 2-16 Mount Parker Road

- the site was on the foothill and the hill at the back was more than 300mPD. It was surrounded by tall buildings to its north and east. A BH of 165mPD, similar to Kornhill (upper), was more appropriate and would not affect the view to the ridgelines or air ventilation;
- inappropriate BH restriction on the site would severely affect the owners’ interest, redevelopment potential and land value;

Proposal

- to delete all BH restrictions or relax the BH restriction to 165mPD;

Objections No. 168-275 & 277-291 opposed BH restriction of 120mPD for 1-10 Sai Wan Terrace and asked for more stringent BH control

- the BH of Sai Wan Terrace should not be relaxed as it would benefit the developers only but adversely affect air ventilation, sunlight penetration, visual quality, traffic and living environment of the area and block the views of Floridian and Kornhill;
- the increase in BH from 91mPD to 120mPD would induce a corresponding increase in PR from 5.8 to 8, and have adverse impacts on the neighbouring developments;
- relaxation of the development intensity would lead to a large amount of tree felling. The impacts on traffic, fire safety and slope stability should also be assessed;
- the BH restriction of 120mPD for the site should not be stipulated in the OZP which would pre-empt the decision on the s.12A applications;

Proposals

- to restrict the BH to 91mPD as stipulated under the lease (Objections No. 168-275) or 90mPD (Objections No. 277-291);
- to restrict the PR to a maximum of 5.8 (Objections No. 168- 275)

Objections No. 276 opposed BH restriction of 120mPD for 1-10 Sai Wan

Terrace and asked for more relaxed BH control

- located at an elevated platform of 45mPD and constrained by the MTR alignment, the height limit of 120mPD imposed on the site was exceptionally low and would unreasonably constrain the development potential of the site;
- there was room for increasing the BH restriction without infringing into the “20% building-free zone under the ridgeline”;
- the low BH would result in a higher site coverage which would adversely affect the residents of Floridian. The relaxation of the BH restriction from 120mPD to 170mPD would minimize the obstruction of view and air ventilation;

Proposal

- to relax the BH restriction to 170mPD;

Objections No. 293-295 opposed the BH restriction for Taikoo Place, Cambridge House, One Island East and Cityplaza

General grounds

- it was unrealistic to ignore the existing visual context provided by the existing buildings including One Island East of 301mPD and Oxford House of 175mPD and to impose height limits which did not reflect the existing situation and how these buildings could be best integrated with future development of the area (Objections No. 293-295);
- the “20% building-free zone of the ridgeline” criteria failed to take account of the view from other key vantage points and other criteria such as accepting protrusions of buildings above the ridgeline in appropriate locations, economic and social benefits of redevelopment (Objections No. 293-294);

Taikoo Place

- the “CDA” zoning provided adequate control and flexibility, it was subject to gross floor area but not height control under the previous OZP;

- the BH restrictions for the “CDA” site bore little relationship to the approved Master Layout Plan (MLP) and the General Building Plans;
- the approved schemes/building plans should be recognized;
- neither the Air Ventilation Assessment (AVA) employed nor anywhere throughout the Plan had shown that there was any essential need for NBAs. The benefit sought through the designation of NBAs could be better achieved through other design and development means;
- it was inappropriate to introduce NBAs in “CDA” zone as the site was developed in accordance with the approved design scheme. The need for adequate ventilation should be included in the Remarks to the Notes for the “CDA” zone or as lease condition or under the Buildings Ordinance;
- the introduction of BH restrictions and the NBA was contrary to the statutory intention of the “CDA” zone to provide flexibility for an optimum design;

Proposals

- to remove all height limits or to replace with one single restriction of 270mPD;
- to delete all NBAs and to replace with a requirement in the Notes to the “CDA” zone for submitting an AVA study as part of the MLP;

Cambridge House and One Island East

- Cambridge House and One Island East had added to the progressive conversion of an outdated industrial area to a major decentralized high quality office centre, as identified in the ‘Metroplan’ and the ‘Hong Kong 2030 Study’;
- these buildings might have an economic life of 80 years or longer. Setting a lower height limit for newly completed developments would discourage the redevelopment in future and there would be little scope for reduction of building height from protruding into the “20 % building-free zone of the ridgeline”;

- during the life time of these buildings, they would become accepted as existing features of the city and should be recognized as such now;

Proposal

- to remove the height limits or to incorporate a clause in the Notes of the OZP permitting redevelopments no greater than the heights of the existing buildings;

Cityplaza, Cityplaza One and Proposed Hotel Development

- the BH restrictions of 45mPD and 135mPD for Cityplaza and Cityplaza One were inappropriate and inconsistent given the existing and planned developments on the site;
- the long-term programme of redeveloping and extending the commercial development with building plans approved for a proposed extension of Cityplaza One to 190mPD should be recognized;
- the existing height of 141mPD of the hotel development should be reflected in the height limit and the height control of 45mPD for Cityplaza did not reflect the function of the total development;
- the BH restrictions would adversely affect the amount of development which could be permitted on site and frustrate the role of an established secondary office hub in Quarry Bay;

Proposal

- to remove all BH restrictions from the site or replace with 190mPD for the whole site;

Objections related to the Board's Powers under the Ordinance

- section 3 and section 4 of the Ordinance defined the duties of the Board and outlined the manner in which the Board should systematically prepare draft plans for the layout of areas in Hong Kong. The Board was also required to carry out public inquiries and consultation during the process of preparing such a draft plan;
- the Ordinance did not provide for the imposition of BH restrictions. The imposition of specific height limits on individual sites constituted

‘spot zoning’, which was not permitted by section 3 and section 4 of the Ordinance. The two relevant sections permitted the prescription of building features in a “broad brush” manner, but not by way of rigid, site-specific restrictions;

- the proposed BH restrictions failed to take into account the impact upon the economy, particularly having regard to the identified potential of Quarry Bay as being a major decentralized business node and a secondary commercial/office centre;
- the nature and manner in which the BH limits had been imposed made the amendments to the Plan which introduced such height limits invalid;
- the Board had acted improperly by gazetting the amendments under the provisions of the pre-amended Ordinance without a current referral from the Chief Executive in Council (CE in C) for approval within the time prescribed by s.8(2)(b) of the pre-amended Ordinance and did not have the authority to introduce new amendments under section 7 of the pre-amended Ordinance after referral from the CE in C in October 2002;
- there was no provision in the Ordinance for the Board to introduce NBAs. The matters specified in section 3 and section 4 as appropriate for inclusion in an OZP were all zonings which provided for permitted uses, facilities and general prescription of types of buildings. The NBAs did not prescribe a “positive” use within a zone and did not provide for a type of building. It was a matter of detail and should not be shown on the Plan but incorporated in other forms of control such as lease conditions or under the Buildings Ordinance;
- the reason given that public consultation should not be carried out in advance of the proposed gazetting so as to avoid an increase in submission of general building plans was not a valid reason for not carrying out any public consultation until after the amendments had the force of law. Justifications for the need to impose BH restrictions, reasons on the particular BH limits adopted and visual impact analysis should be provided;

Proposals

- to withdraw the plan and prepare a new plan after the referral of the OZP from CE in C;
- to replace the height limits on the OZP with a range of broad height restrictions rather than a series of arbitrary height limits;
- to delete the NBAs from the OZP;
- public consensus should be obtained before the amendments were in force;

Opposing rezoning proposals on specific sites

Objections No. 156-163 opposed rezoning of sites from “C/R” to “R(A)” with related BH restrictions

- the rezoning would affect the development potential and land value of the sites (from the original PR of 15 to 8). It was for the developer’s interests at the expense of individual private owners’ right and was totally unacceptable to the local residents;

Proposal

- to retain the original “C/R” zoning for the sites;

Objection No. 164 opposed the rezoning of Kam Shan Building from “C/R” to “R(A)” with a BH restriction of 120mPD

- Kam Shan Building of 7 storeys was over 48 years old and its design/facilities were not up to standards. The lack of facilities (e.g. lift) had made life difficult for the residents, particularly the aged. Also, the high cost of repairing and maintenance was hardly affordable;
- acquisition of Kam Shan Building for redevelopment was put on hold by the developer after the rezoning of the site to “R(A)”. The residents rights and interests had been adversely affected without compensation;
- Kam Shan Building was surrounded by commercial buildings and

abutted on King's Road with busy traffic, suffering from noise, air and traffic problems. It was not suitable for residential use and commercial use was considered more appropriate;

Proposal

- to keep the site under the "C" zoning and to remove or relax the BH restriction from 120mPD to 140mPD;

Objection No. 292 opposed the rezoning of Westlands Gardens from "C/R" to "R(A)" with a BH restriction of 120mPD

- there was no BH restriction under the lease for Westlands Gardens, the imposition of BH restriction on the site would affect development rights;
- there were no strong justifications and studies to support the BH restriction and the rezoning given that it was surrounded by commercial buildings zoned "C" in the adjacent area including Eastern Centre and One Island East;
- to preserve the views at Kai Tak Airport Runway was to enhance the development and property value of the Kai Tak Development. Such enhancement was at the expense of the property and development value of Westlands Gardens. This was unreasonable, unfair and arbitrary;
- the BH restrictions for One Island East of 220mPD and Westlands Gardens of 120mPD was inconsistent and contrary to the stepped height profile of increasing progressively from the waterfront/Quarry Bay Park area uphill;

Objection No. 269 opposed the rezoning of residential sites at Pan Hoi Street and Hoi Wan Street from "C/R" to "C"

- the rezoning was at the developers' interest and would adversely affect the local small business and the livelihood of local senior citizens;

Proposal

- redevelopment of residential sites for commercial use should be considered by the Board through the planning application system on a case-by-case basis;

Objection No. 296 objected the deletion of the “C/R” zone

- deletion of the “C/R” zone was a backward step as it had provided a flexible means for transforming Hong Kong in quick response to changing market requirements and public needs. Many areas such as Taikoo Shing had developed into high quality residential areas with a good mix of commercial activities;
- flexibility should be provided in the zoning to encourage the private sector to develop Quarry Bay as a major office hub as visualized in the ‘Metroplan’ and the ‘Hong Kong 2030 Study’;
- the removal of the “C/R” zone was contrary to a growing trend of recognizing the advantages of mixed uses zones which encouraged the development of areas where residential and compatible commercial uses existed together, in the same area and in the same building;
- there had been no or insufficient justification provided for deleting the “C/R” zones from the Plan, or why a particular site was being rezoned to either “C” or “R(A)”, except by referring to the existing uses;

Proposal

- to retain the “C/R” zoning for all sites previously zoned “C/R”;

Objections No. 277, 279-282, 284-291 objected the rezoning of the site south of ‘Woodside’ from “G/IC” to “G/IC(1) with BH restriction of 6 storeys

- there was a lack of soccer pitch and basketball facilities in the neighbourhood and the site should be used for open space;

Proposal

- to rezone the site from “G/IC(1)” to “Open Space”;

(d) PlanD’s responses to the grounds of objections and objectors’ proposals

were set out in paragraph 4.4 of the Paper. The key points were:

Opposing the BH restrictions in general and asking for more stringent control

- the BH restrictions had taken into account the relevant urban design guidelines, stepped BH concept, existing topography, local characteristics etc., and had struck a balance between development needs vis-à-vis public aspirations for a better living environment. More stringent BH control would pose constraints on future development/redevelopments;
- one of the main objectives behind the imposition of BH restrictions was to preserve and reinforce the existing stepped height profile in the Area. However, as the existing floor-to-floor height of about 2.6m to 2.7m for major residential developments was relatively low, allowance should be made for upgrading the floor height upon future redevelopment to meet modern standards;
- the Area was characterized by different residential clusters located in different settings and with a major commercial development node at Taikoo Place. 16 BH bands had been formulated;
- development/redevelopment were in general subject to maximum PR permissible under the Building (Planning) Regulations. The BH restrictions would not result in relaxation of development intensity. There would not be any adverse impact on the traffic and the living environment. The AVA study had confirmed that the BH restrictions would not affect the air ventilation condition of the area. The AVA also recommended that the existing air paths/wind corridors should be maintained and reinforced;
- the proposed transfer of development potential to another area would have significant policy ramifications and would need to be fully justified;

Opposing the BH restrictions in general and asking for more relaxed control

- without BH control, there was a tendency for developers to build

high-rise buildings to maximize harbour view and thus would likely result in a competition for taller buildings for a better view. Such developments were out-of-context and had negative impacts on the visual quality of the Area;

- the BH restrictions were to ensure that the urban design principles of stepped height concept and preservation of ridgeline were adhered to. To cater for site-specific circumstances, there was provision for application for minor relaxation of the BH restrictions under the OZP on individual merits;
- the current amendments to the OZP mainly involved the incorporation of BH restrictions. No PR/GFA restrictions had been imposed and the development intensity of sites would not be affected. There would not be any adverse impact on the development rights;

Opposing the BH restrictions on specific sites

2-16 Mount Parker Road

- the site located at the foothill area along King's road, had a much lower site formation platform at 20-30mPD than Kornhill (upper) at 65mPD. A lower BH band of 120mPD relative to that of 165mPD for Kornhill (upper) had therefore been adopted to maintain a discernible stepped height profile;

1-10 Sai Wan Terrace

- the site was the subject of two s.12A applications. Application No. Y/H21/1 (submitted by the Sai Wan Terrace Concern Group) proposed to rezone the "R(B)" portion of the site to "R(B)1" and to impose a maximum PR of 5.8 and a maximum BH of 91mPD. Application No. Y/H21/2 (submitted by the landowner, Keen Well Holdings Ltd.) proposed to rezone the site from "R(B)" and "GB" to "R(B)1" with a maximum PR of 5.8 and a maximum BH of 170mPD;
- MPC considered the applications on 21.11.2008 and agreed that a PR of 5.8 based on the "R(B)" portion was appropriate to ensure a more compatible development. It would not adversely affect the

development rights of the owner as PR 5.8 was the maximum achievable PR under the lease;

- the site would be rezoned to “R(B)1” to incorporate the PR restriction of 5.8. The amendments would be gazetted under section 7 of the pre-amended Ordinance;
- the proposal of restricting the site to 91mPD (Objections No. 168-275) or 90mPD (Objections No 277-291) would result in an overall stepped height profile of less diverse variations;
- the landowner’s proposal to impose a BH limit of 170mPD (Objection No. 276) was out of proportion with the immediate neighbourhood, and would adversely affect the overall stepped BH profile;
- the BH restriction of 120mPD as stipulated on the OZP was considered appropriate taking into account the site level at 45mPD, the BH of Floridian at 112-123mPD, and the need to achieve a discernible stepped height profile with BH bands for development to its north (Taikoo Shing) at 105mPD, and to its southwest at 135mPD, 150mPD and 165mPD, while at the same time allowing design flexibility;

Taikoo Place

- the proposed relaxation of BH restriction to 270mPD for the whole “CDA” zone was not supported;
- it would breach the ridgeline and have adverse visual impacts on the surrounding area;
- the BH restrictions had taken into consideration the stepped height concept, the need to protect the ridgeline, the local characteristics, the existing height profile, the topography, site constraints, urban design and air ventilation aspects;
- it was inappropriate to impose too general and broader height bands;
- the designation of the NBAs was to facilitate better air ventilation, as recommended in AVA. The open areas currently acted as air paths/wind corridors were to be maintained and reinforced;
- an area currently occupied by Somerset House was designated as NBA to create an east-west air path upon redevelopment, as allowed

under the approved MLP, to connect Taikoo Wan Road with Tong Chong Street to King's Road for better air ventilation;

- the "CDA" zoning was to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints;
- the imposition of BH restrictions and the designation of NBAs would provide clearer planning intention for the development in the "CDA" zone to protect the ridgeline and to maintain/provide air corridor as well as visual corridor;

Cambridge House and One Island East

- Cambridge House of 159mPD and One Island East of 301mPD had intruded into the "20% building-free zone of the ridgeline" and breached the ridgeline respectively;
- Cambridge House and One Island East restricted to 140mPD and 220mPD respectively upon redevelopment in the long run was to avoid breaching the "20% building-free zone of the ridgeline" as a matter of principle, and claim of existing BH should not be allowed;
- it was recognized that the sites would contribute to the transformation of the area into a secondary commercial/office node as identified in 'Metroplan' and the 'Hong Kong 2030 Study'. However, this was not a good justification for protrusion of buildings above the ridgeline, particularly because the same level of development could be accommodated within the BH restrictions;

Cityplaza, Cityplaza One and Proposed Hotel Development

- the proposal to relax the BH control to 190mPD for the whole site was not supported;
- the site zoned "C" comprised a shopping mall of 43mPD (Cityplaza), a proposed hotel development of 135mPD (main roof) under construction in the western side and an office building of 106mPD (Cityplaza One) to the east (with building plan approved for an extension up to 191mPD);

- the existing BH of the shopping mall Cityplaza was retained by limiting it to 45mPD. It provided an open vista and a visual relief for the surrounding residential developments;
- the remaining portion was imposed with a BH restriction of 135mPD to be in line with the stepped BH concept with allowance to cater for potential development intensity of commercial development;
- 190mPD for the whole site was considered excessive and incompatible with the surrounding areas which were subject to BH restrictions of 105 to 120mPD;

Objection related to the Board's powers under the Ordinance

- on the ultra vires issue and 'spot zoning', section 3 and section 4 of the Ordinance and the scheme of the legislation were intended to give the Board comprehensive powers to control development in any part of Hong Kong. With a purposive approach which our courts were prepared to adopt for construing section 3 and section 4, it would be reasonable to find that there should be power in the Board to impose BH restrictions on individual sites or for such area within the boundaries of a plan, provided the Board had the necessary and sufficient justifications (e.g. visual and air ventilation considerations) to impose the BH restrictions;
- it was not considered that section 3 and section 4 only cater for positive zoning in the sense put forward by the objector, and it was debatable whether designation of NBAs on the OZP was necessarily negative. Depending on circumstances and facts as well as planning justifications, designation of NBAs on the OZP could serve a positive planning purpose and might have other positive planning benefits such as to improve air ventilation in the area. Thus, the Board might call upon section 3 and section 4 to designate NBAs for planning control purposes;
- a reference back under section 12(1)(b)(ii) only applied to an 'approved' plan. An approved plan which was referred back and amended became a draft plan. There was no provision in the Ordinance which stated that the draft plan which had incorporated the

amendment intended by the reference back could not be further amended under section 7 as the Board saw necessary. Given the Board's power in section 7 of the Ordinance, it was clearly intended that, if required, a draft plan might be amended many times before its submission to the CE in C for approval;

- the Quarry Bay OZP had undergone a number of amendments since its approval in 2002, which was in accordance with the provisions and time prescribed under the pre-amended Ordinance;
- it should also be noted that in the Policy Address of 2007-08, the CE had already publicly announced that Government would progressively stipulate in all OZPs clear development restrictions on plot ratio, site coverage and/or building height where justified to improve the living environment;

Opposing rezoning proposals on specific sites

- the review of the "C/R" zoning was to ensure more effective infrastructure planning and better land use management. The rezoning of the "C/R" sites to "R(A)" reflected the residential nature of developments in the Area, whilst the rezoning of the sites at Pan Hoi Street and Hoi Wan Street to "C" was to achieve greater compatibility with the commercial developments in Taikoo Place;
- both Kam Shan Building and Westlands Gardens were basically located within the existing residential neighbourhood of the Area. The "R(A)" zoning for the sites was considered appropriate to reflect their existing use. The BH restriction of 120mPD for the sites was appropriate which had followed the stepped BH concept for the Area with flexibility for building design to meet the modern standard. Piecemeal relaxation of BH restriction for individual sites would jeopardize the integrity of the stepped height profile and had implications on other sites within the same height band;
- office or other commercial developments in the "R(A)" zone might be permitted on application to the Board under s.16 of the Ordinance on individual merits;

Rezoning of the site south of 'Woodside' from "G/IC(1)" to "OS":

- the "G/IC(1)" zoning would ensure a compatible development with the surrounding green environment and address the various possible impacts properly. The BH restriction of 6 storeys would ensure a compatible future development with the surrounding natural green environment and the adjacent historic building. There was an overall surplus of 10.88ha of open space for the Area, taking into account all existing and planned provision;

- (e) PlanD did not support Objections No. 1-296 and considered the objections should not be upheld for reasons as set out in paragraph 6 of the Paper;

- (f) further consideration of objections and hearing arrangement proposed by PlanD were set out in paragraph 7 of the Paper. Given the substance of the objections and their similar or related nature, it was considered more appropriate and time efficient for the Board to hear these objections together by itself. The objections were proposed to be organized into 2 groups based on their locations and nature for further consideration as:
 - (i) Group 1 to include Objections No. 1-155, 165-291, 293-296. This Group was mainly concerned about the BH restrictions for "R(A)" and "R(B)" sites in Taikoo Shing, Kornhill and residential sites along King's Road, and specific sites including Sai Wan Terrace, 2-16 Mount Parker Road, Taikoo Place, Cambridge House, One Island East and commercial sites in Cityplaza; and

 - (ii) Group 2 to include Objections No. 156-164, 292, 269 opposing the rezoning of the sites from "C/R" to "R(A)" or "C", and Objections No. 277, 279-282 and 284-291 opposing the rezoning of the site to the south of 'Woodside' from "G/IC" to "G/IC(1)".

74. As Members had no questions on the objections, the Chairman thanked the representatives of PlanD for attending the hearing. Ms. Brenda Au and Ms. Phoebe Chan

left the meeting at this point.

Deliberation Session

75. Members considered that there were no strong justifications which warranted the Board to uphold the objections. Members agreed with PlanD's assessment and recommendations in paragraphs 4 and 6 of the Paper. Members also noted that the objectors would be invited to attend the hearing of objections in due course. The Chairman remarked that as proposed in paragraph 7 of the Paper, all the 269 objections to be organized in 2 groups would be further considered by the full Board in April 2009. Members agreed to this hearing arrangement.

76. After further deliberation, the Board decided not to uphold the objections for the following reasons:

More stringent BH control

- (a) the more stringent BH control proposed were in general reflecting the existing BH profile in the Area. The BH restrictions on the OZP, which had taken into account relevant considerations including the Urban Design Guidelines, existing topography, stepped BH concept, local characteristics, the waterfront/Quarry Bay Park and foothill setting, existing BH profile, site formation level and site constraints, the zoned land uses of the sites concerned, development potential and to allow a reasonable floor-to-floor height to meet the modern day standard upon redevelopment, had struck a balance between development needs vis-à-vis the aspirations of the public for a better living environment and to meet the present-day living standard. More stringent BH control would pose constraints on future developments/redevelopments and adversely affect private development rights (**Objections No. 1-155, 168-275 and 277-291**);

More relaxed BH control

- (b) the imposition of BH restrictions was to preserve and reinforce the existing stepped height profile in the Area and to avoid out-of-context developments to meet the public aspirations for a better living environment. As the Area was

characterized by different residential clusters located in different settings fronting the harbour and Quarry Bay Park, along both sides of King's Road, at the foothill and upper hill of Mount Parker and the commercial development node at Taikoo Place with different character, 16 BH bands had been formulated. The BH restrictions were to ensure that the urban design principles of stepped height concept and preservation of ridgeline were adhered to. Deletion of or piecemeal relaxation of the BH restrictions for individual sites would jeopardize the integrity of the stepped BH profile and could result in proliferation of high-rise developments, which was not in line with the planning intention. To allow flexibility for site-specific circumstances and schemes with planning and design merits, there was provision for application for minor relaxation of the BH restrictions under the OZP. Each application would be considered by the Board on its individual merits and a set of criteria for consideration of such applications had been set out in the Explanatory Statement of the OZP (**Objections No. 156-167, 276, 292-296**);

Prior public consultation

- (c) any premature release of information before exhibition of the amendments to the OZP might prompt developers/landowners to accelerate submission of building plans for development/redevelopment on the affected sites and thereby nullifying the effectiveness of imposing the BH restrictions. The BH restrictions and designation of NBAs were supported by the AVA Study and photomontages showing the visual impacts, which had been incorporated in the Metro Planning Committee paper and was available for public inspection (**Objections No. 1-154, 178, 233, 255, 276, 293 to 296**);

Development intensity

- (d) the BH restrictions would not imply relaxation of development intensity upon development/redevelopment as development/redevelopments were in general currently subject to maximum plot ratio (PR) permissible under the Building (Planning) Regulations (**Objections No. 168-268, 277-291**). The transfer of development potential to another area would have significant policy ramifications and would need to be fully justified and supported by a detailed

study (**Objections No. 1-154**);

Redevelopment rights

- (e) the current amendments to the Quarry Bay OZP mainly involved the incorporation of BH restrictions and no plot ratio (PR)/gross floor area (GFA) restrictions had been imposed on the various zones. The BH restrictions were intended to avoid future developments with excessive height, the development intensity of sites would not be affected. There would not be adverse impacts on the development rights of the concerned sites (**Objections No. 156-167, 276, 292 and 295**);
- (f) while existing buildings that had already exceeded the BH restrictions would generally be allowed to redevelop up to the existing height, the existing BHs of Cambridge House and One Island East had exceeded the 20% building free zone of the ridgeline and the ridgeline respectively. In order to preserve the view to the ridgeline, future redevelopment of these two sites should be subject to the stipulated BH restrictions as a matter of principle to avoid adverse visual impacts on the environment (**Objection No. 294**);
- (g) development/redevelopment on sites with development schemes approved by the Town Planning Board or with approved building plans would not be affected by the BH restrictions as long as their approvals remained valid. As the proposed Phase 2A redevelopment at Taikoo Place with a BH of 295mPD had breached the ridgeline when viewed from the major vantage point at middle of the ex-Kai Tak Airport Runway and the proposed extension of the Cityplaza One with an excessive tall building (191mPD) was out-of-context with surrounding developments, future redevelopment of these two sites would be restricted to the BH as stipulated on the OZP to avoid adverse visual impacts on the environment (**Objections No. 293 and 295**);

Opposing BH restrictions on specific sites

2-16 Mount Parker Road

- (h) the site had a much lower site formation platform at about 20-30mPD than

Kornhill (upper) at 65mPD. A lower BH band of 120mPD relative to that of 165mPD for Kornhill (upper) had been adopted to maintain a discernible stepped height with Kornhill taking the development potential into consideration. Piecemeal relaxation of BH restriction for an individual site would jeopardize the integrity of the stepped height profile and have implications on other sites within the same height band (**Objections No. 165-167**);

1-10 Sai Wan Terrace

- (i) the BH of 120mPD was considered appropriate for Sai Wan Terrace taking into account the site level at 45mPD, the BH of the Floridian at 112-123mPD, and the need to achieve a discernible stepped height profile with BH bands for development to its north (Taikoo Shing) at 105mPD, and to its southwest at 135mPD, 150mPD and 165mPD. The BH of 120mPD stipulated on the OZP for the site would meet the planning objective of maintaining a stepped height profile for the area and be compatible with the surrounding developments, while at the same time allowing design flexibility (**Objections No. 168-291**);
- (j) the proposal of restricting the site to 91mPD (**Objections No. 168-275**) or 90mPD (**Objections No. 277-291**) would result in an overall stepped height profile of less diverse variations;
- (k) the proposed building height of 170mPD for the Sai Wan Terrace was out of proportion with the immediate neighbourhood and incompatible with the surrounding developments in visual terms, would adversely affect the overall stepped BH profile and set an undesirable precedent for similar out-of-context residential developments in the area (**Objection No. 276**);
- (l) the amendments to the OZP mainly involved the incorporation of BH restrictions and no PR/GFA restrictions had been imposed. However, the PR restriction of 5.8 for the “R(B)” portion of the site had already been agreed by the Metro Planning Committee in considering the two relevant s.12A applications on 21.11.2008 and relevant amendments to the OZP would be exhibited for public inspection under section 7 of the pre-amended Ordinance

in due course (**Objections No. 168-291**);

The “CDA” site at Taikoo Place

- (m) the proposed relaxation of the building height restriction to 270mPD for the whole “CDA” zone would breach the ridgeline and have adverse visual impacts on the surrounding area, which was considered undesirable from urban design perspective. The BH restrictions had taken into consideration the overall stepped height concept, the need to protect the ridgeline, the local characteristics, the existing height profile, the topography, site constraints, urban design and air ventilation aspects. It was inappropriate to impose too general and boarder height bands for the Area (**Objection No. 293**);
- (n) the designation of the non-building areas (NBAs) was to facilitate better air ventilation of the Area, as recommended in the air ventilation assessment. The open areas currently acting as air paths/wind corridors were to be maintained and reinforced. An area currently occupied by Somerset House was designated as NBA with the intention to create an east-west air path upon redevelopment to connect Taikoo Wan Road with Tong Chong Street to King’s Road, which was essential for better air ventilation of the area (**Objection No. 293**);
- (o) the “CDA” zoning was to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints. In addition, the imposition of BH restrictions and the designation of NBAs would provide clearer planning intention for the development in the “CDA” zone in respect of the permissible BH to protect the ridgeline and the need to maintain/provide air corridor as well as visual corridor (**Objection No. 293**);

Cambridge House and One Island East at Taikoo Place Commercial Area

- (p) the BHs of Cambridge House and One Island East were restricted to a maximum of 140mPD and 220mPD respectively upon redevelopment in the long run to avoid breaching the 20% building-free zone of the ridgeline as a matter of principle and claim of existing BH should not be allowed (**Objection**

No. 294);

Cityplaza, Cityplaza One and a proposed hotel development at 1111 King's Road

- (q) the existing height for the “C” zone covering the shopping mall Cityplaza was retained with a BH restriction of 45mPD to provide an open vista and a visual relief for the surrounding residential developments. The remaining portion of the “C” site was imposed with a BH restriction of 135mPD to be in line with the stepped BH concept with reasonable allowance to cater for the potential development intensity of commercial development. The proposed 190mPD for the whole site was considered excessive and incompatible with the surrounding areas, which were subject to BH restrictions of 105-120mPD and would defeat the planning intention to provide a visual relief for the adjacent residential developments (**Objection No. 295**);

Opposing rezoning proposals on specific sites

- (r) the review of the “Commercial/Residential” (“C/R”) zoning was to ensure more effective infrastructure planning and better land use management. The rezoning of the “C/R” sites to “R(A)” reflected the residential nature of developments in the Area whilst the rezoning of the two sites at Pan Hoi Street and Hoi Wan Street enclosed by the commercial area zoned “C” and “CDA” at Taikoo Place to “C” was to achieve greater compatibility of future developments with the commercial developments in Taikoo Place (**Objections No. 156-164, 269, 292 and 296**);
- (s) both Kam Shan Building (*Objection No. 164*) and Westlands Gardens (*Objection No. 292*) were located within the existing residential neighbourhood of the Area. The “R(A)” zoning for the sites was considered appropriate to reflect their existing use. The BH restriction of 120mPD was appropriate for the sites, which had followed the stepped BH concept with flexibility for building design to meet the modern standard. Piecemeal relaxation of BH restriction for individual sites would jeopardize the integrity of the stepped height profile and have implications on other sites within the same height band. To cater for site-specific circumstances, office or other commercial

developments in the “R(A)” zone might be permitted with or without conditions on application to the Board under section 16 of the Ordinance and each case would be considered on its individual merits (**Objections No. 164 and 292**);

- (t) the “G/IC(1)” zoning requiring application for planning permission and the submission of layout plan for consideration by the Board was to ensure a compatible development with the surrounding green environment and to address the various possible impacts properly. There was an overall surplus of 10.88ha of open space for the Quarry Bay Planning Scheme Area, taking into account all existing and planned provision (**Objections No. 277, 279-282, 284-291**);

The Board’s powers under the Ordinance (Objections No. 276, 293-296)

- (u) as regards the ultra vires issue and “spot zoning”, sections 3 and 4 of the Ordinance and the scheme of the legislation were intended to give the Board comprehensive powers to control development in any part of Hong Kong. With a purposive approach which our courts were prepared to adopt for construing sections 3 and 4, it would be reasonable to find that there should be power in the Board to impose BH restrictions on individual sites or for such area within the boundaries of a plan, provided the Board had the necessary and sufficient justifications (e.g. visual and air ventilation considerations) to impose the BH restrictions;
- (v) it was not considered that sections 3 and 4 only cater for positive zoning in the sense put forward by the objector, and it was debatable whether designation of NBAs on the OZP was necessarily negative. Depending on circumstances and facts as well as planning justifications, designation of NBAs on the OZP could serve a positive planning purpose and might have other positive planning benefits such as to improve air ventilation in the area. Thus, the Board might call upon sections 3 and 4 to designate NBAs for planning control purposes;
- (w) a reference back under section 12(1)(b)(ii) only applied to an ‘approved’ plan.

An approved plan which was referred back and amended became a draft plan. There was no provision in the Ordinance which stated that the draft plan which had incorporated the amendment intended by the reference back could not be further amended under section 7 as the Board saw necessary. Given the Board's power in section 7 of the Ordinance, it was clearly intended that, if required, a draft plan might be amended many times before its submission to the CE in C for approval; and

- (x) the Quarry Bay OZP had undergone a number of amendments since its approval in 2002, which was in accordance with the provision and time prescribed under the pre-amended Ordinance. It should also be noted that in the Policy Address of 2007-08, the CE had already publicly announced that Government would progressively stipulate in all OZPs clear development restrictions on plot ratio, site coverage and /or building height where justified to improve the living environment.

Agenda Item 9

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of
Representations and Comments to the Draft Tsz Wan Shan, Diamond Hill
and San Po Kong Outline Zoning Plan No. S/K11/23
(TPB Paper No. 8289)

77. The Secretary reported that the draft Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (OZP) No. S/K11/23 was exhibited for public inspection under section 5 of the Town Planning Ordinance on 22.8.2008. During the two-month exhibition period, a total of 25 representations were received. On 31.10.2008, the representations were published for three weeks for public comments. A total of 3 comments were received. As the amendments incorporated in the Plan mainly related to the imposition of building height restrictions for the Tsz Wan Shan, Diamond Hill and San Po Kong area and had attracted general public and local concerns, it was considered more appropriate for the Board to hear the representations and comments itself without resorting to the appointment of a Representation Hearing Committee. The hearing could be

accommodated in the Board's meeting scheduled for February 2009 and conducted collectively under 3 groups, including:

- (a) Group 1- 6 representations and 2 related comments related to the general building height restrictions, non-building areas, building gaps and other zoning amendments to the Tsz Wan Shan, Diamond Hill and San Po Kong area;
- (b) Group 2 – 23 representations and 1 related comment in relation to building height restrictions for specific “Residential (Group A)” and “Residential (Group A)2” sites and zoning amendment of a “Residential (Group E)” site; and
- (c) Group 3 – 2 representations in relation to building height restrictions for specific Government, Institution or Community (G/IC) facilities mainly in “G/IC” zone.

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

Agenda Item 10

[Open Meeting]

Draft South West Kowloon Outline Zoning Plan No. S/K20/21 –
Confirmation of Proposed Amendment to the Draft Plan
under section 6(9) of the Pre-Amended Town Planning Ordinance
(TPB Paper No. 8290)

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

- | | |
|---------------------|--|
| Mr. Tony C.N. Kan | Owned a property at the Victoria Towers adjoining the West Kowloon Cultural District, falling within the planning scheme area of the Outline Zoning Plan |
| Ms. Anna S.Y. Kwong | Had discussed the case with objectors of Objection No. 1 |

80. As the item was procedural in nature, Members agreed that Mr. Tony C.N. Kan and Ms. Anna S.Y. Kwong should be allowed to stay at the meeting.

81. The Secretary reported that the draft South West Kowloon Outline Zoning Plan (OZP) No. S/K20/21 was exhibited for public inspection under section 7 of the pre-amended Town Planning Ordinance (the pre-amended Ordinance) on 18.4.2008. During the exhibition period, a total of 4 objections were received.

82. On 31.10.2008, after giving further consideration to the objections under section 6(6) of the pre-amended Ordinance, the Board decided to propose amendment to the OZP to partially meet Objections No. 1 to 3 by amending the Notes of the OZP to allow relaxation of the building height restrictions for the free-standing arts and cultural facilities to be considered by the Board based on individual merits. The Board also decided not to propose any amendment to meet the remaining part of Objections No. 1 to 3 and Objection No. 4. The four objections were not withdrawn. On 19.12.2008, the proposed amendment was notified in the Gazette under section 6(7) of the pre-amended Ordinance. Upon expiry of the notification period on 2.1.2009, no further objection was received.

83. Members noted that there was no further objection to the proposed amendment to the OZP. After deliberation, Members agreed that:

- (a) the proposed amendment to the draft South West Kowloon Outline Zoning Plan (OZP) (as contained in annex B of the Paper) should be considered as an amendment made by the Board under section 6(9) of the pre-amended Ordinance and should form part of the draft South West Kowloon OZP No. S/K20/21;
- (b) a record of the proposed amendment to the draft South West Kowloon OZP No. S/K20/21 as detailed in Annex B should be made available for public inspection by the Planning Department; and
- (c) the Building Authority and relevant Government departments should be

informed of the Board's decision made under section 6(9) of the pre-amended Ordinance and would be provide with a copy/copies of the amendment.

Agenda Item 11

[Open Meeting]

Draft South West Kowloon Outline Zoning Plan No. S/K20/21A –
Submission of Draft Plan to the Chief Executive in Council for Approval
(TPB Paper No. 8291)

[The meeting was conducted in Cantonese.]

84. The Secretary said that the following Members had declared interests in this item:

Mr. Tony C.N. Kan	Owned a property at the Victoria Towers adjoining the West Kowloon Cultural District, falling within the planning scheme area of the Outline Zoning Plan
Ms. Anna S.Y. Kwong	Had discussed the case with objectors of Objection No. 1

85. As the item was procedural in nature, Members agreed that Mr. Tony C.N. Kan and Ms. Anna S.Y. Kwong should be allowed to stay at the meeting.

86. The Secretary briefly introduced the Paper.

87. After deliberation, Members agreed:

- (a) that the draft South West Kowloon Outline Zoning Plan (OZP) No. S/K20/21A and its Notes at Annexes A and B of the Paper respectively were suitable for submission under section 8 of the pre-amended Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft South

West Kowloon OZP No. S/K20/21A at Annex C of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and

- (c) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 12

Any Other Business

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

88. There being no other business, the meeting was closed at 12:30 p.m.