

**Minutes of 959<sup>th</sup> Meeting of the  
Town Planning Board held on 4.6.2010**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Mr. Thomas Chow

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. K.Y. Leung

Mr. Walter K.L. Chan

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. Laurence L.J. Li

Dr. W.K. Lo

Dr. Roger K.H. Luk

Professor S.C. Wong

Ms. Pansy L.P. Yau

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Mr. Fletch Chan

Deputy Director of Environmental Protection

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. Raymond Y.M. Chan

Professor Paul K.S. Lam

Mr. Timothy K.W. Ma

Professor Joseph H.W. Lee

Mr. Clarence W.C. Leung

Ms. Anita W.T. Ma

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

Chief Town Planner/Town Planning Board  
Ms. Christine K.C. Tse (am)  
Miss H.Y. Chu (pm)

Town Planner/Town Planning Board  
Ms. Johanna W.Y. Cheng (am)

Senior Town Planner/Town Planning Board  
Ms. Maggie Chin (pm)

**Agenda Item 1**

[Open Meeting]

**Confirmation of Minutes of the 958<sup>th</sup> Meeting held on 14.5.2010**

[The meeting was conducted in Cantonese.]

1. The minutes of the 958<sup>th</sup> Meeting held on 14.5.2010 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising.

**Agenda Item 3**

[Open Meeting (Presentation and Question Session Only)]

Consideration of Representations in Respect of the Draft Sham Chung Outline Zoning Plan (OZP) No. S/NE-SC/1 (Representations No. R1 to R44)

(TPB Papers No. 8555)

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[The meeting was conducted in Cantonese]

3. Most of the private land covered by the Sham Chung OZP was owned by subsidiaries of Sun Hung Kai Properties Limited, Land Bright Development Limited and Land Honest Development Limited. The following Members had declared interests:

Mr. Raymond Y.M. Chan ) having current business dealings with Sun  
Hung Kai Properties Limited

Mr. Y.K. Cheng )

Ms. Julia M.K. Lau : being a former employee of Sun Hung Kai  
Properties Limited

4. Members noted that Mr. Raymond Y.M. Chan had tendered apologies for not able to attend the meeting and Ms. Julia M.K. Lau and Mr. Y.K. Cheng had not arrived to join the meeting.

#### Presentation and Question Session

5. As sufficient notice had been given to the representers to invite them to attend the meeting, Members agreed to proceed with the hearing of the representations in the absence of the other representers who had indicated that they would not attend or had made no reply. Members also noted that a replacement page for the paper was tabled.

6. The following representatives from Planning Department (PlanD), Agriculture, Fisheries and Conservation Department (AFCD), and the representers and their representatives were invited to the meeting at this point:

- Mr. W.K. Hui - District Planning Officer / Shatin, Tai Po and North (DPO/STN), PlanD
- Ms. Lisa Cheng - Senior Town Planner / Tai Po, PlanD
- Ms. Josephine Yang - Senior Nature Conservation Officer, AFCD
- Mr. Siu Kim Kwong - Senior Field Officer/Field Extension, AFCD

#### Representation No. R2

- Kadoorie Farm & Botanic Garden Corporation      Representer
- Mr. L C Wong      ) Representer's  
   Representative
- Ms. Chow Wing Shan      )

#### Representations No. R6 and R7

- Mr. Li Chun Fai      Representer (R6)
- Mr. Lee Kwok On      Representer (R7)

Mr. Tang Kwong Wing ) Representer's  
Representative  
Mr Hui Mo Sang )

7. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited the representatives of PlanD to brief Members on the representations.

8. With the aid of a powerpoint presentation, Ms. Lisa Cheng made the following main points as detailed in the paper:

- (a) on 23.1.2009, the draft Sham Chung OZP No. S/NE-SC/1 (the OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 45 adverse representations were received (R45 was subsequently withdrawn by the representer). No comment was received after exhibition of the representations;
- (b) the general planning intention for the Sham Chung OZP was to strike a balance between conservation and village development. In general, the densely vegetated areas were zoned "GB", the areas with mangroves at the coast were zoned "CPA", the existing village clusters as well as some land considered suitable for development of Small Houses were zoned "V" and the flat land in the middle of the OZP was zoned "AGR";
- (c) the representations could be divided into two categories:
  - (i) R1 to R5 – submitted by Green Groups (Green Power, Kadoorie Farm and Botanic Garden Corporation, Friends of Sai Kung, Wong Ming and Green Lantau Association); and
  - (ii) R6 to R44 – submitted by local villagers, including two Indigenous Inhabitant Representatives (R6 and R7) and villagers (R8 to R44);

- (d) the main grounds of R1 to R5 were summarised in para. 2.2 (a) to (f) of the paper and highlighted below:
- (i) it was not necessary to reserve so much land for village development in view of the declining population in Sham Chung. There were also concerns on the potential problems of land filling, tree felling, stream diversion and waste disposal associated with village development (R1 to R5);
  - (ii) there should be better protection for the area to the immediate east of the “Coastal Protection Area” (“CPA”) zone (R1 to R5);
  - (iii) buffer areas should be provided on both sides of the stream courses in Sham Chung (R2 to R4); and
  - (iv) the flat area in the middle of the OZP, including the disturbed wetland, was of high ecological value that should be better protected, conserved or reinstated (R1 to R5);
- (e) the proposals of the green groups (R1 to R5) were detailed in para. 2.2 (a) to (f) of the paper. Their proposals include:
- (i) to rezone the whole or part of the area zoned “V” to “GB” (R2 to 4);
  - (ii) an area to the east of the “CPA” to be rezoned from “V” and “AGR” to “CPA”/ “CA” / “GB” (R1 to R5);
  - (iii) to better protect the stream courses and / or provide buffer areas on both sides of the stream courses by rezoning such buffer areas to “GB” or “CA” zonings (R1 to R4); and
  - (iv) to rezone the flat area in the middle of the OZP from “AGR” to “GB” / “CA” (R1 to R5);

- (f) the main grounds of the villagers (R6 to 44) were summarised in para. 2.2 (g) of the paper and highlighted below:
- (i) objection to the “AGR”, “GB” and “CA” zonings in the old village settlement areas as it would deprive villagers of their entitlement to develop Small Houses within the areas previously inhabited by their ancestors;
  - (ii) the “V” zone on the flat area was not suitable for Small House development as it was low-lying with flooding risks; and
  - (iii) objection to the “CA” zoning for the footpath which was the only access leading to the pier;
- (g) the proposals of R6 to R44 were summarised in para. 2.2 (g) of the paper and highlighted below:
- (i) to rezone the old village settlement areas from “AGR”, “GB” and “CA” to “V” and to widen the footpath; and
  - (ii) to extend the “V” zone towards the northeast on land zoned “AGR” behind the Sham Chung School;
- (h) PlanD’s responses to the grounds of representations and the representer’s proposals were detailed in paras. 4.14 to 4.34 and Section 5 of the paper and the key points were as follows:

Responses to Grounds of the Representations and Proposals of R1 to R5

*Area Worthy of Conservation*

- (i) on the representers’ view that the area to the immediate east of the “CPA” zone should be better protected, it was noted that the characteristics of that area was changing with seawater filtering



in and resulted in an eastward extension of the wetland. The Director of Agriculture, Fisheries and Conservation (DAFC) pointed out that though the area was still an ideal location for development of sustainable agriculture, he supported the proposed extension as that area had potential to serve as a brackish wetland habitat. The boundary of the “CPA” zone was proposed to be extended eastwards to follow the existing broken bund (R1 to R5);

- (ii) for the representers’ proposal to better protect the stream courses and / or provide buffer areas for the stream courses currently zoned “V”, “AGR”, GB” and “CA”, DAFC had reservation as buffer zones for the stream courses would restrict agricultural activities. The current zonings had already provided adequate statutory planning control to protect the stream courses as any diversion of streams and filling of land under those zonings required planning permission from the Town Planning Board (the Board) (R1 to R4); and
  
- (iii) regarding the flat area in the middle of the OZP current zoned “V” and “AGR”, noting the circumstances and views of the DAFC, the “AGR” zoning was considered more appropriate than the “GB” or “CA” zonings proposed by the representers. The reasons were that the “AGR” zoning could reflect the existing condition and the land entitlement that comprised agricultural lots under Block Government lease; and it would allow flexibility for some compatible recreational uses with restoration proposals and viable management plan, and that was adequate for the purpose of development control. The “GB” zoning was considered not appropriate as it was normally for defining the limits of development areas by natural features (R1 to R5);

*Reservation of Land for Village Development*

- (iv) the designation of 2.64 ha of land zoned “V” was considered appropriate after balancing the need for conservation of the Sham Chung area and the provision of land for Small House development (R1 to R5);

Responses to Grounds of the Representations and Proposals of R6 to R44

*Locations for the “V” Zone*

- (v) with regard to the representers’ proposed rezoning of the old village settlement areas currently zoned “AGR”, “GB” and “CA” to “V”, the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (CEDD) had in-principle objection to having village development in those areas due to potential natural terrain hazard. Considering the local villagers’ strong desire for Small House developments within the old village settlement area and balancing CEDD’s concern on slope safety, some areas within the existing “GB” zone and small areas within the “CPA” and “CA” zones were proposed to be rezoned “V(1)”. Within “V(1)” zones, Small House developments would require planning permission from the Board (R6 to 44);
- (vi) for the small pockets of old village settlement areas in the south-western part of the planning area currently zoned “GB”, Director of Environmental Protection (DEP) had concern on the adverse impact of village developments on the ecologically important stream course which ran to its immediate east. As such, it was considered appropriate to retain that area as “GB” (R6 to 44);

- (vii) in view of the concerns on natural terrain hazard, redevelopment of domestic structures within areas zoned “AGR” and “GB” should require planning permission from the Board (R6 to 44);
- (viii) with regard to the proposal to extend the “V” zone to the area behind the Sham Chung School, DAFC had no strong view as the area was mainly covered by grass. The boundary of the “V” zone was proposed to be extended towards the northeast, by rezoning some land currently zoned “AGR”. The area of land proposed to be zoned “V” (including “V(1)”) would remain the same as that on the extant OZP (R6 to 44); and
- (ix) with regard to the objection to the “CA” zoning for the existing footpath, it should be noted that road works were always permitted under the “CA” zoning;
- (i) PlanD’s views – as detailed in para. 7.1 of the paper, PlanD recommended the Board to partially meet all representations by amending the plan;
- (j) the proposed amendments to the OZP were detailed in para. 5.2 of the paper and the Board was invited to agree that:
  - (i) the proposed amendments to the draft Sham Chung OZP No. S/NE-SC/2 and the Notes set out at Annexes II and III of the paper were suitable for publication for public inspection in accordance with section 6(C)1 of the Ordinance; and
  - (ii) the revised ES at Annex IV of the paper was suitable for publication together with the OZP.

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

Representation No. 2 (Kadoorie Farm and Botanic Garden Corporation)

10. Mr. L.C. Wong, representing the Kadoorie Farm and Botanic Garden Corporation, indicated that they had no particular adverse comment and generally agreed with the proposed amendments to the OZP. Mr. L.C. Wong also made the following main points:

- (a) the ecological value of Sham Chung should be assessed based on the ecological baseline conditions in around 1996 as established by University research, rather than its conditions after the man-made destruction in 1997. Thus, the lowland of Sham Chung justified more conservation-related zonings, such as “CA” or “GB” ;
- (b) he supported and requested the Board to approve the amendments (Items E1 to E4) regarding the eastward extension of the “CPA” zone to cover the flat area in the middle of the OZP. That area was a seawater inundation zone lower than the high tide mark and was not suitable for Small House developments and agriculture due to flooding risks;
- (c) as Sham Chung was one of the 12 priority areas identified for enhanced protection under the New Nature Conservation Policy, it was proposed that the planning intention in the ES of the “AGR” zone be amended to include a statement that conservation was a priority in the Sham Chung lowland; and
- (d) to reinstate the disturbed wetland, it was proposed that Government should initiate mangrove planting on government land in the area zoned “CPA”. It was also hoped that private developers would work together with wetland experts and green groups to restore the freshwater marsh areas on private land.

Representation Nos. 6 and 7 (Li Chun Fai, Li Kwok On)

11. Mr. Li Chun Fai, one of the Indigenous Inhabitant Representatives of Sham

Chung Village, made the following main points:

- (a) Sham Chung Village had been established for several hundred years. Their ancestors built two dams and bunds for the two stream courses to block off seawater from flooding the low-lying flat land so as to create land for agricultural activities. Hence, the wetland at Sham Chung was man-made and not natural;
- (b) although villagers had moved out of Sham Chung, there were still over 1,000 indigenous villagers (locally and overseas) and there were around 270 indigenous villagers with right to build Small Houses. The comment made by R2 about the low population of Sham Chung Village was not valid. In fact, Sham Chung was one of the largest villages in the Sai Kung North district, and hence there were two Indigenous Inhabitant Representatives. To meet the Small House demand of the village, at least 2.6 hectares of land should be zoned “V” and currently there were already a number of Small House applications being processed;
- (c) the villagers objected to the zoning of the old village settlement areas as “GB”, “CA” and “CPA” on the OZP. PlanD’s present proposal to rezone those areas to “V(1)” was not supported as villagers should not be required to obtain planning permission from the Board for building Small Houses within their old village settlement areas. That would waste the time of the Board in processing the applications, whilst at the same time would increase the burden of villagers in terms of development time and cost. In addition, Government department had recently completed slope works for some dangerous slopes;
- (d) they objected to the “CA” zoning for the footpath leading to the pier. The footpath was dilapidated and would be flooded during high tide and, hence, the only access to the village would be blocked. The District Office had refused their request to rebuild the footpath for the reason that it fell within a conservation area and so an Environmental Impact

Assessment (EIA) had to be undertaken before the works could be done. The rebuilding of the footpath should be the responsibility of Government and it was not right to refuse to rebuild the footpath for the reason of lack of resources in preparing an EIA; and

- (e) in summary, the lowland area in Sham Chung was previously only fallow land and the ecological value was not high. The fish and orchid species identified to be of high ecological value in university research were in fact very common species in the area. Given that the Sham Chung wetland was man-made, the works carried out by a developer in 1997 / 1998 had helped to revive the ecological value of the area. He hoped that R2 could respect the rights of the villagers as balanced against conservation needs.

12. Mr. Tang Kwong Wing, Chairman of the Sai Kung North Rural Committee, made the following main points:

- (a) it was improper that Heung Yee Kuk was not consulted on the newly proposed “V(1)” zoning which would affect villagers’ rights. He noticed that some Board Members were also Heung Yee Kuk members;
- (b) Sham Chung Village was the fifth largest village amongst the 46 villages in Sai Kung North, and had a large population of over 100 households. Mr. Li Chun Fai was correct to say that the population of Sham Chung was around 1,000;
- (c) the Sham Chung wetland was man-made and not natural. The villagers inherited those land resources from their ancestors. It was unfair to prohibit villagers from developing their own land, and Government should resume their land and re-site the village if it was decided that the area had conservation value;
- (d) the villagers had requested Government to rebuild the footpath under the Rural Public Works Programme but the request was rejected. That

would affect the accessibility of the village; and

- (e) the proposals should strike a balance between the development right of indigenous villagers and the need for conservation.

[Mr. Andrew Tsang left the meeting at this point]

13. Mr. Li Kwok On, the other Indigenous Inhabitant Representative of Sham Chung Village, made the following main points:

- (a) the “CA” zoning of the footpath had constrained the widening or rebuilding of the footpath and in such circumstances, Government should rebuild another road for the village; and
- (b) their land was originally sold to a private developer in 1996 but subsequently, green groups advocated the idea of conservation for the area. The villagers were left without options. They could not stay in the village nor develop it.

14. Before the questioning session, the Chairman explained that all non-official Members of the Board were appointed on individual basis and did not represent any organisation or public body. Further, the Chairman indicated that the OZP was exhibited for public inspection and all members of the public, including Heung Yee Kuk, could have submitted representations. The Chairman then invited questions from Members.

15. In response to a Member’s question, Mr. W.K. Hui confirmed that in the proposed amendment to partially meet the representations, the amount of land zoned “V” remained at 2.64 hectares, which was the same as the area in the Development Permission Area (DPA) Plan and the current OZP. Although villagers had indicated that the Small House demand had increased, it was considered appropriate to maintain the same area of land under the “V” zone after balancing the need for conservation of the Sham Chung area and the fact that the current number of outstanding Small House applications was not high.

16. The same Member asked whether the “V(1)” zone was a new zoning and what was the percentage of “V(1)” zoned land within the “V” zone. Mr. W.K. Hui indicated that the planning intention of the “V(1)” zone was for village house developments. The lowland area in the middle of the DPA plan and the current OZP was originally designated as “V” but villagers considered that inappropriate and requested the old village settlement areas be zoned “V”. However, the Geotechnical Engineering Office of CEDD had in-principle objection to zoning the old village settlement areas “V” as they were located below steep natural slopes with instability records. To respond to the villager’s strong desire for Small House developments at the old village settlement areas, the “V(1)” zoning was proposed so that all future Small House development would require planning permission from the Board, with submission to demonstrate how the geotechnical concerns could be addressed. The amount of land zoned “V(1)” was approximately 25% to 30% of the total area of land zoned “V” on the draft OZP. The “V(1)” zoning was newly introduced in the Sham Chung OZP. However, it was not uncommon to have sub-zones under land use zonings such as “Government / Institution / Community” (“G/IC”) with specific restrictions under each sub-zone.

17. At the Chairman’s request, the Secretary explained to the Members that there were both “V” and “V(1)” zones on the Sham Chung OZP. The only difference between the two zones was that under the “V” zone, NTEH was always permitted, while under the “V(1)” zone, NTEH was a Column 2 use which would be subject to the Board’s approval. Similar restrictions had been introduced in the Tai Long Wan OZP where “House (NTEH only)” was a Column 2 use under the “V” zone, though that was for the purposes of conservation and ensuring compatibility of old and new developments. Hence, it was not the first time that NTEH was subject to a requirement for planning application under “V” zone.

18. A Member asked whether there were discussions among the indigenous villagers, PlanD and green groups on the proposed “V(1)” zone. Mr. W.K. Hui said that there were separate discussions with the villagers and CEDD. The “V(1)” zone, which was mainly to address geotechnical safety, was not the concern of the green groups. CEDD was of the view that although some slope stabilisation work had been undertaken, the safety of the entire slope area was uncertain and hence a more prudent approach should be adopted.



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

19. Mr. Li Chun Fai reiterated that the “V(1)” zone was unnecessary as it covered mainly the old village settlement areas. It would be a waste of the Board’s time to consider the planning applications when LandsD could exercise relevant control in processing Small House applications. It would also increase the villager’s burden as higher cost would be needed involving the preparation of planning applications.

20. A Member indicated that under the current practice, applications for Small House development submitted to LandsD would be circulated to Government departments including CEDD for comments. It appeared unnecessary for the Board to scrutinise the geotechnical safety of such development through the planning application process. Mr. W.K. Hui indicated that to his understanding, application for certificate of exemption for Small House developments could also include assessment of slope safety and site formation requirements.

21. In response to a Member’s question, Mr. W.K. Hui explained that there were existing village houses in the areas zoned “V(1)” on the Sham Chung OZP. Those houses in the southern “V(1)” zone were in better conditions while the houses in the northern “V(1)” zone (including the very narrow strip of land in the west) were dilapidated. Mr. W.K. Hui also advised that it was the villagers’ strong desire to retain the foothill area of the original settlement in the north for Small House development. Taken into account CEDD’s concern and villagers’ view, the areas were zoned “V(1)” so that planning applications for NTEH would be submitted together with a geotechnical assessment report for the Board’s consideration. In approving the planning application, relevant conditions could be imposed to ensure the implementation of slope works. In response to the same Member’s question, Mr. W.K. Hui advised that geotechnical concern was the main reason for proposing the “V(1)” zoning.

22. A Member asked whether CEDD had any plans for slope upgrading works in the area. Mr. W.K. Hui advised that CEDD had implemented slope upgrading works in some of the slope areas.

23. Mr. C.F. Li indicated that they had a strong request to zone the old village settlement areas “V” as rebuilding of old houses should be always permitted. He reiterated that it was unnecessary to require NTEH development to be subject to the Board’s permission, and to do so would only increase the villagers’ burden and would be unfair to the villagers. He requested the “V(1)” zone be amended to “V” zone. Mr. C.H. Li further indicated that should the “V(1)” zoning be retained, they would prefer zoning the land in front of the old village settlement area as “V”. Mr. K.W. Tang said that Board did not have authority to introduce the new “V(1)” zoning, since approval of Small House applications should be under the jurisdiction of LandsD and not the Board. Their ancestors had built houses in those areas for many years and there had not been any landslide problem. Hence, he considered the slopes not dangerous.

24. A Member asked whether rebuilding of the footpath was permitted within the “CA” zone, as the representers said earlier that District Office held a different view. Mr. W.K. Hui explained that road works were always permitted under all zones on the OZP as specified in the covering Notes of the OZP, and that the problem raised by the representers earlier might be related to requirements under EIA Ordinance.

[Prof. Edwin H.W. Chan arrived to join the meeting at this point.]

25. With regard to R2’s proposal to reinstate the disturbed wetland, the same Member asked whether it was technically feasible and whether there were concrete reinstatement plans. Mr. L.C. Wong said that it was technically feasible to reinstate the wetland by re-profiling the land as it was only disturbed by the dumping of soil. They had no concrete reinstatement plans but considered it feasible through co-operation of the landowners and experts. He also stressed that although Sham Chung was a man-made wetland, same as Mai Po, it had important ecological value. In fact, there was no natural wetland in Hong Kong.

26. As the representer and representer’s representatives had finished the presentations and Members had no questions to raise, the Chairman said that the hearing procedures had been completed and the Board would then deliberate on the representations in their absence and would inform them of the decision in due course. The Chairman thanked the representer, the representer’s representatives and Government representatives

for attending the hearing. They all left the meeting at this point.

### Deliberation Session

27. The Chairman indicated that as the Heung Yee Kuk had not submitted a representation in respect of the Sham Chung OZP, there was no need for Members who were also members of Heung Yee Kuk to declare interest on this item.

28. A Member asked whether the “V(1)” zone could be reverted to the “V” zone, noting that the geotechnical concerns could be addressed under the existing mechanisms for Small House applications to be processed by LandsD. At the Chairman’s request, Miss Annie Tam explained that under the current practice, LandsD would circulate Small House applications to relevant Government departments, including the CEDD, PlanD, Transport Department, Drainage Services Department, for comments. If the application was considered acceptable, relevant conditions might be imposed in the Small House grant. On the subject zoning matters, Members would have to consider whether the area zoned “V(1)” was considered suitable for Small House developments. On the matter of geotechnical concerns, there was no difference whether it was to be processed through the land administration or planning application systems, as CEDD would be the authority to provide their technical views.

[Ms. Maggie M.K. Chan and Mr. Maurice W.M. Lee arrived to join the meeting at this point.]

29. The Secretary provided some background information and said that in the preparation of the DPA plan and OZP for Sham Chung, CEDD considered that some areas at the bottom of the slope, currently proposed to be zoned “V(1)”, were not suitable for house development, and hence were previously zoned “GB”. A private developer had previously prepared a development plan for Sham Chung. However, there was a change of plans and the Section 12A planning application on the development proposal as well as its representation to the OZP were withdrawn. In PlanD’s consultation with the local villagers, the villagers indicated their preference for Small House development on the old village settlement area over the flat land in the middle of the OZP zoned “V” on the current OZP as it had flooding problems and did not belong to the villagers. The proposed

“V(1)” zoning was to balance the villager’s request and CEDD’s concern, in that Small House development would be permitted if the geotechnical concerns could be resolved. The crux of the matter was whether the land was suitable for Small House development from the planning perspective. The Secretary said that in terms of land use, it might be considered suitable because it was the old village settlement area. However, from CEDD’s perspective, it was not suitable if the geotechnical concerns could not be resolved.

30. A few Members agreed that the “V(1)” zone was not necessary in view that the current Small House application processed by LandsD would also be circulated to CEDD for comments. A Member also indicated that the very narrow strip of land in the western portion of the northern “V(1)” zone was inappropriate and should not be rezoned as “V(1)”. However, the same amount of “V” land should be compensated elsewhere.

31. In response to a Member’s question, the Secretary advised that it was the first time that geotechnical concerns were the sole reason for requiring Small House development to be subject to planning permission, since normally those areas with natural terrain hazard would not be zoned for developments. In the Tai Long Wan OZP mentioned earlier, nature conservation and compatibility of the old and new settlements were the reasons for requiring NTEH to be subject to planning permission.

32. A Member said that under the planning application system, the Board might impose planning conditions and if the applicant did not fulfil the conditions, the planning permission could be revoked. In this regard, there might be better control on the implementation of geotechnical improvements through a planning application system.

33. Another Member asked what the difference between “V” and “V(1)” zones would be in handling Small House application with potential geotechnical problem. The Secretary explained that under the “V(1)” zoning, the geotechnical assessment report would have to be submitted at the stage of planning application, before an application to LandsD was made. The authority for geotechnical matters would still be with CEDD.

34. A Member said that as a matter of principle, the Board should consider whether the area was suitable for village type development given CEDD’s strong objection due to natural terrain hazards. Another Member considered that it could be zoned “V” as

CEDD would still ensure that the geotechnical concerns were addressed through the Small House application procedures handled by LandsD.

35. The Chairman summed up the discussion about the “V(1)” zone and said that in general, Members agreed to designate the “V(1)” zones to “V” so that Small House development would always be permitted and application for Small House would be processed by LandsD under normal procedures. The geotechnical issue would be addressed at the stage of Small House grant. Members agreed.

[Mr. Rock C.N. Chen arrived to join the meeting at this point.]

36. In respect of R2's proposed amendment to the planning intention in the ES of the “AGR” zone at the meeting, the Secretary informed Members that the planning intention as presently worded had been carefully considered by the Board in considering the representations to the previous DPA plan and in considering the OZP. Members considered it not necessary to amend the ES as the current description of the planning intention was appropriate for the “AGR” zone in Sham Chung. Mrs. Ava S.Y. Ng suggested that CEDD’s geotechnical concern and the need for geotechnical assessments for Small House development should be added to the ES of the “V” zone. Members agreed. The corresponding amendments to the OZP, Notes and ES should be submitted to the Board for consideration as soon as possible.

37. The Chairman then went through the proposed amendments to partially meet the representations as detailed in para. 5.1 of the paper and Members agreed to the following:

- (a) to rezone an area to the east of the “CPA” from “V” and “AGR” to “CPA” (R1 and R5);
- (b) to extend the “V” zone towards the northeast of the OZP by rezoning the area from “AGR” to “V” (R6 to R44); and
- (c) to rezone areas with old village settlements along the bottom of hill in the north and south-east from “AGR”, “GB” and “CA” to “V” (R6 to R44).

38. Members then went through the suggested reasons for not upholding the remaining parts of the representations as detailed in paras. 7.2 and 7.3 and considered that they were appropriate.

Representation No. 1 to 4

39. After deliberation, the Board decided to partially uphold Representation R1 to R4 by rezoning an area to the east of the “CPA” from “V” and “AGR” to “CPA”. The Board decided not to uphold the remaining parts of the representation for the following reasons:

- (a) the “AGR” zoning for the turfed area in the middle of Sham Chung was considered more appropriate than “GB”, “CA” or “CPA” as the “AGR” zoning reflected the lease entitlement of the land and the existing condition of the area. The planning intention of “AGR” zone had specified the need to encourage ecological restoration and to reflect the wetland characteristic of the area;
- (b) the amount of land reserved for “V” zone on the OZP was considered appropriate after balancing the need for conservation of the Sham Chung area and the provision of land for village development; and
- (c) for protection of stream courses, the current zonings of “AGR”, “GB” and “CA” for the adjoining areas were considered adequate and planning permission from the Board was required for any diversion of streams or filling of land under these zonings.

Representation No. 5

40. After deliberation, the Board decided to partially uphold Representation R5 by rezoning an area to the east of the “CPA” from “V” and “AGR” to “CPA”. The Board decided not to uphold the remaining part of the representation for the following reasons:

- (a) the “AGR” zoning for the turfed area in the middle of Sham Chung was considered more appropriate than “GB”, “CA” or “CPA” as the “AGR” zoning reflected the lease entitlement of the land and the existing condition of the area. The planning intention of “AGR” zone had specified the need to encourage ecological restoration and to reflect the wetland characteristic of the area; and
- (b) the amount of land reserved for “V” zone on the OZP was considered appropriate after balancing the need for conservation of the Sham Chung area and the provision of land for village development.

Representations No. 6 to 44

41. After deliberation, the Board decided to partially uphold representations R6 to R44 to extend the “V” zone towards the northeast of the OZP and to rezone the northern and south-eastern parcels of land to “V”. The Board decided not to uphold the remaining part of the representations for the following reasons:

- (a) the land use proposal on the OZP was to strike a balance between conservation and village development. For the old village settlement site on the south-west of the OZP, the “GB” zoning was considered appropriate having regard to the existing rural, landscape and ecological character of the surrounding area especially the close proximity of the ecological important stream; and
- (b) the main portion of the existing footpath to the ferry pier and Yung Shue O was not covered by OZP. For the small portion covered by the “CA” zone, road works were always permitted under the zone.

[Ms. Julia M.K. Lau and Mr. Y.K. Cheng arrived to join the meeting at this point and Mr. Walter K.L. Chan left the meeting temporarily at this point.]

**Agenda Item 4**

[Open Meeting]

Proposed Amendments to the Draft Tsim Sha Tsui OZP No. S/K1/25 Arising from the Consideration of Representations and Comments on OZP No. S/K1/23

(TPB Paper No. 8557)

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[The meeting was conducted in Cantonese.]

42. The Secretary reported that the following members had declared interests on this item:

Mrs. Ava S.Y. Ng <i>as the Director of Planning</i>	]	being non-executive director of Urban Renewal Authority (URA)
Ms. Annie Tam <i>as the Deputy Director of Lands</i>	]	being non-executive director of URA
Mr. Walter K.L. Chan	]	
Mr. Maurice W.M. Lee	)	being a former non-executive director of URA with the term of office ended on 30.11.2008
Mr. Stephen M.W. Yip	)	
Mr. B.W. Chan	:	being the chairman of the Appeal Board Panel under the URA Ordinance
Dr. James C.W.Lau	:	being a member of the Appeal Board Panel under the URA Ordinance
Mr. Andrew Tsang <i>as the Assistant Director of Home Affairs</i>	:	being an assistant to the Director of Home Affairs who was a non-executive director of URA
Professor Edwin H.W. Chan	]	being members of the Home Purchase Allowance Appeals Committee
Ms. Maggie M.K. Chan	]	
Mr. Raymond Y.M. Chan	:	being a member of the Home Purchase Allowance Appeals Committee and owned a property at Hillwood Road
Ms. Anna S.Y. Kwong	:	owned a property at Granville Road
Dr. James C.W. Lau	:	spouse owned a property at Austin Road



43. The Secretary said that according to the Board's Procedure and Practice, Members who had connection with the URA project site should declare their interests but they could stay at the meeting as the project had already been completed. The meeting agreed that Members only having associations with URA could stay and participate in the discussion of and deliberation on the item. However, the interests of Mr. Raymond Y.M. Chan, Ms. Anna S.Y. Kwong and Dr. James C.W. Lau who owned properties in the Tsim Sha Tsui area were direct and should be invited to leave the meeting temporarily during the discussion and deliberation of this item. The meeting noted that Mr. Raymond Y.M. Chan had tendered apologies for not being able to attend the meeting, Ms. Anna S.Y. Kwong had not arrived to join the meeting and Dr. James C.W. Lau left the meeting temporarily at this point.

#### Presentation and Question Session

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

Mr. Wilson Chan - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK)

Ms. Kitty Chiu - Senior Town Planner / TWK

Ms. Ginger Kiang - Chief Town Planner/Urban Design and Landscape

45. With the aid of a Powerpoint presentation, Mr. Wilson Chan made the following main points as detailed in the paper:

- (a) on 25.4.2008, the draft Tsim Sha Tsui OZP No. S/K1/23 (the Plan), incorporating mainly new building height (BH) restrictions for various zones and some other zoning amendments, was exhibited for public inspection under section 5 of the Ordinance. A total of 305 valid representations were received during the two-month exhibition period;
- (b) on 3.12.2008, the Board heard the representations and comments and decided to uphold R289 and partially uphold R59 to R288 and R290 to

R294. It was also agreed that the proposed amendments to the Plan under section 6B(8) of the Ordinance to meet or partially meet the said representations should be submitted to the Board for further consideration;

(c) the following amendments were agreed by the Board at its meeting on 3.12.2008:

- (i) proposed amendment to meet R289 - revisions to clarify that public roads where the non-building area requirement was applicable under Remark (11) of the Notes (was Remark (10) on the then draft OZP No. S/K1/23) for the “Commercial (1)” (“C(1)”), “C(2)” and “C(6)” sub-zones referred to the area shown as ‘Road’ on the Plan (except Nathan Road and Chatham Road South which were wider for air ventilation);
- (ii) proposed amendment to partially meet R59 and R290 to R294 - provision for minor relaxation of the 1.5m wide non-building area restriction under the “C(1)”, “C(2)” and “C(6)” sub-zones on application to the Board under section 16 of the Ordinance;
- (iii) proposed amendment to partially meet R62 - provision to allow for minor relaxation of the 15mPD BH requirement within the “C(8)” sub-zone;
- (iv) proposed amendment to partially meet R63 to R288 – for Tsim Sha Tsui East area, the BH restrictions for the waterfront sites zoned “C” to the southeast of Mody Road should be amended from 60mPD to 80mPD and, that for the sites zoned “C”, “C(3)” and “C(5)” to the northwest of Mody Road should be amended from 60mPD to 95mPD; and
- (v) ‘relaxation scheme’ to partially meet R59, R60 to R62 and R63 to R288 - the Board agreed to make provision for a ‘relaxation scheme’ (referred to as ‘incentive scheme’ at the time of the

representation hearing in 2008) to allow “C” sites approaching certain size to apply for relaxation of the BH. The purpose was to encourage amalgamation of small sites into larger sites for Grade A office development subject to meeting a number of assessment criteria. PlanD was requested to refine the assessment criteria and consider further how the ‘relaxation scheme’ would be incorporated into the Plan;

- (d) after taking into account views expressed by Members at the meeting on 3.12.2008, views of stakeholders and other technical consideration, the ‘relaxation scheme’ was refined as detailed in Section 4 of the paper and highlighted below:
- (i) site area and coverage requirement criterion – the minimum site area requirement for applying the ‘relaxation scheme’ was proposed to be reduced from 2,000 sq.m. to 1,800 sq.m.;
  - (ii) building disposition and orientation criterion - proposed to be refined as *“suitable building disposition and orientation to avoid obstruction of prevailing wind, particularly in the summer season, for improved air ventilation”*. ‘Building disposition’ was added to the criterion for clarity;
  - (iii) green coverage criterion – proposed to be refined as *“a minimum 20% of the gross site area provided with uncovered greenery at street level or the lowest 3 floors above ground level for improved micro-climate and general amenity”*. For clarity, ‘site area’ was changed to ‘gross site area’ and ‘green coverage visible to pedestrians’ was changed to ‘uncovered greenery at street level or the lowest three floors above ground level’;
  - (iv) landscaped ground floor setback criterion – proposed to be refined as *“landscaped ground floor set back of at least 3m from the site boundary along the façades facing principal streets, open space, waterfront or public promenade”* For clarity, the proposed

setback was changed from “3-5m or 1/10 of the depth of the site, whichever is the greater” to 3m and public space was changed to “open space, waterfront or public promenade”;

- (v) building gap criterion – proposed to be refined as “*if the site frontage exceeding 100m facing a principal street, open space, waterfront or public promenade, there should be provision of building gap(s), the total width(s) of which should not be less than half of the total building width(s) to promote air and visual permeability*”. The wording were refined for clarity;
- (vi) improved streetscape criterion – proposed to be refined as “*improved streetscape, footpath and public space for better pedestrian environment with suitable landscape design*”. The refined criterion had replaced ‘public circulation space’ by a broader term ‘public space’;
- (vii) basement carpark criterion – a new criterion “*provision of carpark entirely underground to encourage the minimization of building bulk above ground*” was proposed;
- (viii) other factors criterion – proposed to be refined as “*other relevant factors or design merits to justify a relaxation of the building height restrictions as stipulated on the Plan*”. ‘Uniqueness of building design’ was removed as stakeholders considered it difficult to define; and
- (ix) the original criteria about “*design justifications for the relaxed building height*” and “*sensitive building disposition and height to avoid visual barrier to existing hill backdrop, skyline, harbour, promenade and major public open space*” were regarded as basic requirements for all applications for relaxation on BH restrictions and were proposed to be expressed as general statements in the ES of the Plan;

- (e) the 'relaxation scheme' was proposed to be incorporated into the Tsim Sha Tsui OZP as follows:
- (i) applicable only for "C" zones in Tsim Sha Tsui with the exception of three "C" sites where the permissible BHs were already much taller than the general BH profile in the area (i.e. New World Centre up to 265mPD designated "C(7)", Ocean Centre at 386.7mPD designated "C(8)" and the Masterpiece & K11 Mall at 250mPD designated "C(10)");
  - (ii) provision had been made in the Notes of the "C" zone that the maximum plot ratio of 12 might be exceeded in circumstances as set out in Building (Planning) Regulations (B(P)R), sections 22(1) or (2). Hence, developers could decide if the non-building area stipulated under the Plan and the proposed setback under the 'relaxation scheme' were to be dedicated for public use. Whether bonus site coverage and plot ratio would be granted was a matter to be dealt with under the B(P)R that was under the jurisdiction of the Building Authority; and
  - (iii) provision for the 'relaxation scheme' would be included in the ES and Notes of the "C" zone; and
- (f) the Board was invited to agree that:
- (i) the proposed amendments to the draft Tsim Sha Tsui OZP and the Notes set out at Annexes I and II of the paper were suitable for publication for public inspection in accordance with section 6(C)1 of the Ordinance; and
  - (ii) the revised ES at Annex III of the paper was suitable for publication together with the Plan.

46. A Member asked about the rationale for the proposed amendments to the BH restriction for Tsim Sha Tsui East. Mr Wilson Chan explained that the proposed amendment was agreed by the Board at its meeting on 3.12.2008 to meet representations no. R63 to R288. The Board agreed to amend the BH of the “C” sites in the Tsim Sha Tsui East area from 60mPD to 80mPD and 95mPD so as to follow a stepped height profile.

47. Another Member asked for clarification on the proposed amendment regarding the green coverage criterion. Ms. Ginger Kiang explained that the rationale for the green coverage requirement was for improving the streetscape, and hence the original criterion indicated greenery visible to pedestrians. For more certainty and clarity after consultation with stakeholders, the wording were now refined as “uncovered greenery at street level or the lowest three floors above ground level”. That would normally cover the ground and podium floors at the lower levels that would be more effective for improving the general amenity for pedestrians.

48. That Member also asked whether it was possible to include the requirement for provision of street art in the list of criteria. Mr. Wilson Chan indicated that the provision of street art could be considered as falling within the ‘other factors’ criterion. It might be clearly stated in the criteria if Members considered it appropriate. After some discussions, Members considered that it was not necessary to make amendments in that regard, as it was difficult to have a clear definition of street art.

49. As there were no further questions from Members, the Chairman summed up that the Board agreed that the proposed amendments to the draft Tsim Sha Tsui OZP No. S/K1/25 as shown at Annexes I and II of the paper were suitable for publication for public inspection in accordance with section 6C(1) of the Ordinance; and the revised ES at Annex III of the paper was suitable for publication together with the Plan. Members agreed.

[Dr. James C.W. Lau and Mr. Walter K.L. Chan returned to join the meeting at this point.]

**Agenda Item 5**

[Open meeting]

Kai Tak Development – Public Engagement Programme on Preservation  
of Lung Tsun Stone Bridge Remnants  
(TPB Paper No. 8550)

[This item was conducted in Cantonese]

50. The following representatives of the study team were invited to the meeting at this point:

- |                  |   |   |
|------------------|---|---|
| Ms. Jessica Chu  | - | Senior Town Planner / Kowloon, PlanD                          |
| Mr. Stephen Tang | - | Head (Kai Tak Office), CEDD                                   |
| Mr. Peter Chui   | - | Senior Engineer/ Kowloon CEDD                                 |
| Mr. Kevin Sun    | - | Curator (Archaeology), Antiquities and Monuments Office (AMO) |
| Mr. Igor Ho      | - | AECOM Asia Co. Ltd.   |

51. The Chairman extended a welcome and invited Mr. Stephen Tang to brief Members on the paper.

52. With the aid of a powerpoint presentation, Mr. Stephen Tang made the following main points as detailed in the paper:

- (a) purpose of briefing - to provide Members with information about the public engagement programme on the preservation of Lung Tsun Stone Bridge remnants and to seek Members' views on the preservation arrangement and the public engagement programme;
- (b) background - the Lung Tsun Stone Bridge (the Bridge) remnants were unearthed between 2008 and 2009 during the archaeological investigations for the Kai Tak Development carried out by the CEDD. Given its historical significance, "in-situ preservation" of the Bridge remnants was recommended under the EIA of Kai Tak Development approved in March 2009. The heritage assessment in the Conservation

Management Plan (CMP) prepared by the AMO and considered by the Antiquities Advisory Board (AAB) on 4.12.2009 had classified the extant sections of the original Bridge and the Pavilion of high significance;

- (c) history - the Bridge was built between 1873 and 1875 with a total length of about 200m. At the landward end of the Bridge, there was a two-storey pavilion known as the “Pavilion for Greeting Officials” (the Pavilion). A wooden extension of about 80 metres was added in 1892. The Lok Sin Tong played a leading role in raising fund for the bridge extension. In 1910, the timber extension of the Bridge was replaced by a concrete structure. The landward portion of the Bridge, including the Pavilion was buried during the Kai Tak reclamation in 1920s. The surviving seaward portion of the Bridge continued in use until 1930s providing ferry services running among Hong Kong Island, Hung Hom and Kowloon City. Subsequently, both the Bridge and the pier’s concrete extension were demolished and buried under the new reclamation for Kai Tak Airport in 1942 during the Japanese occupation in World War II;
- (d) principles for preservation of the Bridge remnants: –
  - (i) the Bridge remnants had to be preserved in-situ as a special cultural heritage asset;
  - (ii) convenient access and proper setting for the Bridge site should be provided to echo with the historical context for the bridge itself as a transport node and its vicinity as an activity place; and
  - (iii) linkage with cultural/heritage resources in Kai Tak and its surrounding areas as highlighted in Annex 3 of the paper, in particular Kowloon Walled City Park, should be established to promote public awareness of Hong Kong’s local history;



- (e) method of exhibition - some examples were shown as follows:-
- (i) to protect by a glass cover - examples at the Ruins of St. Paul's in Macau (澳門大三巴牌坊) and a Song Dynasty archaeology site at Beijing Road in Guangzhou (廣州北京路宋代遺址);
  - (ii) to fence off and allow observation from above – example at the Museum of Qin Shihuang Terracotta Warriors and Horses in Xi'an (西安秦始皇兵馬俑)
  - (iii) to fence off and allow observation at close distance – examples at Jinsha Museum in Chengdu (成都金沙遺址博物館); and the New Acropolis Museum in Athens;
- (f) public engagement programme:-
- (i) Stage 1: Understanding Concerns and Envisioning - to enhance public understanding of the issues, and to identify and agree to the guiding principles and the overall approach for the preservation and associated planning implications. Activities comprised presentations to the Wong Tai Sin District Council (DC) on 11.5.2010, Kowloon City DC on 13.5.2010, AAB on 17.5.2010, as well as two community envisioning workshops cum site visit on 19 and 26 June 2010. Public views would be collected through correspondence, telephone and website. The comments received would be summarised and posted on website for public information. There would also be advertisements and media briefing in the coming weeks.
  - (ii) Stage 2: Building Consensus and Moving Forward – to build consensus on the preservation and interpretation option. The views collected at Stage 1 would be consolidated, reviewed and analysed for the formulation of a preferred option. Forums or further workshops would be arranged before end 2010 to present

the findings and way forward. In formulating the preferred preservation option, the community's views and aspirations collected in the public engagement exercise would be taken on board with a view to striking a proper balance between conservation and development in Kai Tak.

53. Members thanked the Study team for providing the briefing. Pertaining to specific issues, the following views were expressed by individual Members:

*Method of Exhibition*

- (a) the use of glass cover to protect the Bridge was not preferred as it would prevent close encounter with the heritage and the above ground glass cover would become rundown very easily;
- (b) methods that would provide more direct relationship and closer view of the Bridge, such as the examples shown in the presentation at Athens and Chengdu should be explored;
- (c) there was suggestion for a method of exhibition that led visitors directly underground to allow a close view of the heritage. An example was the Hangyangling (漢陽陵) near Xi'an. For such underground exhibition method, activities and special commercial elements, such as shops selling original local products, were essential to instil vibrancy at the ground level;
- (d) there should be a museum near the Bridge to feature the history of the Bridge as well as the rich cultural and historical resources of Kowloon City. This would be similar to the Museum of Sacred Art and Crypt adjacent to the Ruins of St. Paul's in Macau or the Chinese People's Anti-Japanese War Museum near the Luguo Bridge (盧溝橋);
- (e) there was suggestion for a method of exhibition that would allow visitors to experience walking over the Bridge. The Bridge could be extended at

the two ends by using stone replicas, and the remnants portion might still be walked over with suitable protection. Similar method was used at the Quanzhou Luoyang Bridge (泉州洛陽橋) which was broken and some stones were replaced over time without affecting its historical value. Other examples of heritage bridge that could also be walked over was the Lugu Bridge and Xiangzi Bridge in Chaozhou (潮州湘子橋);

*Focus of the Preservation Project*

- (f) the focus of the project was to create an integrated tourist, educational and historical attraction;
- (g) the architectural, artistic and heritage value of the Bridge itself was not high, and it would be more important to emphasize its historical value and link it back to the rich cultural and heritage resources of the District or the Territory;
- (h) the preservation project could adopt a time tunnel theme that would connect the past, present and future cultural and historical resources of the District. The special features could include Kai Tak as a transport node, an important pier where Qing soldiers went ashore and the Kai Tak airport in the past and the Cruise Terminal in the future;
- (i) the project could be a showcase of our history. Building on those cultural and historical resources identified in Annex 3 of the paper, more resources in the Kai Tak and its surrounding areas should be identified to enrich the preservation project. That might include the history about Sir Kai Ho and Mr. Au Tak who were the predecessors originally proposing to build a garden estate at Kai Tak;

*Impact on the Outline Zoning Plan*

- (j) the land parcels around the Bridge remnants were currently zoned for commercial or residential uses. The OZP would need to be reviewed to

better integrate suitable land uses with the preservation project;

*Others*

- (k) the study team should conduct more detailed comparative studies on the preservation of stone bridges, such as the one at Quanzhou (泉州), to gain a better understand of the uniqueness of the Bridge. Overseas examples specifically about exhibition of bridges should also be studied;
- (l) there were suggestions for the preservation project to feature people who dress up (e.g. as Qing soldiers) to act out the historical scenes. Similar examples were found in the Summer Palace (頤和園) and Yuan Ming Yuan (圓明園) in Beijing where actors successfully re-created the past scenes and ambience; and
- (m) there should be proposals to improve accessibility between Kai Tak and Kowloon City, especially the need to cross over Prince Edward Road East.

54. With regard to the current zonings on the OZP, Mr. Stephen Tang said that after the public engagement, there might be a need to request the Board to amend the zonings to accommodate the preservation project as a whole. He thanked Members for their valuable comments and indicated that the comments would be carefully considered. The Chairman thanked the study team for their briefing to Members.

**Agenda Item 6**

[Open Meeting]

**Review of the Urban Renewal Strategy – Concensus Building Stage  
(TPB Paper No. 8549)**

[This meeting conducted in Cantonese]

55. The following members had declared interests on the item:

Mrs. Ava S.Y. Ng <i>as the Director of Planning</i>	]	being non-executive director of Urban Renewal Authority (URA)
Miss Annie Tam <i>as the Director of Lands</i>	]	
Mr. Walter K.L. Chan	]	
Mr. Maurice W.M. Lee	)	being a former non-executive director of URA with the term of office ended on 30.11.2008
Mr. Stephen Yip	)	
Mr. B.W. Chan	:	being the chairman of the Appeal Board Panel under the URA Ordinance
Dr. James C.W.Lau	:	being a member of the Appeal Board Panel under the URA Ordinance
Mr. Raymond Y.M. Chan	]	being members of the Home Purchase Allowance Appeals Committee
Professor Edwin H.W. Chan	]	
Ms. Maggie M.K. Chan	]	
Mr. Andrew Tsang <i>as the Assistant Director of Home Affairs</i>	:	being an assistant to the Director of Home Affairs who was a non-executive director of URA

56. As the item was a general briefing on the Urban Renewal Strategy Review (the URS Review) and no decision was required, the meeting agreed that the above Members could stay in the meeting and join the discussion.

57. The following persons were invited to the meeting:

Mrs. Carrie Lam	-	Secretary for Development (SDEV)
Mr. Raymond Cheung	-	Political Assistant to SDEV
Ms Jane Kwan	-	AS (Urban Renewal)4, Development Bureau (DEVB)
Mr. C.W. Yu	-	Press Secretary to SDEV

58. Mrs. Carrie Lam greeted all Members and welcomed the new Members to the Board. She said that in a meeting held in October last year, she briefed Members on the

Government's policy on revitalisation of old industrial buildings. She informed Members that since the formal launch of the new initiatives in April 2010, the response had been positive and up to the end of May, Lands Department had already received 14 applications. One of these applications was for redevelopment and one could not be processed further because it did not meet the criteria. The other 12 applications were all for wholesale conversion of old industrial buildings (all under single ownership) for various uses including office, retail, hotel and eating places. It was hoped that the current efforts through the land administration process could build on the past efforts of the Town Planning Board to help release the potential of the industrial building stock and revitalise the industrial areas.

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

59. Mrs. Carrie Lam then briefed Members on the URS Review and made the following main points:

- (a) the current URS was published in 2001 to provide broad policy guidelines for the work of the URA. URA had accomplished a lot since its establishment, including some 40 redevelopment, rehabilitation and preservation projects. However, at the same time, the projects had led to much controversy and criticisms. In 2008, the Government decided to conduct a comprehensive review of the URS to ensure that it would continue to reflect the aspirations and priorities of the community and take account of the Government's new policies on heritage preservation and building rehabilitation;
- (b) the URS Review was launched in July 2008 and would take two years to complete. The review was conducted in three stages – 'Envisioning Stage' in which the public were engaged with no pre-set framework for the purpose of setting the agenda for the review process, and the range of topics and issues for discussion; 'Public Engagement Stage' in which the public were engaged to discuss the seven major topics on urban renewal identified at the Envisioning Stage; and the 'Consensus Building Stage' in which the public were engaged to focus discussion on the ten

preliminary proposals. The 'Consensus Building Stage' would be completed in June 2010. After that, the Administration would consolidate all the findings with a view to amending the URS for promulgation by end 2010 / early 2011;

- (c) seven topical research studies were carried out in the course of the URS Review. The topical studies included a comparative 'Policy Study on Urban Regeneration in six Asian Cities (Seoul, Tokyo, Singapore, Taipei, Shanghai and Guangzhou)' (Policy Study), and a Tracking Survey on URA Redevelopment Projects that tracked the impact of URA projects on relocated residents and businesses;
- (d) the review process was open and transparent. The public were invited to attend all engagement activities and the minutes of the Steering Committee meetings were uploaded to the URS Review website;
- (e) the 10 preliminary proposals were detailed in the "Public Views and Future Direction - Paper for the Consensus Building Stage of the Urban Renewal Strategy Review" booklet (the booklet). Some of those preliminary proposals were related to implementation details, including compensation and rehousing, the Social Service Team and their role, and the financial arrangements between Government and URA. The proposal more relevant to the work of the Town Planning Board was the proposed adoption of a 'bottom-up' and 'district based' approach to urban regeneration, which involved the proposed establishment of District Urban Regeneration Forum (DURF);
- (f) as revealed in the Policy Study, the other six Asian cities had designated priority areas for redevelopment at the planning stage. On the contrary, Hong Kong did not have such. Although the URA had a list of target areas for redevelopment, the locations of the specific building clusters or neighbourhoods in those target areas were classified as sensitive and highly confidential. The major consideration behind that was to prevent and reduce abuse and speculations given the public money and potential

financial gains involved. The need for such confidentiality was a major obstacle to owner participation as the local community could not be engaged and involved in the planning of the renewal projects at an early stage. The confidentiality principle would need to be reviewed if the 'bottom-up' and 'district based' approach was to be adopted in the future;

- (g) the first preliminary proposal as outlined in the booklet was that urban regeneration would be planned at the district level, adhering closely to the 'people-centred' principle and putting into implementation the 'bottom-up' and 'district-based' approach. A concrete proposal to achieve those objectives was to set up DURF in the URA districts. The functions, proposed composition and mode of operation of the DURF were detailed in the booklet. DURF should help the work of the Town Planning Board which statutory function would not be affected. The DURF was to strengthen urban renewal planning at the district level making reference to the results of the 'Urban Regeneration - District Aspiration Studies';
- (h) the 'Urban Regeneration - District Aspiration Studies' were conducted during the URS Review. The seven District Councils within the nine URA target areas were invited to conduct a study of their own district in order to identify their aspirations for urban regeneration at the district level. The District Aspiration Studies were conducted by professional consultants including the University of Hong Kong and Chinese University of Hong Kong;
- (i) another topical study was the on-going Building Conditions Survey, which was conducted to update the database on the structural conditions of some 18,000 private buildings aged 30 years or above within the URA target areas;
- (j) the DURF would make reference to the findings of the Building Conditions Survey and, through district planning work, advise the Government on urban renewal. Advice would include local aspirations



for and views on urban regeneration, regeneration areas, redevelopment sites / clusters / streets, targets and the means for preservation, and factors important for the local economy and social networks;

- (k) it was suggested that a pilot run of DURF be launched in one or two URA districts before the scheme should be extended to other URA districts. DURF would be an advisory and not a statutory body. It should not be considered as a district arm of the Town Planning Board. The Board would continue its statutory functions under the Town Planning Ordinance. DURF would have no direct relationship with the URA. DURF would build its work on the district planning work of the District Planning Offices of Planning Department, which with appropriate resources would provide secretariat and professional planning support (including conducting planning studies) to DURF. URA could act as implementer and could provide funding to some research work;
- (l) the DURF would adopt an open and transparent approach in operation and would encourage public participation, similar to the mode of operation of the Harbour-front Enhancement Committee. The DURF should be led by professionals and there was a firm view that its work should not be politicised. The Chairman should preferably be a professional familiar with urban renewal issues. The proposed membership should include district councillors, area committee members, professionals, social welfare organisations, resident groups and business associations in the district.

60. Members thanked Mrs. Carrie Lam for her briefing. Pertaining to specific issues, the following views were expressed by individual Members:

*General Principles*

- (a) a more open approach for the identification of priority redevelopment areas, and the disclosure of more information to enhance transparency of the process was supported. With the opening up of the process, the

information on target development areas that had been kept confidential should be made public where appropriate to facilitate the work of DURF. The problem should not be insurmountable as long as the information was available to all and no one had an edge over the others;

- (b) the approach of identifying local characteristics and district vision through the District Aspiration Studies was supported as urban regeneration could then be pursued in a holistic manner rather than piecemeal through redeveloping individual buildings;

*DURF and Other Institutional Matters*

- (c) supported setting up of DURF and the district-based, people-centred and bottom-up approach to urban renewal. That approach would help build consensus on urban renewal schemes at an early stage, and the Town Planning Board could concentrate on its statutory role in plan making;
- (d) supported the proposed DURF to be a local forum independent of the District Council and with professionals as members. It would also be necessary to include dissenting views of people from a wider community;
- (e) consideration should be given to aligning resources to enable implementation of visions for the district and district improvement and beautification projects identified by DURF;
- (f) the findings of the Policy Study pointed to the advantage of an integrated approach for urban renewal projects. For example, in Singapore, urban renewal projects were implemented by a single body, the Urban Redevelopment Authority, encompassing the functions of planning, heritage preservation and urban renewal. It was for consideration whether a similar approach of integration and co-ordination could be introduced under the current framework in Hong Kong;

- (g) the Social Service Team did not have adequate resources and their work was currently confined mainly to providing assistance to existing tenants. There was a need to provide real estate agent type of service for affected owners;
- (h) one of the main objectors in urban renewal projects were shop owners. As the 'shop for shop' option was not feasible, there might be a need for a business service team to provide assistance to shop operators;

*Aspects of Urban Regeneration*

- (i) rehabilitation was also important in the urban regeneration process and it would be more environmental friendly as compared with bull dozing for redevelopment. The role of URA and the Hong Kong Housing Society (HKHS) in rehabilitation work should be clarified. For example, URA could be asked to concentrate on regeneration work while HKHS on rehabilitation;
- (j) revitalisation work should be strengthened and that would likely require a dedicated team to improve both the hardware and software of the projects. In that regard, it would be beneficial if URA could keep some properties in their ownership in the future (which was not permitted under the current Urban Renewal Authority Ordinance) to allow a better control on the tenant mix and hence a greater possibility to promote revitalisation;
- (k) improving greening was important, and a green coverage should be specified in planning / development briefs of urban renewal projects;
- (l) there should be specifications for providing street art in urban renewal projects, as they were important for improving the quality of the living environment. In other countries, a certain percentage of the project cost was to be designated for the provision of street art;

*Mediation and Compassionate Consideration*

- (m) multi-party mediation should be made compulsory during the urban renewal process to facilitate engagement, negotiation and agreement on urban renewal schemes to reduce conflicts;
- (n) there were some areas in the process, like compensation for illegal occupancies, which were currently handled through administrative means on a case-by-case basis. There might be a need to establish a special tribunal to handle hardship cases on compassionate grounds. Another Member disagreed with the setting up of yet another committee as those matters could be settled through the mediation process;

*Others*

- (o) in recent years, the Town Planning Board had adopted a general principle to reduce development intensity and building heights, and to request for provision of public open space and streetscape beautification in URA schemes. However, for schemes where property owners intended to undertake redevelopment of their own accord, the owners might ask for maximisation of the development intensity and hence their own profit. The Board would have the role to balance the aspiration of the community and the right of individual owners;
- (p) with regard to the engagement process, reference might be made to that carried out for the West Kowloon Cultural District where separate discussion meetings were held with different sectors to prevent the discussion being dominated by certain groups. Some general forums could be held to consolidate views expressed by different sectors.

61. Mrs. Carrie Lam responded to the comments and questions as follows:

*General Principles*

- (a) the support for adopting a more open and transparent approach in the urban renewal process was welcomed;

*DURF and Other Institutional Matters*

- (b) welcomed Members' appreciation of the benefit of DURF to the work of the Town Planning Board, as conflict might be resolved at an earlier stage so that the Board could concentrate on its statutory role in plan-making. Welcomed Members' understanding that DURF would not affect the statutory and independent status of the Board, and would in fact complement the Board's work as local matters would have been thoroughly deliberated at the local level and the Board could take into account those views in its work;
- (c) as Government had different policy priorities, proposals of DURF would have to compete for resources with other proposals but they justified some priorities;
- (d) agreed that views of people from a broader district base should be sought by DURF, especially for heritage preservation projects that had territorial significance;
- (e) issues about the Social Service Team was being studied in detail by Dr. C.K. Law and there would be concrete proposals later on. It was generally recognised that the Social Service Team would need more resources if they were to perform a more comprehensive role;
- (f) 'shop for shop' compensation was considered not feasible as in some cases, the old businesses might not suit the new set up of the

redevelopment area. With the setting up of the DURF, retail clusters that were important to the local economy could likely be identified and better arrangement explored at an earlier stage. URA would be asked to help shop operators to identify suitable premises in the vicinity to re-locate their business;

*Aspects of Urban Regeneration*

- (g) building maintenance / rehabilitation issues were important and would be tackled. After the collapse of old buildings at Ma Tau Wai, DEVB had reviewed 4,000 buildings aged 50 years or above and conducted a study of “sub-divided units”. DEVB was also reviewing all processes related to building safety, including removal of unauthorized building works, control of “sub-divided units” and water seepage. At the same time, the Bureau was working hard on the Mandatory Building Inspection and Window Inspection Schemes, and the Minor Works Control Scheme. According to the current programme, the overall review would be presented to the public together with the revised URS. The role of URA, HKHS and Buildings Department in the rehabilitation of buildings would also be better defined;
- (h) revitalisation of old urban areas was the ultimate goal and effective urban regeneration required the participation of multiple parties and not just the URA. There were other means for revitalisation including beautifying the waterfront, introducing a landmark building and upgrading a public open space. URA could be one of the implementing agents to assist Government in responding to district aspirations for revitalisation. The participation of the URA in the landscaping works in Chung On Street, Tsuen Wan, was a relevant example;
- (i) there was a material constraint under the current Urban Renewal Authority Ordinance that URA could not hold properties for the long term. However, URA could hold heritage properties, such as Central Market and the shophouses in the Shanghai Street project. It was agreed

that in some situations, URA would need to maintain control on some properties if it was to deliver the project's vision. The Administration held an open view on whether it was necessary to amend the Urban Renewal Authority Ordinance to that effect;

- (j) agreed that greening and culture / street arts were important aspects in urban renewal projects as well as in the overall response to climate change and streetscape improvements;

#### *Mediation and Compassionate Consideration*

- (k) the importance of mediation was agreed and the DEVB was studying how to introduce an effective mediation mechanism into the development process;
- (l) as regards the suggestion for a tribunal on handling matters on compassionate ground, it might not be necessary to establish another new committee. However, it was agreed that compassionate consideration was necessary in some circumstances. Indeed, one of the ten preliminary proposals advocated a better compensation arrangement for elderly non-owner-occupiers whose livelihood depended on the rentals from their properties;

#### *Others*

- (m) it was necessary to draw a distinction between the two redevelopment models. One would be of a social-nature implemented by URA for the good of the community and under that model, the owners would be offered standard URA compensation package and Government could be called upon to resume the titles that the URA was unable to acquire. The other model would be of investment nature, under which owners would undertake redevelopment of their own accord and URA would only provide service as 'facilitator'. URA's compensation package and the Government's power of land resumption would not apply to those

projects; and

- (n) regarding the suggestions to improve the public engagement process, it was agreed that the West Kowloon Cultural District public engagement was a good reference.

62. Mrs. Carrie Lam thanked Members for their comments and invited Members to let Development Bureau have any further comments they might have before the completion of 'Consensus Building Stage' in June 2010. If Members considered further discussion necessary, she would be most prepared to attend another meeting of the Board.

63. The meeting adjourned for lunch break at 1:00pm.



64. The meeting resumed at 2:15 p.m.

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

Mr. Thomas Chow

Mr. Stanley Y.F. Wong

Mr. K.Y. Leung

Mr. Walter K.L. Chan

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. Roger K.H. Luk

Professor S.C. Wong

Ms. Pansy L.P. Yau

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Principal Assistant Secretary (Transport)  
Transport and Housing Bureau  
Mr. Fletch W.W. Chan

Deputy Director of Environmental Protection  
Mr. Benny Y.K. Wong

Director of Lands  
Miss Annie Tam

Director of Planning  
Mrs. Ava S.Y. Ng

**Agenda Item 7**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comment in Respect of the  
Draft Tuen Mun Outline Zoning Plan No. S/TM/26  
(TPB Papers No. 8551, 8552, 8553 and 8554D)

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[The hearing was conducted in Cantonese.]

**Group 1 (R6)**

(TPB Paper No. 8551)

**Presentation and Question Session**

66. The following Members had declared interests on the item:

Mr. Rock C.N. Chen - a family member owned properties in Tuen Mun

Dr. C.P. Lau - owned a property in Tuen Mun

Mr. Stephen M.W. Yip - being an advisor of ExxonMobile on the rateable values of the oil depots situated at Tsing Yi. There was a petrol filling station of ExxonMobile in Tuen Mun

67. Members noted that Mr. Rock C.N. Chen had tendered an apology for not being able to attend the afternoon session of the meeting. For Dr. C.P. Lau, Members considered that his interest on this item was direct and substantial, and should be invited to withdraw from the meeting. Dr. Lau left the meeting at this point of time. Members considered Mr. Stephen Yip's interest on this item was not direct and he should be allowed to stay in the meeting.

68. The following representatives from Planning Department (PlanD) and the representers' representatives were invited to the meeting at this point:

- Ms. Amy Cheung - District Planning Officer /  
Tuen Mun and Yuen Long, PlanD
- Mr. C.C. Lau - Senior Town Planner/West, PlanD
- Ms. Jessie Kwan - Town Planner/New Territories Headquarter, PlanD

**R6 (The Real Estate Developers Association (REDA))**

- Mr. Ian Brownlee ] Representers' representatives
- Ms. Anna Wong ]

69. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representatives from PlanD to brief Members on the background to the representation.

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

70. With the aid of a Powerpoint presentation, Mr. C.C. Lau made the following main points as detailed in the Paper:

- (a) the background to the proposed amendments incorporated into the draft Tuen Mun Outline Zoning Plan No. S/TM/26 (the OZP) as set out in paragraph 1 of the Paper. The Board had decided to consider representation R6 under Group 1;
- (b) R6 opposed to the imposition of BH restrictions; no statutory basis for non building areas (NBA); presumption against minor BH relaxation; designation of too many sub-areas with individual restrictions; and no prior public consultation. R6 also indicated that the representation was related to general principles and not to specific sites;
- (c) the grounds of representation put forth by R6 were summarised at paragraph 2.3 of the Paper;

- (d) R6's proposals:
- (i) more relaxed BH restrictions : to review the BH restrictions so that no BH restriction was lower than the height of an existing building and that the height restriction be set at least 10m higher than the existing BH to allow for design flexibility;
  - (ii) delete NBA requirements : to delete the requirement for NBAs and use a more suitable zoning such as open space to provide the desired gaps. Should it be decided to retain NBAs, the words 'exceptional circumstance' should be removed from the relevant Notes for minor relaxation under the "Residential (Group A)" ("R(A)") and "Industrial" ("I") zones, and also from paragraph 8.3 of the Explanatory Statement (ES);
  - (iii) in situations where the existing buildings exceeded the stated BH restrictions, the presumption against minor relaxation should be deleted : paragraph 7.8 of ES should be deleted and the normal process of considering an application 'on its merits' should apply;
  - (iv) fewer designation of sub-areas with individual restriction: to adopt a more rational and generalized approach to the zoning by reviewing the numerous 'sub-areas' included in the "R(A)", "Residential (Group B)" ("R(B)") and "I" zones and consolidating them into a small number of broader zones with similar controls on BH and development potential;
- (e) planning considerations and assessment on the representation as detailed in paragraphs 4.1 to 4.3 of the Paper;

- (f) responses to the grounds of representation of R6 were detailed in paragraph 4.4 of the Paper and summarized as follows:

*BH Restrictions were Too Low*

- (i) the BH restrictions imposed on the draft Tuen Mun OZP were well justified on urban design terms and could reasonably cater for realising the specified Plot Ratio (PR)/Gross Floor Area (GFA) in the OZP in a practical manner with adequate design flexibility. There were in general three main height bands imposed for the core area of Tuen Mun New Town – 85mPD, 100mPD and 120mPD (that broadly corresponded to the height categories of about 25 storeys to 35 storeys); and 70mPD to 100mPD (in range of 20 storeys to 30 storeys) for the peripheral areas. These height bands were considered appropriate in the new town context. As for the Tuen Mun East area where developments were mainly low to medium-density in nature, height bands were in the range of 3 storeys to 10 storeys. These height bands had reflected the existing height profile and taken into account findings of the ‘Planning and Engineering Review of Potential Housing Sites in Tuen Mun East Area’ (Tuen Mun East Study). The excessively tall buildings in the area should be regarded as exceptions and should not be taken as a reference for devising the BH profile;
- (ii) BH control would not necessarily result in larger building bulk. In considering the building bulk, apart from the size and volume of a building, reference should also be made to (a) the shape and form of the building; (b) the location of the building in relation to the boundary of the site and adjacent buildings; and (c) the location of the building in

relation to the characteristics of the surrounding area;

- (iii) restriction on building height would not result in bulky or massive buildings. Given the tendency to maximize the best views in certain direction particularly sea view, and to capitalize land values at the lower floors by designing a 100% site coverage commercial podium permissible under Building (Planning) Regulation (B(P)R) up to 15m, a development with no BH control could still give a sense of 'massiveness' at the pedestrian level;
- (iv) for those existing buildings that had already exceeded the BH restrictions, the rights of redeveloping the buildings to their existing heights would be respected on the OZP. The BH restriction would not affect the development intensity of the sites permissible under the OZP. To allow for design flexibility, minor relaxation of the BH restrictions through the planning permission system could be considered on individual merits;

*No Statutory Basis for NBA*

- (i) according to legal advice, sections 3 and 4 of the Town Planning Ordinance (the Ordinance) provided the Board with comprehensive powers to control development. There should be power for the Board to impose NBAs on the OZP provided that the Board had the necessary and sufficient planning justifications. The designation of NBAs could serve a positive planning purpose and bring positive planning benefits;
- (ii) the NBAs imposed on the OZP were based on the recommendations of the Air Ventilation Assessment (AVA) Study. The imposition of NBAs was one of the mitigation

measures recommended in the AVA Study to enhance air circulation and visual permeability in the densely built-up areas, and for enhancement of the visual quality of Tuen Mun New Town;

- (iii) the NBAs (mainly in the form of setback of buildings) were designated along the air paths or along visual corridors. The development right and potential of the concerned sites would be retained. Should these areas be rezoned to “O” as suggested by the representer, land resumption would be involved and the development potential of the remaining parts of the concerned sites would be affected;
- (iv) the NBA requirements would not be applied to underground developments and this was different from the NBA in the context of land leases for which no structure should be allowed within the NBA, whether it was above or under-ground;
- (v) NBAs designated on the OZP were for air ventilation or urban design considerations and the objectives of each NBA were described in paragraph 8 of the ES. Should there be other well-justified means serving the same purpose, the proponent could apply for minor relaxation of the NBA restrictions. Each application would be considered on its individual merits;

*Presumption Against Minor Relaxation too Harsh*

- (i) many of the existing tall buildings were already quite excessively tall as compared to the surrounding developments as well as the maximum height restriction. Relaxation of the BH of these buildings upon redevelopment would further aggravate the problem of mis-match and

jeopardize the overall BH concept for the OZP. As such, only under exceptional circumstances, minor relaxation could be granted to proposals with special planning and design merits for developments with existing BH already exceeding the height restriction. In order to give the public a clear message that such applications were not encouraged, the words ‘under exceptional circumstances’ had been used;

*Designation of too Many Sub-areas with Individual Restrictions*

- (i) Amendment Items B1 to B9, B12 to B23, D1 to D8, E1 and E3 involved mainly rezoning of sites for imposition of PR/GFA to the sub-areas of the “R(A)”, “R(B)”, “I” and “R(E)” zones with the aim to cater for different site contexts within the large planning scheme area. The objectives of imposing PR/GFA restrictions were to provide better planning control on the building bulk upon development/redevelopment. However, given the wide coverage of the Area that comprised areas of varying characteristics, different PR/GFA restrictions for the same zone were necessary to control the bulk of development/redevelopment;

*No Prior Public Consultation*

- (i) public consultation was held after exhibition of OZP amendments to avoid premature release of information. The 2-month exhibition period of the OZP and the provision for the submission of representations and comments formed part of the public consultation process;
- (ii) the background and justifications for BH and PR/GFA restrictions and the NBA requirement were detailed in the RNTPC Paper. No. 15/09 for the consideration of the RNTPC on 18.9.2009. The said RNTPC Paper (including



the AVA report and photomontages showing the planned developments with the BH control) had been made available for public inspection at PlanD's Public Enquiry Counters. The AVA report was also available for public viewing in PlanD's website. A visual analysis of the BH bands imposed on the OZP had been carried out with the aid of the photomontages and flythrough that illustrated the resultant developments/redevelopments under the BH and PR/GFA restrictions. Such information had been presented to Rural and New Town Planning Committee (RNTPC) Members for their consideration on the BH and PR/GFA restrictions;

- (iii) the OZP amendment exercise had met all the statutory requirements under the Ordinance and the public had been adequately consulted and informed in accordance with the established practice during the plan making process;
- (iv) R6's proposals were not supported as detailed in paragraph 4.5 of the Paper; and
- (v) PlanD's View – PlanD did not support R6 and considered that the representation should not be upheld for the reasons as detailed in paragraph 6 of the Paper.

71. The Chairman then invited the representer's representatives to elaborate on the representation.

#### Representation R6

72. With the aid of some plans and photographs tabled at the meeting, Mr. Brownlee elaborated on R6 and made the following key points:

- (a) the representation submitted by R6 related to matters of principle, but not to any particular site in Tuen Mun. R6 was concerned about the impact of

planning restrictions on the rights of land ownership such as those restrictions introduced on the Tuen Mun OZP;

[Mr. Fletch W.W. Chan arrived to join the meeting at this point of time.]

- (b) there were three general issues:
  - i) the Hong Kong development system was becoming more complex and more difficult to navigate. More uncertainty was being introduced to the land, building and planning systems. This had made development more costly and longer to implement, and developers were finding it easier to develop and to do better forms of development elsewhere. The introduction of BH restrictions, PR controls and NBAs were not reasonably justified and these restrictions duplicated other controls;
  - ii) when the Board imposed new controls, it should ask the following questions ( a list of the questions was tabled at the meeting):
    - whether the control was really necessary or were there any other ways whereby the controls could be, or were already being, achieved;
    - if the control was necessary, was it being applied in a broad, fair and reasonable manner;
    - whether the control and the way it was being applied was practical given the existing situation on the ground;
    - whether the control was providing a means for achieving a vision for the future;
    - whether the extent of interference with private land ownership rights was justified in relation to a clearly identified public

need or benefit;

- whether flexibility had been allowed in the application of the control;
  - whether alternatives or options were presented to allow for proper consideration;
- iii) the Ordinance required the Board to apply broad zones over wide areas of similar planning characteristics. This was also reflected in the ES of the OZP, i.e. the object of the plan was to indicate only the broad principles of development. The proposed amendments to the Tuen Mun OZP was not in line with the objective and intention of the Ordinance;

#### Tuen Mun

- (c) Tuen Mun was a first generation new town and had been developed in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) of PR controls of 5 for domestic and 9.5 for non-domestic development. These controls had been built into the lease conditions of almost all of the lots in Tuen Mun, particularly the “R(A)” zone;
- (d) as these broad planning controls had been built into the lease conditions, there was a wide level of consistency in the form of development across the town. As shown in two photographs of the existing new town, there was virtually no out of context or excessively tall and bulky buildings in the town. It was not the same situation as that of the urban area and this should have been recognised by PlanD when it proposed the amendments;

#### No Prior Public Consultation

- (e) the proposed amendments to the OZP were the most significant changes to the planning of Tuen Mun. However, no prior consultation had been undertaken and no options had been presented. No public views were

sought as to what was considered necessary;

- (f) one of the reasons for proposing the controls was to meet public aspirations. However, there was no discussion with the public regarding their aspirations for Tuen Mun and whether the proposed controls would meet their aspirations;
- (g) another reason for the controls was to provide greater certainty and transparency. However, the whole amendment process had been undertaken in secrecy and the amendments were only made public after the controls had legal effect. No attempt had been made to approach any of the property owners to clarify facts or to obtain suggestions. Most owners probably did not know the changes and their impacts;
- (h) given the existing tight controls under the leases in Tuen Mun, there was no reason why prior public engagement could not be undertaken. The standard response in paragraph 4.1(e) on page 20 of the TPB Paper stating that by going public it would result in a rush of building plan submissions was not an adequate reason for not involving the public of Tuen Mun in a consultation process;

#### BH Restrictions

- (i) the BH restrictions were set at levels so low that they would unnecessarily constrain the provision of good quality development for the people of Hong Kong. This objective of providing good quality buildings for Hong Kong people could best be achieved by providing flexibility for design. Developments should be able to be designed so as to provide good internal space for people to live in and work in, with sufficient internal headroom. Flexibility should also be allowed to meet the changing requirements and people's expectations over time;
- (j) there was also a need to ensure that buildings were not restricted to unreasonably low heights as this would result in bulky buildings forming

walls of development which blocked air flows, light and views. Buildings which were taller and slender allowed more space around the buildings at both the ground level and in the air;

- (k) Drawing H-18 of the TPB Paper showed the developments with existing BH exceeding the BH restrictions in the central areas of Tuen Mun New Town. The extent of existing buildings exceeding the restrictions was so considerable that made the BH restrictions unreasonable;
- (l) as shown in the tables which were extracted from the RNTPC Paper No. 15/09 and shown in the visualizer, there were a significant number of buildings with their heights exceeding the BH restrictions in the south-western waterfront area and the northern fringe. These buildings would exist for another 50 years or so, and on redevelopment they could be redeveloped to the existing height. Hence, the proposed stepped height concept and the height restrictions were not realistic. The real purpose of having lower height restrictions would never be achieved;
- (m) R6 proposed to review the BH restriction. The proposals submitted by R6 were i) no height restriction should be lower than the height of an existing building; and ii) the height restriction should be set at least 10 metres higher than the existing BH to allow for design flexibility;

[Mr. Benny Y.K. Wong arrived to join the meeting at this point of time.]

- (n) in view of the response from PlanD, R6 revised the proposals to adopt:
  - i) a BH restriction of 130mPD for the main valley of Tuen Mun New Town, which would ensure no ‘out-of-context building’ and would be at a level slightly higher than the height of most existing buildings;
  - ii) a BH restriction of 160mDP for the Tuen Mun New Town core area;

- iii) a general height limit of 80mPD for Tuen Mun East Area, or 15 storeys for those areas where the BH restrictions were stipulated in terms of number of storeys;
- (o) this approach would apply general levels of restrictions, relate the BH control in a practical manner to the existing development form, and would allow some flexibility for future development without the need to apply to the Board for minor relaxations. It would also avoid low bulky buildings and provide scope for better building design. It would allow for a variety of building heights and the maximum heights would be around 35- 40 floors depending on location;

[Professor P.P. Ho left the meeting at this point.]

PR and GFA Restrictions : A Multitude of Zone

- (p) the long accepted practice of the OZP being a small scale plan to set the broad planning parameters and uses had been severely eroded by the proposed amendments to the Tuen Mun OZP;
- (q) the HKPSG PR controls for new towns of 5/9.5 had been well applied in the area and the amount of development in Tuen Mun was generally controlled by the lease conditions. There was no need to change the system;
- (r) if there was a need to have statutory controls on the OZP, the Board should just adopt a PR restrictions of 5/9.5 across the whole town. This approach had been successfully applied to Kowloon;
- (s) the PR/GFA restrictions reflected the existing lease conditions or the as-built situation. The Board had completely deviated from the concept of broad planning zoning and duplicated the lease controls. The proposed amendments to the Tuen Mun OZP had no public planning benefit;

- (t) by making reference to the Notes of the “R(A)” zone, there were 20 sub-areas each reflecting the as-built situation. The control would fix the development to the existing form without any flexibility for future changes and improvements. This approach also applied to “R(B)” zone which had 12 sub-areas;

Proposed Amendment Relating to BH

- (u) one of the issues raised by R6 was spot zoning, i.e. sites with similar planning characteristics were given different development restrictions. This had led to the problem of unfairness and inconsistency. To solve these problems and retain the integrity of the zoning system, R6 proposed to:

- i) apply the PR restrictions of 5/9.5 in a general manner across the OZP, in particular the “R(A)” zone; and
- ii) apply general PR controls of 1.3 and 3.3 across the relevant areas of the R(B) zoning;

this would reinforce the previous controls in a broad manner and reduce significantly the number of sub-areas;

Non-Building Areas

- (v) there was a serious question as to whether the Ordinance allowed the Board to impose NBAs in the OZP. NBA was also considered to be a matter of detail and would severely affect the land owner in redeveloping the building on their land;
- (w) by making reference to Plan H-7 of the Paper, a 26m-wide NBA was imposed on Goodview Industrial Building at Hoi Tin Street. This would have significant impacts on the use of the site. Resumption of land for use as public passage required rigorous justification and payment of compensation; and

- (x) the current amendments to the Tuen Mun OZP were probably the worst examples for illustrating how the ‘control’ philosophy had overtaken the ‘facilitate’ philosophy. The imposed restrictions would only frustrate the redevelopment and improvement to Tuen Mun in future. The Board was requested to give serious consideration to the alternatives proposed which would provide a more reasonable and practical way of achieving the same planning objectives.

73. As the presentation from R6 had been completed, the Chairman invited questions from Members.

74. A Member asked whether the representation of R6 related to matters of principle or specifically on any Amendment Items of the Tuen Mun OZP. Mr. Brownlee replied that R6’s representation was on the general approach of OZP amendments, but not on any particular site in Tuen Mun. Upon this Member’s further enquiry, Mr. Brownlee clarified that R6 had submitted similar representations on various OZP amendments. Whilst R6’s concerns were on matters of principle, they were also specifically related to the Amendment Items of the Tuen Mun OZP as indicated in their representation submission as attached at Appendix III of the Paper.

75. As the representer’s representatives had finished their presentation and Members had no further questions, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representation in their absence and would inform the representer of the Board’s decision in due course. The Chairman thanked Mr. Brownlee, Ms. Anna Wong and PlanD’s representatives for attending the hearing. They all left the meeting at this point.

### Deliberation Session

#### BH Restrictions

76. The Chairman said that the purpose of imposing BH restrictions in Tuen Mun was to provide better planning control on the BH profile of Tuen Mun New Town upon



development/redevelopment and to meet the growing community aspirations for a better living environment.

77. Members discussed Mr. Brownlee's comments that the proposed BH restrictions were too stringent and not practical because the heights of some existing buildings, including those along the southwestern waterfront of Tuen Mun, had already exceeded the BH restrictions. Mrs. Ava Ng said that the concept and the general principles for setting the BH restrictions had been elaborated in the relevant Rural and New Town Planning Committee (RNTPC) paper and was endorsed by the RNTPC on 18.9.2009. Amongst others, a stepped height profile was adopted in the Central Coastal Area with BH gradually increasing from the waterfront at the south to the inland areas in the north to maximize the possible sea breeze effects and create diversity in height and massing at different localities. Although there were existing buildings exceeding the proposed BH restrictions, it was important to propose height restrictions now to prevent further exceedance. Moreover, Tuen Mun New Town, after over 20 years' development, would be subject to redevelopment pressure, it was prudent to stipulate BH restrictions on these existing buildings as part of the overall framework and height profile for Tuen Mun area.

78. A Member asked whether existing buildings that had already exceeded the BH restrictions in the OZPs were required to comply with the BH restrictions upon redevelopment. The Secretary responded that in general, for those existing buildings that had already exceeded the BH restrictions, the rights of redeveloping the buildings to their existing heights would be respected on OZPs. However, there were exceptions, for example, if the buildings were located on the view corridors to important ridgelines, or critical air paths, or at wind entrances, or at the waterfront, the Board might require the BH restrictions to be adhered to upon redevelopment. There were only a very limited number of such cases and all had been duly considered by the Board in respective OZPs amendments. There was no such special case in the Tuen Mun OZP.

79. The same Member asked whether a development scheme which was covered by building plan approved prior to the imposition of the BH restrictions could be proceeded with if its BH had exceeded the BH restrictions on OZP. The Secretary responded that under the current planning and building control system, development proposals with approved building

plans would not be affected by the new BH restrictions on the OZP as long as their approvals remained valid.

80. Regarding the comments of Mr. Brownlee that no alternative or option had been presented to allow for proper consideration, the Secretary drew Members attention to paragraph 4.2.4 of the Paper that the BH profile was formulated based on all relevant considerations and reasonable assumptions, including the permissible PR/GFA of the sites, the reasonable floor-to-floor height, the existing topography and site levels, the local character, existing townscape and building height profile, the local wind environment and measures suggested for ventilation improvements, and the broad urban design principles.

81. In response to R6's comments that the BH restrictions were set at levels which were too low and would result in bulky buildings forming walls of development, the Secretary referred Members to paragraph 4.4.1 of the paper which explained that the BH control would not necessarily result in larger building bulk. In considering the building bulk, apart from the size and volume of a building, reference should also be made to the configuration and form of the building; footprint of the building in relation to the boundary of the site and adjacent buildings; and its relation to the characteristics of the surrounding area. She said that BH restriction would not necessarily lead to bulky or massive buildings. Given the tendency to maximize the best views in certain direction, and to capitalize property values of the lower floors by designing a podium with large site coverage, a development with no BH control could still give a sense of 'massiveness' at the pedestrian level.

82. A Member opined that the BH restrictions imposed on the Tuen Mun OZP was reasonable. The proposals to relax the BH limits as submitted by R6 would defeat the planning intention of imposing BH control and should not be supported. Regarding Mr. Brownlee's proposal to set the height restriction at least 10 metres higher than the existing BH; or a BH restriction of 160mPD and 130mPD for the Tuen Mun New Town core area and the main valley of Tuen Mun New Town respectively, this Member said that R6 had not provided sufficient information to justify his proposals. The BH restrictions were not too low and had struck a balance between meeting the public aspirations for a better living environment and private development interests. The resultant height profile was not unnecessarily low. Other Members agreed.

### Duplicating Lease Control

83. Mrs. Ava Ng said that she did not agree to Mr. Browlee's comments at the presentation that the development system in Hong Kong was becoming more complex, more uncertainty was being introduced to the land, building and planning systems and the proposed restrictions imposed in the OZP were duplicating the lease control. Mrs. Ava Ng pointed out that land development in Hong Kong was controlled under three regimes, namely, lease conditions, Buildings Ordinance and the statutory OZPs. Apart from providing a statutory planning mechanism to control the height and development intensity of the development/redevelopment, the OZPs would set out the planning intention for the land use zones and the relevant development restrictions, making them more transparent, certain and open to public scrutiny. It allowed representations and comments on the proposed development restrictions to be heard and considered in accordance with the procedures set out under the Ordinance. The mechanism would ensure that all stakeholders had a chance to express their views on the proposed development restrictions. The OZPs also provided the legal basis for the Buildings Department and the Lands Department to act in accordance with the relevant development restrictions, and this would provide certainty and facilitate development/redevelopment in Hong Kong. Members agreed.

### Need to Impose Development Restrictions in Tuen Mun OZP

84. Mrs. Ava Ng said that she could not accept Mr. Brownlee's comment that since there was no out of context or excessively tall and bulky buildings in Tuen Mun, there was no need to impose development restrictions in the OZP. Mrs. Ng said that the Board was progressively stipulating in all OZPs clear development restrictions to meet the community aspiration and to improve the quality of living environment. A Member agreed that clear development restrictions should be incorporated into the OZP to guide the future development and to prevent proliferation of excessively tall or out-of-context buildings in the area. This principle should equally be applicable to Tuen Mun.

### Sub-zones under "R(A)" and "R(B)"

85. A Member noted that there were quite a number of sub-areas under the "R(A)" and "R(B)" zones. This Member enquired on the rationale for assigning these sub-areas. In response, the Secretary said that as stated in paragraph 4.2.11 of the Paper, the objective of

imposing PR/GFA restrictions was to provide better planning control on the building bulk upon development/redevelopment. However, given the extensive land coverage of the Tuen Mun area comprising areas of varying characteristics, sub-zones with different PR/GFA and BH restrictions were required to cater for different site contexts so as to control the bulk of development/redevelopment. For example, “R(A)1” sub-zone was required to cater for a ‘two-tier BH system’ which allowed higher BH for sites with an area of 400m<sup>2</sup> or more to encourage more comprehensive development.

86. A Member noted that whilst the “R(A)” zone was generally subject to domestic and non domestic PR of 5 and 9.5 respectively, specific GFA restrictions were imposed on some “R(A)” sub-zones. The Member enquired about the rationale behind this inconsistent approach in imposing the development density restrictions. The Secretary explained that like other first generation new towns, developments in Tuen Mun New Town were generally planned in accordance with the administrative control for maximum domestic and non-domestic PR of 5 and 9.5 respectively. The PR control was previously exercised on an administrative basis via the lease conditions. For sites with distinct characteristics or circumstances, they might have different planning considerations/circumstances (e.g. s.16 planning applications approved by the Board, Private Sector Participation Scheme/Home Ownership Scheme to meet specific housing objective at that time) resulting in development intensities or specific GFA stipulated in the lease. Instead of imposing 5/9.5 PR, it was necessary to stipulate on the OZP the development intensities or specific GFA restrictions for these sites to reflect the planning considerations at that time. Detailed information on the development restrictions imposed on each sub-area had been highlighted in the RNTPC Paper 15/09 when the proposed amendments were submitted for the Board’s consideration. Mrs. Ava Ng added that the leases of some sites might exclude slopes or strips of land not intended for building development purposes for PR calculation and there were also cases that the specific GFA restrictions were based on development schemes or Master Layout Plans approved by the Board. As such, the entitled GFA instead of the general PR were incorporated on the OZP. Members noted.

#### Non-Building Areas

87. In response to a Member’s enquiry on the basis of the NBAs, the Secretary referred Members to paragraph 4.4.1 of the Paper and replied that the NBAs imposed on the

Tuen Mun OZP were based on the recommendations of the AVA Study and were assessed from the urban design point of view. The imposition of NBAs on the OZP was one of the mitigation measures recommended in the AVA Study for the enhancement of air circulation in the densely built-up industrial areas, the visual permeability within the densely built-up environment and the visual quality of Tuen Mun New Town. Regarding R6's representation on the legitimacy of NBAs, the Secretary said that according to the legal advice, 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. The NBA could be a part of the planning control provided that the Board had necessary and sufficient planning justifications. Designation of NBAs on the Tuen Mun OZP was a positive control to improve air ventilation and enhance pedestrian linkage.

#### Minor Relaxation Clause

88. A Member asked whether the presumption against minor relaxation of BH restrictions was also applied in other OZPs. The Secretary clarified that this principle was generally applied to all OZPs with BH restrictions imposed. A Member said that imposing the development restrictions in the Tuen Mun OZP was supported and the proposed development restrictions were considered reasonable and appropriate. However, to facilitate the future development of Tuen Mun New Town, this Member considered that flexibility for minor relaxation of the development restrictions should be allowed for development/redevelopments with design merits and planning gains.

[Professor Edwin H.W. Chan left the meeting at this point.]

89. The Chairman concluded that Members agreed to the imposition of the development restrictions on the Tuen Mun OZP which were formulated based on reasonable assumptions and assessments. The BH restrictions were reasonable and would not necessarily lead to bulky developments. The presumption against minor relaxation of BH restrictions for buildings which had already exceeded the BH restricted should be retained. The NBAs that were recommended in the AVA Study could serve a positive planning purpose and bring positive planning benefits by improving air ventilation and the pedestrian environment. Designation of various sub-areas under the "R(A)" and "R(B)" zones was necessary to cater for different contexts within the Tuen Mun New Town which

covered a large area. Prior public consultation on the OZP amendment was not appropriate as any premature release of information before exhibition of the amendments of the OZP might prompt developer/landowners to accelerate submission of building plans, thus nullifying the effectiveness of imposing the development restrictions. In any event, the exhibition of OZP for public inspection and the provisions for submission of representations and comments on representations formed parts of the statutory public consultation process under the Town Planning Ordinance. A Member added that the general approach of imposing clear and transparent development restrictions in the Tuen Mun OZP, which was consistent with the approach adopted in other OZP amendments, was supported. Other Members agreed.

#### Representation No. R6

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

- (a) irrespective of the control under lease, stipulation of development restrictions in the OZP were necessary in order to provide a statutory process for the public to comment on the restrictions, which was transparent and open to public scrutiny. It allowed representations and comments on representations on the proposed development restrictions to be heard and considered in accordance with the procedures set out under the Town Planning Ordinance. The mechanism would ensure that all stakeholders had a chance to express their views on the proposed development restrictions;
- (b) the purpose of imposing building height restrictions in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area;

- (c) under the current planning and building control system, development proposals with approved building plans would not be affected by the building height restrictions on the OZP as long as their approvals remained valid;
- (d) for those existing buildings which had already exceeded the building height restrictions, the rights of redeveloping the buildings to their existing heights would be respected on the OZP;
- (e) in drawing up the building height restrictions for the Area, all relevant factors including the general height profile in the Area, urban design guideline as described under HKPSG, if applicable, natural topography, the wind performance of the existing condition and the recommendations of the AVA, had been taken into consideration where appropriate. The building height restrictions had struck a balance between meeting the public aspirations for a better living environment and private development interests. The resultant height profile was not unreasonably low;
- (f) the building height restrictions were formulated on the basis of reasonable assumptions with allowance for design flexibility to accommodate development potential permissible under the OZP;
- (g) the objectives of imposing PR/GFA restrictions were to provide better planning control on the building bulk upon development/redevelopment. Given the extensive land coverage of the Tuen Mun area comprising areas of varying characteristics, sub-zones with different PR/GFA and BH restrictions were required to cater for different site context so as to guide the future development/redevelopment;
- (h) 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. Designation of NBA on the OZP could serve a positive planning purpose and bring positive planning benefits by improving air ventilation and the pedestrian environment. It had legal basis as it would form part of the planning control of the Board, which had the necessary and sufficient justifications;

- (i) the planning intention of designating NBAs was to improve air ventilation and visual permeability within the densely built-up areas of Tuen Mun New Town, while the development potential of those concerned sites would be retained. The proposed removal of NBAs, or using other provisions, e.g. open space, would defeat the above planning intention;
- (j) the purpose of indicating in the Explanatory Statement of the OZP that minor relaxation of building height restrictions for existing buildings which had already exceeded building height restrictions stipulated on the OZP was to contain the heights of the excessively high-rise buildings and avoid further aggregate increase in the building height profile; and
- (k) any premature release of information before exhibition of the amendments to the OZP might prompt developers/landowners to accelerate submission of building plans, thus nullifying the effectiveness of imposing the building height restrictions. All information supporting the building height, PR/GFA and NBA restrictions on the OZP including the AVA Report and visual analysis, was available for public inspection at PlanD's Public Enquiry Counters. Also, the two-month statutory exhibition period and provision for representations and comments formed part of the public consultation process.

[Mr. Walter K.L. Chan left the meeting at this point.]



**Group 2 (R3, R4, R7 and R9)**

(TPB Paper No. 8552)

Presentation and Question Session

91. The following Members had declared interests on the item:

Mr. Rock C.N. Chen - a family member owned properties in Tuen Mun

Dr. C.P. Lau - owned a property in Tuen Mun

Mr. Stephen M.W. Yip - being an advisor of ExxonMobile on the rateable values of the oil depots situated at Tsing Yi. There was a petrol filling station of ExxonMobile in Tuen Mun

Mr. Benny Y.K. Wong - being the Deputy Director of Environmental Protection, which was the responsible Government department for the centralized incineration facility

92. Members noted that Mr. Rock C.N. Chen had tendered his apology for not being able to attend the afternoon session of the meeting and Dr. C.P. Lau had left the meeting already. Members considered Mr. Stephen Yip's interest on this item was not direct and he should be allowed to stay in the meeting. In view of the large number of amendment items and other proposals involved in this group of representations, Members agreed that Mr. Benny Y.K. Wong should be allowed to stay at the meeting, but not to participate in the discussion in relation to the centralized incineration facility.

93. The following representatives from Planning Department (PlanD), the representer and representer's representative were invited to the meeting at this point :

Ms. Amy Cheung	- District Planning Officer / Tuen Mun and Yuen Long, PlanD
Mr. C.C. Lau	- Senior Town Planner/West, PlanD
Ms. Jessie Kwan	- Town Planner/New Territories Headquarter, PlanD

R3

Mr. Kwong Ming Chi	- Representer
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R4

Mr. Yau Siu Leung	- Representer
Mr. Lau Tak, Francis	] Representer's representatives
Mr. Lui Wing Cho	]

R7

Mr. Chan Siu Shing	- Representer
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R9

Ms. Li Kwai Fong, Terry	- Representer
Mr. Bruce Wai	- Representer's representative

94. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representatives from PlanD to brief Members on the background to the representations.

95. With the aid of a Powerpoint presentation, Mr. C.C. Lau made the following main points :

- (a) the background to the proposed amendments incorporated into the draft Tuen Mun Outline Zoning Plan No. S/TM/26 (the OZP) as set out in paragraph 1 of the Paper. The Board had decided to consider representations R3, R4, R7 and R9 collectively under Group 2;

Subject of Representations

*Supportive representations*

- (b) R3 (Part) and R9 (Part) supported the following rezoning amendments in the Tuen Mun East area:
- *Amendment Items D12 and D13* – rezoning the existing breakwater and adjoining waterfront facing Sam Shing Wan in Area 27 from “Commercial/Residential” (“C/R”) to “Undetermined” (“U”);
  - *Amendment Item F1* – rezoning of a site to the northwest of Aegean Coast in Area 55 from “R(B)2” to “Government, Institution or Community” (“G/IC”);
  - *Amendment Items F2 and F3* – rezoning of a site abutting So Kwun Wat Road in Area 56 from “Residential (Group A)” (“R(A)”) to “Residential(Group B)” (“R(B)”) and the peripheral sloping areas to “Green Belt” (“GB”);
  - *Amendment Item F9* – rezoning of a strip of land along the sea frontage within the ex-Lok On Pai desalination plant site in Area 59 from “Comprehensive Development Area” (“CDA”) to “Open Space” (“O”); and
  - *Amendment Item F15* – rezoning of two natural sloping areas in Area 48 from “R(B)” and “R(B)1” to “GB”;

*Adverse representations*

- (c)
- R3 (part) ] opposed to Amendment Item F10 in relation to the R7 (part) ] rezoning of a “G/IC” site in Area 54 to “R(A)”;
- R9 (part) ]
- R3 (part) ] opposed to Amendment Item E4 in relation to the R4 ] rezoning of a piece of land in Area 50 from “O” to R9 (part) ] “GB”;

- R3 (part) - opposed to Amendment Item F14 in relation to the rezoning of a site in Area 55 from “Other Specified Uses” annotated “LRT Terminus” (“OU(LTR Terminus)”) to “G/IC”;
- opposed to Amendment Item A2 in respect of the imposition of too stringent BH restrictions of three to four storeys for “G/IC” sites in Area 56; and

- R7 (part) - opposed to Amendment Item D11 in relation to the rezoning of a site in Area 37 from “C/R” to “OU” annotated “Petrol Filling Station” (“OU(PFS)”).

#### Grounds of Representation

- (d) the grounds of representation put forth by R3, R4, R7 and R9 were summarised in paragraph 2.3 of the Paper;

#### Proposals

- (e) R3, R4, R7 and R9 had the following proposed amendments as detailed in paragraph 2.4 of the Paper:

- (i) R3 proposed to:
- rezone the representation site in relation to Amendment Item F14 in Area 55 from “OU(LRT Terminus)” to “O”; and
  - review the BH restrictions in relation to Amendment Item A2 for five “G/IC” sites in Area 56;
- (ii) R4 proposed to:
- rezone the representation site in relation to Amendment Item E4 on Lots 319, 320A, 320 R.P. and 321 in D.D. 131 and the adjoining Government land to “V”;

- (iii) R3, R7, and R9 had also submitted a number of

development proposals which were not related to any rezoning amendments to the OZP as detailed in paragraph 2.4.3 of the Paper;

- (f) planning considerations and assessments of the representations as detailed in paragraphs 4.1 and 4.2 of the Paper;

Responses to Representations

- (g) responses to the grounds of representation of R3, R4, R7 and R9 were detailed in paragraph 4.4 of the Paper and summarized as follows:

*Responses to Supportive Representations*

- (i) the supports of R3 and R9 on the rezoning amendments for the Tuen Mun East area were noted;

*Responses to Adverse Representations*

***Amendment Item F10 – Rezoning of a “G/IC” site in Area 54 to “R(A)” (R3 (part), R7 (part) and R9 (part))***

- (ii) the representation site was previously zoned “G/IC” for school development. However, as the Secretary for Education (SED) confirmed that the site was no longer required for school uses, the Housing Department (HD) proposed to use that G/IC site for public rental housing;
- (iii) the Director of Housing (D of H) advised that adequate public rental housing must be provided in a timely manner to maintain Government’s pledge of average waiting time of around three years for general public rental housing applicants;
- (iv) the Secretary for Food and Health (SFH) and the Director of Health (D of Health) considered that the site was neither

suitable for hospital use due to its physical configuration, nor for clinic use due to its relative inaccessibility. There was no plan for medical or related facilities at the site;

***Amendment Item E4 – Rezoning of a site in Area 50 from “O” to “GB” (R3 (part), R4 and R9 (part))***

For R3 and R9:

- (v) adequate public open space facilities were provided in the Tuen Mun District as required under the Hong Kong Planning Standards and Guidelines (HKPSG). There was no programme even in the long term to implement the subject “O” zone for a previously proposed botanical garden, nor any intention to resume the private land for provision of additional open spaces. Given the location of this land at the urban fringe and its existing condition being a well-vegetated sloping ground, the site was rezoned to “GB”;

For R4:

- (vi) the representation site, i.e. Lots 319, 320A, 320 R.P. and 321 in D.D. 131 and the adjoining Government land in relation to Amendment Item E4, was not suitable for New Territories Exempted House (NTEH) development. According to the Head of Geotechnical Engineering Office (HGEO) of Civil Engineering Development Department (CEDD), the site was in the vicinity of a man-made slope and the stability of that slope was yet to be assessed. The Director of Agriculture, Fisheries and Conservation (DAFC) also commented that a number of large fruit trees on the representation site would be affected by NTEH development. The “GB” zoning was more appropriate;

***Amendment Item F14 – Rezoning of a site in Area 55 from “OU(LRT Terminus)” to “G/IC” (R3 (part))***

- (vii) the site was no longer required for the previously planned LRT terminal. In line with the request of Tuen Mun District Council for more greenery and the local demand for sports/cultural facilities to be provided in an easily accessible area in Tuen Mun East, the site had been proposed to be rezoned to “G/IC” uses with a view to meeting long term demand for land to facilitate G/IC development. The site was not designated for any specific use at the moment;
- (viii) in response to R3’s view that the site was more suitable for open space development, adequate public open space was provided in the Tuen Mun District as required under HKPSG. There was no plan to develop the site into open space. Furthermore, to the immediate east of the subject representation site across So Kwu Wat Road, an “O” zone of about 4.3ha had been planned;

***Amendment A2 – building height restrictions for five “G/IC” sites in Area 56, Tuen Mun East area (R3 (part))***

- (ix) the BH restrictions for five “G/IC” sites in Area 56 were based on the following considerations:
- Site A, being occupied by an existing primary school, was subject to maximum BH of eight storeys (excluding basement(s)) to reflect the existing height of the school;
  - Site B was an integral part of a large proposed secondary school site. The Tuen Mun East Study recommended a maximum building of four storeys for the subject site to tally with the low-rise rural character of the surroundings. Given the large site area, a larger building footprint was

possible. Secretary for Education and other consulted departments had no objection to the proposed BH;

- the other three sites were not required for any GIC facilities but reserved to meet future unforeseen demand. The proposed 3-storey restriction could achieve an interesting variation in height and a stepped height profile which was more compatible with the low-rise developments in the surroundings and was justified from the urban design point of view;

- (x) planning application for minor relaxation of BH was always allowed to cater for any future proposals with special design and planning merits for consideration by the Board;

***Amendment D11 – Rezoning of a site in Area 37 from “C/R” to “OU(PFS)” (R7 (part))***

- (xi) the site was the subject of an approved planning application for a petrol filling station in 1988. The petrol filling station use was completed and commenced operation in 1989. According to the Director of Environmental Protection (DEP), no complaint had been received against the existing petrol filling station in the past decade. The Assistant Commissioner for Transport/New Territories (AC for T/NT), Transport Department (TD) also advised that no traffic complaint related to the existing petrol filling station had been received. The current rezoning amendment was primarily to reflect the existing use and the scheme of an approved planning application;
- (h) in view of the reasons mentioned in paragraph (g) above, PlanD did not support the representers’ proposals related to the rezoning amendments items;



[Miss Annie Tam returned to join the meeting at this point.]

- (i) PlanD did not support the representers' proposals not related to the rezoning amendments items as detailed in paragraph 4.6 of the Paper. The key points were summarized as follows:

To rezone the "R(B)1" site in Area 48 of Tuen Mun East area to "G/IC" (R3 and R9)

- (i) the Tuen Mun East Study had recommended retention of the residential use of the site with a Plot Ratio (PR) of 1.3 and a BH restriction of 70mPD/85mPD. The technical assessments conducted under the Tuen Mun East Study indicated that there was no insurmountable environmental or engineering problem for the proposed residential development on the site. The subject "R(B)" site was required to meet the housing demand;
- (ii) SFH commented that there would be sufficient hospital bed supply in the New Territories West Cluster by 2026 upon the full operation of the Pok Oi Hospital and Tin Shui Wai Hospital. Sufficient sites had also been reserved in Tuen Mun and Hung Shui Kiu to meet the demand for medical services in the region. There was no expansion programme for hospitals and Community Health Centres in Tuen Mun at present;

To rezone the "R(B)" site in the eastern-most side of Area 55 of Tuen Mun East area to "GB"(R3 and R9)

- (iii) according to the Tuen Mun East Study, the site had low ecological value. The technical assessment conducted under the Tuen Mun East Study indicated that there was no insurmountable environmental or engineering problem for

the proposed residential development at the site. With the provision of noise mitigation measures, the noise nuisance from Tuen Mun Road and Castle Peak Road could be adequately alleviated;

To close the public cargo working area (PCWA) at Area 16 or to relocate it and to rezone the PCWA (zoned “OU(Cargo Handling Area”) in Area 16 to “O” (R3 and R9)

- (iv) the Secretary for Transport and Housing (STH) and the Director of Marine (D of Marine) confirmed the need to retain the Tuen Mun PCWA from the perspective of port, maritime and logistics development and there was no plan to close or relocate it;
- (v) D of Marine commented that the two possible relocation sites proposed by the representers were not large enough to accommodate the existing operation of the Tuen Mun PCWA which had a quay length of 660m;
- (vi) the Project Manager of the Hong Kong-Zhuhai-Macao Bridge Hong Kong Project Management Office, Highways Department and the D of Marine had concerns on the use of the reclamation area of the northern landfill of the Tuen Mun – Chek Lap Kok Link as there was no berthing place for the operation of PCWA;
- (vii) regarding the representers’ concerns on the relocation of Kwun Tong and Cha Kwo Ling PCWAs to Tuen Mun PCWA in Area 16, D of Marine advised that the PCWA operators at Kwun Tong and Cha Kwo Ling were encouraged to relocate to other PCWAs, including the one at Tuen Mun, on a voluntary basis. This would not increase the size of existing PCWA scale, which was in line with the long-term

policy of the Government;

To rezone “I” sites in Area 16 and Area 44 to “CDA” (R3 and R9)

- (viii) given the active usage of the sites for industrial uses, retention of the “I” zone was appropriate. DEP considered that rezoning of the site to “CDA” for residential use was not desirable from the environmental planning point of view. The Director-General of Trade and Industry (D-G of T&I) commented that there was no sound justification to support the rezoning proposals;

To rezone “I” sites in Area 9 to “C” (R3 and R9)

- (ix) the industrial area in Tuen Mun Area 9 was the main industrial area in the North West New Territories (NWNT) and whether the industrial land could be released for other uses needed to be reviewed in a comprehensive and territory-wide manner. D-G of T&I commented that there was no sound justification to support the rezoning proposal;

To include ‘Bus Depot’ use in Column 1 of the Notes for the “OU(SIA)” zone in Tuen Mun West Area (R3 and R9)

- (x) there was no proposal for a new bus depot or relocation of the existing facilities to Area 38. Should there be any needs for relocating the bus depots to Tuen Mun West Area in future, the project proponent might apply for amendments to the schedule of uses to include such use under the Notes of the OZP under s12A of the Ordinance;

To remove ‘Centralized Incineration Facility’ use from Column 1 of the Notes for the “OU(SIA)” zone (R3 and R9)

- (xi) although there was no programme for development of any centralized incineration facility in Area 38 for the time being, DEP considered it appropriate to retain the ‘Centralized Incineration Facility’ under the Column 1 of the Notes for the

subject zone;

To rezone the site adjacent to Amendment Item F10, and the large piece of land adjoining the Government farm and Castle Peak Hospital to “G/IC” (R7)

- (xii) according to D of H, Tuen Mun District Council had no adverse comments against the proposed public housing development in Area 54. Adequate public rental housing must be provided in a timely manner to maintain Government’s pledge of average waiting time of around three years for general public rental housing applicants;
  - (xiii) with regards to R7’s proposal to reserve these sites for medical uses, the SFH and D of Health advised that there was sufficient hospital bed supply in the New Territories West Cluster by 2026 upon the full operation of the Pok Oi Hospital and Tin Shui Wai Hospital. There was no expansion programme for hospital and Community Health Centres in Tuen Mun at present; and
- (j) PlanD’s View – PlanD noted the supportive representations of R3 and R9. Based on the assessments and considerations as detailed in the Paper, PlanD did not support the adverse representations of R3, R4, R7 and R9 and other proposals not related to the rezoning amendments of the OZP.

96. The Chairman then invited the representers, and representer’s representatives to elaborate on their representations.

Representations No. 3 and 9

97. Mr. Kwok Ming Chi (R3) and Ms Li Kwai Fong, Terry (R9) stated that they would like to present their representations jointly. Members agreed.

98. With the aid of a powerpoint presentation, Mr. Kwok Ming Chi made the following main points:

- (a) the Government had planned a number of unwelcome obnoxious facilities in Tuen Mun such as the aviation fuel facility. This was very unfair to Tuen Mun residents. The Government should review the future planning for Tuen Mun to address the problems and allay the residents' grievance;
- (b) Tuen Mun was a town of sadness. Due to the lack of employment opportunity, unemployment rate in Tuen Mun was high;
- (c) as indicated in the Cent-City Index, there was a wide gap between the property price in New Territories West and other regions in Hong Kong. The low property price in Tuen Mun was due to the poor town planning and the presence of a number of unwelcome facilities;
- (d) back in November 2001, a number of proposals had been submitted for the consideration of the Government. Some of these proposals such as rezoning of the public housing site in Area 56 to low to medium-density private housing development and reservation of the Harbour Centre at Area 27 for recreational purpose had been reflected in the subject OZP amendments;
- (e) as Tuen Mun was located at the gateway of the Western Corridor and well served by the mass transit railway, it should be developed as a commercial centre. However, the Government did not have such a plan;
- (f) a number of housing sites, such as those in Area 54 of Tuen Mun East, were planned in the 1990s. With the changing circumstances, the Government should take this opportunity to review the appropriate land

use and development intensity in the area;

Tuen Mun East

- (g) Tuen Mun East was far away from the urban area and there was no mass transit railway system connecting it with the urban area. As such, Tuen Mun East was not suitable for high-density development;

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

- (h) the following rezoning amendments in the Tuen Mun East area were supported:
- Items D12 and D13 – rezoning of a “C/R” site in Area 27 to “Undetermined”;
  - Item F1 – rezoning a “R(B)” site in Area 55 to “G/IC”;
  - Items F2 and F3 – rezoning a “R(A)” site in Area 56 to “R(B)” and “GB”;
  - Item F9 – rezoning a strip of land in Area 59 to “CDA” and “O”;
- and
- Item F15 – rezoning of “R(B)” and “R(B)1” sites in Area 48 to “GB”;
- (i) the Chief Executive in 2009-2010 Policy Address announced the promotion of six priority industries. Owing to its tranquil environment, Tuen Mun East was suitable for the development of education services and/or medical services;
- (j) the Tuen Mun East Study recommended, amongst others, low-density development in Tuen Mun East. The recommendations reflected in the current amendments to the Tuen Mun OZP were supported. However, the recommendation to rezone Site 5 from “G/IC” to residential use was not supported. Unless the Government could identify another site in Tuen Mun for the development of medical services, the subject Site 5 should be retained for such use;

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

Quality Education Town

- (k) it was proposed that a “R(B)1” site in Area 48 in Tuen Mun East area be rezoned to “G/IC”. Together with other “G/IC” sites in Area 48 which had been earmarked for the development of an international school and Chu Hai College, the whole Area 48 might be developed as a ‘Quality Education Town’;

99. Ms. Li Kwai Fong, Terry, made the following points:

- (a) a paper on ‘Quality Education Town’ in Tuen Mun had been submitted to the Board and the Chief Executive for consideration in November 2007. The proposed ‘Quality Education Town’ would enhance the education standard of Hong Kong and attract more talented people to come to Hong Kong. This would set a model for other districts to set up a ‘Quality Education Town’ in their districts;
- (b) there was a need to provide a hospital, either public or private, in Tuen Mun to serve the local community. The recommendation of the Tuen Mun East Study to rezone Site 5 for residential use was not supported. The site should be reserved for hospital use;
- (c) the Board should formulate a long-term master plan for Tuen Mun for the next 50 or 100 years. The approach of introducing sudden and piecemeal changes in the OZP amendments could not gain the support of the local community;
- (d) as a centralized incinerator would be set up at Tsang Tsui, it was not appropriate and unfair to set up another incinerator in Tuen Mun. The site in Area 38 of Tuen Mun West should not be used for centralized incinerator and the said use should be deleted from Column 1 of the

Notes for the “OU(SIA)” zone; and

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

- (e) there were already quite a lot of public housing development in Tuen Mun. Any additional high-density public housing development in the area would aggravate the existing traffic problem.

100. With reference to slides 31 and 32 of Mr. Kwok Ming Chi’s Powerpoint presentation, Mr. Bruce Wai, the representative of R9, made the following points on the proposed ‘Quality Education Town’:

- (a) the Government should have vision and long-term planning for the future development of Hong Kong as a whole;
- (b) the proposed ‘Quality Education Town’ would provide primary schools, secondary schools and post-secondary schools as well as a full range of supporting and cultural facilities such as sports grounds, clinic, international cultural and art museum, central library, etc. It was not only an education centre, but also a cultural district which could enhance the cultural spirit of the community;
- (c) the ‘Quality Education Town’, to be first established in Tuen Mun, would provide a model for other districts to follow;

101. Mr. Kwok Ming Chi continued to make the following points:

- (a) a “R(B)” site in Area 55, which was covered with dense vegetation, should be rezoned to “GB”;

Tuen Mun Area 16

- (b) the seafront sites in the Tuen Mun central area should be developed for leisure and recreational uses. By closing the PCWA at Area 16 and



rezoning the area for open space use, there would be a continuous promenade of about 5 km long from Butterfly Beach to Golden Beach. All residents of Tuen Mun and the New West New Territories could benefit;

[Professor Eddie C.M. Hui left the meeting at this point.]

- (c) many unwelcome obnoxious facilities were located along the waterfront of Tuen Mun West. In this regard, it was reasonable not to accommodate any more unwelcome obnoxious facilities in Tuen Mun East and reserve the area for recreational uses;
- (d) in the long term, the PCWA in Area 16 should be closed or relocated to Area 38 and/or the piece of land to be formed along the Tuen Mun-Chek Lap Lok Link. In the short term, the Government should not relocate, or encourage the operators to relocate, the operation of other PCWAs, including the Kwu Tong and Cha Kwo Ling PCWAs, to the Tuen Mun PCWA;
- (e) Tuen Mun PCWA was only some 100 metres from the nearest residential developments. The Kwun Tong and Cha Kwo Ling PCWAs were more than 200 metres from the nearest residential developments. However, the Government would close the latter PCWAs and plan to relocate the operations to Tuen Mun PCWA. This was very unfair to Tuen Mun residents;
- (f) in line with the rezoning of the PCWA, the “I” sites in Area 16 should also be rezoned to “CDA” so as to provide quality apartments, office and hotels. In the long term, this would provide job opportunities for Tuen Mun residents;

[Mr. Benny Y.K. Wong and Mr. Fletch W.W. Chan returned to join the meeting at this point.]

Tuen Mun Town Centre

- (g) to address the problem of lack of job opportunities in Tuen Mun, the industrial area in Tuen Mun town centre should be rezoned for ‘commercial’ development. However, certain amount of industrial land should be retained to support the economy. As such, it was proposed that the industrial area north of Pui To Road be rezoned to “C” so as to encourage redevelopment, whilst the industrial area south of Pui To Road be remained as an industrial area. The proposal could also be implemented by phases, with the rezoning the industrial area along Kin Yip Street, i.e. about 1/4 of the industrial area, to be implemented as phase 1;

Tuen Mun Special Industrial Area in Area 38

- (h) Area 38 had already accommodated many obnoxious and unwelcome facilities such as the Recovery Park and aviation fuel facilities. In this regard, the Recovery Park, which had an area of about 20 ha, should not be further expanded. If the Government needed to provide more recovery facilities, it should identify other suitable sites elsewhere like in Tseung Kwan O Area 137;
- (i) the remaining area in Area 38 should be used to support the continuous and sustainable development of Tuen Mun. As Area 9 was very close to Tuen Mun Station and suitable for commercial use, it was proposed to relocate the existing bus depots in Area 9 to Area 38, and use the depot site for commercial use. Moreover, the Tuen Mun Area 38 was relatively close to residential zone and should not be used for the provision of a centralized incinerator. In addition, a centralized incinerator would be implemented in Tsang Tsui. There should not be two centralized incinerators in one district. DEP’s request to retain the said facility under Column 1 of “OU(SIA)” was not reasonable. The following items were proposed:
- to include ‘Bus Depot’ use in Column 1 of “OU(SIA)”; and

- to delete 'Centralized Incineration Plant' from Column 1 of "OU(SIA)";

Other Areas of Tuen Mun

- (j) opposed to Item F10 : rezoning of a "G/IC" site in Area 54 to "R(A)" as the "G/IC" site should not be hastily changed to other use. Tuen Mun still had abundant land planned for residential development. According to the proposed amendments to the Tuen Mun OZP, there would be some sites rezoned from residential use to "G/IC" and some sites rezoned from "G/IC" to residential use, with the total area of "G/IC" sites remained the same under the Tuen Mun OZP. However, there was a net loss of about 20 ha of "G/IC" land if the to-be-amended So Kwun Wat OZP was taken into account. Nevertheless, if the Government agreed to retain the "G/IC" site at Area 48, the objection to F10 would be withdrawn;
- (k) objected to Item E4 – rezoning of a piece of land in Area 50 from "O" to "GB". Rezoning of the site to "GB" would render it impossible to provide a botanical garden there if such development proposal was revitalized in the future; and
- (l) the recommendation of the Tuen Mun East Study to lower the residential development intensity was supported and the associated rezoning amendments should be proceeded as soon as possible. For the proposals in relation to the PCWA and "I" zones in Area 16, it was acceptable if the Board decided not to make any decision at this stage and keep the proposals under review. However, it was totally unacceptable if the proposals were rejected by the Board.

102. Mr. Bruce Wai said that it was important for the Government to review the position and role of Tuen Mun. Tuen Mun, which was the first generation new town, had developed since 1970s. The original intention of having a self-contained new town by providing employment in the town for the residents had failed. In the past few years, most

of the factories had relocated to the Mainland and many of the industrial buildings in Tuen Mun had left vacant or turned into other uses. It was important and opportune for the Government to review the land use and revitalize the industrial area to meet the needs of the Tuen Mun residents.

[Mr. Bruce Wai left the meeting temporarily at this point whilst Ms. Li Kwai Fong, Terry left the meeting at this point.]

#### Representation No. 4

103. With the aid of a powerpoint presentation, Mr. Lau Tak, Francis, R4's representative, made the following main points:

##### *Amendment Item E4*

- (a) opposed to Amendment Item E4, i.e. to rezoning a piece of land in Area 50 from "O" to "GB";
- (b) the representation site was a piece of private land and did not bear the characteristic of "GB". It had been paved and currently used for activities not related to "GB" zone. It was not vegetated and had no landscape feature, scenic value and ecological value. To rezone the site into "GB" could not serve its purpose at all. The site was within the 'Village Environs' (VE) of Yeung Siu Hang and shared the same local characteristics with the adjoining "Village Type Development" ("V") zone;
- (c) the representation site, 1,074m<sup>2</sup>, constituted only about 0.7 % of the "GB" zone. The proposed small scale development would not affect the height profile and visual impact to the surrounding residents and potential visual receivers. The development of New Territories Exempted Houses (NTEH) needed to meet different requirements of Government departments including drainage services, transport and fire services. Thus, there would still be control over the NTEH

developments at the representation site even if the representation site was rezoned to “V”;

[Mr. Kwok Ming Chi left the meeting temporarily at this point.]

- (d) the representation site was originally zoned “O” on the previous draft Tuen Mun OZP. An application of Small House development submitted by the representer was rejected by District Land Officer/Tuen Mun in September 2006. This was reflected in the rejection letter from DLO/TM, which was shown in the visualizer. If the site was rezoned as “GB”, planning permission was required from TPB for Small House development. This would further constrain Small House development on the site;
  
- (e) regarding the comments of HGEO, CEDD that ‘the representation site was in the vicinity of a registered man-made slope and the stability of that slope which could affect or be affected by the proposed development was yet to be addressed’, the representer had the following responses:
  - the man-made slope was built by the Government in relation to the construction of a pedestrian walkway under Yeung Tsing Road. When the pedestrian walkway was constructed, the level of the land on both sides of the walkway was raised up to 3 m high for landscaping works;
  - the so-called ‘slope’ was in fact piles of soils for planting of trees/vegetation. HGEO, CEDD should confirm the stability of the slope;
  - the slopes were 15m away from, but not adjoining, the representation site;

[Professor S.C. Wong left the meeting at this point.]

- (f) as to the comments of AFCD that ‘a number of large fruit trees existing

on the representation site would be affected by the NTEH development because of limited space. The “GB” zoning was therefore appropriate. Should there be a need to develop NTEH at the site, application could be made to the Board for consideration’, the representer had the following responses:

- the fruit trees were planted by the representer long time ago and were not very large. The site with storage uses did not provide a good environment for the growing of the fruit trees;
- if the site was rezoned to “V” for NTEH development, the landowner would tidy up the place and transplant the fruit trees to a more appropriate location;
- AFCD’s comment that ‘should there be a need to develop NTEH at the site, application could be made to the Board for consideration’ was contradictory to the planning intention of the “GB” zone as there was a general presumption against development within the zone;

[Mr. Kwok Ming Chi returned to join the meeting at this point.]

- (g) the purpose of the OZP amendment was to amend the OZP to tally with the current planning practice and development proposal, and to reflect the existing uses. As such, it was not appropriate to rezone the representation site to “GB” as over 90% of the representation site was paved and currently used as a vehicle repair workshop and open storage area;
- (h) the planning intention of the “GB” zone was ‘primarily for defining the limits of urban and sub-urban development areas by natural features....’. Given the existing condition and uses on the site and the fact that it fell within the ‘VE’ of the Yeung Siu Hang, the proposed amendment to rezone the site to “GB” was not reasonable and justifiable;

[Mr. Kowk Ming Chi left the meeting temporarily at this point.]

- (i) the subject site was within the ‘VE’ in which Small House development was allowed. As, such, the site should be rezoned to “V” instead of “GB”; and
- (j) the Chairman of the Tuen Mun Rural Committee and the Village Representative of Yeung Siu Hang had given support to the proposed rezoning of the site to “V” zone. The support was evident in the letter from the Chairman of the Tuen Mun Rural Committee which was shown in the visualizer for Members’ information.

104. Mr. Yau Siu Leung (R4), the Village Representative of Yeung Siu Hang, said that given its existing condition, to rezone the representation site to “GB” could not serve its purpose at all. There was hardly any private land available to meet the Small House demand in Yeung Siu Hang. The villagers urged the Board to give favourable consideration to the representation and rezone the representation site to “V”.

[Mr. Kwok Ming Chi returned to join the meeting at this point.]

Representer No. 7

105. Mr. Chan Siu Shing made the following points:

*Amendment Item D11*

- (a) opposed to Amendment Item D11, i.e. to rezone the site in Area 37 to “OU(PFS)”
- (b) the site was located at the town centre with dense population. The petrol filling station (PFS) had potential dangers and adverse psychological impacts on the local residents;
- (c) there were quite a number of PFSs in Tuen Mun. The Government

should minimize the number of PSF as far as possible;

- (d) paragraph 4.4.5(b) of the Paper stated that no complaints had been received against the existing PFS on environmental and traffic aspects. However, ‘no complaint’ did not mean that the amendment was supported by the public;

*Amendment Item F10*

- (e) the large piece of land adjoining the Government farm and Castle Peak Hospital in Area 54 (both sites were now zoned “R(A)”) should be rezoned to “G/IC”;
- (f) at present, there was no private hospital in Tuen Mun. The sites were suitable and should be reserved for hospital or medical uses;
- (g) the adverse comments of SFH and D of Health that the site was not suitable for medical services due to its site configuration and its relatively inaccessibility could be overcome. The site could also be used as a park for the rehabilitation of mentally ill patients; and
- (h) the proposed “R(A)” zone for public rental housing development would further aggravate the traffic problem in Tuen Mun. There should not be any additional population increase in Tuen Mun until the existing traffic problem could be addressed with the implementation of the cross-harbour tunnel between Tuen Mun to Tung Chung in 2016.

[Mr. Bruce Wai returned to join the meeting this point.]

106. R3, R4, R7 and R9 had completed their presentations and Members had no question to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in their absence and would inform the representers of the Board’s decision in due course. The Chairman thanked the representers, representers’ representatives and the PlanD’s representatives for attending the



hearing. They all left the meeting at this point.

Deliberation Session

107. Members noted the supporting representations on Amendment Items D12, D13, F1, F2, F3, F9 and F15 in relation to the rezoning amendments in the Tuen Mun East Area.

108. Members then discussed the adverse representations. Members considered that the adverse representations on Amendment Item F10 was not justified and should not be upheld as there was no demonstrated need for G/IC uses, and specially for hospital use. Regarding the representation submitted by R4 on Amendment Item E4, Members noted the concerns of HCEO, CEDD that the stability of the man-made slope in the vicinity could affect or would be affected by the proposed development, and that there was yet assessment submitted for the Board's consideration. In response to a Member's enquiry, the Secretary replied that under the "GB" zone, planning application for 'NTEH' development could be submitted for the Board's consideration. Members did not agree with the representation of R3 and R9 on Amendment Item No. E4 and considered that the "GB" zoning of the site which was well vegetation was appropriate. For the representations in relation to Amendment Items F14, A2 and D11, Members considered that the proposed amendments were reasonable and there was no justification to uphold the representations.

109. Members noted that some of the proposals submitted by R3, R7 and R9 were not related to any amendment items of the OZP and PlanD had provided the representers responses to these proposals as detailed in paragraph 4.6 the Paper. The Chairman remarked that albeit these proposals were not related to the amendment items, he would like to invite PlanD to provide responses to the representers from a district planning point of view. Members agreed.

[Dr. W.K. Yau left the meeting at this point.]

Representations No. R3 and R9

110. After further deliberation, the Board noted the supportive representations of R3 and R9.

Representation No. 3

111. After further deliberation, the Board decided not to uphold the adverse representations of Representation No. 3 for the following reasons:

Amendment Item F10 - Rezoning of a "G/IC" site in Area 54 to "R(A)"

- (a) rezoning amendment to "R(A)" was to facilitate the public housing developments to maintain Government's pledge of average waiting time of around three years for general public rental housing applicants. Housing Department had consulted Tuen Mun District Council on the proposal to use the site for public rental housing;
- (b) there was no insurmountable environmental or engineering problem for the proposed public housing development on the site;
- (c) Secretary for Food and Health and Director of Health confirmed that there was no need to reserve the site for hospital use or clinic use;

Amendment Item E4 – Rezoning of a site in Area 50 from "O" to "GB"

- (d) the Director of Leisure and Cultural Services confirmed that adequate public open space facilities was provided in the Tuen Mun District as required under Hong Kong Planning Standards and Guidelines;
- (e) the site was well-vegetated and at the Castle Peak foothills and therefore "GB" zoning was considered appropriate;

Amendment Item F14 – Rezoning of a site in Area 55 from "OU(LRT Terminus)" to "G/IC"

- (f) in line with Tuen Mun District Council's request for more greenery and the local demand for sports/cultural facilities in accessible area in the Tuen Mun East area, the site was proposed to be rezoned to "G/IC" development;

- (g) adequate public open space facilities was provided in the Tuen Mun District as required under Hong Kong Planning Standards and Guidelines;

Amendment Item A2 – Imposing building height restrictions for “G/IC” sites in Area 56, Tuen Mun East area

- (h) the current building height restrictions for the subject sites were compatible with the tranquil settings and were justified from the urban design perspective. The height controls were also sufficient to meet the operational need of the existing developments and were agreed by the relevant bureaux/departments;
- (i) to cater for any future proposals with special design and planning merits, planning application for minor relaxation of building heights could be submitted for consideration by the Board.

Representation No. 4

112. After further deliberation, the Board decided not to uphold the Representation No. 4 for the following reason :

Amendment Item E4 – Rezoning of a site in Area 50 from “O” to “GB”

- (a) in view of the site characteristics and constraints, including the presence of man-made slopes and fruit trees, the suitability of zoning the site to “V” was not justified. The “GB” zoning which allowed for consideration of New Territories Exempted House developments under the planning application system was considered more appropriate.

Representation No. 7

113. After further deliberation, the Board decided not to uphold the Representation No. 7 for the following reasons:

Amendment Item F10 - Rezoning of a “G/IC” site in Area 54 to “R(A)”

- (a) rezoning amendment to “R(A)” was to facilitate the public housing developments to maintain Government’s pledge of average waiting

time of around three years for general public rental housing applicants. Housing Department had consulted Tuen Mun District Council on the proposal to use the site for public rental housing;

- (b) there was no insurmountable environmental or engineering problem for the proposed public housing development on the site;
- (c) Secretary for Food and Health and Director of Health confirmed that there was no need to reserve the site for hospital use or clinic use;

Amendment D11 – Rezoning of a site in Area 37 from “C/R” to “OU(PFS)”

- (d) the rezoning amendment was primarily to reflect the existing petrol filling station use and the scheme of an approved planning application; and
- (e) no complaints in respects of environmental and traffic concerns had been received since the operation of the existing petrol filling station.

Representation No. 9

114. After further deliberation, the Board decided not to uphold the adverse representations of Representation No. 9 for the following reasons :

Amendment Item F10 - Rezoning of a “G/IC” site in Area 54 to “R(A)”

- (a) rezoning amendment to “R(A)” was to facilitate the public housing developments to maintain Government’s pledge of average waiting time of around three years for general public rental housing applicants. Housing Department had consulted Tuen Mun District Council on the proposal to use the site for public rental housing;
- (b) there was no insurmountable environmental or engineering problem for the proposed public housing development on the site;
- (c) Secretary for Food and Health and Director of Health confirmed that

there was no need to reserve the site for hospital use or clinic use;

Amendment Item E4 – Rezoning of a site in Area 50 from “O” to “GB”

- (d) Director of Leisure of Cultural Services confirmed that adequate public open space facilities was provided in the Tuen Mun District as required under Hong Kong Planning Standards and Guidelines; and
- (e) the site was well-vegetated and at the Castle Peak foothills and therefore “Green Belt” zoning was considered appropriate.

[Mr. Benny Y.K. Wong, Mr. Stanley Y.F. Wong and Miss Annie Tam left the meeting at this point.]

**Group 3 (R1, R5 and C1)**

(TPB Paper No. 8553)

Presentation and Question Session

115. The following Members had declared interests on the item:

Mr. Rock C.N. Chen - a family member owned properties in Tuen Mun

Dr. C.P. Lau - owned a property in Tuen Mun

Mr. Stephen M.W. Yip - being an advisor of ExxonMobile on the rateable values of the oil depots situated at Tsing Yi. There was a petrol filling station of ExxonMobile in Tuen Mun

116. Members noted that Mr. Rock C.N. Chen had tendered an apology for not being able to attend the afternoon session of the meeting and Dr. C.P. Lau had left the meeting already. Members considered Mr. Stephen Yip’s interest on this item was not direct and should be allowed to stay in the meeting.

117. The following representatives from the Planning Department (PlanD), the representers' representatives and commenter were invited to the meeting at this point :

Ms. Amy Cheung	- District Planning Officer / Tuen Mun and Yuen Long, PlanD
Mr. C.C. Lau	- Senior Town Planner/West, PlanD
Ms. Jessie Kwan	- Town Planner/New Territories Headquarter, PlanD

**R1 Strong Huge Corporation**

Mr. Tang Cham Keung	- Representer's representative and Commenter
Ms. Chan Yung Chi	- Representer's representative

**R5 Wardale Company Limited and Common Empire Limited**

Miss Chan Wing Yan, Jenny	]
Ms. Betty S.F. Ho	] Representer's representatives
Mr. Cheng Pui Kan	]

118. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representatives from PlanD to brief Members on the background to the representations.

119. With the aid of a Powerpoint presentation, Mr. C.C. Lau made the following main points:

- (a) the background to the proposed amendments incorporated into the draft Tuen Mun Outline Zoning Plan No. S/TM/26 (the OZP) as set out in paragraph 1 of the Paper. The Board had decided to consider representations No. R1, R5 and the related Comment No. 1 (C1) collectively under Group 3;

Subject of Representations

- (b) R1 and R5 opposed to the rezoning of their representation sites at Tuen Mun Area 52 from “R(B)” to “R(C)” and the stipulation of building height (BH) restriction of three storeys (excluding basement(s)) and Plot Ratio (PR) restriction of 0.4. The site areas of R1 and R5 were of about 2,800m<sup>2</sup> and 2,100m<sup>2</sup> respectively. The representation sites had some overlapping area and were with similar land status and land uses characteristics. R1 and R5 also shared some similar grounds of representation;
- (c) C1, submitted by Tang Cham Keung, supported R5’s objection to the rezoning amendment from “R(B)” to “R(C)” in Tuen Mun Area 52 and R5’s proposal of allowing a PR of 5 for the representation site;

Grounds of Representation and Proposals

- (d) the grounds of representation put forth by R1 and R5 were summarised at paragraph 2.2 of the Paper;
- (e) R1 proposed a PR of 5 for his representation site whereas R5 proposed to revert the representation site to “R(B)” or rezone the representation site to “Comprehensive Development Area” (“CDA”), with a PR of 5;
- (f) planning considerations and assessments of the representations were detailed in paragraph 4 of the Paper;

Responses to Grounds of Representation

- (g) responses to grounds of representations of R1 and R5 were detailed in paragraph 4.5 of the Paper and summarized as follows:
- (h) Lack of justification for the down-zoning of “R(B)” zone of the site
  - (i) according to the Tuen Mun Area 52 Layout Plan No.

L/TM52/1 adopted on 29.9.1993, the representation sites were zoned “R4” and subject to a maximum PR of 0.4 and 2 storeys. Given the location of the sites at the fringe of the new town in the vicinity of some low-rise GIC sites, the PR and BH restrictions on the layout plan were compatible with the overall setting of the area;

- (ii) on 22.4.1994, the representation sites were zoned “R(B)” on the Tuen Mun OZP No. S/TM/8 without PR and BH restrictions. It was indicated in the ES of the said plan that the “R(B)” zone was predominantly intended for lower-density residential development. According to the planning practice at that time, PR and BH control on development was basically exercised through administrative measures by translating the restrictions under the layout plan onto the lease upon lease modifications. In view of the current public aspirations and the intention to enhance transparency and certainty on development control, PR/Gross Floor Area (GFA) and BH restrictions were reflected on the statutory OZP;
- (iii) in land use planning terms, the “R(C)” zone was more restrictive on land uses than the “R(B)” zone. Commercial uses such as ‘office, place of entertainment and market’, were neither a Column 1 nor a Column 2 use under the “R(C)” zone, but Column 2 uses under “R(B)” zone. The subject sites were situated at the fringe of the new town where such commercial uses were not intended for. The “R(C)” zoning was therefore more appropriate;
- (iv) the rezoning from “R(B)” to “R(C)” should not be considered as down-zoning because the PR restriction under the OZP was the same as that shown on the layout plan



which had been in force since 1993. The rezoning from “R(B)” to “R(C)” was considered appropriate in reflecting the planning intention for the sites, which had all along been for low-rise, low-density residential developments;

- (i) Reduce incentive for environmental improvement for the area
  - (i) with a total area of about 3,833m<sup>2</sup> (R1 and R5), a PR of 0.4 could allow a development of 1,533m<sup>2</sup> in GFA. There should be adequate incentive for upgrading the existing buildings or for providing noise mitigation measures;
  
- (j) Compatibility of a medium-density development with the environment
  - (i) a residential development with a PR of 0.4 was compatible with the overall setting of the area, which was characterised by low-rise and low-density residential clusters in the north, and GIC uses with a one-storey height restriction for sports ground in the south;
  
  - (ii) the Tuen Mun River Channel, Tuen Mun Road and Castle Peak Road were major air paths bringing the north-south wind into and through the area to reach the central part of Tuen Mun New Town in the south. As such, low-rise and low-density buildings at the site, which were located at the intersection of major air paths, would enhance air ventilation in the area;
  
  - (iii) in view of potential traffic noise from major roads fronting the sites, the DEP commented that a PR of 5 was not desirable from the environmental planning point of view, whereas the “R(C)” zoning with a PR of 0.4 was more appropriate;
  
- (k) Medium density development to meet the rising housing demand

- (i) the current OZP amendment did not affect the intended residential use of the sites. Moreover, the PR restriction of 0.4, equivalent to GFA of 1,533m<sup>2</sup>, was 42% higher than the permitted GFA of 1,078m<sup>2</sup> for the representation sites as granted under the respective building licences;

(l) Diminishing attraction for development to take place

- (i) it was not appropriate for the representer to use the adjacent sale site as an example to show low PR had reduced incentive for development. It was noted that there had been successful auctions for other sale sites with low PR. Furthermore, the adjoining sale site was not the only site on the List of Sites for Sale by Application (the Application List) for eight years. The phenomenon could have resulted from a host of complex factors regarding the local and global economic situation and other aspects, rather than the development restrictions of the sale sites per se;

(m) Discouraging innovative building design

- (i) the high-rise public housing estates in “R(A)” zone in the vicinity (e.g. Fu Tai Estate and Siu Hong Court) were all set back from major highways and buffered by “GB” zone, Tuen Mun River Channel, open space and/or GIC facilities. The two developments zoned “R(B)10”, namely, Parkland Villas and Napa Valley, were not in close proximity to the major highways/trunk roads like Tuen Mun Road/Yuen Long Highway or Lam Tei Interchange, and the PR restriction of 3.3 for the two developments as imposed on the OZP generally reflected their as-built conditions. These developments were at a different location and with a different site context;
- (ii) DEP did not agree with the representers’ argument that

sufficient development intensity for the sites was required to allow for sensitive building design and disposition to mitigate the noise impact and air quality concerns. As indicated in the ES of the subject Layout Plan, future development at the subject sites would be required to submit a Noise Impact Assessment Study. Innovative design to mitigate noise and air pollution might not result in additional domestic GFA. Minor relaxation of the PR restriction under s16 of the Ordinance could be submitted to the Board for consideration;

- (n) Fairness to the Landowner
  - (i) the representation sites were all agricultural lots held under Block Government Lease and the Building Licences granted to 6 sections with GFA entitlement of 883.56m<sup>2</sup> and 749.74m<sup>2</sup> for representation sites of R1 and R5 respectively. Height restrictions under the Building Licences for the two representation sites ranged from two and a half to three storeys. The zoning and related development restrictions would not infringe upon the development right of the lot owners as provided under lease;
  - (o) the proposals of R1 and R5 were not supported as detailed in paragraph 4.6 of the Paper; and
  - (o) PlanD's View – PlanD did not support R1 and R5 and considered that the representations should not be upheld for reasons as detailed in paragraph 6 of the Paper.

120. The Chairman then invited the representers, and representer's representatives to elaborate on their representations.

Representation No. R1 and Commenter No. C1

121. Mr. Tang Cham Keung made the following main points:

- (a) the representation site of R1 had all along been zoned as “R(B)” in the Tuen Mun OZP since 1994. No land in Tuen Mun had been zoned “R(C)” for low-density development;
- (b) the representation site was a piece of private land. The subject landowner had been discussing with the owners of the adjacent lots for a joint and comprehensive development in the area;
- (c) according to the expert advice of estate surveyors, it was a general practice to adopt a PR of 5 for “R(B)” sites in Tuen Mun, if there was no PR restriction stipulated in the OZP. It was therefore reasonable to expect that the representation site would have a PR of 5;
- (d) with a total land area of only about 3,000m<sup>2</sup>, the imposition of a PR 5 would result in a small-scale residential development, roughly one or two blocks of 20 storeys residential buildings with a site coverage of about 20%. Such a small scale of development would not have any adverse visual and air ventilation impacts on the surrounding area. In addition, there was a large piece of Government land of about 5,000 to 6,000 m<sup>2</sup> adjoining the representation site. The Board could reduce the development intensity of the Government land or rezone the land to “O” to address any possible environmental and air ventilation problems;
- (e) some sites near Tze Tin Tsuen had recently been proposed for high-density public housing development. The characteristics of the sites near Tze Tin Tsuen and the representation site were similar. It was not reasonable to impose such a low PR on the representation site;
- (f) it was not reasonable to stipulate a PR restriction of 0.4 to the representation site for the reason that the representation site consisted of agricultural lots held under Block Government Lease. In this regard,

almost all the land in the New Territories were agricultural lots held under the Block Government Lease and some of them had been resumed for new town development;

- (g) at present, the area was rather dilapidated and occupied by a vehicle repairing workshop and a recycling workshop. The proposed PR of 0.4 was far too low to provide any incentive for redevelopment; and
- (h) the representation site was adjacent to Fu Tai Estate and Siu Hong Court which had been developed nearly 20 years ago. In recent years, there had been increasing housing demand from the offsprings of the residents of these two large housing estates, who had formed their own families. To provide affordable housing to meet the imminent needs of the community, medium-density multi-storey residential development should be provided on the representation site. Rezoning the site to “R(C)” with a PR of 0.4 could only provide low-density luxurious housing on the site. It could not achieve the objective of providing affordable housing to the community.

#### Representer No. R5

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

- (a) the representer objected to Amendment Item B10 in relation to the rezoning of the representation site from “R(B)” to “R(C)” with a PR of 0.4 and stipulation of BH restriction of 3 storeys;

#### The Representation Site

- (b) the representation site included Lots 555 S.D, 555 S.E, 555 RP, 559 S.A RP, 559 S.B ss.1 RP, 559 RP, 560 S.A, 560 S.B and 560 RP in D.D. 130. It was covered by the Tuen Mun OZP first exhibited in 1983;

- (c) the representation site was not at the fringe of the Tuen Mun New Town as stated in the Paper. It was located 2 km north of Tuen Mun Town Centre, similar to the distance between Tsim Sha Tsui Star Ferry to Whampoa Gardens or Landmark, Central to Wan Chai Cross Harbour Tunnel Portal;

#### Zoning History

- (d) before 1994, the representation site was zoned “U” on the Tuen Mun OZP No. S/TM/7. The “U” zone denoted areas where further detailed planning study was required;
- (e) in 1994, the site was rezoned from “U” to “R(B)” zone in the Tuen Mun OZP No. S/TM/8. According to the Notes of the OZP, the planning intention of the “R(B)” zone was primarily for ‘lower-density residential developments’ with no PR or BH restrictions;
- (f) in 2009, the subject site was rezoned from “R(B)” to “R(C)” with a maximum PR of 0.4 and height restriction of 3 storeys;

#### Existing and Adjacent Land Uses

- (g) there were a private residential care home for persons with disabilities and an abandoned petrol filling station at the representation site. The existing environment of the area was very poor;
- (h) the site was located in a residential neighbourhood with the Siu Hong West Rail Station and Light Rail Station within 500m to the west of the site;
- (i) there were also a number of medium and high-density residential developments in the adjacent areas, including the Fu Tai Estate (with a PR of 5), Parkland Garden and Napa Valley (with a PR of 3.3),

etc.;

Responses to PlanD's Justifications: Based on Layout Plan

- (j) according to the Tuen Mun New Town Area 52 Layout Plan (No. L/TM/52/1B) which was a non-statutory departmental plan adopted in 1993, the representation site and the adjoining lots were zoned "R4" with a PR of 0.4;
- (k) despite the site had been zoned "R4" on the Layout Plan since 1993, the zoning was not followed in the revision of the Tuen Mun OZP. The site was rezoned as "R(B)" on the Tuen Mun OZP No. S/TM/8 in 1994, with the planning intention for "lower development intensity";
- (l) although it was stated in paragraph 4.5.1 of the Paper that according to the planning practice at that time, PR and height control on development was basically exercised through administrative measures to translate restrictions under the layout plan onto the lease. PlanD could have rezoned the site "R(C)" on the OZP in 1994 easily. The rezoning of the site to "R(B)" by PlanD might be due to some reasons. One of the possible reasons was that the appropriate development intensity for site could not be finalized pending the completion of the Yuen Long Highway or other planning reasons;
- (m) being situated at an easily accessible location close to Siu Hong West Rail and Light Rail Stations, the representation site was suitable for high-density transit-oriented development;
- (n) by making reference to Plan H-6 of the Paper, the site was not located in the air path and development on the site would not obstruct the major air path bringing the north-south wind into Tuen Mun New Town;

- (o) there were a number of high-density residential developments located along major roads with provision of noise mitigation measures e.g. the residential developments with PR of 3 to 5 along Hung Tin Road, near the Tin Shui Wai West Transport Interchange and those along Wong Chu Road and Tuen Mun Road. These developments were good examples to illustrate that sufficient development intensity should be allowed for the representation site to provide the necessary noise mitigation measures;
- (p) the area was rather dilapidated with open storage and workshop uses as well as abandoned houses and a petrol filling station. Rezoning of the Site from “R(B)” to “R(C)” with a PR of 0.4 would not provide incentive for development and hence improvement of the area;
- (q) although building licences had been issued by the Lands Department for various sections of Lots on the representation site, no development had taken place on the site. The proposed PR of 0.4 was not attractive to the landowners at all;
- (r) the adjoining lot TMTL 430 had been on the Application List for over eight years and yet no developer had applied for its auction. This showed that development of low-density houses at this location was unattractive. With such unreasonable PR restriction of 0.4, the valuable land resource would be wasted. It would only jeopardize the (re)development potential of the area and the existing abandoned and dilapidated structures would remain;
- (s) the ex-Fire Services Married Quarters site (the Quarter Site) along Castle Peak Road – Lingnan and Tuen Mun Road was recently zoned as “R(E)” with a PR of 2.91, and a BH of about 20 storeys (BH restriction of 70mPD). This Quarter Site had similar site context and would provide a good reference for determining the



appropriate development intensity of the representation site;

Representer's Proposals

- (t) the representer proposed to:
- revert to the original "R(B)" zone with a PR of 5; or
  - rezone the representation Site to "R(B)14" with a PR of 3.3;
- or
- similar to the Quarter Site, rezone the site to "R(E)" with a PR of 3.3. Under the "R(E)" zoning, proposed residential development supported by technical assessments had to be submitted to the TPB for its consideration.
  - if a PR of 3.3 was stipulated, the BH restriction would be not higher than 60mPD.

123. As the presentations from R1, R5 and C1 had been completed, the Chairman invited questions from Members.

124. In response to a Member's concern on the traffic noise impacts on the representation sites, Ms. Amy Cheung replied that it had been stipulated in the ES of the Layout Plan that noise impact assessment study had to be submitted for proposed residential development on the representation sites. As the representation sites were agricultural lots held under Block Government lease, provision of residential development on the sites required lease modification. The requirement for the submission of a noise impact assessment would be incorporated into the lease conditions accordingly.

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

Deliberation Session

126. A Member said that in view of the potential traffic noise impacts imposed by the adjoining roads, it was not appropriate to increase the development intensity of the representation sites of R1 and R5. This Member queried whether the sites should be retained for residential development. Another Member shared the concern of the adverse traffic noise impacts of the adjoining roads and considered that a low-rise residential development was more appropriate. In this regard, the “R(C)” zoning with a PR 0.4 was supported.

127. The Chairman concluded that taking into account the development intensity of PR 0.4 as shown on the Tuen Mun Area 52 Layout Plan, the site constraints, the building entitlement and other relevant planning considerations such as traffic noise impact, the representation sites of R1 and R5 were suitable for low-rise, low-density development and “R(C)” zoning with a PR of 0.4 was appropriate. Members agreed.

#### Representations No. 1 and 5

128. After further deliberation, the Board decided not to uphold the Representations No. 1 and 5 for the following reasons:

- (a) the rezoning of the representation sites from “R(B)” to “R(C)” was to state beyond doubt the development intensity for the sites as shown on the Tuen Mun Area 52 Layout Plan adopted since 1993;
- (b) having considered the location of the sites at the fringe of Tuen Mun New Town characterised by low-rise developments, restrictions under the Layout Plan, entitlements under building licences granted to some parts of the sites, site constraints including the presence of overhead power line, prevailing air ventilation, and traffic noise nuisance, a PR of 0.4 for the representation sites was considered more appropriate than a plot ratio of 5 as proposed by the representers;
- (c) with a total area of about 3,833m<sup>2</sup>, a plot ratio of 0.4 could allow a development of 1,533m<sup>2</sup> in GFA. There should be adequate

incentive for upgrading the existing buildings on-site; and

- (d) the GFA yielded under the statutory PR control of 0.4 was higher than the GFA entitlement under the building licences granted to some lots covering the site. This would provide incentive for upgrading the existing buildings/structures on site nor would the development rights of the representation sites be affected.

[Ms. L.P. Yau left the meeting at this point.]

**Group 4 (R2 and R8)**

(TPB Paper No. 8554)

129. The following Members had declared interests on the item:

Mr. Rock C.N. Chen - a family member owned properties in Tuen Mun

Dr. C.P. Lau - owned a property in Tuen Mun

Mr. Stephen M.W. Yip - being an advisor of ExxonMobile on the rateable values of the oil depots situated at Tsing Yi. There was a petrol filling station of ExxonMobile in Tuen Mun

130. As the item was for deferral of consideration of the hearing of Group 4 of the representations, the meeting agreed that the above Members could stay in the meeting. Members noted that Mr. Rock C.N. Chan had tendered an apology for not being able to attend the meeting and Dr. C.P. Lau had already left the meeting.

131. The Secretary briefed Members on the background of the case as set out in paragraph 1 of the Paper. On 28.5.2010, the Secretary for the Environment (SEN) provided further information in relation to R8. In order to allow time for PlanD to consider SEN's further information, it was recommended that the hearing on Group 4 be deferred. Group 4

was a collective hearing of R8 and R2 both related to power supply facilities. R2 which was submitted by CLP Power Hong Kong Ltd had been consulted and indicated no objection to the deferment.

132. According to the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33), deferment should only be allowed for a maximum of 4 weeks, i.e. 2 meetings. However, for the current case, special consideration could be given due to the exceptional circumstances, i.e. the last-minute substantial information provided by SEN which was material to the consideration of the representation. Adjournment of the hearing for Group 4 should not affect the Board's hearing and consideration of the other 3 groups.

133. After further consideration, the Board decided to defer the hearing on Group 4 involving the representations of R8 and R2 as requested by PlanD.

### **Agenda Item 8**

[Open Meeting]

Request for Deferral for Review of Application No. A/NE-KTN/131

Proposed Comprehensive Residential Development

with Minor Relaxation of Plot Ratio and Site Coverage Restrictions in "Comprehensive Development Area" zone and an area shown as 'Road',

Lots 684RP, 705RP(Part), 706RP(Part), 709(Part), 711(Part), 712, 713RP, 715, 716, 717, 718RP(Part), 719, 721RP(Part), 2158RP(Part) in D.D. 92 and Adjoining Government Land, Kwu Tung North, Sheung Shui

(TPB Paper No. 5488)

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[The meeting was conducted in Cantonese.]

134. The Secretary briefed Members on the background of the review application No. A/NE-KTN/131 as set out in paragraph 1 of the Paper. The applicants applied for a review of the RNTPC's decision on 6.11.2009 to approve the application with an approval condition, amongst others, that the applicants were required to open Enchi Lodge, which

was a proposed Grade II historic building to be used as a residents' club house, to the public at least one day a week. The review was originally scheduled for consideration by the Board on 26.2.2010. On 19.5.2010, the applicants requested the Board to further defer the consideration of the review application for two months on grounds that the applicants had been actively discussing with the relevant Government departments to resolve matters associated with the opening arrangement of the Enchi Lodge to the public. The applicants were still awaiting feedback from Government departments. The justifications for deferment met the criteria set out in the TPB Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance in that the applicant needed more time to consult relevant Government departments and to prepare further responses, the deferment period was not indefinite and the deferment would not affect the interest of other relevant parties.

135. After deliberation, the Board agreed to defer consideration of the review application for two months in order to allow time for the applicant to prepare submission of further information. The Board also agreed that the application should be submitted to the Board for consideration within three months from the date of receipt of further information from the applicant. The Board also agreed to advise the applicant that the Board had allowed a maximum of two months, resulting in a total of four months for preparation of submission of the further information, and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 9**

[Open Meeting]

### **Any Other Business**

[The meeting was conducted in Cantonese.]

138. There being no other business, the meeting was closed at 6:35 p.m.