

**Minutes of 965th Meeting of the
Town Planning Board held on 3.9.2010**

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

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Mr. Maurice W.M. Lee

Mr. Timothy K.W. Ma

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Dr. W.K. Lo

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Professor S.C. Wong

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Deputy Director of Environmental Protection

Mr. Benny Wong

Director of Lands

Miss Annie Tam

Director of Planning

Mr. Jimmy Leung

Deputy Director of Planning/District

Secretary

Miss Ophelia Y.S. Wong

Absent with Apologies

Ms. Maggie M.K. Chan

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Dr. Winnie S.M. Tang

Professor Joseph H.W. Lee

Mr. Laurence L.J. Li

Ms. Pansy L.P. Yau

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Mr. Fletch Chan

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse (a.m.)
Ms. H.Y. Chu (p.m.)

Senior Town Planner/Town Planning Board
Ms. Amy M.Y. Wu (a.m.)
Ms. Maggie Chin (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 964th Meeting held on 25.9.2010

[The meeting was conducted in Cantonese.]

1. The minutes of the 964th Meeting held on 25.9.2010 were confirmed without amendments.

Agenda Item 2

[Closed Meeting]

Matters Arising

2. This item was recorded under confidential cover.

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

[Mr. Y.K. Cheng returned to join the meeting while Dr. W.K. Lo, Mr. Clarence W.C. Leung, Ms. Anita W.T. Ma had left the meeting at this point.]

[Ms. Annie Tam, Mr. Jimmy Leung, Mr. Stephen M.W. Yip had left the meeting temporarily at this point.]

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations to the Draft Shek Kip Mei Outline Zoning Plan No. S/K4/24
(TPB Papers No. 8614 & 8615)

[The hearing was conducted in Cantonese.]

Group 2: R2 to R211

(TPB Paper No. 8614)

3. The following Members had declared interest on the item:

- | | | |
|---|---|--|
| Mr. Thomas Chow
<i>(as Permanent Secretary for
Development (Planning and
Lands))</i> | - | owned a flat in Parc Oasis |
| Ms. Annie Tam
<i>(as the Director of Lands)</i> | - | being a member of Hong Kong
Housing Authority (HKHA) |
| Mr. Stanley Y.F. Wong | - | being a member of HKHA |
| Mr. Stephen M.W. Yip | - | being former member of HKHA |
| Dr. W.K. Lo |] | being a member of the Building
Committee (BC) of HKHA |
| Professor Edwin H.W. Chan |] | |
| Mr. Jimmy Leung
<i>(as the Director of Planning)</i> | - | being a member of the BC and
Strategic Planning Committee (SPC)
of HKHA |
| Mr. Andrew Tsang
<i>(as the Assistant Director of
Home Affairs)</i> | - | being a representative of the Director
of Home Affairs who was a member
of the SPC and Subsidised Housing
Committee of HKHA |
| Ms. Maggie M.K. Chan | - | her spouse was an employee of the
Bank of East Asia Ltd (BEA), and the
Chairman and Chief Executive of
BEA, Dr. The Hon David Li Kwok
Po, submitted R3 as the Chairman of
the Hong Kong Settlers Housing
Corporation Ltd. (HKSHCL) |
| Mr. Rock C.N. Chen | - | had business dealings with BEA |
| Mr. Y.K. Cheng | - | spouse being Assistant Director
(Development and Procurement),
Housing Department |
| Mr. Raymond Y.M. Chan | - | his mother owned a flat at Sai Yeung
Choi Street which was outside the
OZP boundary |

4. Members agreed that as R2 concerned the BH restriction of Nam Shan Estate and Tai Hang Tung Estate which were under the management of HKHA and the Chairman of BEA was the Chairman of HKSHCL (R3) (owner of Tai Hang Sai Estate), the above Members who were members of HKHA/its committees or having business dealings/relations with HKHA and BEA should be invited to leave the meeting for this item as their interests were direct and substantial. Members agreed that Mr. Y.K. Cheng and Mr. Raymond Y.M. Chan's interests were indirect and insubstantial and they could be allowed to stay at the meeting. Members noted that while Professor Edwin Chan, Mr. Andrew Tsang, Ms. Maggie M.K. Chan and Mr. Rock C.N. Chen had tendered apologies for not able to attend the meeting, the other Members had left the meeting. Members noted that both the Chairman and Vice-Chairman had declared interest on this item but agreed that as the landed interest of the Chairman was more direct and substantial, he should leave the meeting while the Vice-Chairman should stay at the meeting and take up the Chairmanship out of necessity.

[Mr. Thomas Chow left the meeting temporarily at this point.]

Presentation and Question Session

5. The Vice-Chairman said that sufficient notice had been given to invite the representers to attend the hearing, but other than those that would present at the meeting, the rest had either indicated not to attend the hearing or made no reply. As sufficient notice had been given to the representers, Members agreed to proceed with the hearing in their absence.

6. The following representatives from the Government, the representers and the representers' representatives were invited to the meeting at this point:

- | | |
|--------------------|---|
| Mr. Wilson Chan | - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Planning Department (PlanD) |
| Ms. Leung Mei Ling | - Senior Town Planner/Special Duties, PlanD |
| Ms. Tong Kit Mei | - Town Planner/Special Duties, PlanD |
| Ms. Una Wang | - Air Ventilation Assessment (AVA) Consultant |

R2 - Kwok Chun Wah, Jimmy (Sham Shui Po District Councillor)

Mr. Kwok Chun Wah, Jimmy Representer

R3 - The Hong Kong Settlers Housing Corporation Ltd.

Mr. Kenneth To Lap Kee)
Ms. Kitty Wong) Representer's representatives
Mr. Yiu Kwok Wing)
Mr. Au Wai Hung, Felix)

R4 - Office of Fung Kin Kee & Wong Kwai Wan District Councillors (Hong Kong Association for Democracy and People's Livelihood) and Concern Group on Tai Hang Sai Estate Residents

Mr Fung Kin Kee - Representer
Ms Wong Kwai Wan - Representer
Mr. Tse Yan Ming)
Ms. Li Kam Ching) Representer's representatives
Mr. Lau Fook Sing)
Mr. Kan Leung Hoi)

R18 – Tze Kiu

Ms. Tze Kiu Representer

R22 – Yu Mei Lin

Ms. Yu Mei Lin Representer

R32- Yiu Ting Fung

Ms. Yiu Ting Fung Representer

R34 – Chu King Li

Ms. Chu King Li Representer

R39 – Lau Kwok Ping

Mr. Lau Kwok Ping Representer

R124 – Hung Kwok Leung

Mr. Hung Kwok Leung Representor

R126 – Tsang Shou Ping

Ms. Tsang Shou Ping Representor

R128 – Chiu Wai Yuet

Ms. Chiu Wai Yuet Representor

R131 – Leung Yuk Ki

Mr. Leung Yuk Ki Representor

R134 – Siu Cheung

Mr. Siu Cheung Representor

R139 – Lin Soo Kin

Ms. Lin Soo Kin Representor

R148 – Pang Lai Ying

Ms. Pang Lai Ying Representor

R150 – Chan So Lan

Ms. Chan So Lan Representor

R151 – Tam Siu Chun

Ms. Tam Siu Chun Representor

R152 – Wong Yu Wa

Mr. Wong Yu Wa Representor

R154 – Loo Ki Wai

Mr. Loo Ki Wai Representor

R155 – Lee Yau Choi

Mr. Lee Yau Choi Representer

R158 – Lui Ling

Ms. Lui Ling Representer

R164 – Kwan Kwong Cheong

Mr Kwan Kwong Cheong Representer

R171 – Lee Pik Kan

Mr. Lee Pik Kan Representer

Ms. Ma Mei Chan Representer's representative

R173 – Chan Woon

Mr. Chan Woon Representer

R176 – Choi Pui Ying

Ms. Choi Pui Ying Representer

R177 – Chan Chi Keung

Mr. Chan Chi Keung Representer

R178 – Ho Kwai Ying

Ms. Ho Kwai Ying Representer

R180 – Yip Siu Hung

Mr. Yip Siu Hung Representer

R182 – Cheng Bak Foon

Ms. Liu Bing Representer's representative

R185 – Tang Suk Kan

Ms. Tang Suk Kan Representer

non-building areas (NBA) in various zones; and other zoning amendments was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);

- (b) upon expiry of the two-month exhibition period, a total of 211 representations were received and no comment was received. All 210 representations under Group 2 were related to the “CDA” zone of the Tai Hang Sai Estate with plot ratio (PR) restriction of 5.5, BH restrictions of 90mPD/130mPD and a 25m wide NBA along the western site boundary. Among them, about 205 representations were submitted by residents of Tai Hang Sai Estate in form of standard letters. The majority of them opposed the rezoning of Tai Hang Sai Estate from “R(A)” to “CDA” and/or the BH and NBA restrictions on the site. One representation also concerned about the BH restrictions of Nam Shan Estate and Tai Hang Tung Estate;

Grounds of Representations

- (c) the main grounds of the representations as detailed in paragraph 2.3 of the Paper were summarised as follows:

Opposing the “CDA” Zoning of Tai Hang Sai Estate

- (i) objection to rezone the site from “R(A)” to “CDA”(R3);
- (ii) the long planning process entailed in the proposed “CDA” zoning would slow down the estate redevelopment (R4);
- (iii) the site was ripe for redevelopment and should be redeveloped outright instead of rezoning (R210);
- (iv) “CDA” zoning would provide greater flexibility to develop the site as commercial use and hence undermine the chance of providing on-site local rehousing for the affected residents.

(R4 and R5 to R209);

Opposing the PR of the “CDA” Zone of Tai Hang Sai Estate

- (v) the site was located next to Shek Kip Mei MTR Station and the original PR 9 should be retained to achieve a transit-oriented development (TOD) (R3);
- (vi) the decrease in PR from 9 to 5.5 would reduce the supply of affordable housing for low-income group and hence affect the viability of the redevelopment (R3);
- (vii) it was unjust to lower the PR of the site from 9 to 5.5 while allowing the nearby HKHA’s sites to be retained as “R(A)” zone with PR 9 (R3);

Opposing the BH Restriction on the “CDA” Zone of Tai Hang Sai Estate

- (viii) Expert Evaluation (EE) could not provide an absolute benchmark on air ventilation impacts. None of the 3 selected locations for wind data were near to the site. The findings of EE to justify the proposed BH restrictions were doubtful (R3);
- (ix) the BH restriction of 90mPD/130mPD on the site would breach the ridgeline and create wall effect (R2);

Opposing the NBA on the “CDA” Zone of Tai Hang Sai Estate

- (x) a statutory 25m-wide NBA along the western boundary was assumed in the option evaluation of the MPC paper but not shown in the original OZP (R3);
- (xi) the proposed 25m-wide NBA along the western site boundary would squeeze the buildings into a congested layout. An alternative NBA in a north-south direction providing a spacious

central communal landscaped courtyard for the residents was more sensible (R3);

Air Ventilation Consideration

- (xii) the southern green knoll was higher than any buildings along Woh Chai Street and hence a ventilation barrier to the existing Tai Hang Sai Estate and the proposed “CDA” zone (R211);
- (xiii) redevelopment of Tai Hang Sai Estate into high-rise buildings would affect air ventilation of Nam Shan Estate and Tai Hang Tung Estate, both located in a valley (R4);

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

Traffic Consideration

- (xiv) in anticipation of population increase, supporting transportation facilities should be provided to ensure through road and rail traffic (R4);

Rehousing Arrangement

- (xv) the Government should be responsible for arranging local rehousing for the affected residents of Tai Hang Sai Estate (R4 and R210);
- (xvi) there was no rehousing arrangement, in particular local rehousing, associated with the zoning amendment (R4 and R5 to R209);
- (xvii) an inter-departmental mechanism should be set up to expedite the redevelopment of Tai Hang Sai Estate (R210);

Consultation Process

- (xviii) there was a need to increase the transparency and assist the residents to understand the impacts of the proposed amendments (R4 and R5 to R209);
- (xix) local residents should be widely consulted on the proposed OZP amendments and the future development on the Tai Hang Sai Estate site (R4 and R210);
- (xx) the consultation period should be extended and more information should be disclosed (R210);

Representers' Proposals

- (d) the representers' proposals as detailed in paragraph 2.4 of the Paper were summarised as follows:

R2

- (i) to limit the building height restrictions of Nam Shan Estate and Tai Hang Tung Estate to its current level at 8 to 12 storeys or not more than 80mPD (as proposed under Amendment A);
- (ii) the proposed NBA at the Tai Hang Sai Estate site should be widened because an MTR ventilation shaft was already in existence and the pedestrian traffic to the MTR station was very high. If the NBA was not wide enough, the weak cooling effect and high pedestrian flow would cause wall effect;
- (iii) to widen the NBAs under Amendment Items K1 to K6;

R3

- (iv) to retain the original "R(A)" zoning for the Tai Hang Sai Estate site;
- (v) to remove the NBA restriction from the Tai Hang Sai Estate site;

- (vi) to relax the BH restriction of the Tai Hang Sai Estate site such that a nodal TOD could be established for the Shek Kip Mei community;

R211

- (vii) to add an amendment item to lower the small knoll to the south of Tai Hang Sai Estate;

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

PlanD's Responses

- (e) PlanD's responses to the grounds of representations as detailed in paragraph 4.4 of the Paper were summarised as follows:

Opposing the "CDA" Zoning of Tai Hang Sai Estate

- (i) the "CDA" zoning could guide the redevelopment in a comprehensive and co-ordinated manner. Reverting to the original "R(A)" zone was not supported (R3);
- (ii) Planning Brief under "CDA" zoning could provide a platform to solve issues at an earlier stage, avoiding undue delay (R4);
- (iii) the timing of redevelopment was a market decision, upon which land use zoning had no bearing (R210);
- (iv) residential use would be the primary use for the "CDA" zone and commercial use was only ancillary to the residential use. Predominant commercial use was against the planning intention. (R4 and R5 to R209);

Opposing the PR of the “CDA” Zone of Tai Hang Sai Estate

- (v) the proposed development at a PR of 5.5 was considered compatible with the surrounding environment. The proximity of the site to mass transit system and the need to maximise flat supply should not outweigh other relevant factors (R3);
- (vi) the resultant GFA of the “CDA” site would be increased by 73% under the proposed OZP amendment and could not be regarded as insignificant. There was no technical assessment which indicated that the redevelopment would not be viable with a PR 5.5 (R3);
- (vii) the GFA concession of a public housing development was lower than that of a non-public housing development. A public housing development at a PR 6 and a non-public housing development at a PR 5.5 were comparable in terms of their building bulk (R3);

Opposing the BH Restriction on the “CDA” Zone of Tai Hang Sai Estate

- (viii) EE was particularly useful for large sites and/or sites with specific and unique wind features. The wind data at the 3 locations were sufficient for EE purpose at the planning stage. Air ventilation was not the sole consideration for setting the BH restrictions (R3);
- (ix) the BH restrictions of 90/130mPD preserved both the ridgelines of Beacon Hill and Hong Kong Island, and descended towards the annual prevailing eastern wind for good air movement (R2);

Opposing the NBA on the “CDA” Zone of Tai Hang Sai Estate

- (x) as the NBA proposed by the AVA post-dated the “R(A)” zone, it was not shown on the original OZP (R3);

- (xi) the proposed north-south NBA across the central portion of the “CDA” site aligned with none of the prevailing wind directions. There was no technical assessment to substantiate the air ventilation function of the proposed north-south NBA (R3);

Air Ventilation Consideration

- (xii) there was no significant air ventilation problem at the areas around the southern green knoll according to the AVA. Under the “CDA” zoning, an AVA would need to be submitted to the Board to ensure that any potential air ventilation impact would be minimised. The southern green knoll would not be a barrier to air ventilation (R211);
- (xiii) wind passed over the low-rise buildings in the east and reached Nam Shan Estate and Tai Hang Tung Estate easily. The roads running in the south-west direction could facilitate the summer southwesterlies to the estates. To improve air ventilation, two NBAs within the two estates were designated on the OZP (R4);

Traffic Consideration

- (xiv) the requirement for TIA was included in the Notes for the “CDA” zone (R4);

Rehousing Arrangement

- (xv) the timing for future redevelopment of Tai Hang Sai Estate was market-driven. R3 had demonstrated efforts to solve the rehousing issue in the past. The rehousing arrangement and the setting up of an inter-departmental mechanism were outside the ambit of the Ordinance and the purview of the Board (R4, R5 to R209 and R210);

Consultation Process

- (xvi) all the statutory requirements under the Ordinance had been met and the public was consulted and informed in accordance with the established practice (R4, R5 to R209 and R210);

- (f) PlanD's responses to the representers' proposals as detailed in paragraph 4.5 of the Paper were summarised as follows:

R2

- (i) limiting the BH restrictions of Nam Shan Estate and Tai Hang Tung Estate to its current level of 8 to 12 storeys would restrict the redevelopment potential of the two estates and hence was not supported, whereas the proposed BH restrictions of 65/80mPD had balanced the air ventilation and development potential, and the requirements for two 30m-wide east-west NBAs across the two estates and a further AVA had been incorporated into the ES;
- (ii) there was no justification to widen the NBA. The AVA report recommended that the NBA should be at least 25m wide;
- (iii) widening the NBAs of Amendment Items K1 to K6 was not supported as the NBAs had attained the maximum width achievable given the site constraints;

R3

- (iv) retaining the original "R(A)" zoning for the Tai Hang Sai Estate site was not supported as the "CDA" zoning would provide better planning control;
- (v) removing the NBA restriction from the Tai Hang Sai Estate site was not supported as the NBA was considered necessary under the AVA Study;
- (vi) there was insufficient information to support the proposed relaxation of BH restriction of Tai Hang Sai Estate and such relaxation would jeopardise the integrity of the overall stepped

height concept;

R211

(vii) there was no strong justification for lowering the knoll. The green knoll had not blocked the summer southwesterlies from reaching Tai Hang Sai Estate. The southern green knoll covered with vegetation was a valuable natural landscape and visual resource in the Area; and

(g) PlanD's views - PlanD did not support R2 to R211 for reasons as detailed in paragraphs 6.1 to 6.6 of the Paper.

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

10. Mr. Kwok Chun Wah, Jimmy (R2) made the following points:

- (a) he was a District Council member of the Yau Yat Tsuen constituency and represented the residents of Yau Yat Tsuen. Yau Yat Tsuen was within the same neighbourhood of Nam Shan Estate, Tai Hang Sai Estate and Tai Hang Tung Estate;
- (b) the Board should take into account the local context and characteristics of the district in conducting the AVA. There were two secondary schools, two primary schools and the City University of Hong Kong within the Shek Kip Mei area. The AVA had not assessed the traffic condition and pedestrian flow in the area. The Board should improve the existing traffic and pedestrian facilities so as to enhance the quality of life for the residents within the area;
- (c) the imposition of the BH restrictions of 120mPD to 130mPD for Shek Kip Mei Estate and 90mPD and 130mPD for Tai Hang Sai Estate was not appropriate and that would create significant adverse visual impact along the narrow Woh Chai Street. The NBAs should be widened as

far as possible in view of the high pedestrian flow; and

- (d) in view of the existing traffic congestion around Festival Walk and Tat Chee Avenue in particular on holidays, a TIA was necessary to assess the traffic impact and pedestrian flow in considering future development. There were inadequacies in the previous TIA undertaken for Festival Walk. The type of environmental-friendly vehicles should also be included in the TIA to be undertaken in future to achieve a sustainable living environment.

11. With the aid of a Powerpoint presentation, Mr. Kenneth To (R3) made the following points:

Nature of Representer

- (a) the HKSHCL was set up in 1952. The objectives in the Memorandum of the Association was to apply to the Hong Kong Government for sites on such terms and conditions as might be agreed between the Government and the Company for the building of huts and houses for the occupation by settlers approved by the Government and by other residents whose total incomes did not exceed an amount from time to time decided by the Company;
- (b) it was a non-profit making company in which the income and property of the Company should be applied solely towards the promotion of the objects of the Company as set forth in the Memorandum of Association and no portion thereof should be paid or transferred directly or indirectly by way of dividend bonus or otherwise howsoever by way of profit to the members of the Company;

History

- (c) in 1961, the Government granted a piece of land at concessionary premium to HKSHCL for developing Tai Hang Sai Estate in order to

rehouse tenants affected by the clearance of the then Tai Hang Sai Resettlement Area;

- (d) Tai Sang Sai Estate was built and managed by HKSHCL. The year of completion for the seven blocks was 1964 to 1967 and 1981 for Man Tai House. The land grant provided that the HKSHCL should build on the land not less than 1,600 flats for letting to persons with low income but should not sell, assign or mortgage the land or any buildings thereon without the Government's consent;

Existing Condition

- (e) currently, there was a total of 1,603 flats occupied by 4,979 persons in Tai Hang Sai Estate. The eight residential blocks were of 7 to 9 storeys without the provision of lifts. The flat size ranged from 261 to 523 sq.ft. Monthly rents were at a range of \$500 to \$2,250. About 32% of the residents were within the age group of 46 to 64 while about 30% were at or over 65;

Prospects of Redevelopment

- (f) Tai Hang Sai Estate was not an ordinary private residential development and the lease restricted to the building of not less than 1,600 flats for letting to low-income groups. It was similar in nature to the public rental housing under HKHA and Hong Kong Housing Society (HKHS);
- (g) the representer acted as a custodian of public resources for the benefit of the public. The land within the representation site was a public resource to meet the housing need of low-income group and the representer was to ensure that the potential of the public resource was maximised;
- (h) redevelopment of the site would help improve the living conditions as the current building layout, design and facilities were outdated. It

would also ensure a supply of more affordable housing (small to medium sized flats) amidst the current polarisation of housing market. The following development parameters were proposed:

- (i) “R(A)” zoning – domestic PR of 7.5;
 - (ii) 3,135 flats (50 sq.m);
 - (iii) 1,603 flats for reprovisioning;
 - (iv) 1,532 flats for new supply;
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- (i) Ka Wai Chuen in Hung Hom was a successful case for in-situ rehousing and a carefully programmed phased redevelopment by HKHS. The original estate was built in 1950s and redevelopment took place from 1984 to 1993 with in-situ re-housing (5 blocks for rental and 4 blocks for sale after redevelopment);
 - (j) the reprovisioning cost of 1,600 units for Tai Hang Sai Estate would be over one billion HK dollars and could be funded under Home-Ownership Scheme or Private Sector Participation Scheme;

[Professor Paul K.S. Lam left the meeting at this point.]

Inadequacies of Planning Considerations for the “CDA” zone

- (k) Tai Hang Sai Estate was not a private development in terms of its unique nature of the lease, landlord-tenant relationship and rental level;
- (l) PlanD’s argument that Tai Hang Sai Estate was a private residential development and hence a PR of 5.5 was appropriate was based on a wrong assumption on GFA concession. For example, the type of low cost housing at Tai Hang Sai Estate would not include grand lobby and club house as in other private residential development. The reduction in PR would lead to a reduction in new supply of flats from 1,532 to 630. The number of new flats would be further reduced if some commercial uses were provided;

- (m) the current OZP restrictions were against the principle of TOD model in that non-domestic GFA for community supporting facilities could hardly be provided and BH restriction of 130mPD was stipulated by making reference to the neighbouring buildings. The site was of strategic location next to the MTR station and had potential for taller buildings with BH exceeding 130mPD but below 170mPD. The redevelopment would also provide an opportunity to improve the existing uncovered MTR exits;
- (n) the current delineation of the 25m wide NBA on the OZP was too rigid and even if a change in alignment was justified by another AVA in future, it would be difficult to change the NBA alignment drawn on the OZP. Due to difference in site levels and blockage of existing building structures, the air flow from the southern knoll along the proposed NBA towards Nam Shan Estate in the north was very indirect. It was considered that an alternative wind corridor above the podium at a more central location would provide a more direct air flow to Nam Shan Estate. Besides, the proposed NBA would constrain future design of redevelopment by pushing all the buildings to the east of the site;
- (o) the proposal had overlooked the need to provide in-situ rehousing and the need to finance the construction cost of affordable housing;
- (p) the current restrictions on the “CDA” site would lead to a lose-lose-lose situation in that HKSHCL could not initiate redevelopment, the living condition of existing tenants could not be improved and there would be no additional supply of affordable housing in the Metro area;
- (q) the representer’s proposals were to restore the site as “R(A)” or to retain the “CDA” zoning, without stipulating the PR, BH and NBA restrictions. The representer considered that under the “CDA” zoning, the Board would have full control on the development parameters and the building layout of the “CDA” site as the submission of MLP to the Board was required and various technical assessments including AVA, TIA,

Environmental Assessment, Sewerage/Drainage Impact Assessment would be conducted. It was suggested that performance based planning requirement could be set out in detail in the planning brief. According to the current practice, public consultation would be conducted on the draft planning brief; and

- (r) if the Board did not agree to the representer's proposals, the representer requested the Board to defer consideration of this unique and important case for the benefit of the general public and to allow a review of the development parameters stipulated in the "CDA" zoning.

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

12. Mr. Chan Woon (R173) made the following points:

- (a) he lived in the public housing estate in Tsz Wan Shan and was an eligible applicant for public housing before moving to Tai Hang Sai Estate in 1981. He was not told at that time that after the relocation, he would lose his right to apply for public housing; and
- (b) he requested the Government to take care of the need of the elderly and the social network established between them and to arrange in-situ rehousing for all the existing residents of Tai Hang Sai Estate upon its redevelopment. The redevelopment should be undertaken by phases so as to minimise the impact on the existing residents. He said that Tai Hang Sai Estate should not be treated as a private development.

13. Ms. Yiu Ting Fung (R32) made the following points:

- (a) she was a resident in Tai Hang Sai Cottage Areas in 1952. At that time, the Government promised that the cottage area would not be demolished in 10 years. However, part of the land was resumed for development in 1959 and the residents were forced to move out temporarily and was later arranged to move to the newly-built Tai Hang Sai Estate in 1964;

and

- (b) Tai Hang Sai Estate was built and managed by the HKSHCL for fire victims and low-income groups. There was no provision of lift facilities and currently majority of the residents were elderly. She requested the Government to expedite the redevelopment of the Estate and arrange in-situ rehousing for all the residents upon redevelopment of the Estate. Besides, the redevelopment should be undertaken by phases so as to minimise the impact the existing residents.

14. Ms. Choi Pui Ying (R176) made the following points:

- (a) she lived at Kowloon Tsai in 1960 and then moved to Tai Hang Sai Estate in 1967. She and some other residents were only recently aware that Tai Hang Sai Estate was not a public housing estate under HKHA; and
- (b) while she noted that PlanD and R3 had provided comprehensive assessment on the land use and restrictions of the estate site, the main concern of the residents was the rehousing arrangement. She requested the Government to arrange in-situ rehousing for the existing residents of Tai Hang Sai Estate upon its redevelopment of the Tai Hang Sai Estate. Besides, the redevelopment should be undertaken by phases so as to minimise the impact on existing residents, in particular the elderly.

15. Mr. Leung Hung Chi (R54) made the following points:

- (a) he had been living in Tai Hang Sai Estate since 1960s. While noting that PlanD had regarded Tai Hang Sai Estate as a private development, according to the Memorandum between the Government and the HKSHCL, the Estate was constructed for low-income groups and fire victims;
- (b) after more than 40 years, the Estate was already in dilapidated condition

and no longer suitable for the elderly to live. The existing facilities provided within the Estate were not up to the present day standard, such as the requirement of the Fire Services Department and there was no provision of lift for the elderly and the sick people; and

- (c) in view of the social network established among residents within the Estate, he requested the Government to ensure in-situ rehousing for the existing residents of Tai Hang Sai Estate upon its redevelopment. The existing residents could not afford living in private residential development.

[Ms. Julia M.K. Lau left the meeting at this point.]

16. Ms. Wong Kwai Wan (R4) made the following points:

- (a) she was a District Council member of the Nam Shan Estate, Tai Hang Sai Estate and Tai Hang Tung Estate constituency and lived in Nam Shan Estate. She had been serving the residents within the district since 1972 and had a good understanding on their needs. The main problem of the Estate was the lack of lift facilities for the elderly and it was also difficult for the residents to move to a public housing estate;
- (b) in 2005, PlanD had consulted the District Council and the local residents on the draft Shek Kip Mei OZP and the local residents supported the redevelopment of Tai Hang Sai Estate. The plan was later withdrawn and no further consultation had been undertaken. In 2010, PlanD consulted the District Council and local residents again who urged for redevelopment of the Estate to improve the living condition. As stated in the representation, the local residents requested in-situ rehousing for all the existing residents after redevelopment and that the redevelopment of the Estate should be undertaken by phases;
- (c) the matter on redevelopment and rehousing should not be seen as a problem between the landlord and the residents of Tai Hang Sai Estate.

The Government had the responsibility to rehouse the residents within the same district upon redevelopment as they had lived in the Estate for many years and were of old age; and

- (d) the imposition of BH restriction of 130mPD on Tai Hang Sai Estate would block the view of some of the blocks at Nam Shan Estate and would affect air ventilation around Nam Shan Estate and Tai Hang Tung Estate.

17. Mr. Fung Kin Kee (R4) made the following points:

- (a) he worked as a social worker in a voluntary association serving Tai Hang Tung Estate and Tai Hang Sai Estate from 1976 to 1979. Since 1983, he had been serving the Sham Shui Po district including Tai Hang Sai Estate as a district councillor and then in 1991 as a LegCo Member serving Kowloon West;
- (b) he was disappointed to note PlanD's reason of not upholding the representation in paragraph 6.5(a) of the Paper which stated that the Tai Hang Sai Estate was a private property and the Government would leave the implementation of its redevelopment to the private market. This was entirely in conflict with the Government's original intention to interfere the private market for the benefit of the community by reducing the PR of the site from 9 to 5.5;
- (c) as showcased in the recent World Expo held in Shanghai, there were five major elements which were essential for the future development of a city, namely, housing, work, facilities, environment and harmony among people, features and scenery. As such, the future development of a city should focus on people, not private market. The Government should take this into account in the redevelopment of Tai Hang Sai Estate;
- (d) Tai Hang Sai Estate had an age of more than 40 years. There were close relationship and social network among the local residents. The

Government should take into account several important elements in the redevelopment process, namely, to respect the history and culture of the Estate, to ensure that the local residents could enjoy the fruit of the redevelopment and to upkeep the social network among residents. Such matters should not be considered as outside the ambit of the Board;

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

- (e) Tai Hang Sai Estate should not be regarded as a private development. Many of the existing residents of Tai Hang Sai Estate were originally public housing estate tenants on the public rental housing waiting list when arrangement had been made for them some years ago to move into Tai Hang Sai Estate;
- (f) he agreed that there was a dilemma in planning the area, in that a lower BH and PR restrictions for Tai Hang Sai Estate would benefit Nam Shan Estate and Tai Hang Tung Estate in terms of better air ventilation, whereas a higher BH and PR restrictions would allow the provision of adequate flats for in-situ rehousing upon redevelopment. He said that a possible way to deal with that dilemma was to reserve units for rehousing tenants of Tai Hang Sai Estate in the future public housing estate sites of HKHA, including redevelopment of Cheung Sha Wan police quarters (2013), Shek Kip Mei Estate redevelopment (2014), So Uk Estate redevelopment Phase I (2015-2016) and Phase II (2020). That would also facilitate the phased redevelopment of Tai Hang Sai Estate by allowing early demolition of some of the existing blocks. As to whether the residents would be given an option to return to Tai Hang Sai Estate upon completion of the redevelopment, it could be a matter for further discussion between the residents and the Government; and
- (g) he considered that public consultation conducted by the Government on the redevelopment of Tai Hang Sai Estate was inadequate. He urged that a more comprehensive public consultation exercise which involved all concerned parties including PlanD, HKHA, HKSHCL and the

residents should be conducted to come up with a compromise proposal.

18. As the presentations from the representers and their representatives had been completed, the Chairman invited questions from Members.

19. A Member had the following questions to the representers:

- (a) which MTR exit was commonly used by the residents in the area and which one was the preferred MTR exit for future redevelopment of Tai Hang Sai Estate?
- (b) for the existing layout of a flat unit within Tai Hang Sai Estate, whether the toilet was located within the balcony and a kitchen was provided for individual flat unit?
- (c) which of the existing blocks within Tai Hang Sai Estate should be first demolished if redevelopment was to be undertaken by phases so as to minimise the impact on local residents?

20. In response, Ms. Choi Pui Ying (R176) said that the residents of Tai Hang Sai Estate mainly made use of the existing MTR exit at Woh Chai Street (Exit B2). On the layout of the flat unit, she confirmed that a toilet was provided in the balcony and a kitchen was provided at individual flat unit. She was not able to speak for all residents how the rebuilding of individual blocks should be scheduled before consulting them. Mr. Kenneth To (R3) said that the existing MTR exits were located within the proposed NBA in the Tai Hang Sai Estate site and he doubted if future design in redeveloping Tai Hang Sai Estate could provide covered pedestrian access to connect the MTR exits. He said that there was no redevelopment programme yet for Tai Hang Sai Estate by HKSHCL. With the current development restrictions on the “CDA” site, it would be difficult to come up with a phasing plan for redevelopment and rehousing.

21. A few Members had the following questions to HKSHCL (R3):

- (a) whether HKSHCL, as an owner and management company of Tai Hang

Sai Estate, had made any effort to resolve the problem on the lack of lift facilities for elderly?

- (b) whether HKSHCL was a privately-owned company and whether Tai Hang Sai Estate was under private management, quoting a recent incident that voluntary social workers were denied access to the Estate because the Estate was claimed to be under private ownership?
- (c) did HKSHCL own other property apart from Tai Hang Sai Estate?

22. Mr. Yiu Kwok Wing (R3) said that the HKSHCL, as the owner of Tai Hang Sai Estate, had examined the possibility of redevelopment of the Estate but this would require a more thorough consideration and detailed assessment. He advised that there were technical constraints on the installation of lifts within the Estate. However, there was an existing arrangement where residents with special needs could be relocated to the vacant flat units at the lower floors of the Estate. A Member suggested HKSHCL making reference to the installation of lifts at Moon Lok Dai Ha in Tsuen Wan undertaken by HKHS in which no relocation of residents was required in the whole process. The same Member asked HKSHCL to consider undertaking improvement works for the Estate.

23. Mr. Yiu Kwok Wing (R3) advised that HKSHCL was always concerned about the safety of the elderly residents within the Estate. Under the current practice, they would allow voluntary social workers to enter the Estate to pay visit to the residents if their identities could be verified. He said that HKSHCL had also closely monitored the living condition of the single elderly residents and liaised with social community groups to provide suitable services to those residents with special needs. Mr. Fung Kin Kee (R4) said that the practice on whether voluntary social workers were allowed to enter the Estate was a matter of management and security measures, and had no relationship with the nature of the management company (i.e. public or private). He also pointed out that HKSHCL should not be regarded as a private developer but a non-profit making company. In response to a Member's query, Mr. Yiu (R3) confirmed that Tai Hang Sai Estate was the only property owned and managed by HKSHCL.

24. The Vice-Chairman invited the AVA consultant to elaborate on the findings of

the AVA and the rationale on the provision of the 25m NBA with the Tai Hang Sai Estate site. Ms. Una Wang said that given the annual prevailing wind coming from the east and the southwest, any designation of NBAs should best be aligned with the wind directions to maximise the wind penetration ability. On this basis, the 25m-wide NBA was delineated in a northeast-southwest direction along the western site boundary of the Tai Hang Sai Estate site to link up Nam Shan Chuen Road and the “G/IC” sites in the north and the small green knoll in the south to facilitate the passage of the prevailing summer southwesterly wind to the area further inland. She said that since the southern green knoll was small and low, it would not affect the air flow towards the proposed NBA. The level difference between the proposed NBA and the “G/IC” sites across Tai Hang Sai Street to the north would not be a hindrance to the air flow. The north-south NBA across the central portion of the site, as proposed by R3, did not align with the prevailing wind direction and Nam Shan Chuen Road and hence was not considered as effective as the proposed NBA on the OZP.

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

Deliberation Session

26. The Chairman invited Members to consider the representations taking into consideration all the written submissions and the oral representations and materials presented at the meeting.

27. Members said that the subject OZP amendments were related to the rezoning of the Tai Sai Hang Estate site from “R(A)” to “CDA” and the imposition of PR, BH and NBA restrictions on the “CDA” site. The redevelopment issues such as rehousing arrangement of the affected residents and the implementation of the phased development as raised by the majority of the representers present at the meeting were outside the purview of the Board. While noting the representers’ concern on the rehousing issues,

Members considered that the representers had not put forward strong justifications on their objections to the subject OZP amendments in relation to PR, BH and NBA restrictions of the “CDA” zoning.

28. A Member considered that the reason proposed by PlanD for not upholding the representations, that Tai Hang Sai Estate was a private property and the implementation of redevelopment was subject to market decision, might not be appropriate. That Member said that Tai Hang Sai Estate should not be regarded as a private development as any other private residential development as according to the Memorandum of the Association of HKSHCL, it was a non-profit making company. Taking into account that Member’s view, the Secretary suggested and Members agreed to amend the relevant reason for rejection by stating that redevelopment issues such as rehousing of the affected residents and the setting up of an inter-departmental mechanism were outside the ambit of the Ordinance and the purview of the Board.

29. Members noted that R3 had put forward some justifications in support of its objection to the “CDA” zoning and the PR (5.5), BH (90/130mPD) and NBA restriction. Members did not agree with R3 that the proposed restriction would seriously affect the development potential of the site and its development viability, given that the site was currently subject to a more stringent BH restriction of 45.72mPD under the lease and the development intensity under the lease was only equivalent to a PR of 3.2. Members noted that the development intensity of PR 5.5 for the site had taken into account relevant factors in a comprehensive manner such as proximity to MTR, compatibility with nearby development, integrity of BH profile, preservation of ridgelines, public aspiration for lower density development and the proposed composite residential development above the MTR station was compatible with the site context. However, as pointed out by PlanD, redevelopment of the site to a PR of 9 as proposed by R3 would result in a congested layout, create a wall effect with reduced visual permeability and air ventilation and have adverse impacts on the surrounding environment. Members considered that R3 had not provided adequate information and assessment to justify that a PR of 9 was sustainable in planning terms.

30. Members noted R3’s allegation that PlanD had adopted some wrong assumptions on GFA concession when assuming the future development of “CDA” was a

private residential development with a domestic PR of 5.5. On this point, the Secretary explained that the GFA concession of a public housing development was normally lower than that of a private housing development. In this regard, a public housing development at a PR of 6 and a private housing development at a PR of 5.5 were comparable in terms of their building bulk. She also clarified that the total PR of 5.5 for the “CDA” zone covered both domestic and non-domestic GFA and it was up to the developer to determine the amount of non-domestic GFA to be provided. Hence, it was not true for R3 to state that non-domestic GFA for community supporting facilities were not provided under the “CDA” zoning. In response to a Member’s query on the development intensity of the Shek Kip Mei Estate under redevelopment, the Secretary said that according to current practice, the development intensity of public housing development was about PR 6.

31. Members noted that the imposition of the 25m wide NBA at the western boundary of the site was supported by the AVA whereas there was no technical assessment to substantiate the proposed NBA by R3. The Secretary explained that the designation of NBA alignment on the OZP would not constrain the future layout and design of the development as there was a provision for application for the Board for minor relaxation of the NBA restriction under the Notes of the OZP. The Secretary went on to say that under the “CDA” zoning, the applicant would have to submit a MLP for the Board’s consideration. If found necessary, the applicant could propose an alternative NBA alignment if adequate justifications could be provided. In response to a Member’s query on whether covered walkways could be constructed on NBA, the Secretary advised that except underground structure, there should not be any built-over structure on the NBA.

32. A Member commented that the HKSHCL was originally set up to provide affordable housing to fire victims and low-income groups. In view of the unique history, that Member considered that the Government should consider including Tai Hang Sai Estate into the public housing system under the management of HKHA, as in the case for Model Housing Estate at North Point. Another Member on the other hand considered that this was a housing policy issue outside the ambit of the Board.

33. After deliberation, Members generally agreed not to uphold all the representations under Group 2. Members then went through the reasons for not upholding the representations as stated in paragraphs 6.1 to 6.6 of the Paper and agreed

that they should be suitably amended to reflect Members' views as expressed at the meeting.

Representation No. R2

34. After further deliberation, the Board decided not to uphold Representation No. R2 for the following reasons:

- (a) the imposition of BH and development restrictions in the Area was to provide better planning control in guiding future development/redevelopment, to prevent excessively tall or out-of-context buildings upon redevelopment, to preserve the character and some key urban design attributes of the Area as well as to meet public aspirations for a better living environment and for greater certainty and transparency in the statutory planning system;
- (b) the formulation of the building height profile had taken into account a number of factors including topography, existing building height profile, development potential permitted on the OZP, development rights, protection of ridgeline, urban design context, visual permeability and vistas as well as the wind performance of the existing built environment and the recommendations of the air ventilation assessment, as appropriate;
- (c) the proposed building height restrictions of 90/130mPD at the Tai Hang Sai Estate site had taken into account the urban design and air ventilation considerations (including the ridgelines and wall effect under concern). The proposed stepped building height restrictions could preserve the ridgeline and promote the air movement. It was considered that the visual impact and air ventilation impact at the site can be alleviated;
- (d) the building height restriction of 80mPD for Nam Shan Estate and 65/80mPD for Tai Hang Tung Estate aim to facilitate their future redevelopments to higher development intensities while keeping a compatibility with the overall height profile to facilitate air movement.

Maintaining the current low building height level would remarkably restrict the redevelopment potential; and

- (e) the widths of the NBA for the Tai Hang Sai Estate site and other NBAs in Amendments Item K1 to K6 were the maximum achievable under the current local circumstances and had been ascertained by the Air Ventilation Assessment.

Representation No. R3

35. After further deliberation, the Board decided not to uphold Representation No. R3 for the following reasons:

- (a) the imposition of BH and development restrictions in the Area was to provide better planning control in guiding future development/redevelopment, to prevent excessively tall or out-of-context buildings upon redevelopment, to preserve the character and some key urban design attributes of the Area as well as to meet public aspirations for a better living environment and for greater certainty and transparency in the statutory planning system;
- (b) the formulation of the building height profile had taken into account a number of factors including topography, existing building height profile, development potential permitted on the OZP, development rights, protection of ridgeline, urban design context, visual permeability and vistas as well as the wind performance of the existing built environment and the recommendations of the air ventilation assessment, as appropriate;
- (c) the representation site was at a sensitive location lying within two visual corridors and an air ventilation corridor. The “CDA” zoning with the stipulated development restrictions and the requirement for Master Layout Plan submission and the relevant technical assessments provided a better mechanism for control over the development scale, layout and disposition of future redevelopment at such a prominent site that warrants special

control. Stipulating the development restrictions on the OZP was an effective way to regulate the development profile;

- (d) the development restrictions at the representation site were formulated after striking a balance of relevant factors including development rights, flat supply, visual implications on the overall townscape, air ventilation, urban design context and other planning considerations;
- (e) the proposed CDA zone with a plot ratio (PR) 5.5 on the representation site intended for composite residential development above an MTR station was considered appropriate, given the comprehensive consideration of various factors. Comparing with the development intensity permissible under the current lease, the stipulated PR 5.5 would substantially increase the permissible GFA. Redevelopment to PR 9 on the representation site would result in a more congested layout, creating wall effect with reduced visual permeability and air ventilation, and thus had adverse impacts on the surroundings;
- (f) the viability of the estate redevelopment was determined by market factors. There was no technical assessment submitted to substantiate the claim that the PR 5.5 would render the redevelopment not viable;
- (g) Expert Evaluation (EE) provided a qualitative assessment and facilitates the identification of problems and issues for large sites, and was an appropriate tool to assess air ventilation at the planning stage. In formulating the building height restrictions, a number of relevant factors had been taken into account and air ventilation was only one of them; and
- (h) the planning intention of designating NBA was to improve air ventilation and permeability, especially the representation site which lay within an air corridor for the summer prevailing southwestern wind. According to the AVA, the NBA should be in place whenever buildings higher than the current height level were erected on the site. There was no strong justification to substantiate the proposed deletion of the NBA or that the

suggested alternative north-south NBA could facilitate the summer prevailing southwestern wind.

Representation No. R4

36. After further deliberation, the Board decided not to uphold Representation No. R4 for the following reasons:

- (a) the imposition of BH and development restrictions in the Area was to provide better planning control in guiding future development/redevelopment, to prevent excessively tall or out-of-context buildings upon redevelopment, to preserve the character and some key urban design attributes of the Area as well as to meet public aspirations for a better living environment and for greater certainty and transparency in the statutory planning system;
- (b) the formulation of the building height profile had taken into account a number of factors including topography, existing building height profile, development potential permitted on the OZP, development rights, protection of ridgeline, urban design context, visual permeability and vistas as well as the wind performance of the existing built environment and the recommendations of the air ventilation assessment, as appropriate;
- (c) the representation site was at a sensitive location lying within two visual corridors and an air ventilation corridor. The “CDA” zoning with the stipulated development restrictions and the requirement for Master Layout Plan submission and the relevant technical assessments provided a better mechanism for control over the development scale, layout and disposition of future redevelopment at such a prominent site that warranted special control. Stipulating the development restrictions on the OZP was an effective way to regulate the development profile;
- (d) through the preparation of a planning brief for the “CDA” zone of the representation site, problems pertaining to the redevelopment process can

be identified and resolved at the early stage and Government departments' requirements could also be comprehensively co-ordinated and explicitly included in the planning brief. The planning brief would provide clear and useful guidance for the developer and facilitate the subsequent lease modification and building plan submission;

- (e) Tai Hang Sai Estate was a property owned and managed by The Hong Kong Settlers Housing Corporation Limited (HKSHCL). The redevelopment issues such as rehousing of the affected residents were outside the ambit of the Town Planning Ordinance and the purview of the Board;
- (f) the "CDA" zone for the representation site was intended for a comprehensive redevelopment primarily for residential with supporting commercial facilities. The commercial use was ancillary in nature. Predominant commercial use at the site was against the planning intention of the subject "CDA" zone;
- (g) in view of the potential impacts arising from the redevelopment, the OZP required the submission of a series of impact assessments to demonstrate that the proposed redevelopment would not have adverse impacts on the surroundings, including the traffic and air ventilation issues under concern; and
- (h) the OZP amendment exercise had met all the statutory requirements under the Town Planning Ordinance and the public were consulted and informed in accordance with the established practice. The representers could provide their comments to the Town Planning Board at the stage of preparing planning brief and processing planning applications.

Representations No. R5 to R209

37. After further deliberation, the Board decided not to uphold Representations No. R5 to R209 for the following reasons:

- (a) the imposition of BH and development restrictions in the Area was to provide better planning control in guiding future development/redevelopment, to prevent excessively tall or out-of-context buildings upon redevelopment, to preserve the character and some key urban design attributes of the Area as well as to meet public aspirations for a better living environment and for greater certainty and transparency in the statutory planning system;
- (b) the formulation of the building height profile had taken into account a number of factors including topography, existing building height profile, development potential permitted on the OZP, development rights, protection of ridgeline, urban design context, visual permeability and vistas as well as the wind performance of the existing built environment and the recommendations of the air ventilation assessment, as appropriate;
- (c) the representation site was at a sensitive location lying within two visual corridors and an air ventilation corridor. The “CDA” zoning with the stipulated development restrictions and the requirement for Master Layout Plan submission and the relevant technical assessments provided a better mechanism for control over the development scale, layout and disposition of future redevelopment at such a prominent site that warrants special control. Stipulating the development restrictions on the OZP was an effective way to regulate the development profile;
- (d) Tai Hang Sai Estate was a property owned and managed by The Hong Kong Settlers Housing Corporation Limited (HKSHCL). The redevelopment issues such as rehousing of the affected residents were outside the ambit of the Town Planning Ordinance and the purview of the Board;
- (e) the “CDA” zone was intended for a comprehensive redevelopment primarily for residential with supporting commercial facilities. The commercial use was ancillary in nature. Predominant commercial use at

the site was against the planning intention of the subject “CDA” zone; and

- (f) the OZP amendment exercise had met all the statutory requirements under the Town Planning Ordinance and the public were consulted and informed in accordance with the established practice. The representers could provide their comments to the Town Planning Board at the stage of preparing planning brief and processing planning applications.

Representation No. R210

38. After further deliberation, the Board decided not to uphold Representation No. R210 for the following reasons:

- (a) Tai Hang Sai Estate was a property owned and managed by The Hong Kong Settlers Housing Corporation Limited (HKSHCL). The redevelopment issues such as rehousing of the affected residents and the setting up of an inter-departmental mechanism were outside the ambit of the Town Planning Ordinance and the purview of the Board; and
- (b) the OZP amendment exercise had met all the statutory requirements under the Town Planning Ordinance and the public were consulted and informed in accordance with the established practice. The representers could provide their comments to the Board at the stage of preparing planning brief and processing planning applications.

Representation No. R211

39. After further deliberation, the Board decided not to uphold Representation No. R211 for the following reasons:

- (a) the Air Ventilation Assessment concluded that there were no major air ventilation issues in both the Shek Kip Mei Area in general and the areas around the southern green knoll in particular. To minimise potential air ventilation impact at the implementation stage of the “CDA” zone, the

OZP required that an air ventilation assessment be conducted. As such, it was not considered that the southern green knoll would be an air ventilation barrier to the “CDA” zone of Tai Hang Sai Estate; and

- (b) the southern green knoll covered with vegetation was a valuable natural landscape and visual resource in the area. It functioned as visual relief and breathing space in the densely built-up urban area and the natural vegetation provided visual amenities and helped to regulate the micro-climate in the surrounding areas. There was no strong justification to lower the knoll.

Group 1: R1

(TPB Paper No. 8615)

40. The following Member had declared interest on this item:

Mr. Thomas Chow - owned a flat in Parc Oasis
*(as Permanent Secretary for
Development (Planning and
Lands)*

41. Members noted that the Chairman had left the meeting and the Vice-Chairman should continue to take up the Chairmanship of this item.

Presentation and Question Session

42. The Vice-Chairman said that Representer No. R1 had indicated that he would not attend the hearing. As sufficient notice had been given to the representer, Members agreed to proceed with the hearing in his absence.

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

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

(PlanD)

- | | |
|--------------------|---|
| Ms. Leung Mei Ling | - Senior Town Planner/Special Duties, PlanD |
| Ms. Tong Kit Mei | - Town Planner/Special Duties, PlanD |
| Ms. Una Wang | - Air Ventilation Assessment (AVA) Consultant |

44. The Vice-Chairman extended a welcome and explained the procedures of the hearing. He then invited the representatives from the Government to brief Members on the background to the representation.

[Mr. Maurice W.M. Lee left the meeting at this point.]

45. With the aid of a Powerpoint presentation, Ms. Leung Mei Ling made the following main points as detailed in the Paper:

- (a) the representation (R1) under Group 1 was submitted by CLP Power Hong Kong Ltd. (CLP);
- (b) R1 opposed the building height (BH) restrictions of 2 storeys on Pak Tin electricity substation (ESS) and 3 storeys on Boundary Street ESS, and the non-building area (NBA) restriction on Shek Kip Mei ESS on the OZP;

Grounds of Representation

- (c) the main grounds of the representation as detailed in paragraph 2.3 of the Paper were summarised as follows:

Undermine Design Flexibility

- (i) the imposition of BH and NBA restrictions would undermine the design flexibility for future modification/development plans to cope with the growing population and the change in unforeseeable future operational requirements;

Inefficient Use of Land

- (ii) imposing BH and NBA restrictions on the ESS sites would restrict the upgrading/redevelopment potential of the substations, resulting in the need of either relocation of the existing substation to a larger site or identification of additional sites for new substations so as to cater for the surging electricity demand in future. Such approach was clearly not making the best use of the scarce land resources;

Infringement on Development Rights

- (iii) Article 6 of the Basic Law (BL) stated that ‘The Hong Kong Special Administrative Region should protect the right of private ownership of property in accordance with law’. The imposition of BH and NBA restrictions exploited the representers’ rights of property redevelopment potential and contravened the BL;

Visual Compatibility with Adjacent Development

- (iv) the Pak Tin ESS and Boundary Street ESS were inconspicuous or visually contained by the surrounding high-rise developments and environment. There would be minimal visual impact in relaxing the BH restrictions for these sites;

Representer’s Proposals

- (d) the representer’s proposals as detailed in paragraph 2.4 of the paper were summarised as follows:
 - (i) to revise the BH restriction for Pak Tin ESS from 2 storeys to not more than 45.73mPD (8 – 9 storeys);
 - (ii) to revise the BH restriction for Boundary Street ESS from 3 storeys to not more than 29mPD (5 – 6 storeys) at NKIL 5602 and

not more than 45.73mPD (10 – 11 storeys) at NKIL 5997;

- (iii) to remove the NBA restriction of Shek Kip Mei ESS;

PlanD's Responses

- (e) PlanD's responses to the grounds of representation as detailed in paragraph. 4.4 of the Paper were summarised as follows:

Undermine Design Flexibility

- (i) according to the Director of Electrical and Mechanical Services (DEMS), CLP had no on-going redevelopment programme for the representation sites up to 2013. In the absence of any redevelopment proposal to demonstrate any expansion plan and hence the need to relax the BH or NBA restriction of the representation sites to meet the operational requirement, the proposed relaxation of the BH and NBA restrictions was not justified at the present stage;
- (ii) there was provision under the Ordinance to allow planning application to the Board for minor relaxation of BH restriction to cater for design flexibility;

Inefficient Use of Land

- (iii) the imposition of BH and NBA restrictions was a response to public aspirations for a better living environment. Low-rise "G/IC" sites served as important visual relief, breathing space and air paths within the dense urban fabric. A careful balance needed to be struck between efficient use of land and good urban design;
- (iv) factors such as site constraints would be taken into account in considering an application for minor relaxation of BH and NBA

restrictions. Should there be a need for additional ESS sites to meet functional and operational needs, alternative sites would be identified through the established practice and procedure for site search for Government, Institution and Community (GIC) uses;

Infringement on Development Rights

- (v) the BH restrictions on Pak Tin ESS and Boundary Street ESS were to reflect the as-built situation so as to confine their existing low-rise vertical profile. The NBA restriction at Shek Kip Mei ESS site was to help improve the effectiveness of the Nam Cheong Street air path and had no impact on the existing ESS structure. The OZP imposed no PR/GFA/site coverage restriction on the three ESS sites. As such, their existing development intensities had not been affected;
- (vi) according to the advice of Department of Justice, neither the imposition of BH restriction nor the imposition of NBA restriction under the draft OZP appeared to be inconsistent with BL 6 or BL 105;

Visual Compatibility with Adjacent Development

- (vii) the high-rise, high-density residential development adjacent to Pak Tin ESS and the medium-rise GIC developments adjacent to the Boundary Street ESS were different from an ESS in terms of land use and development intensity. It was inappropriate to apply the BH bands which were adopted for the adjacent residential and GIC developments to the two ESS sites;
- (viii) compatibility in height with the surrounding buildings should not be the sole consideration in deliberating a relaxation of BH restriction and the representer should clarify if there were operational requirements;

- (f) PlanD's responses to the representer's proposals as detailed in paragraph 4.5 of the Paper were summarised as follows:
- (i) there were no known or agreed redevelopment proposals at the representation sites to justify the relaxation of the BH and NBA restrictions at the present stage. Should there be any functional or operational needs for the subject developments to exceed the BH or NBA restriction, the representer might seek the Board's permission for a minor relaxation of the restrictions under s.16 application;
 - (ii) BH restrictions in terms of number of storeys were imposed so as to allow more design flexibility, in particular for those with specific functional requirements. There was no design merit or strong planning justification to support the proposed BH relaxation;
 - (iii) the imposition of a NBA within the Shek Kip Mei ESS site was for air ventilation purpose. The proposal of removing the NBA from the Shek Kip Mei ESS site was not supported as piecemeal removal of NBA would defeat the planning intention of improving the air ventilation and permeability of the Shek Kip Mei area; and
- (g) PlanD's views - PlanD did not support R1 for reasons as detailed in paragraphs 6.1 of the Paper.

46. As the presentation from the Government's representatives had been completed, the Vice-Chairman invited questions from Members.

47. A Member suggested asking the representer to enhance the design of the ESSs and other utility facilities e.g. by providing more greenery, so that those structures would be more compatible with the surrounding area. Members agreed to ask the Secretary to convey that Member's view to the relevant utility companies.

48. As Members had no further questions, the Vice-Chairman said that the hearing

procedures had been completed and the Board would deliberate on the representation and would inform the representer of the Board's decision in due course. The Vice-Chairman thanked the Government's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

49. In response to a Member's query on the land status of the representation sites, the Secretary said that the sites were under private ownership of the representer and were granted to the representer for use as ESS. The representer requested for a relaxation of the BH restrictions to follow those stipulated in the leases.

50. After deliberation, Members considered that there was no strong planning justification to uphold the representation. Members then went through the reasons for not upholding R1 as stated in paragraph 6.1 of the Paper and considered that they were appropriate.

Representation No. R1

51. After further deliberation, the Board decided not to uphold the Representation No. R1 for the following reasons:

- (a) the formulation of the building height profile had taken into account a number of factors including the topography, existing building height profile of the area, development potential permitted on the OZP, private development rights, protection of ridgeline, urban design context, visual permeability and vistas as well as the wind performance of the existing built environment and the recommendations of the air ventilation assessment, as appropriate. It had struck a balance between meeting the public aspirations for better living environment and respecting private development interests/ making an efficient use of land resource;
- (b) the building height restrictions of the Pak Tin ESS and Boundary Street ESS sites are to reflect their existing heights and would not affect the

existing development intensity permitted under the OZP. According to the air ventilation assessment Study, the NBA within the Shek Kip Mei ESS site should be maintained to improve the effectiveness of the air path along Nam Cheong Street. Neither the imposition of building height restriction nor the imposition of NBA restriction under the Shek Kip Mei OZP appeared to be inconsistent with Basic Law 6 or Basic Law 105;

- (c) the Pak Tin ESS was different from its adjacent high-rise, high-density residential development and the Boundary Street ESS was different from its adjacent medium-rise GIC developments in terms of land use and development intensity. It was inappropriate to apply the building height bands which were adopted for the adjacent residential and GIC developments to the two ESS sites;
- (d) the imposition of the NBA within the Shek Kip Mei ESS site was for improving the air ventilation and permeability of the Shek Kip Mei area and such imposition had not affected the redevelopment potential of the site; and
- (e) any relaxation of the building height and NBA restrictions must be justified by functional and operational needs with planning and design merits. Should there be such needs, the presenter might seek the Town Planning Board's permission for a minor relaxation of the building height and NBA restrictions under s.16 or to apply for amendments to the OZP under s.12A of the Town Planning Ordinance. In the absence of any redevelopment proposal, there was no strong justification to support the proposed relaxation of the building height restriction and the deletion of the NBA restriction.

52. The meeting was adjourned for lunch break at 1:40 p.m.

53. The meeting resumed at 2:30 p.m.
54. 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. Raymond Y.M. Chan
- Mr. Timothy K.W. Ma
- Professor P.P. Ho
- Professor Eddie C.M. Hui
- Dr. C.P. Lau
- Mr. Roger K.H Luk
- Professor S.C. Wong
- Dr. W.K Yau
- Mr. Stephen M.W. Yip
- Deputy Director of Environmental Protection
Mr. Benny Y.K. Wong
- Director of Lands
Miss Annie Tam
- Director of Planning
Mr. Jimmy Leung

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in Respect of the
Draft North Point Zoning Plan No. S/H8/23
(TPB Paper No. 8613)

[The hearing was conducted in Cantonese and English.]

Presentation and Question Session

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

Mr. B.W. Chan	- owned a flat in Braemar Hill Mansion
Ms. Anna S.Y. Kwong	- owned a flat on Cloud View Road
Dr. James C.W. Lau	- owned a flat at Braemar Hill Road
Mr. Roger K.H. Luk	- owned a flat in City Garden
Ms. Anita W.T. Ma	- owned a flat in Island Place
Mr. K.Y. Leung	- owned a flat on Cloud View Road

56. Members noted that Mr. B.W. Chan, Ms. Anna S.Y. Kwong, Dr. James Lau and Ms. Anita W.T. Ma had tendered apologies for not being able to attend the afternoon session of the meeting. For Mr. Roger K.H. Luk, Members considered that his property in City Garden was close to the representation site and his interest on this item was direct. Members agreed that Mr. Luk should be invited to withdraw from the meeting. Mr. Luk left the meeting at this point of time. Members considered that Mr. K.Y. Leung's interest was not direct as his property on Cloud View Road was quite distant from the representation site and he should be allowed to stay in the meeting.

57. As sufficient notice had been given to invite the representers and commenters to attend the hearing, Members agreed to proceed with the hearing of representations in the absence of other representers who had indicated that they would not attend or did not reply to the invitation to this meeting.

58. The following representatives from the Planning Department (PlanD), representers and their representatives, and commenters were invited to the meeting at this point:

Ms. Brenda Au	- District Planning Officer /Hong Kong (DPO/HK)
Mr. Tom Yip	- Senior Town Planner/Hong Kong

R1 and R2

Ms. Choy So Yuk	- Representative of R1
(Eastern District Councillor)	- Representer (R2)

R1 and R4

Mr. Kwok Wai Keung	- Representative of R1
(Eastern District Councillor)	- Representer (R4)
Ms. Ng Wai Man	- Representative of R4

R5 The Real Estate Developers Association (REDA)

Mr. Ian Brownlee] Representatives of R5
Ms. Anna Wong]

R6 and C2 Designing Hong Kong Limited (DHKL)

Mr. Paul Zimmerman] Representatives of R6 and C2
Miss Eva Tam]

C1

Mr. Bon Cheung	- Commenter
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59. The Chairman extended a welcome and explained the procedures of the hearing. He then invited DPO/HK to brief Members on the representations.

60. With the aid of a Powerpoint presentation, Ms. Brenda Au made the following main points as detailed in the Paper:

- (a) on 19.3.2010, the draft North Point Outline Zoning Plan No. S/H8/23 (the OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of six representations were received. On 28.5.2010, the representations were published for public comments. During the three-week publication period, two comments were received. On 16.4.2010, the Eastern District Council (EDC) was

consulted on the amendments. While EDC raised a number of comments and suggestions, including the provision of a performance venue for Cantonese Opera on the site, there were no adverse comments on the OZP amendments;

- (b) all the six representations opposed the rezoning of a major part of the ex-North Point Estate (NPE) site, i.e. Site B, from “Residential (Group A)” (“R(A)”), “Government, Institution or Community” (“G/IC”), “Open Space” (“O”) and ‘Road’ to “Comprehensive Development Area (3)” (“CDA(3)”) under Amendment Item A. Representations No. R1 to R4 also covered the remaining part of the ex-NPE, i.e. Site A, which was not the subject of the current OZP amendment;
- (c) R1 was submitted by 11 Eastern District Council (EDC) members for the North Point area and the Chairman of the Society for the Coordination and Promotion of Eastern District. R2 to R4 were submitted by three individual EDC members respectively who were also the representers of R1. R5 and R6 were submitted by REDA and DHKL respectively. C1 was submitted by a member of the public and had not specified the representation to which the comment was related. C2 was submitted by R6 in support of R1’s proposal;
- (d) the background to the representation site as detailed in paragraph 3 of the Paper. The ex-NPE site was on the waterfront of North Point with a site area of about 3.72 ha and a harbour frontage of about 400m. The Metro Planning Committee (MPC) endorsed a Planning Brief (PB) in July 2009 to guide the future development of the site;
- (e) the PB set out the proposed uses, major development parameters and requirements on urban design, landscape, transport, environmental and infrastructure aspects for the ex-NPE site. In the formulation of the uses and development parameters for the site under the PB, the MPC had taken into account views expressed by the then Harbour-front

Enhancement Committee (HEC) and EDC, the findings of an air ventilation assessment (AVA) Study, the comments of Government departments on the relevant technical aspects and other relevant planning considerations and harbour planning principles promulgated by the then HEC. In response to the public aspirations for lower development intensity on the waterfront and the provision of waterfront open space for public enjoyment, gross and net plot ratios of 3.22 and 5.63 respectively, a building height (BH) of 80mPD and a total of 15,000m² at-grade public open space (POS) (with 2,320m² at Site A and 12,680m² at Site B) including a 20m-wide waterfront promenade were proposed for the ex-NPE site;

- (f) under the PB, the ex-NPE site was divided into two parts, i.e. Site A and Site B. Site A was proposed for hotel use and a waterfront promenade. A planning application for proposed hotel use at Site A was approved with conditions by the Committee in 2009. The Site had been included into the List of Sites for Sale by Application (Application List). Site B was proposed for comprehensive commercial/residential development with a public transport terminus (PTT), a public coach park, GIC facilities, POS and a waterfront promenade. To facilitate comprehensive development and for appropriate planning control, Site B was rezoned to “CDA(3)” on the OZP;
- (g) the main grounds of representations and their proposals were summarised in paragraphs 2.3 and 2.4 of the Paper and highlighted below:

Open space provision

- (i) there was inadequate open space provision in the North Point area (the Area) with a shortfall of about 3 ha of local open space;
- (ii) North Point currently had about 40 ha of open space, half of

which was Victoria Park. Since the Park was frequently used as venues for territory-wide recreation, commercial and exhibition activities, it should not be counted as open space for the Area;

- (iii) many open spaces in the Area were not really usable to the public. Some were inaccessible to the public; some were at hidden locations which could hardly be noticed by pedestrians; some were exceptionally small with limited space for activity; and some were attached to private developments and that gave a wrong impression of their private ownership;
- (iv) there was an uneven distribution of open spaces in the Area. Major open spaces were located at the fringe of the Area, which were not easily accessible to the people living in the core North Point area. The proposed open space at Central-Wanchai Bypass (CWB) reclamation was constrained by the CWB tunnel portal and Island Eastern Corridor (IEC);
- (v) there was a lack of focal point in North Point. The provision of a large POS at the ex-NPE site would serve the purpose and help develop a strong social network among residents;
- (vi) two previous ball pitches were used for the development of the headquarters of the Independent Commission Against Corruption (ICAC) and the Customs and Excise Department (C&ED). This had aggravated the open space shortfall in the Area;

Uses and development intensity of the site

- (vii) the ex-NPE provided a valuable opportunity for reducing the density of development in the Area, and to improve the quality of the urban environment in North Point by significant greening and provision of quality POS;

- (viii) the site was the last large vacant site on the waterfront to allow sea breeze to alleviate the urban heat island effect and help disperse the traffic pollutants;
- (ix) it would be difficult to meet the various environmental requirements of the site and overcome the likely traffic and infrastructure problems;
- (x) the ex-NPE site was subject to severe noise and air quality impacts from the adjacent IEC. A lower development intensity for the site should be considered to avoid wall effect;

Not selling the site

- (xi) the Government should reserve the ex-NPE site for open space and public facilities to meet the local demand;
- (xii) there were some 60 sites on the Application List and other sites in new development areas such as Kai Tak could be included;

Provision of POS/public facilities within private development

- (xiii) the approach of requesting private developers to provide public facilities within private developments would result in management problem, conflict between public users and private owners, and accessibility and safety concerns. Such approach should not be adopted for the site;
- (xiv) the Administration's position presented to the Legislative Council (LegCo) Panel on Development on 26.1.2010 was that the Board should not require or accept the provision of POS in private developments in order to prevent the recurrence of the implementation and management problems;

Proposals

- (h) the representers had put forward the following proposals:

- R1 Site A and part of Site B facing the North Point Piers should be retained for a large waterfront open space. The eastern part of Site B was proposed for low-density housing, shopping centre and civic centre;
- R2 Site A and part of Site B facing the North Point Piers should be taken out from the Application List and be re-planned to include bus terminus, civic plaza, green belt and public facilities;
- R3 Site A and part of Site B facing the North Point Piers should be retained for a large waterfront open space and cultural/recreational facilities. Site A and the adjacent Java Road Municipal Services Building should be redeveloped into a multi-function civic centre with a medium-size theatre accommodating more than 1,000 people to replace the role of Sunbeam Theatre;
- R4 Site A should be used for private residential purpose; the western part of Site B for open space, underground Government facilities, owners' corporation conference room and civic centre; and eastern part of Site B for hotel, shopping centre, private housing and PTT;
- R5 (i) the zoning of the area should be completely reviewed, and an urban design plan separating the POS and public uses from private development should be prepared and discussed with the concerned public; and
- (ii) specific sites should be identified and zoned for open space and G/IC uses on the OZP for implementation and management by Government;

- R6 (i) a sizable open space should be provided at grade for substantial greening and recreation facilities, and additional open space within the lowest levels of the GIC facilities and the roof of the PTT;
- (ii) the development should be in line with the recommendation of the Hong Kong Island East Harbour-front Study, and a 20m-wide waterfront promenade should be provided; and
- (iii) only a smaller site for commercial/residential development at a plot ratio not exceeding 5 should be allowed;
- (i) PlanD's responses to the grounds of representations and the representers' proposals were detailed in paragraphs 4.3 and 4.4 of the Paper and the key points were as follows:

Open Space Provision

- (i) according to the Hong Kong Planning Standards and Guidelines (HKPSG), a minimum of 20ha of open space, including 10ha of district open space and 10ha of local open space, should be provided per 100,000 persons, i.e. 2m² per person. Based on the planned population for the Area, a total of 32.22ha of open space was required for the Area. Taking into account the existing and planned open space provision, there were 12.80ha of local open space and 26.49ha of district open space reserved in the Area, achieving an overall surplus of 7.07ha. While there was a shortfall of about 3.31ha of local open space, the shortfall could be adequately compensated by the abundant provision of district open space with a surplus of 10.38ha;
- (ii) notwithstanding the overall surplus, there was currently less open space in the eastern part of the Area. The representers' suggestion of providing a large open space at the ex-NPE site to

serve as a focal point had been covered in the endorsed PB for the ex-NPE site. A request for an at-grade POS with an area of not less than 15,000m² (with 2,320m² at Site A and 12,680m² at Site B), which was equivalent to 40% of the area of the ex-NPE site and included a 20m-wide waterfront promenade and an open-air plaza in front of the ferry piers, was proposed in the PB;

- (iii) Victoria Park fell within the boundary of the OZP. The Park was a major district open space providing a great variety of active and passive recreation facilities to serve the population in the Area. It had along been zoned “District Open Space” on departmental plans, hence, it was considered reasonable to include the Park in the calculation of open space provision in the Area;
- (iv) open spaces were reserved at different parts of the Area to serve the population. For major district open spaces, i.e. Victoria Park, the proposed waterfront park at the CWB reclamation, the proposed POS at the ex-NPE site and Choi Sai Woo Park were in the western, north-western, eastern and southern parts of the Area respectively to serve residents living in the respective areas;
- (v) local open space was intended to serve the local residents, and should be provided at a location accessible to the local residents. Although some open spaces were of smaller size and not at prominent locations, they provided passive recreation space for the nearby residents;
- (vi) North Point was a built-up area with a limited amount of vacant land. Opportunity had been taken to increase the provision in major development/redevelopment sites in the Area, including

the proposed POS in the comprehensive developments at Oil Street and the ex-NPE site;

- (vii) the proposed waterfront park at CWB reclamation had an area of 3.47ha. Discounting the road structures, about 2.8ha of the site was open-air land which was suitable for open space use. At-grade public pedestrian walkways through Oil Street and Watson Road had been planned to connect the open space with the core part of the Area;
- (viii) the open spaces within private developments were mainly local open spaces to serve the local residents. Some of them were private in nature and intended to serve the residents of the developments, while some were stipulated as POS for public enjoyment. For POS, the Lands Department had promulgated on its website a list of POS in private developments with location plans and photographs to help identification by the public;
- (ix) the C&ED Headquarters site at Tin Chiu Street had all along been zoned “G/IC” on the OZP and was not intended for open space use, though part of the site was once used as a basketball court on a temporary basis. A basketball court had now been provided at the Tin Chui Street Playground on the opposite side of the street. To compensate for the rezoning of a football pitch at Java Road from “O” to “G/IC” for the development of the ICAC Headquarters, a local open space with a similar size was provided at Tong Shui Road. There were three existing football pitches at Tin Hau Temple Road, Cloud View Road and Tin Chiu Street to serve the residents in the Area;

Use and development intensity of the site

- (i) one of the planning objectives stipulated in the PB for the ex-NPE site was to provide a large waterfront open space including, a

20m-wide waterfront promenade and an open-air plaza to serve as a focal point for the Area;

- (ii) the rezoning of the site to “CDA(3)” and the development restrictions stipulated for the zone reflected the proposal in the PB. In response to the public aspirations for lower development intensity on waterfront, a lower gross plot ratio of 3.22 and net plot ratio of 5.63 as well as a lower BH of 80mPD were stipulated for the site;
- (iii) the “CDA(3)” zoning would ensure comprehensive planning of the site and provide proper planning control over the development mix, layout and design of the development. As stipulated in the Notes for the zone, for future development within the “CDA(3)” site, a planning application with the support of a MLP should be submitted to the Board for consideration;
- (iv) regarding the concerns on wall effect and air ventilation, apart from the adoption of a lower plot ratio and BH, a maximum site coverage of 60% had been stipulated for the “CDA(3)” zone. Moreover, based on the findings of the AVA, two non-building areas along Shu Kuk Street and Kam Hong Street were designated in the PB to facilitate air and visual permeability. To address the possible air and noise impacts from IEC, the PB had also required the setting back of the residential blocks at the site from IEC by at least 50m and the provision of a commercial/GIC block along the waterfront to screen off the air and noise impact from the IEC;

Not selling the site

- (i) the “CDA(3)” site was a piece of large Government land with potential to accommodate various uses to meet the social, economic and housing needs of the community. Apart from the provision of POS and public facilities, commercial and residential

uses with an appropriate scale would help optimize the utilization of the scarce land resources and bring vibrancy to the waterfront of the Area;

- (ii) there was a need for the Government to provide a stable supply of new sites to meet the demand for various uses in the urban area;

Provision of POS/public facilities within private development

- (i) according to the Administration's policy, the provision of POS within private development was justified under special circumstances, e.g. when the proposed POS was a planned waterfront promenade adjacent to private development;
 - (ii) there were benefits for integrated design and development of the POS and the private development. It was stipulated in the PB that POS at the site should be designed and constructed by the developer and be handed over to the Leisure and Cultural Services Department (LCSD) for management and maintenance upon completion. The maintenance and management responsibilities of the POS would not be passed onto individual owners of the future residential development;
 - (iii) the incorporation of public facilities in the subject development could help achieve integrated design, optimization of land use and better site planning, reprovisioning of affected existing facilities, and bring forward the completion of GIC facilities to serve the district and match with the population intake in the development;
- (j) PlanD did not support the representers' proposals for the following reasons:

R1 to R4

- a large at-grade POS with an area of 15,000m² had been reserved

for the ex-NPE site (with 2,320m² at Site A and 12,680m² at Site B);

- the proposed uses and development intensity of the site were formulated after due consideration of the relevant factors. There was no strong justification for a review of the endorsed uses and development parameters for the site;
- there was a need for the Government to provide a stable supply of new sites to meet the demand for various uses in the urban area; and
- the Home Affairs Bureau (HAB) had advised that there was adequate provision of dedicated performance venues on Hong Kong Island, including the Sai Wan Ho Civic Centre, Youth Square in Chai Wan, City Hall, Queen Elizabeth Stadium and Sheung Wan Civic Centre;

R5 and R6

- the Notes of the “CDA(3)” zone stipulated that an urban design proposal had to be included in the MLP submission;
- a sizable open space and a 20m-wide waterfront promenade would be provided at the site;
- the proposed uses and development parameters were compatible with the preliminary findings of the Hong Kong Island East Harbour-front Study; and
- the proposal of providing a smaller site for commercial/residential development with a plot ratio of not exceeding 5 could not optimize the use of the site to meet the various needs of the community;

(k) the grounds of C1 were summarized as follows:

- (i) the future developer of the ex-NPE site should submit its development proposal to the District Council, Lands Department, PlanD, Buildings Department and the Board for approval;

- (ii) the ex-NPE site should be set back from Java Road by 8m for road widening and from waterfront by 5m for open space provision. A setback of 5m and 8m should be provided on the eastern and western sides of Kam Hong Street, and a setback of 8m on the eastern side of Shu Kuk Street;
 - (iii) the ex-NPE site could be divided into the western, central and eastern parts. All GIC facilities, PTT, POS and residential development with a maximum GFA of 27,871m² should be provided in the western part. Development in the eastern part should be subject to a maximum GFA of 83,613m² and a maximum BH of 80mPD. The central part should be rezoned to “R(3)” for pure residential use with a maximum GFA of 55,742m² and a maximum BH of 80mPD; and
 - (iv) to facilitate air ventilation, no GFA concession should be allowed for developments with podium;
- (l) PlanD’s responses to the grounds of comments were detailed in paragraph 4.5 of the Paper. The key points were as follows:
- (i) planning application for developments in the “CDA(3)” site would be submitted to the Board for approval. Additional control mechanism was considered not necessary;
 - (ii) the Commissioner for Transport (C for T) had advised that with the road improvement measures for North Point Estate Lane recommended in the PB, there were no traffic grounds to support further road widening. According to the endorsed PB, the proposed development would be set back to provide a 3m-wide amenity planting strip along Tin Chiu Street, Shu Kuk Street, North Point Estate Lane, Java Road and Tong Shui Road;

- (iii) the total GFA for the ex-NPE site proposed by the commenter amounted to 167,226m² (i.e. a net plot ratio of 7.86), which was much more than that stipulated in the PB and was considered to be excessive at a waterfront location;
- (iv) the granting of GFA concession was subject to the control under the Buildings Ordinance, and additional control under the OZP on this aspect was considered not necessary;
- (m) PlanD's View – the part of the representations R1 to R4 related to Site A of the ex-NPE site, which was not the subject of the OZP amendments, should be considered as invalid. PlanD did not support the remaining part of representations No. R 1 to R4 as well as R5 and R6 and considered that the representations should not be upheld.

61. The Chairman then invited the representers, representer's representatives and commenter to elaborate on their submissions.

R1's Representative and R2 Miss Choy So Yuk (Eastern District Councillor)

62. Ms. Choy So Yuk said that she and Mr. Kwok Wai Keung represented the other District Councillors of R1 as they could not attend the hearing due to other commitments. Ms. Choy made the following main points:

- (a) the EDC had made quite a number of comments and suggestions on the PB. However, they had not tendered support on it;
- (b) the subject representation was submitted by 11 elected District Councillors of EDC, with 10 from the North Point area and another one from Quarry Bay. These 11 District Councillors constituted almost 1/3 of the elected Councillors of EDC. There had been thorough discussions amongst the Councillors on the future use of the ex-NPE site in drawing up the representation and proposals of the site. Their

representation fully represented the views of the local community which warranted serious consideration by the Board;

- (c) many open spaces in the Area could not be fully utilized by locals. One example was Victoria Park, which was frequently used as venues for territory-wide activities. The locals hardly had any opportunity to use the park facilities. Choi Sai Woo Park was located within a private residential development up on the hill, while the open space in Harbour Heights could only be accessed by walking up the stairs of a private property. These existing POS could not serve the needs of the local community. The proposed open space at the CWB reclamation could only be accessed via Harbour Heights at Oil Street and the ex-NPE site. It would take more than 10 minutes to walk from the main streets to the proposed open space;

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

- (d) the proposed POS at the ex-NPE would be provided on podium within the commercial and private residential development. The provision of POS within private development would create management and accessibility problems. Similar to City Garden and Provident Centre, use of the POS on podium would need to get the consent/permission of the respective management offices; and
- (e) the Board was strongly requested to review the uses of Site A, Site B and the Municipal Services Building adjoining Site A. Site A and part of Site B should be reserved for a large at-grade POS where the local community could have direct access at the street level. Development should be on the eastern part of Site B which was close to the existing Government offices buildings and would have less adverse impacts on the residents.

63. Mr. Kwok Wai Keung made the following main points:

- (a) 11 District Councillors from different political parties and community groups, who had concerns on the planning and future uses of the ex-NPE site, had jointly submitted the representation;

[Ms. Choy So Yuk left the meeting at this point of time.]

- (b) it was regretted to note PlanD's comment that Site A was not the subject of the current OZP amendment and the relevant part of the representations was considered invalid. When the EDC was consulted on the proposed developments at the ex-NPE, both Site A and Site B were the subjects of consultation. EDC had expressed their views and made a number of comments. However, when the EDC was formally consulted on the OZP amendments during the exhibition period, it was noted that Site A had already been included in the Application List for hotel use. The Government had ignored the views of the local community;
- (c) as shown on Plan 5 of the Paper, only Victoria Park and Choi Sai Woo Park were of relatively large size. However, Victoria Park was frequently used for territory-wide activities such as flower show, Lunar New Year fairs and various other activities. It was doubtful whether the park could serve the local residents of North Point and should be included in calculating the open space provision for the Area. As Choi Sai Woo Park was located within a private residential development up on the hill, residents living in the core North Point area could hardly use the park. According to the respective District Councillor, the POS at Harbour Heights could only be accessed by walking up the stairs of a private property. The proposed POS at the ex-NPE site would be provided on a podium above a PTT within a private development. Similar to other POS provided within private development, the proposed POS at the ex-NPE site would have management and

accessibility problems;

- (d) with EDC's funding support, a 20m-wide promenade was provided temporarily along the waterfront. The promenade had been heavily used by local residents and the general public. It had clearly demonstrated the community demand for more POS. With an aging population, sufficient open space had to be provided for the recreational needs of the elderly;
- (e) two previous ball pitches were used for the development of the headquarters of the ICAC and the C&ED. To compensate for the football pitch which was developed as part of the ICAC Headquarters, the Government had once proposed to provide a local open space at the adjacent petrol filling station (PFS) site when the tenancy of the PFS was expired. However, the proposal was not materialized on the ground that there was a demand for the PFS. Hence, open space should be provided within the ex-NPE site to compensate for the football pitch;
- (f) there was a lack of meeting place for the incorporated owners' committees of private residential developments in North Point. It was suggested that such facility should be provided in the ex-NPE site;
- (g) as Site A was close to the existing residential developments, it was not suitable for hotel development. The site should better be used for residential development, if the proposed open space was not accepted by the Government. The eastern portion of Site B, which was close to the headquarters of ICAC and C&ED, would be more appropriate for the development of hotels, shopping centres and GIC facilities; and

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

- (h) the Government should make use good of the ex-NPE site for enhancing

the living environment of the residents.

Representer No. 5 The Real Estate Developers Association of Hong Kong (REDA)

64. With the aid of some photographs, plans and materials tabled at the meeting, Mr. Ian Brownlee, representative of R5, made the following points:

- (a) the concerns of R5 related to matters of principle and considered that the proposed zoning and implementation arrangement for the ex-NPE site was not appropriate;
- (b) R5 had recently undertaken a study on 'Building a Quality and Sustainable Hong Kong' and the report had been submitted to the Council for Sustainable Development. One of the recommendations of the Study was to review the zoning of ex-NPE;
- (c) R5 considered that it was very important to designate appropriate zonings for the site. There was a concern that TPB and the PlanD had not adopted a sustainable development approach in proposing appropriate zonings in the urban areas. The ex-NPE provided a valuable opportunity for improving the quality of the urban environment in North Point, but this had not been utilized. The issues such as the urban heat island effect, global warming, poor air quality, poor air ventilation, inadequate greening of the city and adverse impacts on public health and quality of community life had not been given sufficient weight when considering the best long-term use of the ex-NPE site;

[Ms. Ng Wai Man left the meeting at this point of time.]

Density on a Neighbourhood Basis

- (d) the ex-NPE site provided a valuable opportunity for reducing the development density in the neighbourhood. North Point was an old densely built-up area. The existing buildings and the street pattern

would remain the same for the next 50 years or more. Even if the existing old buildings were redeveloped, they would only be replaced by similar building blocks with some greening along the road. There would not be any significant improvement to the urban living environment;

- (e) the Board should not approach the density problem on a site-by-site basis, but should take a neighbourhood approach. As compared with the adjoining areas, the ex-NPE site was of a relatively large scale. The Board should take this valuable opportunity to make use of the site to reduce the overall development density in the area and bring significant improvement to the urban environment. The ex-NPE site was a piece of community land which was managed by the Government for the community. The site provided the valuable solution space to address the urban problems;
- (e) if the Board took the conventional approach of reducing the development density on a site-by-site basis, it would have a negative effect on private landowners' development right. Down-zoning of private land could not result in significant improvement as the existing buildings would remain on the site. The Government would also be criticized for down-zoning the private sites without compensation, increasing the urban density of the area by selling the ex-NPE site, and degrading the living environment of North Point;
- (f) the Government should reduce the number of development sites rather than the development density of the sites. Reducing the plot ratio of the ex-NPE site as stated by the PlanD did not solve the problems as it would result in additional development sites rather than increasing open space;

Open Space Provision on a Broad Basis

- (g) the methodology of calculating the open space demand adopted by PlanD was questionable. In the Explanatory Statement of the OZP, the planned

population of North Point was 177,928, but it appeared that PlanD had adopted a lower figure of 161,100 in deriving the open space requirement. If a planned population of 177,928 was adopted for North Point, about 17.8 ha of local open space would be required for the Area. Taking into account the existing and planned open space provision, there would be a deficit of 5 ha of local open space. In view of its function and usage, Victoria Park should be counted as territorial or regional open space and excluded or significantly discounted in the calculation of open space provision for the Area. If Victoria Park was excluded, there was a deficit of a total of 14.4 ha of open space.

- (h) the standards adopted by PlanD in working out the open space requirements were outdated. The relevant standards had not been revised since the 1970s and did not meet the changing public expectations. Since the Severe Acute Respiratory Syndrome, there was a major societal change with greater demand for a healthier environment. However, there was a lack of public venues for sport and recreation activities. According to HAB, all football pitches were almost fully utilized and there was no spare capacity to accommodate growing needs;
- (i) the distribution of open spaces was also an important consideration. As indicated in Plan 5 of the Paper, there was no local open space provided in the area around the ex-NPE site. The open spaces at the fringe of North Point and those up on the hill were hardly accessible to the local community in the core North Point area. Both the quantity and distribution of open spaces in North Point were not up to standard;
- (j) in the study on 'Building a Quality and Sustainable Hong Kong', all 60 sites in the Application List were assessed against the general sustainability factors and implementation issues raised by the general public. The five factors were :
 - i) would it add to the wall effect ?
 - ii) would it block ventilation gaps ?

- iii) would it remove opportunities for greening and open space in high density areas ?
 - iv) would it negatively affect harbour-front areas ? and
 - v) would it unnecessarily increase density in the neighbourhood ?
- (k) the approved layout attached to the PB had been used in the assessment and a photomontage had been prepared. As shown on the photomontage, the length of buildings on the ex-NPE site was excessive and this would create adverse wall effect to the adjoining areas. The proposed open spaces on the site were in fact spaces between buildings. In general, the proposed development on the ex-NPE site had failed in the above five assessment criteria;
- (l) a study by GHK (HK) Limited on the value of open space indicated that Hong Kong people valued open space twice the likely sale value of the land involved. Furthermore, the public would be prepared to pay for more open space in their area. It was a very strong representation of the values of society;

[Mr. Bon Cheung left the meeting at this point of time.]

- (m) a photomontage using the site for a waterfront park (Figure A3.4) was presented. Even with the provision of open space with an area of about 3ha, there was still not enough to meet the deficit in local open space. In terms of community value, the provision of a park would create a higher value than the proposed sale site. It could also include some GIC facilities and a significantly reduced amount of private development;

“CDA” Zoning not Appropriate

- (n) the original zonings of the ex-NPE site (i.e. “R(A)”, “G/IC” and “O”) were probably better as the sub-areas were clearly designated for different uses which were more compatible with the surrounding area, and it was simpler and easier to implement the uses;

- (o) the proposed “CDA” zoning, however, put all different uses into one big site (i.e. Site B) which was out of scale with the neighbourhood. There was little scope for small developers to participate in the development. The proposed open spaces as indicated in the BP were only spaces between buildings and there was no civic design if all the GIC uses were incorporated into the private development. It was, therefore, proposed that the POS and GIC facilities should be provided on separate sites;
- (p) there was also no strong justification for a “CDA” zoning as the ex-NPE site was a piece of vacant Government land;
- (q) the provision of POS within private development was against the Administration’s position presented to the LegCo that POS should not be provided within private development;
- (r) the findings of the AVA study indicated that the proposed development as stipulated in the PB would present a significant obstacle to the prevailing winds penetrating the nearby area. The ex-NPE site was not suitable for the proposed development;

Conclusion

- (s) the Board should reconsider the zoning of the ex-NPE site by undertaking an urban design process based on modern and sustainable planning methods and taking account of the community needs;
- (t) POS should be a priority land use for the ex-NPE site. The Government should comply with the HKPSG in terms of open space provision; and
- (u) the “CDA” zoning approach should be avoided as the PB had already clearly indicated the different uses on the respective parts of the site. The Board could designate specific zonings for different parts of the site to achieve easy implementation of the development. In this regard, a conceptual development plan had been prepared. The major land uses included a promenade along the harbourfront, active recreation use at Site A, a civic square at the part of Site B facing the North Point piers, GIC

facilities at both the south-western and north-eastern parts of Site B and residential development at the south-eastern part of Site.

Representation No. 6 and Comment No. 2 Designing Hong Kong Limited

65. With the aid of a powerpoint presentation, Mr. Paul Zimmerman, the representative of R6 and C2 made the following main points:

- (a) the Chairman, official Members and the Secretary of the TPB represented the Government side who intended to promote the sale of the ex-NPE site and maximize the land revenue of the site. In view of the conflicting position, the Chairman, official Members and the Secretary of the TPB should not participate in the deliberation of the representations;
- (b) the ex-NPE site was one of few sites along the harbour that was still vacant and would allow a change in land use;
- (c) the North Point Harbour Conceptual Design Competition conducted by the EDC in 2005 demonstrated the community aspirations for the planning and future uses of the sites. There was a common theme amongst all the proposed schemes, i.e. a low or limited development intensity on the site. The community aspirations should be taken into account in formulating the development proposals and the Board should learn about these aspirations before deciding on the representations;
- (d) there was a constant call for a review of development density on the Hong Kong Island. To address the traffic and environmental problems, the development intensity of the area had to be reduced. As such, the ex-NPE site should not be sold for residential purpose which would increase the development intensity of the area; and
- (e) with the aging population, more open spaces were required to serve the local residents. Based on his personal experience, Victoria Park was

heavily used by the local residents in the mornings and occupied by a lot of activities. Another large open space was Choi Sai Woo Park, but it was situated up on the hill. The park was not easily accessible to the local residents and under-utilized. For other local open spaces mentioned by the PlanD, they were generally small parcels of land. Some of them were paved with concrete with no or very few trees and recreational/supporting facilities. There was a need to provide a proper full-size public park in North Point and the ex-NPE site was an appropriate site.

66. As the presentations from the representers and the representatives of the representers and commenter had been completed, the Chairman invited questions from Members.

Provision of POS and GIC Facilities

67. A Member said that on the provision of open space in North Point, the representers opined that Victoria Park should not be included in the calculation as it was frequently used for territory-wide activities. This Member enquired about the total area of the six football pitches in Victoria Park which would be occupied if territory-wide activities took place there. Ms. Brenda Au showed the survey base details of Victoria Park included in the OZP and said that these football pitches occupied less than 1/5 of Victoria Park. These football pitches were not used for such activities all the year round. As mentioned by R6, Victoria Park was also frequently and commonly used by the local residents. Apart from the football pitches, local residents could also use other areas and facilities in the park. Ms. Au reiterated that Victoria Park had all along been designated as district open space on departmental plans. Even if one took the suggestion that Victoria Park should be considered as a regional open space, 50% of the park should still be counted as district open space in accordance with the HKPSG. Based on the above calculation, there was still generally sufficient provision of open space in the Area. In response to the comments of Mr. Brownlee on the calculation of the open space requirement, Ms. Brenda Au clarified that in calculating the POS, the PlanD would take into account the usual and mobile residents, but not the transient population. That was

why a planned population of 161,054 was adopted.

[Mr. Stanley Y.F. Wong left the meeting at this point of time.]

68. Mr. Brownlee said that according to the Explanatory Statement of the OZP, the existing population of the North Point area was 161,672 and it was estimated that the planned population would be 177,928. It was not reasonable to exclude the transient population in calculating the open space requirement as such population also used the open space facilities. Besides, this was the minimum requirement of open space provision. As indicated on Plan 5 of the Paper, there was hardly any local open space in the area around the ex-NPE site. PlanD admitted that there was a deficit of 3.9 ha of local open space. Even if 50% of Victoria Park was included in the district open space, it could not solve the problem of having a deficit of local open space in North Point.

69. In response to a Member's enquiry on the use of two ball pitches for the development of the headquarters of the ICAC and C&ED, Ms. Brenda Au said that the C&ED Headquarters site at Tin Chiu Street had all along been zoned "G/IC" on the OZP and was not intended for open space use, though part of the site was once used as a temporary basketball court. To compensate for the football pitch at Java Road which was developed as part of the ICAC Headquarters, a local open space (i.e. LO11) with similar size was provided at Tong Shui Road.

70. Mr. Kowk Wai Keung said that although LO11 might have the same area as the ICAC Headquarters site, it had an irregular shape and hence was less suitable for open space use. If the original intention was to compensate the local open space by the site at Tong Shui Road, but not the PFS site at Java Road, he questioned why the Government had arranged a site visit for the EDC Members to inspect the PFS site.

71. In view of the representers' comments that some of the local open spaces were not really usable by the public, a Member enquired about the actual situation on these sites. Ms. Brenda Au said that detailed information on these open spaces had been provided at Plan 5 and the attached Annex of the Paper. For the local open space provided at Harbour Heights, there was also direct access from Fook Yum Road. Ms. Brenda Au also pointed

out that the Choi Sai Woo Park was frequently used by the local residents. She also showed the photographs of some open spaces specifically mentioned by Mr. Kwok Wai Keung, including Tong Shui Road Garden, the open space at Harbour Heights and Choi Sai Woo Park.

72. In response to the comments of Ms. Choy So Yuk, Ms. Brenda Au said that when the PB was submitted to the EDC for consultation in early 2009, the EDC members raised many comments and suggestions. All the comments and suggestions received had been submitted for MPC's consideration. For the North Point Harbour Conceptual Design Competition, the winning entries as highlighted by Mr. Zimmerman had also been submitted for MPC's consideration. The Committee had taken into account all such information before endorsing the PB.

73. Regarding Mr. Brownlee's comments in respect of the policy on provision of POS within private development, Ms. Brenda Au said that the policy as set out in the LegCo Paper had clearly stated that "Special circumstances justifying the provision of POS may include, for example, situations where the proposed POS in a private development is located in a highly built-up area with an acute shortfall of local open space, or is a planned waterfront promenade adjacent to the private development, or.....".

74. A Member asked Mr. Kwok Wing Keung whether the proposed POS as set out in the PB was adequate to meet the needs of the local residents. Mr. Kowk replied that although there were quite a number of local open spaces in the area, many of them were not usable. There was hardly any open space in the area around the ex-NPE site. It was the request of the community to reserve the ex-NPE site for community use. City planning should aim at improving the living environment, but not just maintaining the existing condition.

75. Another Member enquired about the types of GIC facilities that would be provided at Site B. Ms. Brenda Au replied that according to the PB, an Integrated Family Service Centre, a special child care centre cum early education and training centre, a district support centre for persons with disabilities, a community hall, a day care centre and a public toilet would be provided.

76. This Member continued to ask whether there was any plan for the development of the North Point Ferry Piers and the Java Road Municipal Services Building. Ms. Brenda Au replied that the North Point ferry piers were not included in the site. The opportunity for enhancement of the piers to include recreational and other uses was being examined in the Hong Kong Island East Harbour-front Study undertaken by PlanD. There were two broad directions for the future enhancement of the piers. One was for entertainment use and the other was for recreational use. Upon the completion of the Study, the Government would examine the implementation and way forward for better utilization of the ferry piers. For the Java Road Municipal Services Building, it provided quite a number of GIC facilities to serve the local residents and there was currently no plan for its redevelopment. Mr. Paul Zimmerman said that R6 had previously suggested to the HEC to include the ferry piers into the site for redevelopment. The ferry piers were important attractions and could bring people to the harbour-front. Redevelopment of the piers on a standalone basis was very costly and might not be financially viable. But their suggestion was not accepted by the HEC.

“CDA” Zoning

77. A Member asked whether the Board had control on the design of the POS under the proposed “CDA(3)” zoning. Ms. Brenda Au said that as set out in the Notes of the OZP, a planning application with the support of a MLP including a landscape and urban design proposal and other technical assessments should be submitted for the Board’s approval. The Board would have control on the open space design.

78. A Member asked whether the proposed “CDA” zoning could meet the representers’ request for providing more open spaces to serve the community. Ms Brenda Au said that as set out in the BP, a large at-grade POS of not less than 15,000m² including a 20m-wide waterfront promenade should be provided at the ex-NPE site. This was generally in line with the requests of the representers. Some representers requested to retain the whole site for POS and public facilities. However, the site was a piece of Government land with potential to accommodate various uses to meet the social, economic and housing needs. It was considered the apart from POS and public facilities, the provision of an appropriate scale

of residential/commercial development at the ex-NPE site could strike a proper balance in meeting the needs of the community. The proposed uses and development parameters under the endorsed PB had been stipulated in the Notes for the “CDA(3)” accordingly.

79. Mr. Brownlee disagreed and said that the “CDA(3)” zoning for the site was not appropriate. The proposed “CDA” zoning together with the complexity of the issues involved was contrary to good planning and good implementation. The PB had already set out the uses and major development parameters and requirements together with a notional scheme (Plan 6 of PB). The developer had to build all these in accordance with the scheme or something very similar to it. For the guidelines on the provision of POS within private development prepared by the Administration, it was stipulated that only in exceptional circumstances that POS should be provided within private development. The ex-NPE site was not exceptional as it was a piece of vacant Government land. The proposed POS could be separately designated as ‘O’ zone on the OZP and excluded from the “CDA” boundary. The developer could still be required to develop the POS in conjunction with residential/commercial development at the adjacent lots under the lease condition and handed it back to the Government upon its completion. That was a completely different approach and the POS should be zoned “O”, but not “CDA”.

80. A Member remarked that the proposed podium development on the site might cause adverse air ventilation and visual impacts on the area. Moreover, given the ex-NPE site was a piece of vacant Government land and the planned uses for different parts of the site had been clearly indicated on the plans attached to the PB, this Member enquired about the rationale of the “CDA” zoning for the site. Ms. Brenda Au clarified that the ex-NPE site was subject to adverse air and noise impacts of IEC. The residential blocks at the site had to be set back from the IEC by 50m. A commercial cum GIC building was also proposed near the waterfront of the site to act as a buffer between the IEC and the residential blocks to its south. The “CDA” zoning was considered appropriate as it would ensure an integrated and comprehensive development on the site and provide flexibility for the prospective developer to explore the best development scheme in respect of the design and layout of different land uses to address the constraints. The PB which set out the major development parameters and planning requirements provided guidance for the preparation of planning application and MLP submission. The notional scheme shown on Plan 6 of the PB just illustrated the

development concept and was indicative only. The prospective developer would prepare its own development scheme based on the requirements as set out in the PB. Since the AVA was prepared on the basis of the development concept, if the proposed scheme deviated from the development concept in the PB, the prospective developer would be required to carry out an AVA for the proposed scheme to demonstrate that the outdoor wind environment would not be worse off compared to the notional scheme in the PB. The public concerns on podium development were noted. To ensure adequate space for wind circulation and protect view of the waterfront, the PB had stipulated a maximum site coverage of 60% for the site to avoid bulky podium structure. In addition, the carparks for hotels, residential, GIC uses and commercial development should be provided at basements.

AVA Study

81. In response to a Member's enquiry, Ms. Brenda Au said that in the preparation of the development proposals for the site, an AVA Study using a wind tunnel test had been undertaken by PlanD's consultants to assess their air ventilation impacts on the air flow at the pedestrian level for the site and its surrounding areas. According to the AVA study, if the podium structure accommodating the PTT at the central portion of the site was not open on any side, it would affect wind penetration through the podium to Java Road. To minimize the wind blockage, the AVA study recommended various improvement measures, including the adoption of a PTT to be open on at least two sides to facilitate penetration of prevailing wind through the site, reducing the podium height, retention of two wind corridors along Shu Kuk Street and Kam Hong Street as well as the spacing between the proposed buildings. All these had been taken into account in the PB.

82. Mr. Brownlee said the REDA's concern was that the representation site was subject to environmental problems and the future developer of the site was asked to solve these problems. As indicated in the PB of the ex-NPE site, the proposed PTT had to be located underneath the residential developments. This, however, would result in a podium structure causing adverse visual and ventilation problems on the Area. Nevertheless, if the site was subdivided into smaller parcels to be zoned as "R(A)", "G/IC" and "O" respectively, and the PTT was located on top of an open space within the "O" zone, these problems would be avoided. Furthermore, with such simplified zoning approach, the future developer would

develop residential development on the “R(A)” site, while the proposed open space under the “O” zone and the GIC facilities under the “G/IC” zone could be developed by the Government under the Public Works Programme. The “CDA(3)” zoning of the ex-NPE site, which did not allow design flexibility and was against good planning, was considered not appropriate.

83. Mr. Paul Zimmerman said that the current airflow of the area would be worsened by the massive development on the site. The AVA study as mentioned in the PB only set out the measures to meet the minimum standards on air ventilation after the site was developed. Such problem could be solved if the site was developed into an open space in accordance with the aspirations of the community. This would also provide a better living environment to the local residents in North Point. Mr. Kwok Wai Keung said that there was not enough assessment on the possible air ventilation impact of the proposed development. As the predominant winds for the site were easterly winds, the proposed development at the waterfront would present a significant obstacle to the prevailing winds to penetrate through the nearby area. He urged the Board to take special attention on the air ventilation impact when the planning application and the MLP were submitted for its consideration.

84. As Members had no further question to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in the absence of the representers and commenter. They would be informed of the Board’s decision in due course. The Chairman thanked the representers, representers’ representatives, commenters and the PlanD’s representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

85. Regarding the comments of Mr. Zimmerman that the Chairman and the official Members representing the Government should not participate in the deliberation of representations involving Government policies, the Chairman informed Members that legal advice had been sought on the subject matter. According to the legal advice, participation of the Chairman and the official Members in an administrative decision-making body did not compromise its independence and impartiality. The key points of the legal advice

were:

- (a) the Board was exercising administrative functions in the development of plans specified in the Town Planning Ordinance (the Ordinance). The participation of officials in the deliberations of the Board was specifically authorized under the Ordinance;
- (b) as a member of an administrative decision-making body, the Chairperson was expected to have views on the matters that came before the Board for decision. The Board must ensure that it and all its members acted fairly in making their decision but they were entitled to have prior views on the issues that would arise before them;
- (c) under the Administrative Law, a decision-maker could have a policy and had regard to that policy in the decision-making process without falling foul of the highest standards of independence and impartiality, so long as they had acted fairly in making their decisions and had applied their minds properly to the matter to be decided; and
- (d) the Hong Kong courts recognised in various cases that participation of official members in an administrative decision-making body did not compromise its independence and impartiality.

86. The Chairman remarked that the comments of Mr. Brownlee on the “CDA” zoning and the endorsed PB that the future development on site would be constrained and need to strictly follow the notional scheme attached to the PB was incorrect. The prospective developer could prepare its own development scheme based on the requirements as set out in the PB. If the proposed scheme deviated from the development concept in the PB, the prospective developer would be required to carry out an AVA for the proposed scheme to demonstrate the air ventilation impact.

87. A Member did not agree to the representers’ comments that there was inadequate POS in North Point as this was not borne out by facts. There were open

spaces at different parts of the Area. Nevertheless, this Member opined that a large POS should be provided at the ex-NPE site to meet the local needs. In response, the Secretary said that as set out in the PB for the ex-NPE site attached at Annex VI of the Paper, not less than 15,000m² of at-grade POS including a waterfront promenade and a central piazza near the North Point ferry piers should be provided for public enjoyment. Apart from the POS, the developer would also need to provide local open space of not less than 1 m² per person for the residents of the residential development. Detailed design of the proposed development in the form of a MLP to be supported by various technical assessments would be submitted for the Board's consideration as required under the "CDA" zoning.

88. Another Member queried why the Victoria Park should be excluded from the calculation of open space provision as it was utilized by the residents of North Point. This Member supported the proposed "CDA" zoning as it would allow flexibility for the prospective developer to explore different development schemes to meet the changing needs and aspirations of the community. The zoning would also ensure appropriate planning control on the development mix, scale, design and layout of the proposed development. Mr. Brownlee's suggestion of subdividing the site into various sub-areas for different land uses was not supported as it could not provide the design flexibility and the opportunity for achieving comprehensive and integrated design of the proposed development as intended under the "CDA" zoning. A planning application with the support of a MLP was required to be submitted for the Board's consideration and approval. Members noted that while certain areas of the Victoria Park were used as venues for territory-wide activities on some occasions, the beneficiaries included the local community who could also use the other areas and facilities in the park.

89. Another Member concurred that the "CDA" zoning was a correct approach to ensure an integrated and comprehensive development on the site. This Member also opined that given the development restrictions of a maximum site coverage of 60%, a maximum plot ratio of 3.22 and a maximum building height of 80mPD, the proposed development on the ex-NPE site would unlikely cause adverse air ventilation problems in the Area. The GIC facilities to be provided at the ex-NPE site could also serve the local residents.

90. A Member said that in considering the PB for the ex-NPE site in 2009, the MPC already had thorough discussions on the issues including those raised by the representers at the hearing, such as the issues on podium development and the provision of open space, GIC facilities, etc. These issues had been addressed and the PB had been amended to take into account MPC's concerns. Another Member opined that although zoning the whole Site B as "CDA" might not provide the opportunity for small developers and architects to participate, the "CDA" zoning could provide appropriate flexibility and planning control on the future development on the site. On balance, the "CDA" zoning was appropriate. This Member, however, was concerned that the podium development on the site might cause visual and air ventilation impacts on the area. It was noted that the PB had already set out some requirements on the subject, such as lower podium height with greater permeability, open-sided PTT, porous wind break on the podia, and basement carparks etc. This Member considered that additional guidelines should be added to avoid a bulky podium structure on the site. To this, the Secretary suggested and Members agreed that PlanD should strengthen the relevant sections of the PB to address Members' concerns.

91. The Chairman concluded that Members agreed that part of the representations of R1 to R4 in relation to Site A, which was not subject to the current OZP amendment, should be considered as invalid. For the remaining part of the representations of R1 to R4 as well as R5 and R6, Members generally considered that they should not be upheld. Taking into account the existing and planned open space provision, there was a surplus of about 7 ha. A large at-grade POS had also been reserved at the ex-NPE site. Victoria Park was a major district open space providing active and passive recreation facilities to serve the population in North Point. It was reasonable to include the park in the calculation of open space provision. Members considered that the distribution and quality of open spaces were important. Open spaces had been provided and reserved at different parts of the Area to serve the district population. While some local open spaces were relatively small and were within private development or were not at prominent locations, they could still serve their function and had provided recreation space and landscaped area for the enjoyment of the local residents. Members agreed that the existing and planned open spaces (including the large POS at the ex-NPE site) in North Point could meet the community needs. The "CDA" zoning was intended to facilitate comprehensive development of the site in accordance with the endorsed PB for the site. The proposed uses

and development intensity for the site were formulated having regard to relevant planning considerations. There was no strong justification for a review of the endorsed uses and development parameters for the site. Members also considered that the “CDA(3)” zoning for the site was appropriate as it would ensure comprehensive planning and appropriate planning control over the development mix, scale, design and layout of development. Apart from providing POS and public facilities at the site, residential and commercial development uses with an appropriate scale at the site would help optimize the use of scarce land resource. The proposed provision of POS within private development was reasonable and complied with the Administration’s policy. Members agreed.

Representation No. 1

92. After further deliberation, the Board decided that the part of the representation in relation to Site A of the ex-NPE Site, which was not the subject of the OZP amendment, should be invalid.

93. After further deliberation, the Board decided not to uphold the remaining part of Representation No. 1 for the following reasons:

- (a) for the North Point area (the Area) as a whole, there was an overall surplus in the open space provision. The provision of an at-grade public open space with an area of 12,680m² including a 20m-wide promenade was stipulated in the Notes for the “CDA(3)” site to provide a focal point for the Area;
- (b) Victoria Park fell within the boundary of the North Point OZP and was a major district open space providing active and passive recreation facilities to serve the population in the Area. It was reasonable to include the Park in the open space provision in the Area;
- (c) open spaces were reserved at different parts of the Area to serve the district population. While some local open spaces were small and within private developments or were not located at prominent locations, they provided passive recreation space and landscaped area

for the enjoyment of the local residents, and should be taken into account in the open space provision;

- (d) the “CDA(3)” zoning was intended to facilitate comprehensive development of the site in accordance with the endorsed Planning Brief for the site. The proposed uses and development intensity for the site were formulated having regard to relevant planning considerations. There was no strong justification for a review of the endorsed uses and development parameters for the site; and
- (e) there was a need for the Government to maintain a stable supply of sale sites to meet the demand for various uses to sustain the development of the city. Apart from providing POS and public facilities at the site, residential and commercial uses with an appropriate scale at the site would help optimize the use of scarce land resource and bring vibrancy to the waterfront of the Area.

Representation No. 2

94. After further deliberation, the Board decided that the part of the representation in relation to Site A of the ex-NPE Site, which was not the subject of the OZP amendment, should be invalid.

95. After further deliberation, the Board decided not to uphold the remaining part of R2 for the following reasons:

- (a) for the North Point area (the Area) as a whole, there was an overall surplus in the open space provision. The provision of an at-grade public open space with an area of 12,680m² including a 20m-wide promenade was stipulated in the Notes for the “CDA(3)” site to provide a focal point for the Area;
- (b) Victoria Park fell within the boundary of the North Point OZP and was a major district open space providing active and passive recreation facilities to serve the population in the Area. It was reasonable to

include the Park in the open space provision in the Area;

- (c) open spaces were reserved at different parts of the Area to serve the district population. While some local open spaces were small and within private developments or were not located at prominent locations, they provided passive recreation space and landscaped area for the enjoyment of the local residents, and should be taken into account in the open space provision;
- (d) the “CDA(3)” zoning was intended to facilitate comprehensive development of the site in accordance with the endorsed Planning Brief for the site. The proposed uses and development intensity for the site were formulated having regard to relevant planning considerations. There was no strong justification for a review of the endorsed uses and development parameters for the site; and
- (e) there was a need for the Government to maintain a stable supply of sale sites to meet the demand for various uses to sustain the development of the city. Apart from providing POS and public facilities at the site, residential and commercial uses with an appropriate scale at the site would help optimize the use of scarce land resource and bring vibrancy to the waterfront of the Area.

Representation No. 3

96. After further deliberation, the Board decided that the part of the representation in relation to Site A of the ex-NPE Site, which was not the subject of the OZP amendment, should be invalid.

97. After further deliberation, the Board decided not to uphold the remaining part of R3 for the following reasons:

- (a) for the North Point area (the Area) as a whole, there was an overall surplus in the open space provision. The provision of an at-grade

public open space with an area of 12,680m² including a 20m-wide promenade was stipulated in the Notes for the “CDA(3)” site to provide a focal point for the Area;

- (b) Victoria Park fell within the boundary of the North Point OZP and was a major district open space providing active and passive recreation facilities to serve the population in the Area. It was reasonable to include the Park in the open space provision in the Area;
- (c) open spaces were reserved at different parts of the Area to serve the district population. While some local open spaces were small and within private developments or were not located at prominent locations, they provided passive recreation space and landscaped area for the enjoyment of the local residents, and should be taken into account in the open space provision; and
- (d) the “CDA(3)” zoning was intended to facilitate comprehensive development of the site in accordance with the endorsed Planning Brief for the site. The proposed uses and development intensity for the site were formulated having regard to relevant planning considerations. There was no strong justification for a review of the endorsed uses and development parameters for the site.

Representation No. 4

98. After further deliberation, the Board decided that the part of the representation in relation to Site A of the ex-NPE Site, which was not the subject of the OZP amendment, should be invalid.

99. After further deliberation, the Board decided not to uphold the remaining part of R4 for the following reasons:

- (a) for the North Point area (the Area) as a whole, there was an overall surplus in the open space provision. The provision of an at-grade

public open space with an area of 12,680m² including a 20m-wide promenade was stipulated in the Notes for the “CDA(3)” site to provide a focal point for the Area;

- (b) open spaces were reserved at different parts of the Area to serve the district population. While some local open spaces were small and within private developments or were not located at prominent locations, they provided passive recreation space and landscaped area for the enjoyment of the local residents, and should be taken into account in the open space provision; and
- (c) the “CDA(3)” zoning was intended to facilitate comprehensive development of the site in accordance with the endorsed Planning Brief for the site. The proposed uses and development intensity for the site were formulated having regard to relevant planning considerations. There was no strong justification for a review of the endorsed uses and development parameters for the site.

Representation No. 5

100. After further deliberation, the Board decided not to uphold R5 for the following reasons:

- (a) for the North Point area (the Area) as a whole, there was an overall surplus in the open space provision. The provision of an at-grade public open space with an area of 12,680m² including a 20m-wide promenade was stipulated in the Notes for the “CDA(3)” site to provide a focal point for the Area;
- (b) the “CDA(3)” zoning was intended to facilitate comprehensive development of the site in accordance with the endorsed Planning Brief for the site. The proposed uses and development intensity for the site were formulated having regard to relevant planning considerations. There was no strong justification for a review of the endorsed uses and

development parameters for the site;

- (c) the “CDA(3)” zoning was considered appropriate for the site as it would ensure comprehensive planning and appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints. The Planning Brief endorsed by the Board provided guidance for the preparation of the MLP submission required under the “CDA(3)” zoning;
- (d) there was a need for the Government to maintain a stable supply of sale sites to meet the demand for various uses to sustain the development of the city. Apart from providing POS and public facilities at the site, residential and commercial uses with an appropriate scale at the site would help optimize the use of scarce land resource and bring vibrancy to the waterfront of the Area;
- (e) the provision of POS and waterfront promenade at the “CDA(3)” site was in line with the Government’s policy in that there were planning and environmental benefits for the proposed POS, which included a planned promenade, to be developed together with the private development for early completion of planned POS; and
- (f) the incorporation of public facilities in the development of the site could achieve integrated design, optimization of land use and better site planning, reprovisioning of affected existing facilities, and bring forward the completion of GIC facilities to serve the district and match with the population intake in the development.

Representation No. 6

101. After further deliberation, the Board decided not to uphold R6 for the following reasons:

- (a) for the North Point area (the Area) as a whole, there was an overall surplus in the open space provision. The provision of an at-grade public open space with an area of 12,680m² including a 20m-wide promenade was stipulated in the Notes for the “CDA(3)” site to provide a focal point for the Area;
- (b) open spaces were reserved at different parts of the Area to serve the district population. While some local open spaces were small and within private developments or were not located at prominent locations, they provided passive recreation space and landscaped area for the enjoyment of the local residents, and should be taken into account in the open space provision;
- (c) the “CDA(3)” zoning was intended to facilitate comprehensive development of the site in accordance with the endorsed Planning Brief for the site. The proposed uses and development intensity for the site were formulated having regard to relevant planning considerations. There was no strong justification for a review of the endorsed uses and development parameters for the site;
- (d) the “CDA(3)” zoning was considered appropriate for the site as it would ensure comprehensive planning and appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints. The Planning Brief endorsed by the Board provided guidance for the preparation of the MLP submission required under the “CDA(3)” zoning;
- (e) the provision of POS and waterfront promenade at the “CDA(3)” site was in line with the Government’s policy in that there were planning and environmental benefits for the proposed POS, which included a planned promenade, to be developed together with the private development for early completion of planned POS; and

- (f) the incorporation of public facilities in the development of the site could achieve integrated design, optimization of land use and better site planning, reprovisioning of affected existing facilities, and bring forward the completion of GIC facilities to serve the district and match with the population intake in the development.

[Dr. C.P. Lau left the meeting at this point of time.]

Agenda Item 5

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-KTS/285

Temporary Office and Freight Delivery/Forwarding Facilities (Logistics Centre) with Ancillary Vehicle Parking Facilities for a Period of 3 Years in "Agriculture" zone,

Lot 1363 in D.D. 100, Kwu Tung South, Sheung Shui

(TPB Paper No. 8616)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

102. The following representative of the Planning Department and the applicant's representatives were invited to the meeting at this point:

Mr. W.K. Hui	- District Planning Officer/Shu Tin, Tai Po and North (DPO/STN)
Mr. Lai Fu Keung, Ricky] Applicant's representatives
Ms. Ng Hoi Yan]

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

104. Mr. W.K. Hui presented the application on review and covered the following

main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary office and freight delivery/forwarding facility (logistics centre) with ancillary vehicle parking facilities for a period of 3 years in an area zoned “Agriculture” (“AGR”) on the Kwu Tung South Outline Zoning Plan (OZP);
- (b) on 7.5.2010, the Rural and New Town Planning Committee (RNTPC) rejected the application for the reasons that the application was not in line with the planning intention of the "AGR" zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation. There was no justification for a departure from the planning intention, even on a temporary basis. Moreover, the development was not compatible with the surrounding land uses which were rural in character and largely occupied by active and fallow agricultural land mixed with some domestic structures. It was anticipated that the development would cause adverse landscape and environmental impacts on the surrounding areas. The applicant failed to demonstrate that the development under application would not have adverse traffic impact on the surrounding area. The approval of the application would set an undesirable precedent for similar applications within the "AGR" zone. The cumulative effect of approving such application would result in the encroachment of good agricultural land, causing a general degradation of the rural environment of the area;
- (c) the application site was subject to planning enforcement action for unauthorized office use. An Enforcement Notice (EN) was issued on 6.7.2009 to the landowner. As the requirement of the EN was not complied with upon expiry of the compliance period on 6.10.2009, prosecution action was in progress;
- (d) no written submission in support of the review application was submitted

by the applicant;

- (e) departmental comments on the review application were summarized in paragraph 4 of the Paper. Commissioner for Transport (C for T) could not offer support to the application at this stage as the applicant should provide information on the number of trips generated per day instead of just providing a qualitative description of 'several trips per day'. The vehicular access arrangement and the parking/loading/unloading/manoeuvring arrangement provided by the applicant should be properly annotated and drawn to scale with swept path shown for C for T's consideration. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was surrounded by vegetable field and abandoned land. The site with good accessibility and water supply was considered suitable for operating greenhouse and nursery garden uses. The agricultural activities in the vicinity were active and the application site was graded 'good' agricultural land with high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the application site and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application since the areas were of a pleasant rural character which was green and tranquil. When compared with the aerial photographs taken on 25.12.2006, the application site was originally active farmland with a green cover. Subsequently, nearly all the greenery was removed when the site was occupied by unauthorized development. Significant changes and disturbances to the existing landscape character or resources had been caused. If the application was approved, it would set an undesirable precedent for future cases of a similar nature that would further deteriorate the existing landscape quality in the vicinity. The District Officer/North, Home Affairs Department (DO/N, HAD) stated that strong objections were raised by the concerned North District Council member, Inhabitant Indigenous' Representative and Residents'

Representative of Tsiu Keng and local villagers of Tsiu Keng on agricultural development, drainage, environmental, traffic and safety grounds;

- (f) during the statutory publication period, three public comments were received. One comment indicating 'no comment' was submitted by a general public while the other comments submitted by a North District Council member and the Designing Hong Kong Limited objected to the application for the reasons of adverse impacts on agricultural development, drainage, environment and traffic, strong sentiment of the local villagers, not in line with the planning intention, and setting of undesirable precedent for similar applications;
- (g) PlanD's view - PlanD did not support the review applications based on the assessments set out in paragraph 6 of the Paper, which were summarised below:
 - (i) the application was not in line with the planning intention of the "AGR" zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
 - (ii) the uses under application were not compatible with the surrounding land uses which were rural in character and largely occupied by active as well as fallow farmland intermixed with village houses and temporary structures;
 - (iii) DAFC did not support the application from the agricultural development point of view as the application site was graded 'good' agricultural land with 'high' potential for agricultural rehabilitation,

and the agricultural lives in the vicinity were active;

- (iv) DEP did not support the application as there were domestic structures in the vicinity of the application site with the nearest one at a distance of 15m from the application site. There was no information in the submission to demonstrate that the uses under application would not have adverse traffic and environmental impacts on the surrounding area;
- (v) CTP/UD&L, PlanD objected to the application from the landscape planning perspective. When compared with the aerial photo taken on 25.12.2006, the application site was originally active farmland with a green cover. Subsequently, nearly all the greenery was removed since the site was occupied by unauthorized development. Significant changes and disturbances to the existing landscape character or resources had been caused. If the application was approved, it would set an undesirable precedent for future cases of a similar nature that would further deteriorate the existing landscape quality in the vicinity. There was no information in the submission to demonstrate that the uses under application would not have adverse landscape impacts to the surrounding areas. Although the applicant submitted a landscape plan, it did not reflect the actual planting on site and an updated landscape plan should be submitted for CTP/UD&L's comments;
- (vi) C for T considered that the applicant should provide a quantitative number of trips instead of a qualitative description of 'several trips per day' to support his application, and the vehicular access arrangement and the parking/loading/unloading/manoeuvring arrangement as submitted by the applicant should be properly annotated and drawn to scale with swept path shown for his consideration.

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

106. Mr. Lai Fu Keung, Ricky and Ms. Ng Hoi Yan, the applicant's representatives, made the following main points:

- (a) the applicant was aware that the site was planned for agricultural use;
- (b) the applicant did not know how to prepare the technical assessment, such as those required by C for T to support the application. They also had no knowledge of how and where to engage the professionals to prepare the required assessments. They had contacted the Secretariat of TPB and asked whether it could introduce consultants to the applicant for undertaking the assessments. However, the Secretariat of TPB had replied that it was inappropriate for it to do so; and
- (c) as shown in the aerial photograph taken in 1996, there were already structures erected on the site. With the lapse of time, these old structures became dangerous and the applicant had replaced them with new structures of the same size.

107. In response to a Member's enquiry, Ms. Ng Hoi Yan replied that the applicant had already ceased operation on the site. They had identified another site for relocating their business. However, the relocation could not be done in one or two days as they had to tidy up all the documents in the office. The applicant had been prosecuted for the unauthorized office use on the site.

108. Noting that there were objections raised by the local villagers, the same Member asked whether the applicant had made any effort to liaise with the objectors to address their concerns. Ms. Ng Hoi Yan replied that they had recently contacted the village representative who agreed to further liaise with the local villagers. However, the issue could not be settled within a short period of time. In addition, the applicant had also contacted a

consultant of the Sheung Shui Rural Committee two days before. As the review hearing had been scheduled, there was not enough time for him to liaise with the concerned parties. Subject to the decision of the review hearing, the said consultant agreed to help the applicant to contact Mr. Hau Kam Lam, the NDC member, and Mr. Lam Chi Keung, the representative of Ying Pun Village and other villagers to address their concerns.

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

Deliberation Session

110. A Member considered that as the applicant had not made any effort to address concerns of the relevant departments and the local residents, there was no reason to support the application on review. After further deliberation, the Chairman concluded that the application should not be approved as it was not in line with the planning intention of the "AGR" zone and the submission from the applicant was not justifiable for a departure from the planning intention, even on a temporary basis. The development was not compatible with the surrounding land uses which were rural in character. The applicant also failed to demonstrate that the development under application would not have adverse traffic impact on the surrounding area. The approval of the application would set an undesirable precedent for similar applications within the "AGR" zone. Members concurred. Members then went through the reasons for rejecting the application as stated in paragraph 7.1 of the Paper and considered that they were appropriate.

111. After further deliberation, the Board decided to reject the application on review for the following reasons:

- (a) the applied uses were not in line with the planning intention of the "AGR"

zone in Kwu Tung South area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation. The submission was not justifiable for a departure from the planning intention, even on a temporary basis;

- (b) the development was not compatible with the surrounding land uses which were rural in character and largely occupied by active and fallow agricultural land mixed with some domestic structures. It was anticipated that the development would cause adverse landscape and environmental impacts to the surrounding areas;
- (c) the applicant failed to demonstrate that the development under application would not have adverse traffic impact on the surrounding area; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the "AGR" zone. The cumulative effect of approving such application would result in the encroachment of good agricultural land, causing a general degradation of the rural environment of the area.

Agenda Item 6

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations to the Draft So Kwu Wat Outline Zoning Plan No. S/TM-SKW/10

(TPB Paper No. 8618)

[The meeting was conducted in Cantonese.]

112. The Secretary reported that Mr. Stephen M.W. Yip had declared an interest on the item as he had current business dealing with ExxonMobil Corporation and one of the amendment items under the subject Outline Zoning Plan (OZP) was in relation to the petro

filling station site in So Kwu Wat. As the item was procedural in nature, Members agreed that Mr. Yip should be allowed to stay in the meeting.

113. The Secretary briefly introduced the Paper. She said that the draft So Kwu Wat OZP No. S/TM-SKW/10 was exhibited for public inspection under section 5 of the Town Planning Ordinance on 7.5.2010. During the two-month exhibition period, two representations were received. On 16.7.2010, the representations were published for public comments for three weeks and no comment was received.

114. As the subject of Representation No. 2 was on Amendment Item A1, i.e. rezoning of two sites west of Palatial Coast to “Residential (Group C)1”, which was also one of the subjects of Representation No. 1, it was suggested that the two representations be heard collectively in one group by the Board and there was no need to resort to the appointment of a Representation Hearing Committee.

115. After deliberation, the Board agreed that the two representations should be heard collectively by the Board in the manner as proposed in paragraphs 2.1 and 2.2 of the Paper.

Agenda Item 7

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Aberdeen and Ap Lei Chau Outline Zoning Plan No. S/H15/25 (TPB Paper No. 8619)

[The meeting was conducted in Cantonese.]

116. The Secretary reported that Mr. K.Y. Leung had declared an interest on the item as his mother owned a flat in Ap Lei Chau and his employer, the University of Hong Kong, intended to acquire a piece of land in the Aberdeen and Ap Lei Chau area for its development. Mr. Lawrence L.J. Li had also declared an interest as he owned a flat in the Aberdeen and Ap Lei Chau area. Members agreed that as the item was procedural in nature, both Mr. Leung and Mr. Li should be allowed to stay in the meeting. Members noted that Mr. Li had

tendered an apology for not being able to attend the meeting.

117. The Secretary reported that the draft Aberdeen and Ap Lei Chau OZP No. S/H15/25 was exhibited for public inspection under section 5 of the Town Planning Ordinance on 7.5.2010. During the two-month exhibition period, a total of 13 representations were received. On 16.7.2010, the representations were published for public comments for three weeks and a total of 502 comments were received.

118. The amendments relevant to the representations and the comments received were mainly related to the imposition of building height restrictions and the 496 comments were in the form of standard letters. In view of the similar nature, it was suggested that the 13 representations and 502 comments be heard collectively in one group by the Board and there was no need to resort to the appointment of a Representation Hearing Committee.

119. After deliberation, the Board agreed that the representations should be heard collectively by the Board in the manner as proposed in paragraphs 2.1 and 2.3 of the Paper.

Agenda Items 8 and 9

[Closed Meeting]

120. Those items were recorded under confidential cover.

Agenda Item 10

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

121. There being no other business, the meeting was closed at 5:30 p.m.