

**Minutes of 968th Meeting of the
Town Planning Board held on 22.10.2010**

Present

Permanent Secretary for Development
(Planning and Lands)

Mr. Thomas Chow

Chairman

Mr. Stanley Y.F. Wong

Vice-Chairman

Mr. K.Y. Leung

Mr. Walter K.L. Chan

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Professor Eddie C.M Hui

Ms. Anna S.Y. Kwong

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. Maurice W.M. Lee

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Dr. W.K. Lo

Mr. Roger K.H. Luk

Mr. Timothy K.W. Ma

Miss Anita W.T. Ma

Dr. Winnie S.M. Tang

Professor S.C. Wong

Ms. Pancy L.P. Yau

Mr. Stephen M.W. Yip

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

Assistant Director of Environmental Protection
Mr. C.W. Tse

Director of Lands
Miss Annie Tam

Director of Planning
Mr. Jimmy C.F. Leung

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

Secretary

Absent with Apologies

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Professor P.P. Ho

Professor Paul K.S. Lam

Dr. James C.W. Lau

Professor Joseph H.W. Lee

Dr. W.K. Yau

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
Miss H.Y. Chu (a.m.)
Ms. Christine K.C. Tse (p.m.)

Senior Town Planner/Town Planning Board
Ms. Donna Y.P. Tam (a.m.)
Ms. Amy M.Y. Wu (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 967th Meeting held on 8.10.2010

[The meeting was conducted in Cantonese.]

1. The minutes of the 967th meeting held on 8.10.2010 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

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

[Mr. Raymond Y.M. Chan, Ms. Anita W.T. Ma and Dr. Winnie S.M. Tang arrived to join the meeting at this point.]

Agenda Item 3

[Open Meeting]

Draft Town Planning Board Guidelines for Designation of
“Other Specified Uses (Mixed Uses)” Zone and
Application for Development under Section 16 of the Town Planning Ordinance
(TPB Paper No. 8652)

[The meeting was conducted in Cantonese.]

3. The following representative from the Planning Department (PlanD) was invited to the meeting at this point:

Ms. Christine Tse - Chief Town Planner/Town Planning Board

4. The Chairman extended a welcome and invited Ms. Christine Tse to brief Members on the Paper.

5. With the aid of a Powerpoint presentation, Ms. Christine Tse briefed Members on the background to the draft Town Planning Board (TPB) Guidelines for Designation of “Other Specified Uses (Mixed Uses)” (“OU(MU)”) Zone and Application for Development under Section 16 of the Town Planning Ordinance, as follows:

- (a) on 21.6.2002, the Board considered the Review of Master Schedule of Notes (MSN) to Statutory Plan and agreed in principle to the new zoning of “OU(MU)” to meet changing market needs;
- (b) on 28.2.2003, the Board considered the results of the consultation with stakeholders on the new “OU(MU)” zone and requested that a separate submission on the detailed control mechanism together with a set of draft TPB Guidelines on the “OU(MU)” zone should be made to the Board;
- (c) the draft TPB Guidelines set out the planning intention and uses permissible in different types of buildings, the main planning criteria for designation of the “OU(MU)” zone, the development restrictions and design requirements, as well as the considerations for assessing planning applications;
- (d) the planning intention of the “OU(MU)” zone was to provide flexibility for the development of a combination of compatible uses including commercial, residential, educational, cultural, recreational and entertainment uses either vertically within a building or horizontally over a spatial area to meet changing market needs;
- (e) to cater for different types of developments within the “OU(MU)” zone, three user schedules were applicable for the zone: User Schedule I was applicable to a non-residential building or the non-residential portion of a

composite building upon development/redevelopment/conversion; User Schedule II was applicable to a residential building or the residential portion of a composite building upon development/redevelopment/conversion; and User Schedule III was applicable to an existing building before its redevelopment/conversion;

- (f) User Schedules I and II and the planning intention of the “OU(MU)” zone had already been incorporated in the MSN since 2002, while User Scheduled III was newly proposed. The “OU(MU)” zone had been incorporated in the Kai Tak OZP covering some greenfield sites. It had also been recently incorporated in the Wan Chai OZP and the Causeway Bay OZP covering sites in the existing built up areas;
- (g) the major planning criteria for designation of “OU(MU)” zone were:
 - mixed-use development on an “OU(MU)” site should be compatible with the existing and planned land uses in the area;
 - area with a mixture of commercial, office, residential and other uses already in existence at the fringe of the Central Business District (CBD) could be considered for rezoning to “OU(MU)”. However, the core CBD should not be considered for such purposes as land in the CBD should be reserved primarily for office/commercial use to support Hong Kong as an international financial and business centre;
 - “OU(MU)” sites should have good accessibility along major transportation routes and there were no major constraints in the provision of water supply, drainage, sewerage and other public utilities; and
 - as residential development was permitted as of right under User Schedule II in the “OU(MU)” zone, areas designated should have adequate existing and planned provision of community facilities to cater for the residential development;

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

- (h) the major development restrictions and design requirements in the “OU(MU)” zone were:
 - the residential and non-residential portions within a building should be physically segregated through appropriate building design, including provision of separate entrances/lift lobbies/staircases;
 - provision of residential and non-residential uses on the same floor would not be permitted;
 - the development should meet relevant fire safety and building safety requirements; and
 - adequate parking and loading/unloading facilities should be provided;

- (i) the major considerations for assessing planning applications were:
 - any application would need to demonstrate that the proposed development was in line with the planning intention, compatible with the surrounding land uses/other uses within the same building, would not adversely affect the character and environment of the neighbourhood, and would not overstrain the capacity of existing and planned infrastructure in the area;
 - any proposed development that would bring variety of uses and enhance the character, vitality and vibrancy to the area would be given favourable consideration;
 - for new development/redevelopment/conversion of an existing building, the applicant should demonstrate that physical segregation, in the form of separate access/entrance/lift lobbies/staircases and any

other appropriate means, had been provided to separate residential uses from non-residential uses within the same building;

- for any application within an existing mixed-use building before its redevelopment/conversion, the applicant would need to come up with practical and implementable measures/proposals to minimize any nuisance or interface problems caused to other uses within the building; and
- (j) should the Board agree to the draft guidelines, the relevant stakeholders including relevant professional institutes, REDA, and other relevant advisory committees would be consulted before their finalization for promulgation.

[Mr. Clarence W.C. Leung arrived to join the meeting at this point.]

6. A Member said that the existing mixed-use developments were mostly buildings in the old built-up areas with fragmented ownership. As the proposed new zoning and control mechanism in the draft TPB Guidelines would affect redevelopment of these sites, the incorporated owners committees of these buildings should be consulted. A Member however said that he did not see the relationship between the two.

7. Some Members raised the following questions:

- (a) the reason why “an existing building” was confined to that “before redevelopment/conversion” in Schedule III;
- (b) how to define “conversion” in the user schedule;
- (c) whether private clinic was a permissible use in the zone; and
- (d) whether privately run residential care home for the elderly was permitted in the zone.

8. In response, Ms. Christine Tse made the following points:
- (a) an “existing building” was defined in the covering Notes of the OZP as a “building, including a structure, which was physically existing”. Upon redevelopment of a building, the new building would become an “existing building” under the definition in the covering Notes. User Schedule III of the “OU(MU)” zone was, however, only intended for the existing buildings which had not yet been redeveloped or wholly converted after the concerned site was zoned “OU(MU)”. Once the building was redeveloped or wholly converted, User Schedules I or II would be applicable to the redeveloped/converted building;
 - (b) “conversion” of a building was defined in paragraph 4.5 of the draft TPB Guidelines. It referred to wholesale conversion of an existing building, which would be equivalent to a new development and User Schedules I and II would apply;
 - (c) private clinic was regarded as “Shop and Services” use under the Definition of Terms (DoT) used in Statutory Plans and was always permitted in a non-residential building or non-residential portion of a composite building under User Schedule I and an existing mixed-use building under User Schedule III before redevelopment/conversion; and
 - (d) according to the DoT, facilities which might be operated by the Social Welfare Department or non-governmental organizations or any other organizations as approved/recommended by the Director of Social Welfare were regarded as “Social Welfare Facility”. Social welfare facility without residential care was always permitted in a non-residential building or non-residential portion of a composite building under User Schedule I, while social welfare facility for residential care facility only was always permitted in a residential building or residential portion of a composite building under User Schedule II. As for an existing mixed-use building, social welfare facility (with or without residential care) was always permitted under User Schedule III.

9. The Secretary supplemented that elderly housing provided not as a form of social welfare facility was regarded as “Residential Institution” under the DoT. The use was also permitted as of right in a residential building or residential portion of a composite building under User Schedule II and an existing mixed-use building before redevelopment/conversion under User Schedule III.

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

10. A Member noted that the proposed User Schedule III was applicable for an existing building before redevelopment/conversion. This Member raised a concern that the definition of this Schedule was not clear as once a building was redeveloped, it would become an existing building. It was not clear which User Schedule should be applicable for a redeveloped building or a building which had been wholly converted. This Member suggested that the wording of the definition in this user schedule be refined. This Member’s suggestion was agreed by other Members.

11. After further deliberation, Members agreed that the draft TPB Guidelines with the refinement of the wording of the definition of User Schedule III was suitable for issue to the relevant stakeholders for consultation.

12. The Chairman thanked the representative of PlanD for attending the meeting. She left the meeting at this point.

Agenda Item 4

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/ST/696

Proposed Residential Development with Club House and Car Parking Facilities
(Extension of Time for Commencement of Development for a Period of 12 Months
for the Previous Approved Master Layout Plan under Application No. A/ST/577)
in “Comprehensive Development Area” zone

Lots 698 s.B, 698 s.C, 698 s.D, 698 s.E, 698 s.F, 698 s.G, 698 s.H, 698 s.I,
698 s.J, 698 s.L, 698 s.M, 698 s.N, 698 s.O, 698 RP (Part)
and Adjoining Government Land in D.D. 181, Heung Fan Liu, Sha Tin
(TPB Paper No. 8648)

[The hearing was conducted in Cantonese.]

13. The following Members had declared interest in this item as the subject application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK):

Mr. Y. K. Cheng	having current business dealings with SHK
Mr. Felix W. Fong	having current business dealings with SHK
Ms. Julia M.K. Lau	being a former employee of SHK

14. Members noted that Ms. Julia M.K. Lau had not yet arrived. Members also agreed that as the interest of Mr. Y.K. Cheng and Mr. Felix W. Fong was direct and substantial, they should leave the meeting for this item. Messrs. Cheng and Fong left the meeting temporarily at this point.

Presentation and Question Session

15. The Secretary said that a petition letter from Mr. Chan Sai Tak, the Chairman of the Pak Tin Areas 4, 5 and 6 Mutual Aid Committee, to the Board was tabled at the meeting. Mr. Chan raised objection to the application and the representative from Planning Department (PlanD) would brief Members on details of the petition letter.

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

Mr. Hui Wai Keung	-	District Planning Officer/Shu Tin, Tai Po and North (DPO/STN)
Mr. Phil Black)	
Mr. Bill Chau)	Applicant's Representatives
Ms. Grace Siu)	

17. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. Hui Wai Keung to brief Members on the background to the application.

18. With the aid of plans, Mr. Hui Wai Keung presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for a proposed residential development with club house and car parking facilities at a site zoned "Comprehensive Development Area" ("CDA") on the Sha Tin Outline Zoning Plan (OZP);
- (b) on 19.3.2010, the Rural and New Town Planning Committee (RNTPC) rejected the application and the reason was that the applicant failed to submit technical assessments to support the proposed development in the form of a Master Layout Plan (MLP) as required under the statutory Notes of the "CDA" zone under the approved Sha Tin OZP No. S/ST/23;
- (c) the applicant had provided justifications in support of the review application as summarized in paragraph 3 of the Paper;
- (d) departmental comments – the District Lands Officer/Shu Tin, Lands Department (DLO/ST, LandsD) advised that a land exchange application for Lot 698 in DD 181 for the proposed residential development

approved by the Board on 4.4.2003 (Application No. A/ST/577) was under processing and the basic terms of the land exchange had been accepted (except for the premium) by the owner of the lot. The Commissioner for Transport (C for T) advised that the proposed car parking area based on the previous Hong Kong Planning Standards and Guidelines (HKPSG) was too large and needed to be revised in accordance with the current HKPSG. Other concerned departments had no objection to/adverse comments on the application;

- (e) public comments - a total of 44 public comments were received during the three statutory publication periods, including the comments from two Sha Tin District Council members, the Chairman of the Pak Tin Village Area 5 Residents' Association, the Chairman of Pak Tin Areas 4, 5 and 6 Mutual Aid Committee, the Sha Tin Rural Committee and the public. The public comments were summarized in paragraphs 6.1 to 6.3 of the Paper. All the public comments raised concerns/objection to the review application mainly on the aspects of environmental conservation and tree preservation, flooding, adverse impacts on ecology, geotechnical safety, drainage, pedestrian circulation, structures of the existing house, community facilities and transportation needs as well as on disputes on adverse possessions claims;
- (f) the District Officer/Shan Tin (DO/ST) noted that Mr. Chan Sai Tak, the Chairman of the Pak Tin Areas 4, 5 and 6 Mutual Aid Committee, would raise objection to the application and there were comments from the Office of the Sha Tin District Council member, Mr. Tang Wing Cheong, towards the application. DO/ST said that the concerns of Mr. Chan and Mr. Tang should be taken into account and addressed as far as possible in considering the application;
- (g) DO/ST and DPO/STN met with Mr. Chan Sai Tak, the Chairman of the Pak Tin Areas 4, 5 and 6 Mutual Aid Committee and some villagers on 21.10.2010. Mr. Chan and the villagers raised the following concerns on the application during the meeting: the MLP submitted by the

applicant showed a smaller area of land involved in disputes with adverse possession claims and the land owned by the developer was not adequate for land exchange for Phase I of the proposed development; the issue on land ownership should be an important issue for the Board to consider the application; the plan submitted by the applicant had not shown the existing access within the site and the applicant should be requested to provide access for the village under an approval condition should the subject application be approved; and an inter-departmental committee should be set up to discuss with land owners to resolve the above issues;

- (h) a petition letter from Mr. Chan Sai Tak, the Chairman of the Pak Tin Areas 4, 5 and 6 Mutual Aid Committee, to the Board was tabled at the meeting. Mr. Chan raised objection to the application mainly on the following grounds: the Board had not taken into account the impact of the proposed development on pedestrian access to the village; the MLP submitted by the applicant showed a smaller area of land involved in disputes with adverse possession claims and the land owned by the developer was not adequate for land exchange for Phase I of the proposed development; the issue on land ownership should be an important issue for the Board to consider the application; and the public should be consulted on the technical assessments submitted by the applicant;
- (i) PlanD's views – PlanD had no objection to the application based on the assessments made in paragraph 7 of the Paper which were summarized below:
 - the application was basically the same as the previously approved scheme under application No. A/ST/577, which was approved with conditions by the Board on 4.4.2003. The application was rejected by the RNTPC on 19.3.2010 for the reason that the applicant failed to submit technical assessments to support the proposed development in the form of a MLP as required under the “CDA” zone;

- the applicant had submitted technical assessments pertaining to traffic, environmental, ecological and engineering aspects and an updated tree and landscape proposal to support the review application. Concerned government departments had no objection to the application and the technical assessments. C for T considered that the provision of car parking area based on the previous HKPSG was too large and needed to follow the current HKPSG. An approval condition on the provision of parking facilities had been proposed to address C for T's concern. CTP/UD&L had no objection from the urban design, visual and landscape perspectives. The other departmental comments on environmental and geotechnical matters were not insurmountable technical problems and could be addressed through approval conditions;
- regarding the concerns raised in the public comments on traffic, environment and safety issues, relevant government departments had no objection to the proposed development and considered that the concerns could be addressed in the technical assessments and at building plan stage; and
- the issue related to land interests had already been considered by the RNTPC in approving the previous application and could be dealt with at the land exchange stage.

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

20. Mr. Phil Black said that details of the application were included in the TPB Paper and he did not have any point to supplement.

21. A Member said that according to DLO/ST's comment, the basic terms of the land exchange had been offered. It might not be correct to say that the issue on land interest could be resolved in the land exchange stage. In response, Mr. Hui Wai Keung said that the villagers claimed that the disputes on land interests had not yet been resolved. The areas to

be surrendered and regranted in the proposed land exchange for the subject development depended on the amount of land owned by the developer. The matter on land title would be looked into at the land exchange stage.

22. In response to some Members' questions on the public comments regarding the provision of pedestrian access raised in the petition letter, Mr. Hui Wai Keung said that as indicated in the submitted MLP in Drawing A-1 of the Paper, existing footpaths leading to the land in disputes with adverse possession claims would be retained. The land in question was now occupied by some temporary structures. However, an existing footpath across the site within the "Greenbelt Conservation Area" linking the western and eastern parts of the site had not been shown on the MLP. The villagers were concerned that there would be no pedestrian access to their land upon development of the site.

23. Mr. Phil Black and Mr. Bill Chau said that there were conditions in the land exchange requiring the applicant to maintain the existing footpaths as right of way for villagers. According to the current proposal, the footpaths leading uphill would be maintained and the footpath across the site would be diverted subject to the approval of LandsD. The existing footpath abutting the western boundary of the site outside the lot would be upgraded and connected with the road to the south. This would provide a more convenient access for the villagers.

24. In response to some Members' concerns on the land exchange and the land disputes with adverse possession claims, Miss Annie Tam said that LandsD was processing a land exchange for the site on the basis of the application approved by the Board on 4.4.2003. The basic terms offer (without premium) was made to the owner of the lots and accepted by the lot-owner on 22.4.2010. The lot-owner was appealing against the premium. It was clearly stated in the offer documents that the lot-owner would have to bear any risk arising from the land disputes in relation to adverse possession claims. LandsD would check the land titles before formal execution of the land exchange. After the formal execution of the land exchange, any premium and other fee paid for the land exchange would not be refunded by LandsD to the lot-owner.

25. In response to a Member's question, Mr. Hui Wai Keung said that the background to the subject "CDA" site was stated in paragraph 4 of the RNTPC Paper

attached to Annex A of the Paper. The “CDA” site was the subject of previous rezoning applications. Application No. Z/ST/P22 for rezoning the site on the previous draft Sha Tin OZP No. S/ST/11 from “Green Belt” and “Village Type Development” to “CDA” to facilitate a comprehensive residential development was agreed by the RNTPC on 14.5.1999. The draft Sha Tin OZP No. S/ST/13, incorporating, among others, the rezoning amendment was published for public inspection for a period of two months on 8.10.1999. During the statutory exhibition period, no objection to the zoning amendment was received.

26. As the applicant’s representatives had no further comment to make and Members had no further questions, the Chairman informed the representatives of the applicant 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 representatives of the applicant and DPO/STN for attending the meeting. They all left the meeting at this point.

Deliberation Session

27. A Member said that the application was rejected by the RNTPC on the ground that the applicant failed to submit technical assessments to support the proposed development. Since the applicant had already submitted the technical assessments and the relevant departments had no adverse comments on the assessments, the application could be supported. This view was shared by another Member who noted that the proposed development would improve an existing footpath in the area.

28. In response to some Members’ queries on the land disputes issue, Miss Annie Tam reiterated that the lot-owner had already accepted the basic terms of the proposed land exchange, and was appealing against the premium. If all the binding terms including premium were accepted by the developer, LandsD would further check the land titles before the formal execution of the land exchange. The lot-owner would need to bear the risk arising from land disputes in relation to adverse possession claims. As such, it was incumbent on the lot-owner to consider all the potential risk arising from land disputes before the execution of the land exchange.

29. In response to a Member's question on the public comments that the area of the land involved in adverse possession claims would affect the development intensity of Phase 1 of the proposed development, the Secretary said that in the MLP approved by Board in 2003 (amendments to the MLP approved in 2002), the area affected by the adverse possession claims had been increased from the actual claimed areas of about 2,250m² to about 3,200m². The split of total domestic GFA between Phases 1 and 2, with Phase 2 comprising the GFA derived from those lots with adverse possession claims, had been changed. If the area affected by the adverse possession claims further increased and the GFA of Phase 1 of the proposed development was affected, amendment to the approved MLP would be required.

30. After further deliberation, the Board decided to approve the application on review, on the terms of the application as submitted to the Board. The permission should be valid until 22.10.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission and implementation of a revised MLP, taking into account the approval conditions as stated in paragraphs (b), (e), (i) and (j) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of a revised Master Landscape Plan including tree preservation proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the submission of a revised drainage impact assessment and provision of drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) the design and provision of sewerage connections to the application site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

- (e) the submission and implementation of the land use and management proposals for the “Greenbelt Conservation Area” within the application site to the satisfaction of the Director of Lands or of the Town Planning Board;
- (f) the submission of studies on natural terrain landslide hazards and implementation of stabilization works and/or mitigation measures identified therein to the satisfaction of the Director of Civil Engineering and Development or of the Town Planning Board;
- (g) no population intake should be allowed prior to the completion of the Sha Tin Sewage Treatment Works Stage III Phase 2 upgrading works, the Heung Fan Liu Street Gyratory System and Bridge MT5 by the Government;
- (h) no population intake should be allowed prior to the completion of the road improvement works at the junction of Pik Tin Street/Mei Tin Road to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (i) the provision of access from the application site to Heung Fan Liu Street to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (j) the design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

31. Members also agreed to advise the applicant:

- (a) that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the Town Planning Board and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the

relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as possible;

- (b) to obtain agreement and advice from the CLP Power Hong Kong Limited for any construction works carried out within the 50m working corridor of the 400kV overhead lines, and to allow CLP Power Hong Kong Limited to perform tree cutting in future on those plantation having insufficient clearances to the 400kV overhead lines and have the right of access to the “Greenbelt Conservation Area” at the northern part of the application site for carrying out necessary maintenance and repair works of the 400kV overhead lines;
- (c) to carry out an assessment on the impact of the Lower Shing Mun Pumping Station and the jet disperser of Lower Shing Mun Reservoir (particularly on noise) on the proposed development;
- (d) to carry out an assessment of the impact of dam break on the proposed development as the application site was within the dam-break flood plain of Lower Shing Mun Reservoir;
- (e) the landscape proposal should include compensatory planting of large trees of over 0.5 girth diameter;
- (f) to provide information on the extent of land requirement for the proposed access from the application site to Heung Fan Liu Street to the Director of Lands;
- (g) to provide the Director of Environmental Protection with a Self Assessment Form on traffic noise for the proposed development for information;
- (h) to note the comments of the Director Electrical and Mechanical Services that the developers and the potential occupiers/tenants should be informed and be made aware that although the strength of magnetic

field from the overhead lines was well below the safety limit recommended by the International Commission on Non-ionising Radiation Protection (ICNIRP) which had been adopted in the Hong Kong Planning Standards and Guidelines, it might still pose undue interference to some household electronic equipment such as TV & computer monitor for houses too close to the 400kV overhead lines;

- (i) to note the comments of the Director of Water Supplies that if the existing water mains encroached by the subject site would be affected, the cost of any necessary diversion should be borne by the development;
- (j) to note the comments of the Commissioner for Transport that the proposed carpark provision was high and the applicant should follow the present HKPSG requirements of 1 carpark space for every 7 flats of size 40 to 69.9m² and 1 carpark space for every 2.8 flats of size 70 to 99.9m². On the other hand, the motorcycle parking space provision rate should be 10% of the total provision for carpark spaces;
- (k) to provide hoarding and sufficient lighting, control of construction noise and footway to Areas 4, 5, 6 of Pak Tin Village during construction stage; and
- (l) to resolve any land issue relating to the development with other concerned owner(s) of the application site.

[Mr. Felix W. Fong and Mr. K.Y Cheng returned to join the meeting at this point. Ms. Maggie M.K. Chan and Miss Annie Tam left the meeting temporarily at this point.]

[Dr. W.K. Lo arrived to join the meeting at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/MOS/81

Proposed House (New Territories Exempted House – Small House)

(Private Garden Ancillary to House)

in “Green Belt” Zone, a Piece of Government Land to the South of House No. 86,
Cheung Muk Tau Village, Sai Kung North, Ma On Shan, Sha Tin

(TPB Paper No. 8647)

[The hearing was conducted in Cantonese.]

32. Mr. Raymond Y.M. Chan had declared an interest in the item as his family member owned a house in the vicinity of the application site. Mr. Chan left the meeting temporarily at this point.

Presentation and Question Session

33. The following representative of the Planning Department (PlanD), the applicant and applicant’s representative were invited to the meeting at this point:

Mr. Hui Wai Keung - District Planning Officer/Shan Tin, Tai Po
and North (DPO/STN)

Mr. Lai Tat Shing - Applicant

Ms. Lam Chui Sim, Tracy - Applicant’s representative

34. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. Hui Wai Keung to brief Members on the background to the application.

35. With the aid of plans, Mr. Hui Wai Keung presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for inclusion of the application site, zoned “Green Belt” (“GB”) on the approved Ma On Shan Outline Zoning Plan (OZP), as part of the private garden ancillary to House No. 86, Cheung Muk Tau Village;
- (b) on 16.7.2010, the Rural and New Town Planning Committee (RNTPC) rejected the application and the reasons were:
- the proposed development was not in line with the planning intention of “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone and no strong planning justifications had been provided in the submission for a departure from this planning intention;
 - the proposed development did not comply with the TPB Guidelines No. 10 that the proposed development would cause adverse landscape impact on the surrounding areas; and
 - approval of the subject application would set an undesirable precedent for other similar development proposals in the “GB” zone. The cumulative effect of approving such proposals would result in a general degradation of the environment in the area;
- (c) the applicant had provided justifications in support of the review application as summarized in paragraph 3 of the Paper;
- (d) departmental comments on the review application were summarized in paragraph 5 of the Paper. The Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD objected to the application because the use of government land in the “GB” zone as a private garden would set a precedent for further intrusion of development into the “GB” and impose adverse impacts on the existing woodland; and the construction of the

private garden had already extended the disturbance beyond the boundary of the application site and interfered with the existing woodland in the “GB” zone;

- (e) public comment – one public comment was received during the statutory exhibition period objecting to the application on the grounds that the proposed development was not compatible with the planning intention of the “GB” zone and the character of the area, and there was a lack of layout for infrastructure and development for the area;
- (f) PlanD’s views – PlanD did not support the review application based on the assessments set out in paragraph 7 of the Paper, which were summarized below:
 - (i) the planning intention of the “GB” zone in the area was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone. The conversion of the application site into a private garden constituted an ancillary development to house use and it was not in line with the planning intention of the “GB” zone. No strong planning justifications had been provided in the submission for a departure from the planning intention;
 - (ii) the site previously comprised vegetated area forming part of the woodland area in the “GB” zone. The encroachment of the private garden onto the “GB” zone would damage the integrity and character of the area;
 - (iii) the proposed development did not comply with the TPB Guidelines No. 10 in that the proposed development would cause adverse landscape impact on the surrounding area. Although the site area proposed for private garden was small, there were no exceptional

circumstances or strong justification that merited sympathetic consideration of the application. CTP/UD&L objected the application from the landscape planning point of view due to extended disturbance and interference with the existing woodland in the “GB” zone; and

- (iv) the site was government land. There were other NTEHs nearby having similar circumstances in that they were adjacent to government land zoned “GB”. Approval of the application would set an undesirable precedent and the cumulative effect of approving such proposals would result in a general degradation of the environment in the area.

36. The Chairman then invited the applicant’s representative to elaborate on the application.

37. Ms. Lam Chui Sim, Tracy made the following main points:

- (a) an application was submitted to the District Lands Officer/Tai Po (DLO/TP) for using the site as a private garden. DLO/TP advised that while the application could be approved, the applicant had to obtain planning permission for the private garden use as the site fell within “GB” area;
- (b) the area had already been formed when the applicant bought the house and there was no vegetation on it. The applicant had not removed any natural vegetation or felled any trees in the area. The applicant did not intend to build any structure on the site, but to put some potted plants there;
- (c) the applicant would also keep the area around the private garden tidy from any dumping of rubbish so that the area would not become a breeding ground for mosquitoes and insects. The environment of area would be improved with the provision of the private garden;

- (d) the private garden would not cause inconvenience to the public/residents/passers-by as it was at a remote location of the Cheung Muk Tau Village;
- (e) approval of the application would not set a bad precedent as it involved only a very small area of a very big green belt area. Relevant government departments had no objection to or adverse comment on the application; and
- (f) the applicant would accept a short term approval which might tally with the short term tenancy (STT) to be granted by DLO/TP.

38. In response to some Members' questions on the status of House No. 86 (associated with the private garden under application) and the other houses shown on Plan R-2 of the Paper, Mr. Hui Wai Keung provided the following information:

- (a) there was no information on the house immediately adjacent to House No. 86. However, since the house was located partly within the "V" zone and wholly within the "village environs", it might have obtained approval;
- (b) there was no information as to when the area around House No. 95 was fenced. Planning permission might be required for the fenced area falling outside the "V" zone for private garden use associated with the house. LandsD would take enforcement action if there was illegal occupation of government land for private garden use;
- (c) the land grant for House No. 86 only covered the footprint of the house. The applicant needed to apply for a STT from the LandsD to use the government land to the south of House No. 86, part of which was the subject site, for private garden use; and
- (d) as shown in the photograph at Plan R-3 of the Paper, the area occupied by the subject private garden area had already been paved. However, as indicated in the aerial photograph at Plan R-4, the area was previously

covered with vegetation.

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

39. In response to a Member's questions, Ms. Lam Chui Sim, Tracy said although there was no proper footpath leading to the woodland to the south of House No. 86, there was dumping of rubbish at the foothill of the woodland causing environmental problem in the area. There was also the presence of mosquitoes in the area which might cause various kinds of diseases. Using the area to the south of the house as a private garden could stop the dumping of rubbish and keep the area clean and tidy.

40. In response to another Member's question, Ms. Lam Shui Sim, Tracy said that since DLO/TP would only grant a STT for the proposed private garden, she would have no objection if a temporary approval was granted by the Board to tally with the term of the STT.

41. In response to the same Member's questions, Ms. Lam Shui Sim, Tracy said that she was misled by the developer of House No. 86 that the area around the house was part of the house lot and could be used by her. It was only when she signed the sale and purchase agreement for House No. 86 that she was informed by her solicitor that the lease only covered the house, but not the surrounding area. Ms. Lam continued to point out that the boundary wall shown in the photograph at Plan R-2 of the Paper was built by her after purchasing the house.

42. As the applicant and applicant's representative had no further comment to make and Members had no further questions, the Chairman informed the applicant and applicant's representative 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 and applicant's representative and representative of PlanD for attending the meeting. They all left the meeting at this point.

[Dr. Winnie S.M. Tang left the meeting at this point.]

Deliberation Session

43. A Member noted that all relevant government departments, except PlanD, had no objection to the application. This Member asked how the Board should assess and decide on the subject application.

44. In response, the Secretary said that the application site fell within the “GB” zone which was intended for passive recreational uses of the public and there was a presumption against development within the “GB” zone. The Board should consider whether the applicant had provided sufficient justifications for the proposed private garden use which was against the planning intention of the “GB” zone and whether there were exceptional circumstances which warranted sympathetic consideration by the Board. Whilst the application site only occupied a small area of the “GB” zone, it might still set a bad precedent for other similar applications for extension of private garden onto the “GB” zone.

45. A Member noted that under the existing land policy, the LandsD might grant a STT for using government land for private garden purpose. This Member however opined that the subject application should not be approved as it would set a bad precedent case and send a wrong message to the owners of the adjacent houses that extension of private garden onto the “GB” zone would be allowed.

46. The above view was shared by another Member who also asked if the LandsD would still grant the STT if the Board decided to reject the application.

47. In response, the Secretary referred Members to DLO/TP’s comments in paragraph 5.2.1 of the Paper that DLO/TP would consider granting of STT for the proposed private garden only when planning approval was obtained by the applicant.

48. In response to another Member’s question on the applicant’s proposal for granting a temporary approval for the subject private garden, the Secretary said that the Board should also take into account the planning intention of the site concerned in considering application for temporary approval. The Board should consider whether the proposed development under application was a genuine temporary use and whether the granting of a temporary planning permission for the use would jeopardize the long-term

planning intention of the site.

49. Some other Members said that the application should not be approved as it was not in line with the planning intention of the “GB” zone. Although the applicant claimed that she was misled by the developer of the house regarding the coverage of the house lot, she had still built the fence wall around the subject site after knowing that the area concerned was not part of the house lot.

50. After further deliberation, the Chairman concluded that the application could not be supported as it was not in line with the planning intention of the “GB” zone and no strong planning justifications had been provided in the submission for a departure from the planning intention; there were no exceptional circumstances to warrant sympathetic consideration of the application; the application did not comply with the TPB Guidelines No. 10 in that the proposed development would cause adverse landscape impact on the surrounding area; and approval of the subject application would set an undesirable precedent for other similar development proposals in the “GB” zone. The cumulative effect of approving such proposals would result in a general degradation of the environment in the area.

51. Members then went through the reasons for rejecting the application as stated in paragraph 8.1 of the Paper and considered that they were appropriate.

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

- (a) the proposed development was not in line with the planning intention of “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone and no strong planning justifications had been provided in the submission for a departure from this planning intention;
- (b) the proposed development did not comply with the TPB Guidelines No.10 that the proposed development would cause adverse landscape impact on

the surrounding areas; and

- (c) approval of the subject application would set an undesirable precedent for other similar development proposals in the “GB” zone. The cumulative effect of approving such proposals would result in a general degradation of the environment in the area.

[Professor S.C. Wong and Mr. B.W. Chan left the meeting temporarily at this point. Mr. Raymond Y.M. Chan returned to join the meeting at this point.]

Agenda Item 6

[Open Meeting]

Request for Deferral for Review of Application No. A/YL-TYST/468

Proposed Temporary Open Storage of Recyclable Materials (including Metal and Plastic) for a Period of 3 Years in “Village Type Development” zone,
Lots 287(Part), 296(Part), 302s.A(Part), 303(Part), 304(Part), 305(Part),
306(Part) and 307(Part) in DD 119
(TPB Paper No. 8646)

[The meeting was conducted in Cantonese.]

53. The Secretary briefed Members on the background on the review application. The applicant sought review of RNTPC’s decision to reject the application for temporary open storage of recyclable materials (including metal and plastic) for a period of three years at the application site. On 24.9.2010, the applicant wrote to the Secretary of the Board requesting the Board to defer making a decision on the review application for two months in order to allow time for him to submit further information to substantiate the review application and address departmental comments. The justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications in that the applicant needed more time to submit further information to substantiate the review application and address departmental comments, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

54. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant in order to allow time for the applicant to prepare submission of further information. The Board also agreed that the application should be submitted to the Board for consideration within three months from the date of receipt of further information from the applicant. The Board also agreed to advise the applicant that two months were allowed for preparation of submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Ms. Julia M.K. Lau arrived to join the meeting at this point.]

Agenda Item 7

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-TYST/478

Proposed Temporary Warehouse for Storage of Packed Furniture
for a Period of 3 Years in “Undetermined” Zone,

Lots 670(Part), 768(Part), 769(Part) and 785(Part) in DD 119

and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long

(TPB Paper No. 8645)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

55. The following representatives of the Planning Department (PlanD) and the applicant were invited to the meeting at this point:

Ms. Amy Cheung - District Planning Officer/Tuen Mun and Yuen
Long (DPO/TMYL), PlanD

Mr. Raymond Leung) Applicant’s Representatives

Ms. Li Yee Ting)

56. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Ms. Amy Cheung to brief Members on the background to the application.

57. With the aid of a Powerpoint presentation, Ms. Amy Cheung presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary warehouse for storage of packed furniture for a period of three years at a site zoned “Undetermined” (“U”) on the Tong Yan San Tsuen Outline Zoning Plan (OZP);
- (b) on 25.6.2010, the Rural and New Town Planning Committee (RNTPC) rejected the application and the reasons were:
 - the development would be subject to fire risk and would have adverse environmental and drainage impacts on the surrounding areas. The submitted information however could not adequately demonstrate that the potential fire risk and adverse environmental and drainage impacts could be mitigated; and
 - the application involved four previously revoked planning permissions due to non-compliance with the approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control;
- (c) no written submission in support of the review application was submitted by the applicant;
- (d) part of the application site was subject to planning enforcement action concerning unauthorized storage use. An enforcement notice (EN)

requiring the discontinuance of the unauthorized development had been issued but had not been complied with. Prosecution action by the Planning Authority against the notice recipients was in progress;

- (e) departmental comments on the review application were summarized in paragraph 4 of the Paper. Relevant government departments had no objection to the proposed development, except the Director of Environmental Protection (DEP) who did not support the application as there were sensitive receivers in the vicinity of the site;
- (f) public comments - two public comments were received during the statutory publication period. A Yuen Long District Council member objected to the application as the site was close to residential developments and the travelling of vehicles and movement of goods would generate noise and dust, thereby causing nuisance to the nearby residents. The Designing Hong Kong Limited objected to the application on grounds that the use of the site for open storage was a blight on the environment and the applied use was not in line with the planning intention of the “U” zone. It also requested the Board to impose a condition on landscaping and peripheral fencing should the application be approved;
- (g) PlanD’s views - PlanD did not support the review application based on the assessments set out in paragraph 6 of the Paper, which were summarized below:
 - although the applied temporary warehouse for storage of packed furniture was not incompatible with the surrounding warehouse, open storage and workshop uses in the area and the concerned government departments had no in-principle objection to the application, the applicant had not demonstrated that all potential adverse impacts arising from the development could be adequately mitigated;
 - four previous applications for similar warehouse use at the site were

approved with conditions in relation to landscaping, drainage and fire safety aspects, to mitigate potential adverse impacts arising from the development. However, the applicant failed to comply with the approval conditions within the specified time limits repeatedly since the granting of the first planning approval in 2000, with the exception of the conditions on submission and implementation of landscape proposal under the last approval. All four previous approvals were subsequently revoked due to non-compliance with the approval conditions;

- noting the applicant's repeated failures to comply with the approval conditions of the four previous planning permissions, it was doubtful that the potential drainage impact and fire risk could be duly addressed by way of imposing approval conditions; and
- there were two public objections against the proposed development mainly on environmental, land use compatibility, landscaping and visual grounds.

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

59. Mr. Raymond Leung tabled a letter from the Village Representative (VR) of Pak Sha Village and made the following main points via Powerpoint presentation:

- (a) four previous approvals for warehouse use had been granted by the Board. The applicant had promised in the last approval in 2007 to comply with the approval conditions. The applicant had already complied with the conditions on the provision of landscaping. The outstanding works were related to the provision of drainage facilities and fire service installations (FSIs);
- (b) one of the approval conditions attached to the last approval (Application No. A/YL-TYST/332) was the implementation of the emergency

vehicular access (EVA), water supplies for fire fighting and FSIs proposals and provision of a fire hydrant within 500m from the application site within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services (DFS) or of the Board. The applicant had encountered a major problem in complying with the condition on the provision of FSIs. The subject site was about 680m away from Kung Um Road and to provide a water pipe to fulfil the condition of providing “water supplies for fire fighting” was an extremely difficult mission at that time as no water pipes could be found nearby. The villagers in the area had refused to provide land for laying the water pipes. To overcome the problem, the applicant had submitted a proposal to Fire Services Department (FSD) for using the water supply from a nearby warehouse for fire fighting of the applied warehouse on the site. However, the proposal was rejected by FSD;

- (c) in March 2010, the Water Supplies Department (WSD) installed the water pipes and a hydrant was located about 15m away from the application site. A photograph showing the hydrant was attached to the letter from the VR of Pak Sha Tsuen, which was tabled at the meeting. Hence, the previous problem regarding the provision of water supply for fire fighting had been resolved and this would allow the applicant to provide FSIs for the applied warehouse. Should the subject application be approved, the applicant would provide FSIs to the satisfaction of the FSD;
- (d) the DEP did not support the application as there were sensitive receivers in the vicinity of the site. However, it should be noted that no complaints had been received from the nearby residential dwellings on the subject warehouse since it started operation in year 2000;
- (e) the Drainage Services Department (DSD) had no objection to the application. The applicant had previously submitted drainage proposals to DSD. However, as the implementation of the drainage proposals would involve demolition of some structures in the area, the applicant

intended to fulfil the condition on the provision of FSIs to the satisfaction of FSD first prior to undertaking the implementation of the drainage proposal;

(f) moreover, there were no adverse comments from other relevant government departments on the application; and

(g) regarding the public comment on potential traffic impact, it should be noted that the Transport Department had no objection to the application. Regarding the other public comment that the use of the site for storage was a blight on the environment, it should be noted that the site had already been provided with landscape planting to comply with the relevant approval condition.

60. In response to a Member's question, Mr. Raymond Leung said that one of the approval conditions of the last previous approval required the applicant to provide a fire hydrant within 500m from the applicant site. This was a very stringent requirement for the applicant at that time. However, as the fire hydrant had recently been provided by the Government, the problem of fulfilling the fire safety requirement had been resolved.

61. In response to the Chairman's enquiry, Ms. Amy Cheung said that the hydrant shown in the photograph tabled at the meeting by the applicant was constructed by the Government. She drew Members' attention to the WSD's comments in paragraph 4.2.2 of the Paper that the water mains in the vicinity of the site could not provide the standard fire-fighting flow and there was no fire hydrant in the area.

62. A Member raised questions on the status of the enforcement action at the site and whether the applicant had provided information on the recent provision of fire hydrant in the s.16 submission considered by the RNTPC in June 2010.

63. In response, Ms. Amy Cheung said that an EN was issued to the concerned land owners which required the discontinuance of the unauthorized development at the site. As the requirement of the EN had not been complied with after the expiry of the compliance period on 12.5.2010, prosecution action against the notice recipients was in progress.

64. In response to the above Member's question on the provision of fire hydrant, Mr. Raymond Leung said that the information on WSD's recent installation of a water hydrant in the area was provided by the applicant in paragraph 5.06 of the applicant's s.16 submission (Appendix Ia in Annex A of the Paper).

65. In response to a Member's question, Mr. Raymond Leung said that FSIs were not installed for the site under the previous approvals because there was no fire hydrant provided in the area and hence there was no water supply for fire fighting. As a water hydrant, although not up to the standard, had recently been provided by WSD and with its provision of water supply, the applicant could provide other FSIs on the site, such as the installation of a bigger water tank, fire hose and fire extinguishers to meet the fire fighting requirements.

66. A Member requested the applicant to clarify that, with the installation of the water hydrant by WSD (as shown in the photograph tabled at the meeting), whether FSD's fire safety requirement had been met or the installation would only enable the applicant to provide the FSIs to fulfil FSD's requirement. In response, Mr. Leung said that the water hydrant recently installed in the area would provide water supply for the applicant to provide some enhanced FSIs on the site to fulfil the fire safety requirement. Mr. Leung also said that the fire safety requirements had become more stringent in the recent years. For instance, the applicant was not required to provide sprinklers in the warehouse in the past.

67. In response to the same Member's question, Ms. Amy Cheung said that the site was the subject of four previous approvals (Applications No. A/YL-TYST/108, 157, 210 and 332) for temporary warehouse for storage uses. However, all four approvals were revoked due to non-compliance with approval conditions. During the approval periods of the first two applications, the applicant had submitted landscape, drainage and FSIs proposals, but they were considered not satisfactory by the relevant government departments. During the approval period of the third application, the applicant had provided some landscaping and drainage facilities on the site, but they were considered not satisfactory by the relevant government departments. No proposal on the provision of FSIs had been provided by the applicant. While the applicant had complied with the conditions on submission and implementation of landscape proposal during the approval period of the fourth application, he still failed to comply with the conditions on submission and implementation of drainage

proposal and emergency vehicular access, water supplies for fire fighting and FSIs proposals within the specified time limits.

68. A Member asked if the applicant had provided the EVA as required under the previous approval condition and whether the water hydrant installed by the WSD as indicated by the applicant could be used as a fire hydrant and could provide water supply for fire fighting. In response, Mr. Raymond Leung said that the provision of EVA was one of the approval conditions. However, it was noted that the relevant government department had no objection to the application due to the non-provision of EVA. Although the water hydrant was not a standard fire hydrant, its provision of water supply to the area could facilitate the applicant to provide some enhanced FSIs such as a bigger water tank to meet the fire safety requirements.

69. In response to a Member's question, Ms. Amy Cheung said that the water hydrant referred to by the applicant was not intended to be a fire hydrant for fire fighting purpose. In this regard, it was advised by WSD that the water mains in the vicinity of the site could not provide the standard fire fighting flow and there was no fire hydrant in the area.

70. As the applicant's representatives had no further comment to make and Members had no further questions, 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 representative of PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

71. A Member said that the applicant had failed to comply with the previous approval conditions and the Board should uphold the RNTPC's decision not to approve the subject application. This view was supported by other Members.

72. The Chairman concluded that the application could not be approved as the development would be subject to fire risk and would have adverse environmental and drainage impacts on the surrounding areas; approval of the application with repeated

non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

73. 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.

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

- (a) the development would be subject to fire risk and would have adverse environmental and drainage impacts on the surrounding areas. The submitted information however could not adequately demonstrate that the potential fire risk and adverse environmental and drainage impacts could be mitigated; and
- (b) the application involved four previously revoked planning permissions due to non-compliance with the approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

[Ms. Pansy L.P. Yau, Mr. Walter K.L. Chan and Professor Eddie C.M. Hui left the meeting at this point.]

Agenda Item 8

[Open Meeting]

West Kowloon Cultural District -
Stage 2 Public Engagement Exercise
(TPB Paper No. 8641)

[The meeting was conducted in Cantonese.]

75. The following representatives from the West Kowloon Cultural District (WKCD) Authority and the Conceptual Plan Consultants were invited to the meeting at this point:

Hon. Ronald Arculli)	
Professor Stephen Cheung)	
Mr. Graham Sheffield)	
Dr. M.W. Chan)	
Mr. Mathew Yau)	
Mr. Garmen Chan)	WKCD Authority
Mr. Derek Sun)	
Mr. Ng Ying Chuen)	
Mr. Johnny Tam)	
Mr. Alvin Chan)	
Mr. Colin Ward)	
Mr. Kevin Chan)	
Mr. Alan Macdonald)	Foster+Partners
Mr. Sion Edwards)	
Mr. Eugene Ching)	
Mr. Rocco Yim)	
Mr. William Tam)	Rocco Design Architects
Mr. Freddie Hai)	
Mr. David Gianotten)	
Mr. Ravi Kamiseti)	Office for Metropolitan Architecture
Ms. Katja Lam)	

76. The Chairman extended a welcome and invited the representatives from the WKCD Authority to brief Members on the Stage 2 Public Engagement (PE) of the WKCD.

77. Professor Stephen Cheung said that the WKCD Authority was conducting the Stage 2 PE exercise of the WKCD. The objective was to collect public views on the three

Conceptual Plan Options for the WKCD. Members of the public could express views on WKCD through various channels, including writing or sending email, or by completing questionnaires and attending the forums and roving exhibitions organized by the WKCD Authority. The Town Planning Board (TPB) was consulted during the Stage 1 PE in October 2009. Members of TPB had expressed views on the WKCD regarding provision of open space, traffic and connectivity, and integration with the surrounding community and local culture. Members were invited to give views and suggestions on the three Conceptual Plan Options.

78. Mr. Graham Sheffield, CEO of WKCD, supplemented that the Board of the WKCD Authority would decide on the preferred conceptual plan option for taking forward the preparation of the Development Plan after making reference to the views from the public. The Development Plan was scheduled for submission to the TPB for consideration by end 2011.

79. The Chairman then invited the representatives from the Consultants to brief Members on the three Conceptual Plan Options.

80. With the aid of a Powerpoint and a video presentation, Mr. Colin Ward of Foster + Partners briefed Members on the “City Park” Conceptual Plan as follows:

- (a) the objectives of the planning design strategy included: (i) to achieve the TPB’s vision for the Harbour; (ii) to abide by the Harbour Planning principles; and (iii) to conform to the Outline Zoning Plan;
- (b) WKCD provided an opportunity for the provision of a large open space which would be a place for the public to relax and enjoy. The open space would be provided with a variety of facilities such as festive pavilions, restaurants and bars, sculpture gardens, etc;
- (c) the WKCD was a new piece of city, next to the existing city. There should be direct connection between the WKCD and the existing city. The WKCD should not become an isolated cultural district cut off by huge roads like the Kennedy Center in Washington. The WKCD would be

highly accessible through a totally integrated transportation network. Marine access would also be provided;

- (d) the streets and buildings in WKCD would reflect the urban fabric of neighbouring areas, with cultural facilities provided;
- (e) traffic would be below ground to make the district a place for people;
- (f) taking into account the environment and climate of Hong Kong, the area would also be designed as a shaded place from the sun; and
- (g) the area would also be designed within a zero carbon flexible framework. The area would be the first zero carbon cultural district in the world.

81. With the aid of a Powerpoint and a video presentation, Mr. Ricco Yim of the Rocco Design Architects briefed Members on the “Cultural Connect: Key to Sustained Vitality” Conceptual Plan, as follows:

- (a) the WKCD was intended to be a place for all people at all times; and to foster an energy that would anchor our city as a cultural hub;
- (b) connectivity of the area with the old districts was a very important element in the Plan. There would be footbridges and pedestrian platforms connecting the WKCD with the Jordan and Kowloon Park areas, and with the area around Austin Road. A tramway system would be provided from the east to the west within the area and was planned to be extended to connect with the Cultural Centre in Tsim Sha Tsui and to Jordan;
- (c) a stepped height design with open space near the waterfront to the high-rise commercial developments in the north was adopted;
- (d) the public spaces, roads and tramways were to be designed with the scale compatible with the lifestyle of Hong Kong people. There would be

provision of public spaces of different sizes suitable for different activities such as Chinese opera. The waterfront promenade would be extended towards the harbour; and

- (e) the Conceptual Plan provided a framework for detailed planning and design of the buildings in the district. Detailed design of the buildings would be undertaken at the later stage.

[Ms. Maggie M.K. Chan returned to join the meeting at this point.]

82. With the aid of a Powerpoint and a video presentation, Mr. David Gianotte of Office for Metropolitan Architecture briefed Members on the “Project for a New Dimension” Conceptual Plan, as follows:

- (a) educational facilities would be provided;
- (b) the park would be designed to allow all activities that at present might not be permitted in other parks in Hong Kong;
- (c) three villages were to be built, namely Art in the East: M+; Performance in the West: Theatre Village; and Market in the Middle: Middle Village;
- (d) Art in the East: this was a 3-dimensional village consisting of the exhibition centre, the public foyer and the M+ Museum. It was a space for artists to create work and to live, and a school for creative industries;
- (e) Performance in the West: this provided performance venues with open view to the sunset. Retail, dining and entertainment facilities were provided at the waterfront. The universal theatre with the four different theatres connected at backstage would allow crossover of different art performances;
- (f) Market in the Middle: this was a commercial village forming a continuation of the Kowloon street markets. There were two anchor

points, one was the Xiqu Theatre for Cantonese opera and the other was the premiere movie theatre; and

- (g) there would be pedestrian streets with vibrant street life. Vehicular traffic would be underground. A suspension bridge would be built over the typhoon shelter to provide connection around the site.

83. Professor Stephen Cheung said that the focus of the Stage 2 PE was on the master planning of the WKCD as a whole, i.e. land use layout of the district, rather than the design of individual buildings within the WKCD. The designs of buildings in the Conceptual Plan Options were for illustration purposes. Actual designs of individual buildings of the WKCD would only commence at a later stage.

84. Some Members made the following comments on the development of the WKCD and the three Conceptual Plan Options:

Design and Planning

- (a) the WKCD should be planned to suit the needs of all people in Hong Kong;
- (b) the WKCD should be planned and designed to suit the needs and lifestyle of local people as this should be a cultural district for Hong Kong people;
- (c) the WKCD should not become an isolated island beyond the reach of people. The art and cultural activities to be provided in the district should be integrated with people's daily activities;
- (d) the design of the WKCD should respect the Victoria Harbour and the vibrant charming shopping and entertainment activities which were treasured by the people of Hong Kong;
- (e) in addition to international cultural and art facilities, there should also be provision of local cultural and art facilities within the WKCD for the enjoyment of local people;

- (f) how to market Hong Kong in the name of a cultural district should be carefully considered. In this regard, it is doubtful whether market/shopping streets should be provided in the middle of WKCD, which was mainly intended for art and cultural activities. Moreover, the design of the WKCD should take into account the lifestyle of the people in Hong Kong, including their habits of shopping and entertainment;
- (g) there should be good connection between the WKCD and the adjacent old urban districts like Yau Ma Tei where there were provision of art and cultural facilities such as the Xiqu Activity Centre. Interactive activities should also be designed for the park area;

Traffic and Pedestrian Facilities

- (h) there were no comprehensive considerations of transport arrangements in the three Conceptual Plans. To achieve a sustainable environment, the district should be designed to be car-free as far as possible. Instead of using a tram system to link up the different parts of WKCD, consideration could be given to constructing an elevated monorail system like the one in Sydney. The monorail system could be linked up with the Express Rail Link, Mass Transit Railway and West Rail Stations and bus termini. People travelling on the elevated monorail could also enjoy a good view of the WKCD. Hence, the monorail system could become a tourist attraction on its own. Moreover, the land requirement for building such elevated rail system would be much less than those of roads and at-grade rail system;
- (i) the WKCD should not be designed as a space-age development. It was considered more appropriate to use a tram system, which was a traditional mode of transport in Hong Kong, to link up different parts of the district;
- (j) there should be provision of modern means of transport across the harbour. Traffic within the WKCD should be put below ground

wherever possible;

- (k) walking should be encouraged as the main mode of transport within the WKCD. As such, adequate drop-off points should be provided at the fringe areas of the district;
- (l) there should be an elevated walkway along the waterfront where people could enjoy the scenic view of Victoria Harbour. The walkway should be provided with air-conditioning in view of the hot and humid climate in Hong Kong;
- (m) instead of providing air-conditioned facilities, more shaded areas with natural ventilation should be provided in the WKCD so as to achieve a sustainable environment. Facilities such as ramps for wheelchairs should be provided within the WKCD to cater for the need of the elderly people;

Education

- (n) art and culture should be nurtured at the early school stage. To provide education in art appreciation was very important in promoting art and cultural activities;
- (o) it was important to provide both the “hardware” and “software” for promoting the art and cultural activities in Hong Kong. Apart from the provision of venues for holding such activities in the WKCD, there should also be provision of training for the local art performers and producers as well as provision of education for the general public to learn how to appreciate the art and cultural activities;

Implementation and Phasing

- (p) a strategic implementation plan on the phasing programme of WKCD as well as a financial plan for the project implementation should be worked out;

- (q) there should be phasing of development within the WKCD and the phasing programme should be flexible enough to incorporate changing needs and circumstances;

Other Comments

- (r) artists should be consulted on the design of the WKCD so that their functional requirements could be taken into account;
- (s) “style marks” rather than landmarks should be created in the WKCD as interests of attraction;
- (t) the provision of super luxurious private residential development within the WKCD was considered inappropriate;
- (u) the science of planning was lacking in the three Conceptual Plan Options. There was no specific analysis of the proposals put forward in the Conceptual Plans. For instance, there was no analysis of the kinds of trees that would be suitable for planting in the proposed park area, taking into account its close proximity to the harbour and the effect of typhoons on these trees;
- (v) the development plan of the WKCD should incorporate sustainable design and facilities; and
- (w) it was considered that the Conceptual Plan Options were overburdened with too many ideas. The WKCD should have a clear planning intention and objective.

85. Mr. Colin Ward made the following main points in response to Members’ comments:

- (a) an APM system would be provided in the design and it would become an attraction of the district;

- (b) the project was planned to be a zero carbon district. Sustainable building design like rubbish recycling system would be incorporated. The transport system in the area would also be an economically and environmentally sustainable system;
- (c) the district would be planned to be part of the Kowloon Peninsula. It would be integrated with the existing urban fabric. It would be linked with the existing art and cultural facilities, rather than an isolated cultural district;
- (d) there were and would be consultation with the local artists and artists from overseas on the technical requirements and aspirations of the cultural district; and
- (e) the park within the WKCD would be carefully planned and designed to meet the needs of people in Hong Kong. The district would also be a place for all aspects of the community of Hong Kong.

86. Mr. Rocco Yim made the following main points in response to Members' comments:

- (a) the objective of the WKCD was to provide a vibrant district for not only shopping and dining, but also a place for art and culture. The district was also intended to provide greenery for enjoyment of the public, and a low-density public space;
- (b) most areas within the district would be accessible by walking. However, some people might still need a more efficient and convenient transport system within the district. A tram system, which was considered as an efficient, accessible and environmental friendly mode of transport, was therefore proposed. It was also proposed that the tram system be extended to Yau Ma Tei and the Cultural Centre in Tsim Sha Tsui;

- (c) both low-end and high-end facilities would be provided and integrated within the district to cater for different people's needs and to achieve synergy;
- (d) both hardware and software facilities would be provided for performing as well as educational purposes; and
- (e) the proposed layout and design of the park within the WKCD was to create a 3-D relationship with the harbour.

87. Mr. David Gianotten made the following main points in response to Members' comments:

- (a) the proposals in the Conceptual Plan were based on overseas experiences as well as enormous amount of research with scientific data;
- (b) a lot of research had also been done on the design of transport network. The proposed bridge over the typhoon shelter would not only bring people close to the harbour, but also provide pedestrian access to the district. However, as people would also go to the district by MTR or by cars, these transport needs would be taken into account when working out the transport network for the WKCD;
- (c) the WKCD could provide connection between the local art institutes and those in the Mainland and overseas. Such connection would help to enhance the performance standard of the local art institutes, which in turn would help to retain those good-quality artists and performers in Hong Kong;
- (d) instead of creating a pure cultural district with the provision of art and cultural facilities like theatres and museums only, the WKCD should also be provided with shopping and entertainment facilities to meet local needs; and

- (e) the WKCD was not only a place for art and culture, it was also a place for people to go for shopping and entertainment facilities, and to enjoy the scenic view of the harbour.

88. Mr. Graham Sheffield said that infrastructure, programming and content, audience, and the capacity of the new management team and the staff to deliver the project were four interlocking areas that were being worked on. The comments made by the Members of the Board were all important issues and they would be taken on board in working out the Development Plan of the WKCD.

89. Hon. Ronald Arculli said that most issues raised by the Members had been raised in many of the meetings of the PE exercise. The Government was fully aware of the need for audience education and education at school level. This would be addressed as a long-term project. In the short-term, it would still rely heavily on the contribution from the local as well as international art and cultural groups. The WKCD Authority would also work on a proper balance mix of local and international art and cultural facilities to be provided within the district, as well as to work out a flexible programme and phasing plan. The next job for the Board of the WKCD Authority was to select the preferred conceptual plan option and to work out the Development Plan. The stage 3 PE exercise would then be launched and a submission to the Town Planning Board would be made.

90. Professor Stephen Cheung supplemented that over 1,700 consultations had been made with art groups and other different groups to collect views on different aspects. It was hoped that the WKCD would be a cultural district for all people.

91. As Members had no further questions, the Chairman thanked representatives of the WKCD Authority and the Consultants for attending the meeting and briefing Members on the three conceptual plan options. They all left the meeting at this point.

92. The meeting was adjourned for lunch break at 2:00 p.m.

93. The meeting resumed at 3:00 p.m.

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

Mr. Thomas Chow	Chairman
Mr. Stanley Y.F. Wong	Vice-chairman
Mr. B.W. Chan	
Mr. Y.K. Cheng	
Ms. Anna S.Y. Kwong	
Mr. Timothy K.W. Ma	
Dr. C.P. Lau	
Ms. Julia M.K. Lau	
Mr. Laurence L.J. Li	
Mr. Roger K.H. Luk	
Professor S.C. Wong	
Mr. Stephen M.W. Yip	
Director of Lands Miss Annie Tam	
Director of Planning Mr. Jimmy Leung	

[Miss Ophelia Wong left the meeting temporarily and Mr. Lau Sing took over the role of the Secretary at this point.]

Agenda Item 9

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to the Draft Aberdeen and Ap Lei Chau Outline Zoning Plan No. S/H15/25
(TPB Paper No. 8649)

[The hearing was conducted in Cantonese and English.]

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

- Mr. K. Y. Leung - 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 & Ap Lei Chau area for its development
- Mr. Laurence L.J. Li - Owned an industrial building in Wong Chuk Hang (WCH) area
- Mr. Roger K.H. Luk - Being an Independent Non-Executive Director of Wheelock Properties Limited which had a property in Heung Yip Road
- Mr. Rock C.N. Chen - Being a member of the Aberdeen Marina Club (R8)

96. Members agreed that as the proposed amendments to the OZP did not involve Heung Yip Road and WCH industrial area, the interests of both Mr. Li and Mr. Luk were indirect and remote, and they could stay at the meeting. Members noted that Mr. K.Y. Leung had left the meeting and Mr. Rock C.N Chen had apologised for not being able to attend the meeting.

Presentation and Question Session

97. The Chairman said that sufficient notice had been given to invite the representers and commenters to attend the hearing, but other than those that would be

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 these representers and commenters, Members agreed to proceed with the hearing in their absence.

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

Ms. Brenda Au - District Planning Officer/Hong Kong
(DPO/HK), Planning Department (PlanD)
Mr. David Lam - Senior Town Planner/Hong Kong, PlanD
Ms. Una Wang - Air Ventilation Assessment (AVA) Consultant

R2 – Designing Hong Kong Ltd. (also C2)

Mr. Paul Zimmerman) Representer’s representative

R3 – Mr. Kevin Lai

Mr. Kevin Lai) Representer

R4 – Mr. Tsui Yuen Wa

Mr. Tsui Yuen Wa) Representer

R7 – Ocean Park Corporation

Mr. Alex Chu)
Ms. Elaine Cheung)
Mr. Dickson Hui) Representer’s representatives
Ms. Winnie Wu)
Mr. Man Ho)

R8 – Aberdeen Marina Holdings Ltd.

Ms Cindy Tsang)
Mr. Matthew Lennartz) Representer’s representatives
Ms. Katie Ng)

Mr. David Preisig)

R9 – Little Sisters of the Poor

Prof. Dr. Maurice G.T. Teo)

Mr. T.C. Chan)

Sr. Jeanne Mary) Representers' representatives

Mr. Chin Kim Meng)

Mr. Chiu Ka Fai)

R10 – The Hong Kong Ice & Cold Storage Ltd.

Ms. Grace Cheung)

Mr. Leo Tuen)

Mr. Stanley Lam)

Mr. Dickson Hui) Representers' representatives

Ms. Winnie Wu)

Mr. Connie Chan)

Mr. Wyllie Lam)

R11 – Top Sail International Ltd.

Ms. Grace Cheung)

Mr. Leo Tuen)

Mr. Stanley Lam) Representers' representatives

Mr. Dickson Hui)

Ms. Winnie Wu)

Mr. Connie Chan)

Mr. Wyllie Lam)

R12 – Alison Ip

Mr. Matthew Lennartz)

Ms. Cindy Tsang) Representers' representatives

Mr. Gary Lui)

Ms. Janet Ngai)

99. The 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 representations. Members noted that some replacement pages of the Paper had been circulated to Members prior to the meeting. Members also noted that a physical model on the building height profile of the Aberdeen and Ap Lei Chau area was displayed by PlanD in the meeting room.

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

- (a) on 7.5.2010, the draft Aberdeen & Ap Lei Chau OZP No. S/H15/25, incorporating mainly amendments to impose building height restrictions (BHR) for various development zones, rezoning of a number of sites and designation of a non-building area (NBA) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);
- (b) upon expiry of the public exhibition period, a total of 13 representations were received, as follows:
 - (i) 1 representation (R5 - a Southern District Council (SDC) Member) providing comments on the land use planning for the ex-Wong Chuk Hang Estate (WCHE) site;
 - (ii) 2 representations (R1 – a member of public and R2 – Designing Hong Kong Ltd.) opposed the imposition of BHRs in general. R2 also opposed the BHRs for the Main Street, Ap Lei Chau area, the ex-WCHE site, Yue Kwong Chuen in Aberdeen and the “Residential (Group A)” (“R(A)2”) zones in Tin Wan and Aberdeen;
 - (iii) 10 representations opposed the BHR of the following individual sites:
 - R3, R4 and R6 (a member of public, a SDC member and an

owner of 2 industrial buildings in WCH respectively): the ex-WCHE site;

- R7 (Ocean Park Corporation) : Ocean Park;
- R8 (Aberdeen Marina Holdings Ltd.): Aberdeen Marina Club;
- R9 (Little Sisters of the Poor): St. Mary's Home for the Aged;
- R10 (Hong Kong Ice and Cold Storage Ltd.): Hong Kong Ice and Cold Storage at Tin Wan Praya Road;
- R11 & R12 (Top Sail International Ltd. and a member of public respectively): Tang Fung Street sites;
- R13 (a member of public): 62-76 Main Street, Ap Lei Chau;

- (c) a total of 502 comments on representations were received. Among them, 499 comments (of which 496 were in the form of two types of standard letters) supported R7 lodged by Ocean Park Corporation and the remaining 3 comments were related to other representations. One comment on R7 was subsequently withdrawn;

Grounds of Representations and Representers' Proposals

- (d) the main grounds of the representations and representers' proposals as detailed in paragraph 2.3 of the Paper were summarised as follows:

Representations relating to the imposition of BHRs in general

R1

- (i) opposed BHRs as they would have negative impacts on property price;

R2

- (ii) opposed BHRs as the amendments failed to ensure a sustainable living environment. BHRs without corresponding plot ratio (PR) control would lead to wall buildings and canyon effect. The

economy and character of the area, the cumulative traffic impact, the adequacy of pedestrian facilities had not been taken into account in drawing up the BHR. PR control should be imposed on OZP;

- (iii) Ex-WCHE site: the proposed parameters failed to recognise the traffic impact and the need for additional transport and road facilities arising from the proposed development intensity and rail station;

Proposals:

- to tighten the BHR to an absolute height of 100m;
- to set back the boundary by 25m southwards from the nullah.

- (iv) Tin Wan and Aberdeen: the “R(A)2” sites were in a vibrant mixed-use setting. There should not be relaxation of BHR for larger sites so as to remove the incentive for site amalgamation in order to maintain the diverse character and economy of smaller lot size developments;

Proposals:

- to lower the BH limit to 70m and no relaxation of BHR for larger sites;
- to require the carpark to be provided in basements to avoid blind wall podium;
- to require that all ground floors must include retail use to retain local character;
- to require setback at street level for pedestrian traffic and natural lighting;

- (v) Main Street, Ap Lei Chau: To maintain the diverse character and economy of smaller lot size developments of the Main Street area, there should not be relaxation of BHR for larger sites so as to remove the incentive for site amalgamation;

Proposals:

- to lower the BH limit to 50m and no relaxation of BHR for larger sites;
- to require the carpark to be provided in basements to avoid blind wall podium;
- to require that all ground floors must include retail use to retain local character;
- to require setback at street level for pedestrian traffic and natural lighting;

- (vi) Yue Kwong Estate: The BHRs (120mPD and 140mPD) for Yue Kwong Chuen in Aberdeen would have a significant impact on the adjoining Aberdeen Country Park;

Proposals:

- to lower the height limit to 60-70m and designate 30% of ground level as NBA to attract pedestrians;

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

Representations relating to Specific Sites

R3- R6: Ex-WCHE site

- (vii) R5 supported the site to be used for railway property development. The quality of living environment should rank foremost among all the planning considerations. Wall buildings should be avoided;
- (viii) R4 supported rezoning the site to “Comprehensive Development Area” (“CDA”) with public open space and community facilities provided;
- (ix) R6 considered that the BHR was inadequate to protect the ventilation/visual corridor as the podium structure and the

building would obstruct air flow. The BHR violated the Urban Design Guidelines in the Hong Kong Planning Standards and Guidelines (HKPSG) in that design measures like terraced podium, stepped BH profile, setbacks, NBAs, building deposition, etc. were not reflected in the “Residential (Group A)” (“R(A)”) zoning and BHR. Imposing BHR only without other restrictions would create tall and bulky buildings;

- (x) the highest permissible BH should be 140mPD, same as that of the surrounding areas, so as to avoid wall effect (R4). With reference to the BHRs of 120mPD and 140mPD for the WCH Business Area to the north, the maximum BH for the site should be from 80mPD to 100mPD (R3). The rationale for the imposition of the BHR of 155mPD for the ex-WCHE site was unclear. The Business Area was subject to a more stringent BHR of 120mPD and 140mPD (R6);

Proposals:

- to rezone the site to “CDA” (R4 and R6);
- to impose a maximum of 5 for the domestic PR and a reasonable maximum non-domestic PR for shops and services and the railway facilities (R6);
- to tighten the BHR to 140mPD (R4), 120mPD (R6) and 100mPD (R3);
- to divide the site into sub-areas subject to different BHRs, with the sub-area nearer to the harbour with lower BH (R3 and R6). R3 proposed 2 sub-areas of 80mPD and 100mPD respectively. R6 proposed dividing the site into 3 sub-areas subject to BHRs of 100mPD, 110mPD and 120mPD respectively with an indicative scheme to illustrate the proposed amendments in his submission;
- to require the carpark to be provided in basements (R6);

R7: Ocean Park

- (xi) the BHR under the OZP was unnecessary as the lease already restricted a maximum BH of 400 feet (about 122m) above the site level. There was no BH control for other world-class theme parks;
- (xii) the BHRs were unfair to Ocean Park as the Hong Kong Disneyland was subject to a looser BH control of 100m whilst most parts of the Park were restricted to 1 storey only;
- (xiii) imposition of BHRs was unfavourable to the growth of Ocean Park as well as the tourism industry and economy of Hong Kong. The stringent BHRs would constrain innovative ideas for special designs and features, and hinder flexibility in developing new attractions;
- (xiv) the planning application procedures would lead to unnecessary additional time as well as disclosure of innovative ideas to competitors. This would hinder the prompt and timely implementation of innovative attractions, and slow down the redevelopment process and future expansion of Ocean Park;

Proposal:

- to relax the height limit to 400 feet (about 122m) above the ground level, except for the 3 proposed hotel sites in the Ocean Park;

R8: Aberdeen Marina Club

- (xv) the BHRs disregarded the owner's legitimate expectation to fully utilize the site to meet its expansion needs as there was no restriction on GFA or BH under the lease;
- (xvi) the BHRs were not rational as the site was not located in any

visual or ventilation corridor nor densely built-up area. There were already a number of low-rise GIC facilities in the vicinity. The Town Planning Board Guidelines No.16 (i.e. Application for Development/Redevelopment within “G/IC” Zone for Uses other than GIC Uses under s.16 of the Ordinance) did not mention that private “OU” sites should be treated as breathing space;;

(xvii) the BHRs would “freeze” the current situation and provide no incentive for any redevelopment/renewal of the site for the revitalization of the Aberdeen Harbour ;

(xviii) it was inequitable to the Aberdeen Marina Club to subject the adjoining Marine Police Aberdeen Base to a BHR of 60mPD while most of the private waterfront sites in the Ap Lei Chau and Aberdeen areas were subject to BHRs from 85mPD to 160mPD.;

Proposal:

- to relax the BHRs from 11 storeys to 120mPD for the northern portion and from 6 storeys to 60mPD for the southern portion; and to maintain the 6-storey BHR for the portion in-between;

R9: St. Mary’s Home for the Aged

(xix) the existing buildings in the site were facing dilapidation and the owner’s right for redevelopment of the site for a residential development cum home for the aged would be deprived of by the BHR;

(xx) the representer had submitted a redevelopment proposal for the site including a redeveloped 7-storey residential care home for the elderly (RCHE) and 3 residential towers with 29 domestic storeys over a podium with basement;

Proposal:

- to relax the BHR to at least 110mPD;

R10: Hong Kong Ice and Cold Storage Site

- (xxi) there was an unfair treatment to the site as the adjoining Hing Wai Ice & Cold Storage falling within the same “Industrial” (“I”) zone could enjoy a height of 110mPD. The BHR also disregarded the redevelopment potential and the development rights of the owner;
- (xxii) the stringent BHR would hamper the possible future redevelopment of the site, thereby leaving the existing industrial buildings and electric pylons as eyesores. This was not conducive to the tourism development in Aberdeen;

Proposal:

- to relax the BHR to 110mPD;

R11-R12: Tang Fung Street sites

- (xxiii) a higher BH of 130mPD at the site would be compatible with the surrounding areas as there were already existing high-rise buildings in the vicinity (R11). The BHR would create lower and bulkier buildings. A higher BH could provide opportunity for building setback and stepped podium for better air ventilation and natural lighting (R11 and R12);
- (xxiv) the site was unique with the designation of NBA and should deserve a higher BH than other “R(A)2” sites to compensate for the loss of development flexibility (R11);
- (xxv) the BHR would cause negative impacts on the private development right. The NBA designation was not necessary as Tang Fung Street was far from the channeling wind running along Aberdeen Praya Road (R12);

Proposals:

- to rezone the site at 1-11 Tang Fung Street to “R(A)4” with the 2-tier BHR relaxed to 85mPD/130mPD and a minor relaxation clause of BHR (R11);
- to relax the BHR for the site at Tang Fung Street/Tin Wan Street/Shek Pai Wan Road to 120mPD and for the sites larger than 1,000m², to 180mPD (R12) ;
- to delete the designation of NBA (R12);

R13: 62-76 Main Street, Ap Lei Chau

- (xxvi) the height profile to the north of Main Street was illogical as there was already a high-rise residential development (the Marina Habitat) located there;
- (xxvii) lower but bulkier buildings would be resulted from the BHRs. A higher BH of 120mPD would improve the building design by allowing a sky garden, smaller site coverage and more street-level open space;
- (xxviii) there was no explanation for the threshold of 400m² for enjoying a higher BH and the need to adopt a 2-tier BHRs was doubtful;

Proposal:

- to relax the BHR to 120mPD and delete the 2-tier BHRs;

Grounds of Comments

- (e) the main grounds of the comments as detailed in paragraph 2.4 of the Paper were summarised as follows:
 - (i) C1 (Tung Wah Group of Hospitals Jockey Club Rehabilitation Complex) commented that open space, public facilities and barrier free access to future MTR station should be provided in future development of ex-WCHE site. Besides, the BHR for St. Mary’s

Home for the Aged site should be at most 110mPD;

- (ii) C2 (Designing Hong Kong Ltd.) objected to the proposed relaxation of BHRs (by R7-R13) and deletion of NBA (by R12) but supported the proposed lowering of BHR, rezoning to “CDA”, imposition of PR restriction and requirement for basement carpark for the ex-WCHE site (by R3, R4 and R6);
- (iii) C3 (the Board of Management of the Chinese Permanent Cemeteries) commented that the BHR for the cemetery in Aberdeen led to re-design of the proposed new niches which lengthened the development process and limited the number of niches to be provided to public;
- (iv) C4 to C502 (members of the general public) supported R7 in respect of Ocean Park;

PlanD’s Responses

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

Representations relating to the imposition of BHRs in general

R1

- (i) the formulation of the BHRs had taken into account various relevant factors including the Urban Design Guidelines, existing topography, stepped BH concept, local characteristics, the existing BH profile, site levels, site constraints, the zoned land uses of the sites concerned, development potential permitted under OZP, the need to allow a reasonable floor-to-floor height to meet the modern day standard upon redevelopment, wind performance of the existing conditions and the recommendations of the AVA as appropriate etc.;

- (ii) the imposition of BHRs did not involve any restriction on the PR/GFA and would not reduce the development potential allowed under the OZP/lease. Therefore, there would not be any adverse impacts on the overall supply of residential flats and the property price. The BHRs had struck a proper balance between public aspirations for a better living environment and private development rights;

R2

- (iii) the stipulation of BHRs was an effort to provide better planning control over developments/redevelopments in the Area and had taken into account various relevant considerations. The BHRs were formulated based on reasonable assumptions on the building design and would not lead to wall or canyon effect. For individual large-scale sites under single ownership and where the Government was able to exercise influence, PR/GFA restrictions had been imposed on the OZP, e.g. South Horizons, Larvotto and the ex-WCHE site;
- (iv) due regard had been given to the character and economy of the specific areas in amending the OZP. For example, 2-tier BHRs were applied to areas predominated by small lots, so as to cater for site amalgamation for more comprehensive development and inclusion of some necessary on-site parking and loading/unloading facilities. In rezoning the “Commercial/Residential” sites in Tin Wan, Aberdeen and Ap Lei Chau to “R(A)”, it had taken into account the presence of commercial/retail uses on the lower floors of the residential buildings in these areas;
- (v) as regards the concern on the lack of a study on the cumulative

traffic impact and adequacy of the pedestrian facilities, it should be noted that the imposition of BHRs would not increase the maximum permissible development intensity of the private development sites. The Commissioner for Transport (C for T) advised that the existing major roads and pavements in the Area were generally adequate and a comprehensive study on vehicular on pedestrian traffic was not necessary;

- (vi) *“R(A)2” sites in Tin Wan, Aberdeen and Ap Lei Chau:*
- for the 2-tier BHRs of 85mPD/100mPD, considerations including the site level, the location nearer to the waterfront, and the need to achieve a discernible stepped height profile ascending from the waterfront to the inland areas, allowing scope for development up to the maximum intensity permitted under the OZP had been taken into account. As such, tightening the BHRs as proposed, i.e. 70m (i.e. about 75mPD to 76mPD) for Tin Wan and Aberdeen and 50m (i.e. about 55mPD) for Main Street, Ap Lei Chau, would pose undue development constraints on the sites concerned;
 - the 2-tier BHRs were intended to cater for amalgamation of sites for larger developments with the inclusion of on-site parking and loading/unloading facilities. Site amalgamation could optimize land resources and also provide opportunities for local improvement to address issues like parking problems, facilitating better floor plate design, mitigating site constraints, improving air ventilation through suitable building design, etc. It would not be appropriate to delete the 2-tier BHRs;
 - C for T advised that the roads and pavements in the Area including the southern part of Tin Wan, “R(A)2” sites in Aberdeen and Ap Lei Chau were generally adequate. As

such, ground level setback for pavement/road widening was not required in general. The proposal for mandatory street level set back might induce severe development constraints for the small lots;

- it was now Government policy that full GFA exemption would be given to basement carpark with charging enabling capacity;
- under the current “R(A)2” zoning, retail shop was a use always permitted on the lowest three floors. However, whether the ground floors should be used for retail purpose should be a market decision. It was considered not appropriate to stipulate on the OZP that all the ground floors of buildings must include retail use;

(vii) *Yue Kwong Chuen:*

- the BHRs of 120mPD and 140mPD (allowing absolute BHs of about 90m and 95m respectively) provided reasonable scope for redevelopment while avoiding out-of-context tall buildings. The BHRs would not significantly affect the view from the Aberdeen Country Park. The representer’s proposal to lower the BHR to 60-70m would impose undue development constraints and would have adverse impacts on redevelopment initiative to provide more and better public housing units for those in need;
- Yue Kwong Chuen was in an area of varying elevation and did not lie in the pedestrian corridor in the area. Adequate pedestrian facilities would be planned within the site upon redevelopment. Designating a 30% ground level NBA without a properly drawn up layout could pose undue constraint on redevelopment;

Representations related to Specific Sites

R2-R6: Ex-WCHE site

- (viii) the ex-WCHE site had been rezoned from “R(A)” to “CDA” and the maximum BH from 155mPD to 150mPD on the current draft OZP No. S/H15/26 gazetted on 16.7.2010 in response to SDC’s comments. Apart from the BHR, a maximum domestic GFA of 357,500m² (i.e. a domestic PR of about 5) and a maximum non-domestic GFA of 121,800m² for a shopping centre and public transport and railway facilities (non-domestic PR of about 1.7) had been stipulated in the Notes for the “CDA” zone. The development of the site could be controlled by the Board through the planning permission mechanism and the submission of a Master Layout Plan (MLP) with supporting technical assessments;

- (ix) as stated in the ES of the OZP, the “CDA” development should adopt various design enhancement measures including provision of at least 3 air/visual corridors, stepped height profile, landscape planting at street level, on podium/roofs and vertical greening on façade as well as planting along edges and terraced design with greening for the podium. The adoption of such measures could avoid wall effect;

- (x) appropriate community facilities would also be provided in the future property development on the site including the proposed shopping centre which would provide opportunity of a venue for launching district events such as performances or ceremonies. About 1,500m² commercial GFA would also be reserved for the use of social enterprises, or other GIC facilities. A Planning Brief (PB) would be prepared to guide the preparation of the MLP for the future development;

- (xi) the BHR of 150mPD would allow sufficient scope for BH variations and the adoption of various design measures including at least 3 visual/air corridors and terraced podium while preventing excessively tall buildings. More stringent BHRs of 100mPD to 140mPD or dividing the site into different BH zones as proposed by the representers would limit the scope of BH variations as well as design and layout flexibility;

- (xii) in formulating the appropriate development parameters for the site, broad assessments have been carried out to ensure that no insurmountable traffic problem would be generated by the proposed development. A detailed traffic impact assessment would also be carried out at the planning application stage. On pedestrian linkage, the Highways Department advised that a pedestrian link was proposed to connect Nam Long Shan Road to Kwun Hoi Path under the gazetted railway scheme of SIL(E). Upon completion of the SIL(E) project, there would be a continuous and improved pedestrian link between Ocean Park to the Aberdeen Channel waterfront. HyD also advised that the proposed setting back of the site boundary and proposed basement carpark by the representer would be in conflict with the current rail depot design under SIL(E) ;

R7: Ocean Park

- (xiii) it was considered insufficient to rely solely on administrative control of the BHR under the lease. Incorporation of BHRs on OZP would provide greater transparency and set out clearly the rationale behind;

- (xiv) the urban design principles adopted in formulating the BHRs

for “G/IC” or “OU” sites on the OZP had been consistently applied to Ocean Park. Unless there were committed proposals for known developments or the need to meet the minimum height requirement, in general, the existing BHs for the “G/IC” and “OU” sites would broadly be kept to serve as spatial and visual relief;

- (xv) the BHRs for Ocean Park had already taken into account the current redevelopment plan and its expansion needs by reflecting the heights of the new facilities. Given the unique nature of operation of a theme park, a specific provision had been made in the Notes for the OZP to exempt any structures that were constructed or intended for use solely as amusement rides from the calculation of the number of storeys. Should there be operational need for the Park’s facilities to exceed the BHR in future, it was more appropriate to pursue the proposal by way of application for minor relaxation of the BHRs which allowed public comments in the process. Each case would be considered by the Board on its own merits;
- (xvi) planning applications would be considered by the MPC within two months upon receipt. The statutory planning process would unlikely significantly delay the provision of new facilities. The concern that planning applications would lead to early disclosure of innovative ideas to competitors was not well founded since OPC had to carry out prior consultation with the SDC on their proposed new facilities, as in the case of the current redevelopment plan;
- (xvii) Hong Kong Disneyland was situated on a piece of reclaimed land at Penny’s Bay in North-East Lantau, with mountain backdrop to the north and northwest and sea frontage to the

south. The site was concealed in a secluded setting. Given the different site context, it was inappropriate to make reference to Hong Kong Disneyland particularly because a major part of Ocean Park comprised sloping land and was highly visible from the surrounding areas such as the Shouson Hill and Ap Lei Chau areas. There was a need to restrict the BH to ensure no adverse visual impacts from the developments in the Park;

- (xviii) given that the representer did not have any concrete development proposal, its request to uplift the height restriction altogether and tallied it with the lease conditions (i.e. 400 feet or about 122m) would make the Park stand out as an exception amidst the urban areas in the Southern District;

R8: Aberdeen Marina Club

- (xix) the absence of GFA and BH restrictions under the lease should not be regarded as a legitimate expectation. The site was disposed of by way of tender specifically for a marina and ancillary facilities and was not expected to be a high rise development up to the maximum permissible PR under the Building (Planning) Regulations (B(P)R);
- (xx) it was an urban design principle to allow only low-rise development along the waterfront. The BHRs for the site were to reflect the existing BHs of the site. The BHR of 60mPD for the adjoining Marine Police Aberdeen Base (16 storey/about 59mPD) was to reflect and cap the existing BH. The approach and considerations in formulating the BHRs for this and the representation sites were consistent;
- (xxi) the Town Planning Board Guidelines No. 16 quoted by the representer was on the application for

development/redevelopment within “G/IC” zone for uses other than GIC uses under s.16 of the Town Planning Ordinance, and not relating to the imposition of BHRs nor relevant to mention “OU” sites in the Guidelines. The presence of other GIC facilities and open spaces to serve as breathing space was not considered as a justification for exceptional treatment for the site. The representer’s proposal to relax the BHR to 120mPD for the northern portion (currently 11 storey/about 47mPD) and 60mPD for the southern portion (currently 6-storey/about 28mPD) was considered inappropriate and the proposed BH was excessive in the waterfront setting;

R9: St. Mary’s Home for the Aged

- (xxii) the lease for the site was for a non-profit making RCHE and chapel. The site was currently occupied by buildings not taller than 3 storeys and located in a corridor of low- to medium-rise GIC facilities falling on the major east-west air path in the Area. It was considered appropriate to maintain the existing BHs to serve as a breathing space;

- (xxiii) the representer’s proposal to relax the BH to 110mPD was to cater for the proposed redevelopment of the site into a RCHE cum residential development, which involved residential use and required rezoning. It was inappropriate to consider the proposal to relax the BHR as the Board had not agreed to the rezoning proposal. There were also adverse departmental comments on the proposed development including those from the Commissioner for Transport and Director of Environmental Protection in respect of traffic impact and traffic rail noise. There were also concerns on the visual and landscape impacts of the proposed development;

R10: Hong Kong Ice and Cold Storage

- (xxiv) it was an urban design principle to allow only low-rise development at waterfront sites. The waterfront sites in the Area were generally subject to a BHR of 1-2 storeys or the heights of existing/committed developments. In accordance with this principle, the BHR of 30mPD for the site is to reflect the existing BH;
- (xxv) Hing Wai Ice & Cold Storage (53mPD) and Hing Wai Centre (113mPD) fell within a single lot. The overall development was therefore subject to a BHR of 110mPD to reflect and cap the predominant existing BH on the lot;
- (xxvi) the redevelopment potential and private development right had been duly considered in formulating the BHR for the site. The majority of the site (AML 11) was subject to a maximum BH of 85ft under the lease (about 25.9m, or about 30mPD taking into account the existing site level of about 4mPD);
- (xxvii) the site was located within a cluster of industrial and utility facilities including gas depot, concrete batching plant and sewage treatment works. The site was zoned "I" and not intended for public enjoyment or to facilitate tourism development;
- (xxviii) given the waterfront location of the site, the proposed relaxation of the BHR of 110mPD was considered excessive and inappropriate at this waterfront location;

R11-R12: Tang Fung Street sites

- (xxix) the height bands were based on the stepped height concept

with a lower height band nearer the waterfront with the height gradually increasing to the inland part to the north. The two representation sites at Tang Fung Street were similar to other sites within the same height band in terms of the site level and there should not be differential treatment. In particular, the proposed BH of 180mPD for sites of 1,000m² or larger by R12 was considered incongruous and out-of-proportion with the surrounding developments;

- (xxx) it was considered inappropriate to take the height of the surrounding high-rise developments e.g. Waterfront South, Jade Water and Bayshore Apartments, as the reference in formulating the BH profile. Otherwise, the whole area would be proliferated with excessively tall buildings;
- (xxxii) the BHRs would not result in larger building bulk. Whether a building was bulky or massive depended on such factors as form and design of the building, e.g. whether there was a large podium, whether carpark was provided in basement, and the storey height proposed, etc. Rather, a development with a higher BH would likely result in bulkier buildings. In this regard, the BHRs had been formulated based on reasonable assumptions on building design with allowance for design flexibility to accommodate maximum development potential permitted under the OZP for the residential sites;
- (xxxiii) the 2-tier BHRs of 85mPD/100mPD were formulated based on reasonable assumptions such as site coverage, floor-to-floor height, car parking requirements, GFA concessions, etc. As it was not expected that on-site car parking or loading/unloading facilities would be provided for sites smaller than 400m², a BHR of 85mPD (site level at about 6mPD) could still allow

reasonable flexibility for development up to the maximum intensity permissible under the OZP. There were no PR/GFA restrictions involved in the imposition of BHRs. The BHR would not adversely affect the development rights nor unduly constrain the potential of redevelopment of the site;

(xxxiii) the designation of NBA was to maintain air ventilation in the local area, as recommended in the AVA. The NBA, falling on private land, was currently free from building structure. It was important to ensure that future development on that piece of land would not block the flow of the prevailing eastern wind to the Tang Fung Street and Ka Wo Street area. Therefore, it was not appropriate to delete the NBA as proposed by R12;

(xxxiv) the NBA was small in size (7m x 12m) and only part of it lay on the representation site. Application for permeable podium on the NBA could be considered by the Board on application. As such, the designation would not significantly limit the development flexibility of the site at 1-11 Tang Fung Street, and should not be considered as a justification for relaxing the BHR (R11);

R13: 62-76, Main Street, Ap Lei Chau

(xxxv) piecemeal relaxation of BHR for the site to 120mPD as proposed was not supported as that would jeopardize the coherency of the stepped height profile and have implications on other sites within the same height band. The site was similar to other sites in the same height band in respect of location near to waterfront and site level (about 5mPD);

(xxxvi) for the Marina Habitat, the existing BH (about 139mPD-141mPD) was considered rather incompatible with

this waterfront setting and out-of-scale from the general BH profile in the area. It was considered inappropriate to take the height of that high-rise development as the reference in formulating the BH profile. Otherwise, the whole area would be proliferated with excessively tall buildings;

(xxxvii) the 2-tier BHRs were imposed on small lots to cater for site amalgamation for better-designed developments and inclusion of on-site parking and loading/unloading and other supporting facilities. The threshold of 400m² represented a reasonable minimum site size for accommodating on-site car parking and loading/unloading facilities which would allow the use of turntable. Therefore, a slightly higher height was allowed to accommodate such facilities;

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

(g) PlanD's responses to comments as detailed in paragraph 4.6 of the Paper were summarised as follows:

(i) C1: the detailed design regarding the provision of open space, public facilities, barrier free access, etc. could be addressed at the planning application and MLP submission stage. It was considered not appropriate to relax the BHR for St. Mary's Home for the Aged to 110mPD;

(ii) C2: the BHR for the site of the ex-WCHE site had been reduced to 150mPD when it was rezoned to "CDA" on the draft OZP No. S/H15/26. The support of C2 for retaining the existing BHR and NBA for the site of R7- R13 was noted;

(iii) C3: the BHR for the cemetery (i.e. 6 storeys for the southern fringe)

had taken into account the height of the approved extension of the existing columbarium. Should there be functional and operational needs for further expansion of the columbarium to exceed the BHR, it was more appropriate to pursue the proposal by way of application for minor relaxation of the BHR as each case would be considered by the Board on its own merits;

(iv) C4 to C502: the BHRs had already taken into account the BHs in the latest redevelopment plan of Ocean Park and allowed reasonable scope for possible expansion to meet the Park's expansion and operational needs. Amusement rides and architectural features not constituting a storey would not be affected by BHRs in terms of number of storeys and there was also provision for planning application for minor relaxation of the BHRs; and

(h) PlanD's views - PlanD noted the comments on the land use planning for the ex-WCHE site in R5 but did not support R1 to R4 and R6 to R13 for reasons as detailed in paragraphs 6.1 to 6.2 of the Paper.

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

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

R2 (Designing Hong Kong Ltd.)

102. With the aid of a Powerpoint presentation, Mr. Paul Zimmerman (R2) made the following points:

(a) he clarified that he did not oppose but supported the imposition of BHR on OZP. However, he considered that there was a need to impose PR

control for the area at the same time;

- (b) there was a lack of comprehensive TIA for the area. In considering the issue on Route 4 at an earlier Town Planning Board's meeting, Transport Department had indicated that they would review the need of the road after the implementation of the SIL. The Aberdeen area was currently suffering from serious traffic congestion and the Aberdeen Tunnel was intermittently closed every day. Without a clear traffic forecast and TIA, a more stringent PR control for the area was necessary, taking into account that the design capacity of the SIL was now significantly reduced;

- (c) the Main Street, Ap Lei Chau area was a residential area of special character intermixing with small shops, bars and restaurants. There was also a beautiful waterfront park for public enjoyment (Wind Tower Park under the management of the Leisure and Cultural Services Department). The public could travel by boats and water taxis to the Aberdeen side. In order to maintain this special character and the active street frontage, it was necessary to specify on the OZP that all ground floors had to include retail use to retain the local character and that car parks should be provided in basements to avoid the creation of wall-like podium structures. As the area was currently under active redevelopment process, the Board would lose the opportunity to maintain the character of the area if new development restrictions were only included in the OZP at a later stage;

[Mr. Timothy K.W. Ma and Dr. C.P. Lau returned to join the meeting while Mr. Laurence L.J. Li left the meeting temporarily at this point.]

- (d) based on MTRC's proposed development scheme at the ex-WCHE site, the existing nullah would be decked over and a viaduct of SIL would be running along Heung Yip Road. Heung Yip Road was currently the only

open-view corridor between Aberdeen and Ocean Park and it would be more appropriate to design the road into a pleasant at-grade pedestrian link. However, due to financial consideration, MTRC would unlikely propose an at-grade development at the ex-WCHE site. In this regard, the representer proposed setting back the boundary of the future development at the ex-WCHE site by 25m from the nullah so as to ensure an open view along Heung Yip Road; and

- (e) Yue Kwong Chuen was located in an area between the Aberdeen Country Park and the built-up area in Aberdeen. The current BHR would lead a creation of a massive building at Yue Kwong Chuen which could be an eyesore for the area. The site was not under private ownership and the lowering of BHR would not deprive private development rights.

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

R4 (Mr. Tsui Yuen Wa – Southern District Council Member)

103. Mr. Tsui Yuen Wa (R4) made the following points:

- (a) he reserved his comment on the ex-WCHE site which was included under his representation in respect of OZP No. S/H15/26 until the hearing for the subject OZP;
- (b) he objected to the redevelopment proposals of St. Mary's Home for the Aged and Aberdeen Marina Club. Both of them intended to redevelop the existing GIC uses into residential or other uses so as to achieve the highest profit. The lease for the St. Mary's Home for the Aged site was for a RCHE and chapel use. He had no objection if the redevelopment remained as RCHE use with a minor relaxation of BHR e.g. by about 3 storeys. However, the current redevelopment proposal submitted by Little Sisters of the Poor (R9) comprised three excessively tall residential

buildings in addition to the 7-storey RCHE. Similarly, the redevelopment proposal submitted by Aberdeen Marina Club (R8) was to make use of the development opportunity brought about by the implementation of SIL so as to acquire the highest profit. The local residents and SDC had already raised objection to these redevelopment proposals. Besides, he also considered that a similar redevelopment proposal put forth by Ebenezer School and Home for Visually Impaired in Pok Fu Lam should not be supported. The Board should reject all these proposals as it would set a very undesirable precedent for other existing RCHE, hospitals and international schools in the area. He had no objection to allow minor relaxation of BHR at these sites if their existing uses were to be maintained;

[Miss Ophelia Wong returned to join the meeting and resumed the role of the Secretary at this point.]

- (c) he and the Democratic Party had also previously raised objection to an application to redevelop an industrial building in the WCH area to residential use and the application was subsequently rejected by the Board; and
- (d) there was an increasing public aspiration for better living quality in Hong Kong. The Board should ensure that their planning of the city was compatible with the aspiration for a better living standard by the public.

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

R7 (Ocean Park Corporation)

104. With the aid of a Powerpoint presentation, Mr. Alex Chu (R7) made the following points:

- (a) the Ocean Park Corporation was a not-for-profit organisation set up to manage Ocean Park. The mission and vision of the Corporation were to provide all guests experiences that combined education, entertainment and conservation. Ocean Park was a home grown and valuable asset of Hong Kong for 33 years and was beloved by local residents and international visitors. It was the Hong Kong People's Park;
- (b) Ocean Park contributed significantly to Hong Kong tourism industry with over 5 million visitors annually. It was one of the must-see destinations in Hong Kong, especially for family visitors. It ranked first in China and 5th in the World in terms of annual attendance by Themed Entertainment Association in 2009;
- (c) the representer had no objection to have BHR imposed on the Ocean Park site in a reasonable manner so as to avoid the visual impact created by excessively tall buildings that would affect the ambience of the park and the enjoyment of visitors. However, the following important considerations had to be taken into account in formulating the BHR for the Park:
 - (i) unique business nature of theme parks;
 - (ii) constant renewal of attractions to attract visitors and tourists;
 - (iii) special architecture and designs in response to the needs of theme parks attractions;
- (d) the representer objected to the current BHR imposed on the Ocean Park site for the following reasons:
 - (i) most parts of the Park were restricted to a BH of only 1 to 2 storeys. Although application for minor relaxation was allowed, such provision usually meant that a relaxation extent not exceeding 10% of the maximum BH imposed would be considered (i.e. from 1 to 2 storeys to 1.1 to 2.2 storeys high). Such mechanism would not in effect allow buildings to exceed the stipulated BHR of 1 to 2 storeys;

- (ii) although amusement rides were exempted from the calculation of number of storeys, Ocean Park provided other facilities, such as animal exhibits, theatres for shows, education and visitor centres, conservation research centre, animal care facilities, events and other uses ancillary to the operation of a theme park; and
- (iii) the stringent height control of 1 to 2 storeys would have significant impact on the continuous growth and redevelopment of Ocean Park and hence the Hong Kong tourism industry.

105. With the aid of a Powerpoint presentation, Mr. Dickson Hui (R7) made the following points:

- (a) the representer had no objection to the BHR stipulated for the 3 hotels approved by the Board (i.e. Ocean Park Hotel, Spa Hotel and Fisherman's Wharf Hotel) but objected to the BHR of 1 to 6 storeys for the remaining areas of Ocean Park;
- (b) visitors to the Park had high and ever changing expectation on the qualities and varieties of attractions within the Park. To meet such demand, the designs and architecture forms of the facilities would need to be spectacular. However, the stringent BHR limited the flexibility in future design of the new facilities:
 - (i) complexities in architectural forms, designs and functional requirement would make it difficult to compress the facilities into 1 or 2 storeys, e.g. the Water Screen in Grand Aquarium;
 - (ii) design of buildings also needed to respond to the landscape and topography of the site. The sloping terrain of the Park made it difficult to limit BH within 1 or 2 storeys. The terraced levels along the hill slopes had to be designed to allow staggering of attractions e.g. the Ocean Theatre was built on hill slope in a staggered disposition;

- (c) there was no BHR for other world-class theme parks (e.g. Resorts World Sentosa in Singapore). Flexibility in architectural design was widely recognised as the key to theme park development. Future expansion was needed to cope with the ever changing demand for high quality recreational or other facilities;
- (d) the BHR was unfavourable to the continuous growth and future possible expansion of the Park. Most undeveloped area was restricted to one storey only with the provision for minor relaxation. However, the minor provision usually did not allow a relaxation extent exceeding 10% of the maximum BH;
- (e) additional time would be required to obtain planning approval before new ideas which exceeded the stipulated BHR could be implemented. This would greatly diminish the novelty value of the Park to capture the market share to attract tourists. The Park would fail to respond promptly to increasing challenges from other competitors. Besides, there would be high risk of losing intellectual property rights by early disclosure of development concepts;
- (f) the BHR imposed was unfair and biased to Ocean Park. The Hong Kong Disneyland was subject to a looser BH control of 100m (about 33 storeys) while the Ocean Park was restricted to a BHR of 1 to 6 storeys. Both of them were at a seafront location facing East or West Lamma Channel respectively. There was inconsistency in the formulation of BHR for the two sites;
- (g) *original proposal* included in the representation submission – to relax the BHR to 400 feet (about 122m) above ground level which tallied with the lease requirement; and
- (h) *alternative proposal* submitted at the hearing – to revise the BHR of the

Waterfront Area to not more than 5 storeys (i.e. lower than the approved Ocean Park Hotel of 6 storeys); and to revise the BHR of the Summit Area to not more than 7 storeys (i.e. Lower than the approved Spa Hotel of 8 storeys).

106. With the aid of a Powerpoint presentation, Mr. Alex Chu (R7) supplemented the following points:

- (a) the Ocean Park Corporation was a responsible corporation. Despite the fact that a maximum BH of 400 feet was permitted under the lease, no over-development nor massive buildings was developed over the years. There was over 500 comments in support of the representation;
- (b) the existing facilities of Ocean Park required constant renewal and development. The current Master Redevelopment Plan would be completed by 2012 to provide more amusement rides, animal exhibits, shows and various activities. New facilities were constantly needed due to continuous new challenges and competitions in the region;
- (c) though PlanD claimed that the BHR had already taken into account the current redevelopment plan, the Ocean Park Corporation needed to plan ahead beyond the completion of the Master Redevelopment Plan. The stringent BHR of only 1 to 2 storeys for most parts of the park would result in additional time required for obtaining planning approval and lead to loss of intellectual property and inflexibility in achieving creative design to attract visitors and tourists; and
- (d) Ocean Park should not be treated as an ordinary "OU" site in the formulation of BHR. The BHR should cater for the unique business nature and future operational needs of Ocean Park. The same controls as Hong Kong Disneyland should be applied at Ocean Park for the sake of consistency. The BHR should be reviewed in order to sustain the

continuous growth of the Park and further strengthen Hong Kong as a premier tourist destination and in return generate significant economic benefits to Hong Kong.

[Mr. Laurence L.J. Li returned to join the meeting while Mr. Y. K. Cheng and Ms. Julia M.K. Lau left the meeting temporarily at this point.]

R8 (Aberdeen Marina Holdings Ltd.)

107. With the aid of a Powerpoint presentation, Ms. Cindy Tsang (R8) made the following points:

- (a) the Aberdeen Marina Club was a private club since 1984 and played an important role to Hong Kong by providing top-notch leisure services and facilities to its members. It was important that the Club had the flexibility for future redevelopment so as to meet the needs and demands of the members;
- (b) the Club was in a strategic location at the edge of Aberdeen Harbour and its associated berthing facilities were key to the vibrancy of the waterfront. It had an expansion plan for 10 years starting with the “Aberdeen Harbour Revitalisation Study” put forward to the Government in 2000;
- (c) given the high utilisation of the existing building and underutilised development potential of the site, the Club had to expand its current premises. The BHR on the OZP however capped redevelopment of the Club to its existing BHs (i.e. 11 storeys in the northern portion and 6 storeys in the southern portion) which was much lower than the heights of the surrounding developments. The highly restrictive BHR would freeze the current situation and provide no incentive for the representers to undertake any renewal works on the site;

[Ms. Anna S.Y. Kwong left the meeting temporarily while Mr. Y.K. Cheng returned to join the meeting at this point.]

- (d) the BHR would severely limit design flexibility and was against the HKPSG which called for innovative waterfront building design. It would also limit the synergy with the other attractions in the vicinity e.g. Ocean Park, Jumbo Floating Restaurant, and hinder private initiatives in realising the revitalisation of Aberdeen Harbour;
- (e) paragraph 7.6 of the ES of the OZP called for greater permeability of podium, wider gap between buildings and building setback etc. to improve air ventilation. However, this urban design objective could not be achieved under the BHR which offered no incentive nor design flexibility. It was also contrary to Government's Greening Policy and reduced the opportunity for any improvement to streetscape and the creation of human-scale environment;
- (f) the BHRs disregarded the legitimate development expectations of the representer as there was no GFA or BH restriction under the lease for the site and full premium had been paid based on the development potential. Though it was stated in the TPB Paper that a marina was not expected to be a high-rise development up to the maximum permissible PR under the B(P)R, it did not explain why PlanD had assumed no scope for expansion or upgrading of the Club under the BHRs;
- (g) while TPB Guidelines No. 16 stated that some low-rise "G/IC" sites would serve as breathing space within high-rise and high-density environments, there was no TPB Guidelines which specified the use of "OU" sites for breathing spaces. Besides, there were already a number of "G/IC" sites in the vicinity of the site acting as breathing space and the Club was not in a densely built-up environment nor within any air path, visual or ventilation corridor;

- (h) paragraph 7.4 of the ES stated that a lower height band ranging from 85mPD to 110mPD was recommended for areas nearer to the waterfront and it was contrary to the current BHRs for the Club. It was inequitable that higher BHRs were imposed for other private developments in similar waterfront location. There was also a lack of coherence in the overall BH profile and stepped BH concept and no clear urban design objective;
- (i) in determining the BHRs for the site, a balance needed to be struck among three important elements, i.e. a reasonable development potential with incentive and the ability to trigger revitalisation, public expectations and prevailing planning initiatives for waterfront sites in Hong Kong;
- (j) *original proposal* included in the representation submission - the representer proposed a BHR of 120mPD and 60mPD respectively for the northern and southern portions of the site, together with a 6-storey BHR as visual/ventilation corridor in-between the two portions. The proposal would provide relief and diversity in BH and the massing of future development with the incorporation of a slender tower, stepped height, set-back and road widening and other innovative design measures. The 6-storey BHR in the centre of the site would maximise permeability at the waterfront and maintain a gap of over 25m in the existing southwest-northeast breezeway. The proposed redevelopment scheme could integrate into the surrounding built context comprising high-rise residential developments and low-rise G/IC uses by providing a smoother stepped height profile;
- (k) *alternative proposal* submitted at the hearing – the representer was prepared to compromise on a reduced maximum BH between 85-110mPD for the northern portion of the site which was within the range of height band proposed for waterfront sites on the OZP. The proposed BHR of 60mPD for the southern site and the 6-storey BHR for

the centre portion would be maintained to ensure a stepped BH profile. This would result in some loss of development potential under the lease but would address PlanD's concern and maintain flexibility to accommodate the Club's future expansion plans;

- (l) on the provision of minor relaxation of BHR, the representer was concerned that only very limited scope was allowed for under such provision would only apply to minor additions and alterations;

- (m) in conclusion, the representer's proposals would:
 - protect the representer's ability to pursue a reasonable development on a private site at the waterfront and provide incentive to encourage revitalisation and design flexibility;
 - offer a more equitable BH profile that was in accordance with the OZP's rationale for waterfront sites;
 - strike a balance between public interest and private development rights;
 - provide an impetus for urban renewal and continued vibrancy of the harbourfront;
 - enhance stepped BH profile of the Aberdeen coastal area;
 - improve building disposition and layout;
 - provide a local visual/ventilation corridor; and
 - achieve better compliance with the Urban Design Guidelines of Hong Kong and the HKPSG.

R9 (Little Sisters of the Poor)

108. Sr. Jeanne Mary (R9) made the following points:

- (a) the representer had been operating St. Mary's Home for the Aged at the site for over 50 years. In the past couple of years, a large amount of money had been spent to upkeep the existing building up to current

standard and for the maintenance of the dangerous slope. It was considered that the funds should better be applied for the welfare of the elderly;

[Ms. Anna S.Y. Kwong and Ms. Julia M.K. Lau returned to join the meeting at this point.]

- (b) the representer desired to redevelop the site for a more functional and up-to-current standard home for the aged. However, as they did not receive subvention from the Government and it would take too many years to collect enough donation for the redevelopment, the representer invited a developer to join in the redevelopment project. The original proposal submitted by the developer comprised four building towers of 34 storeys but upon the request of the representer, it was reduced to three towers of 27 storeys. Under the redevelopment proposal, a new St. Mary's Home for the Aged would be completed before the commencement of the rest of the project. The developer would be responsible to pay the high premium to the Government. The same approach had been adopted in other redevelopment projects by other parties and hence would not set an undesirable precedent;
- (c) St. Mary's Home for the Aged had been in existence in the WCH area for a long period of time before the adjacent high-rise development and factories were developed. The representer had never raised complaint and objection to these surrounding developments and would expect the same respect from them on her redevelopment proposal; and
- (d) the proposed relaxation of BHR by the representer to facilitate the redevelopment of St. Mary's Home for the Aged would create a win-win situation, in that there would be a new home for the elderly, the society would receive better welfare services and the Government would receive high premium. The representer had been providing free services to the elderly and was not greedy.

R10 (Hong Kong Ice and Cold Storage Ltd.)

109. With the aid of a Powerpoint presentation, Mr. Dickson Hui (R10) made the following points:

- (a) the site comprised Aberdeen Marine Lot (AML) Nos. 10 & 11 and was currently occupied by Hong Kong Ice and Cold Storage. The site was zoned “I” on the OZP and subject to a BHR of 30mPD while the adjoining Hing Wai Ice and Cold Storage and Hing Wai Centre was subject to a BHR of 110mPD. The representer objected to BHR of 30mPD imposed on the site;
- (b) according to PlanD’s view as presented in the TPB Paper, the imposition of BHR had taken into account the BHR under lease and would not have any adverse impact on private development rights. However, the representation site covered two separate lots (i.e. AML 10 and AML 11) in which there was no BHR under lease for AML 10 and AML 11 was subject to a BHR of 85 feet above mean formation level under lease. The BHR of 30mPD for the site on the OZP had deprived the private development rights;
- (c) PlanD also stated in the Paper that a BHR of 110mPD at the site would have adverse visual impacts on the surrounding areas. However, the existing BHs of the surrounding sites were already up to 110mPD and no adverse visual impact was anticipated if the BHR of the site was 110mPD;
- (d) there was inconsistent and biased treatment within the same “I” zone. As compared with the adjoining Hing Wai Ice and Cold Storage, the site was located in the same locality and same zone at the Aberdeen waterfront and with similar site conditions and characteristics. Hence, the same

BHR of 110mPD instead of 30mPD should be imposed on the site. In general, sites within the same locality and zoning should fall within the same height band e.g. all “OU(B)” sites at Kwun Tong waterfront was subject to BHR of 100mPD;

- (e) the BHR failed to meet current operational needs and future expansion potential given the strong demand of ice and cold storage. Currently, there were only ten ice and cold storage companies and four of them would be shut down in the next 5-10 years for redevelopment, resulting in a reduction of about 45% of total storage capacity and a shortfall of cold storage to support the local community. Hong Kong Ice and Cold Storage had also been playing a vital role for the local district in supplying ice to 46% of fishing boats in Hong Kong and nearly 100% of seasonal dried seafood in the territory was stored there and then delivered worldwide;
- (f) the existing building was in obsolete condition and the existing machineries and facilities were insufficient and substandard. There was also insufficient space for operation needs. The owners had imminent needs to pursue with expansion and redevelopment plan under the existing lease conditions. There was no lease restriction on BH for AML 10 and only a slight modification to the lease was required under AML 11;
- (g) the very stringent BHR would deprive the owners’ development rights, allow little design flexibility in future proposal, lead to maximisation of full site coverage and result in same building bulk and form as in the current situation;

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

- (h) the BHR hampered opportunity for streetscape enhancement. The existing footpath along the building edge was narrow and no landscaping

was provided. This had resulted in uncomfortable and unsafe pedestrian environment. Higher BHR would provide opportunity to improve the built form/layout by providing building setback, widening existing footpath abutting Tin Wan Praya Road and introducing landscaping at street level. This would improve the pedestrian environment and safety;

- (i) the BHR failed to complement the plan of Tourism Commission to promote tourism in Aberdeen. Under the Aberdeen Tourism Project, enhancement and beautification works were proposed on both sides of Aberdeen Harbour. Higher BHR would provide opportunity to improve building form/layout e.g. building setback on the seafront side and a continuous waterfront promenade along the Aberdeen waterfront;
- (j) higher BHR would bring along visual/environmental improvements by hiding the electric pylons behind the site, thus helped minimise the adverse visual impact of the pylons on the waterfront area. Better-designed building façade upon redevelopment would be more compatible with the waterfront context;
- (k) *original proposal* included in the representation submission – to apply same height band for the whole “P” zone within the same locality with BHR relaxed from 30mPD to 110mPD for the site;
- (l) *alternative proposal* submitted at the hearing – to amend BHR to 110mPD for AML 10 (since there was no BHR under lease) and to amend BHR to 80mPD for AML 11. Two NBAs would be provided on the landward side of the site to provide setback area for footpath widening and landscaping and on seafront side to provide setback area for waterfront beautification and promenade. An indicative redevelopment proposal was presented as follows:

	AML 11	AML 10
Site area (sq. ft.)	50,270	14,500
Proposed PR	4.6	5
Proposed GFA (sq.ft.)	231,242	72,500
BH (mPD)	80	110
No. of storey	11	15
Average floor-to-floor height (m)	6.9	7
Site coverage (%)	42	33
Total GFA (sq.ft.)	303,742	
Total PR	4.7	

- (m) to conclude, the relaxation of BHR would lead to a win-win situation in that:
- (i) the owner's development right would not be deprived;
 - (ii) the imminent needs for redevelopment would not be affected;
 - (iii) it would provide incentives for revitalisation and environmental improvement;
 - (iv) it would create opportunities to hide the visually unattractive electricity pylons behind the site, and
 - (v) it would echo with on-going tourism initiatives to enhance Aberdeen Harbour.

110. With the aid of a Powerpoint presentation, Ms. Grace Cheung (R10) made the following points:

- (a) the existing Hong Kong Ice and Cold Storage of 2 to 3 storeys and total GFA of about 110,000 sq. ft. was unable to cope with the current operational need. As the owner of the site, the presenter considered that the site could be redeveloped to a proposed total GFA of about 300,000 sq.ft. and had already planned for redevelopment of such a scale; and

- (b) there could be two ways to achieve the proposed GFA, with or without lease modification:
- (i) *without lease modification* : under the current lease condition, there was no BHR restriction for AML 10 and the representer was entitled to build up to a maximum PR of 15 as permitted under B(P)R. For AML 11, a PR of 2 to 3 could also be achieved based on a BHR of 85ft above mean formation level under lease;
 - (ii) *with minor lease modification* : under the current redevelopment plan, a building with BH of 110mPD was proposed at AML 10 and no lease modification was required. For AML 11, a minor lease modification would be required to relax the BHR from 85ft to 80mPD. The BHR of 85ft at AML 11 was originally imposed to reflect the existing BH in a former land exchange. At that time, the Government requested the owner to surrender 55,000 sq.ft. of the site area for a regrant of an area of 50,000 sq.ft. without the payment of premium. In this regard, there should be no problem to relax BHR on the lease. However, the current imposition of BHR of 30mPD on the OZP would largely deprive the development rights of the representer.

111. With the aid of a Powerpoint presentation, Mr. Stanley Lam (R10) made the following points:

- (a) he was the operator of the Hong Kong Ice and Cold Storage. In the future 5 to 10 years, there would be a shortfall of cold storage to support the territory as many of them would be shut down which led to a significant reduction in total storage capacity. Hence, Hong Kong Ice and Cold Storage intended to expand its cold storage business to meet future demand but the expansion plan would not be feasible under the current BHR. It would also be difficult to seek funding from investors for redevelopment under the current BHR; and

- (b) together with Hing Wai Ice and Cold Storage, Hong Kong Ice and Cold Storage acted as a global hub serving the dried seafood trade and delivered the goods worldwide. The existing building was built in 1970s. It was now difficult to employ suitable staff to operate those out-dated machineries and facilities and the cost of maintenance was very high.

R11 (Top Sail International Ltd.)

112. With the aid of a Powerpoint presentation, Mr. Dickson Hui (R11) made the following points:

- (a) the site involved Tang Fung Street Nos. 1, 3, 5, 7, 9 & 11 with a total site area of about 738m² and was currently occupied by some tenement buildings of 6 storeys. The site was zoned “R(A)2” and subject to a BHR of 85mPD (or 100mPD for sites larger than 400m²) and part of it was designated as NBA. The presenter opposed to the BHR at the site;
- (b) NBA alone was ineffective in improving air ventilation. According to the AVA conducted by PlanD, the major prevailing winds came from the east and there was a strong east-west channelling effect at/near ground level. The AVA recommended that the eastern end of Tang Fung Street be designated as NBA. However, according to the Urban Design Guidelines, to maximise air ventilation, NBA should be linked with building setback and ventilation corridors/air paths should be formed to maximise wind penetration into the inner parts of the urbanised area. The 12m width of Tang Fung Street was considered inadequate to serve as air path to benefit the inner area. Building setback along Tang Fung Street was thus necessary;

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

- (c) higher BHR would be the only means to provide setback and air

ventilation to the inner area. Minor relaxation of BH which normally allowed a maximum of 10% increase was not sufficient to cater for development flexibility to provide setback. As demonstrated in an indicative scheme, to fully utilise the development potential under B(P)R, setback could not be provided for a development with BHR of 100mPD (27 storeys). In order to provide setback, the site coverage of the podium had to be reduced with an increase in overall BH to 130mPD (37 storeys). This could result in about 23% of improvement in air ventilation in terms of wind speed at pedestrian level;

- (d) the proposed 130mPD was compatible with the surrounding context as there were existing high-rise buildings in the vicinity, mainly ranging from about 115mPD to 147mPD (25 to 30 storeys) and the proposed BHR would not create adverse visual impact;
- (e) a higher BH would create a more interesting BH profile with fluctuation in BH, whereas under the current BHR, it was likely that all sites would be redeveloped to 100mPD resulting in a monotonous height profile over the Tin Wan sub-area;
- (f) there was only one NBA in the area, making the site different from other sites in the same “R(A)2” zone. The NBA affected the development potential of the site upon redevelopment and the site deserved compensation and different treatment from other “R(A)2” site. There would not be any undesirable precedent;
- (g) the representer proposed a new sub-zone (i.e. “R(A)4”) for the site with the following BHRs:
 - (i) sites $< 400\text{m}^2$: 85mPD
 - (ii) sites of $400\text{-}600\text{m}^2$: 100mPD
 - (iii) sites $> 600\text{m}^2$: 130mPD

- (h) if the Board agreed to the proposed BHR of 130mPD, the representer would ensure a 5m setback from Tang Fung Street in future redevelopment.

113. With the aid of a Powerpoint presentation, Ms. Grace Cheung (R11) made the following points:

- (a) the indicative redevelopment scheme based on a BHR of 100mPD demonstrated that the building would be very bulky and could not achieve the air ventilation objective as the effectiveness of the NBA was rather insignificant. However, a BHR of 130mPD would allow the provision of a building setback which would achieve better air ventilation; and
- (b) the subject representation was different from R12 in that it had a unique site boundary, the representer had already acquired the majority of the ownership within the site and redevelopment would likely to happen. Besides, the inclusion of NBA had affected the development potential of the site and hence the site deserved compensation and different treatment from other “R(A)2” sites.

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

R12 (Alison Ip)

114. With the aid of a Powerpoint presentation, Mr. Matthew Lennartz (R12) made the following points:

- (a) the representation site was zoned “R(A)2” on the OZP with a maximum BH of 85mPD and a NBA was designated at the eastern end of Tang Fung Street. The site was strategically located along a primary east-west traffic route connecting Pokfulam and Aberdeen and was well-served by existing public transport services. It was also near to the waterfront and

the existing Wholesale Fish Market, which had the potential for revitalisation as a major tourist attraction. The site was currently occupied by old tenement buildings of over 50 years old;

- (b) the representer considered that the provision for a higher BHR of 100mPD for sites larger than 400m² did not facilitate site amalgamation for comprehensive development. The site comprised 29 individual lots with a number of public lanes dividing the site into four portions. This limited the opportunity to amalgamate all land lots as a single site for comprehensive development. Besides, the higher BHR of 100mPD for sites larger than 400m² was disproportionate to the large site area after amalgamation. Hence, there was no incentive for developers to amalgamate a large site;
- (c) the BHR violated the Urban Design Guidelines in the following aspects:
 - (i) it resulted in lower bulkier buildings and was against the principle of increase spacing between buildings. A relaxed BHR would allow less bulky buildings to provide building gaps for prevailing wind to penetrate into the northern area;
 - (ii) it prevented a stepped BH profile and created an adverse impact on the wind path. A relatively low BH would result in a monotonous and uninteresting BH profile and create a wall effect on air ventilation;
 - (iii) it undermined the opportunity to provide building setback and ground level open space, footpath widening, tree planting etc. A taller building would provide design flexibility to reduce site coverage and create a more permeable development;
 - (iv) it did not allow good podium design. There would be less open space for greenery and landscape on the podium;
- (d) the BHR would also undermine opportunity for good architectural design such as an increased floor-to-floor height to enhance air ventilation and

sunlight penetration;

- (e) the designation of NBA was arbitrary and could not enhance air ventilation in the area for the following reasons:
 - (i) the NBA was adjacent to a slope and the air flow from the east/northeast direction would be blocked by the slope before passing through the NBA;
 - (ii) the major air/wind path in Aberdeen went from northeast to southwest. Hence, the annual prevailing wind and major wind channel did not pass through Tang Fung Street;
 - (iii) a “G/IC” site located to the northeast of the site already served as breathing space in the area;
 - (iv) there was no quantitative information provided in the AVA report to justify why Tang Fung Street was a major wind corridor. Though the AVA regarded Tang Fung Street as an important air path for Ka Wo Street and its surrounding areas and no building should obstruct or block the air path, it accepted a perforated podium not higher than 15m as a compromise due to practical consideration;

- (f) the NBA would also affect adoption of good design for the site, such as a potential connection to the two key development areas separated by Tang Fung Street. As the NBA fell within the private land lots, it was the only possible area to establish such connection without affecting the public roads/Government land. A connected podium would enable a more efficient and better integrated development on the site;

- (g) *original proposal* included in the representation submission – the representer proposed a 3-tier BHR for the site with a maximum of 180mPD for sites larger than 1,000m² and to replace the NBA with a BHR of 15m above ground level. This would provide more incentive for amalgamation of smaller sites for comprehensive development and more flexibility for provision of planning and design merits e.g. a more decent

floor-to-floor height, building setback and enhanced streetscape. The higher BHR of 180mPD could allow an iconic landmark building at the site which was a prominent location in Aberdeen;

- (h) *alternative proposal* submitted at the hearing – the representer was prepared to accept a reduced BHR of 150mPD for sites larger than 1,000m² in order to provide more incentive for landowners to amalgamate smaller sites for comprehensive development, though it would undermine the intention to revitalise Tin Wan as an iconic landmark building could not be built. The BHR of 150mPD was compatible with the surrounding context and the resultant taller but less bulky building would be better than the nearby Bayshore Apartment and Jade Water. It could fit into the green backdrop behind; and
- (i) the proposed replacement of the NBA by a BHR of 15m above ground level would allow a more comprehensive development at the site, including the sharing of parking, loading/unloading and ancillary facilities, a more efficient podium layout and the provision of a convenient all-weather connection for future developments separated by Tang Fung Street. This was also in line with the ES which stated that a perforated podium not taller than 15m might be permitted.

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

Minor Relaxation

116. The Chairman noted that some representers mentioned that the provision of minor relaxation under the Notes of the OZP would not allow a relaxation exceeding 10% of the BHR. He asked PlanD to clarify if there was a cap of 10% for minor relaxation of BHR. Ms. Brenda Au, DPO/HK, clarified that there was no absolute rule that minor relaxation should be restricted to an extent not exceeding 10% of BHR. She said that the

Board would normally have to assess the impact of the relaxation in considering whether to approve an application for minor relaxation and each case would be considered in its own merits.

Hong Kong Ice and Cold Storage (R10)

117. In response to the Chairman's enquiry on the maximum GFA permitted in the representation site of R10 as claimed by the representer, Ms. Brenda Au said that the site was currently covered by two lots (AML 10 & AML 11). As majority of the site was under AML 11 which was subject to a BHR of 85 feet above mean formation level (about 30mPD), a BHR of 30mPD was imposed for the whole site on the OZP. She noted that R10 had claimed that a total GFA of 303,742 sq. ft (PR 4.7) could be achieved assuming a PR of 5 and a BH of 110mPD for AML 10 and a PR of 4.6 and a BH of 80mPD for AML 11 respectively. However, she said that as about 77 to 78% of the site, i.e. AML 11, was subject to a BHR of 85ft under the lease, and the existing development already had a BH of about 23mPD, the scope of further increase in GFA under the current lease restriction was very limited. Hence, her initial assessment was that there could not be an increase in GFA by almost three times after redevelopment as claimed by R10.

118. Ms. Grace Cheung (R10) explained that the BHR of 85ft under the lease for AML 11 was to facilitate the former land exchange of the site. At that time, the Government requested R10 to surrender 10% of the site area without compensation and the need to pay land premium. The BHR of 85ft stipulated under the lease for AML 11 was just to reflect the existing BH and there was no BHR for AML 10. Hence, Ms. Cheung said that without the need for lease modification, R10 was entitled to build up to a maximum PR of 15 as permitted under B(P)R (about 200,000 sq.ft.) at AML 10 and a PR of 2 to 3 (about 100,000 to 150,000 sq.ft.) at AML 11. That would result in a total GFA of about 300,000 to 350,000 sq.ft. She said that their current alternative proposal to relax the BHR from 30mPD to 80mPD (at AML 11) and 110mPD (at AML 10) respectively with a total PR of 4.7 (about 303,742 sq.ft.) was the optimal redevelopment plan for the site. She added that there was a need for expansion and redevelopment due to operational need and old age of the existing building.

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

119. Miss Annie Tam, Director of Lands, said that she reserved her comment on the interpretation of the development potential under the lease made by both DPO/HK and R10.

Ocean Park (R7)

120. A Member asked R7 about the objectives of setting up Ocean Park. Mr. Dickson Hui replied that under the Ocean Park Corporation Ordinance, the Ocean Park Corporation was a non-profit making organisation which aimed to provide a public recreation park comprising education, entertainment and conservation elements. That Member however considered that the representer was not entirely clear about the objectives of setting up the Ocean Park.

Tang Fung Street (R11 & R12)

121. Noting that there were existing traffic congestion and air ventilation problem along Tang Fung Street and Ka Wo Street, a Member asked R11 and R12 if their proposals would create impact on traffic in that area. Mr. Dickson Hui (R11) said that as their proposal only involved a relaxation of BHR (from 100mPD to 130mPD) and the provision of a setback area without any increase in GFA or number of flats, there would be no adverse traffic impact on that area. Ms. Grace Cheung (R11) supplemented that their proposal would improve the existing traffic condition and pedestrian circulation by providing a setback area which allowed laybys and circulation area to be provided at ground floor. She added that the proposal would also bring along improvement in air ventilation by about 23%. Ms. Cindy Tsang (R12) said that their proposal would involve a more comprehensive development with a connected podium for sharing of transport infrastructure which would avoid on-street parking and loading/unloading activities.

St. Mary's Home for the Aged (R9)

122. A Member asked R9 whether there would be an increase in the provision of elderly facilities after redevelopment and whether they had considered retaining the whole site for RCHE and expanded the service provided so as to increase their income. That Member considered that this might allow the home for aged to be self-sufficient financially. Prof. Dr. Maurice G.T. Teo said that the existing St. Mary's Home for the Aged was of 50 years old and the building was seriously dilapidated. Due to the tremendous maintenance and repairing cost involved and the sub-standard facilities, they intended to redevelop the building but it was impossible to raise enough money for the redevelopment in a short period of time. Hence, they could only collaborate with developer for the necessary funding. He said that they did not charge the elderly for the provision of the services.

123. As the representers and their representatives had finished their presentations and Members had no further questions, the 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 Chairman thanked them and the Government's representatives for attending the hearing. They all left the meeting at this point.

[The meeting was adjourned for a break of 5 minutes.]

Deliberation Session

124. 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.

R1 and R2 (BHR in general)

125. Members noted that PlanD had been reviewing various OZPs with a view to incorporating appropriate development restrictions for development zones. As the

stipulation of BHRs was an effort to provide better planning control over development/redevelopments in the area and to avoid excessively tall buildings and out-of-context developments to meet the public aspirations, Members did not support R1 and R2's objection to the BHR in general. Besides, Members also noted that the formulation of the BHRs had taken into account various relevant considerations and was based on reasonable assumptions on building design. In this regard, Members considered that there were no strong justifications in the representations and proposals put forth by R1 and R2. On R2's proposal on basement carpark, the Secretary said that the 2-tier BHRs did not preclude the provision of basement carpark. Besides, it was now Government policy that full GFA exemption would be given to basement carpark.

R2 to R4 and R6 (Ex-WCHE site)

126. Regarding the representations and proposals on the ex-WCHE site put forth by R2 to R4 and R6, Members noted that the ex-WCHE site had already been rezoned to "CDA" under the current OZP No.S/H15/26 and a separate hearing for the consideration of representations on the new "CDA" zone would be conducted in due course.

R7 (Ocean Park)

127. In response to a Member's enquiry, the Secretary said that if R7 intended to build any new facilities exceeding the BHR in future, it could either apply for minor relaxation of BHR through a s.16 planning application or submit a s.12A application for proposed amendment to the BHR. She clarified that there was no absolute rule that minor relaxation of BHR should be capped at 10%. Under the established practice, the Board would not only consider the percentage of the relaxation, but the impact of the proposed relaxation on the surrounding and the planning merits involved. If the proposed amendment to the BHR was submitted under a s.12A application and was approved by the Board, the proposed amendment would then be gazetted under the Ordinance and subject to statutory representation process. In response to another Member's query, she said that given the unique nature of a theme park, a specific provision had already been made in the Notes of the OZP for the "OU (Ocean Park)" zone to exempt any structures that was

constructed or intended for use solely as amusement rides from the calculation of the number of storeys. The Chairman said that the BHR for the “OU (Ocean Park)” site had taken into account the redevelopment plan of Ocean Park and the OZP had provision for application for minor relaxation of BHR should new plans come up in future.

128. After some discussion, Members did not agree with the proposed relaxation of BHRs by R7 given that the current BHRs had already taken into account the operational and expansion needs of Ocean Park, amusement rides not constituting any storey were not subject to the BHRs and there was provision for application for minor relaxation of the BHRs under the OZP. Members further considered that without any concrete proposal for further development of the Park with BH exceeding the BHRs, relaxation of the BHRs was inappropriate.

R8 (Aberdeen Marina Club)

129. Members noted that the Aberdeen Marina Club site was specifically restricted for marina and ancillary facilities and was located on the waterfront. In the absence of any concrete proposal, Members considered that the proposed relaxation of the BHR by R8 from 11 storeys to 120mPD (northern portion) and from 6 storeys to 60mPD (southern portion) was excessive and would have adverse impact on the waterfront. In response to a Member’s enquiry, the Secretary said that it was a general urban design principle to allow only low-rise development along the waterfront and the BHRs for the Aberdeen Marina Club site was to reflect the existing BH. The existence of other taller buildings in the vicinity should not be used as a reference for relaxing the BHR for the representation site. Otherwise, the whole area would be proliferated with excessively tall buildings.

130. Mr. Jimmy Leung, Director of Planning, reminded Members also to consider the alternative proposal with a BHR ranging from 85 to 110mPD (northern portion) and a BHR of 60mPD (southern portion) as presented by R8 at the hearing. Members considered that without any concrete proposal, the relaxation of BHR under the alternative proposal was also excessive and would have adverse impact on the waterfront.

R9 (St. Mary's Home for the Aged)

131. Members noted that the lease for the site was for a non-profit making RCHE and chapel and considered it appropriate to maintain the existing low-rise BHs of the site so as to serve as a breathing space. The Secretary informed the meeting that a s.12A application for a RCHE cum residential redevelopment of the site was submitted by R9 in 2009 which was subsequently withdrawn. There were adverse departmental comments in respect of the traffic impact, rail and traffic noise, and visual and air ventilation aspects; as well as strong local objections to the proposal. The Secretary said that the representers' proposal to relax the BHR to cater for the proposed redevelopment of the site into a RCHE cum residential development in the context of the representation was not appropriate as such a proposal would first need to be considered under a s.12A application for rezoning to an appropriate use. Under the subject representation, Members would have to consider the appropriate BHR for the current "G/IC" site.

R10 (Hong Kong Ice and Cold Storage)

132. Miss Annie Tam, Director of Lands, asked whether the development potential of the site under the lease was a relevant consideration in assessing the representation. If it was the case and if LandsD's advice was sought by PlanD, LandsD would need to form its view and would need to consult its legal advisers in the process.

133. A Member noted that R10 claimed to be entitled to build up to a maximum PR of 15 as permitted under B(P)R at AML 10 and that the adjoining Hing Wai Ice and Cold Storage building (with an existing BH of 53mPD) enjoyed a higher BHR of 110mPD. If lease entitlement was a relevant consideration, that Member considered that a relaxation of BHR from 30mPD to 110mPD at AML 10 (with no BHR under lease) might be acceptable while the BHR at AML 11 should remain as 30mPD to tally with the lease restriction. That Member did not accept the justification put forth by R10 that the proposed relaxation of BHR would help minimise the adverse visual impact imposed by the existing electricity pylons behind the site. Rather, that Member considered that for safety reasons, no tall building should be allowed on the site adjacent to electricity pylons.

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

134. The Secretary said that lease entitlement was one of the relevant considerations but should not be the sole consideration in determining the BHR of a site. Members should take into account all relevant planning considerations and strike a proper balance between public interest and private development rights. For the subject representation site, she said that as there was currently no PR/GFA control on the subject OZP, that was why the representer claimed that it could be built up to a maximum PR of 15 as permitted under B(P)R. Under a BHR of 30mPD, the site of AML 10 would not be able to accommodate a PR of 15. However, other than development potential under the lease, she said that Members should also take into account other planning considerations, in particular, the urban design principle that development at the waterfront should be low-rise.

135. Two Members asked if the protection of ridgeline behind the site and the preservation of view from the Pok Fu Lam Road area could be regarded as relevant planning considerations in determining whether the relaxation of BHRs as proposed by the representer should be granted for the site. The Secretary said that they were relevant planning considerations and in considering the representation proposal, Members should consider whether there were sufficient justifications for the proposal and whether the proposal would affect the surrounding environment. Another Member asked if PlanD could further study the BHR for AML 10 while the BHR of 30mPD at AML 11 could be maintained to reflect the existing BH.

136. Mr. Jimmy Leung, Director of Planning, pointed out that as a general principle in formulating the BHRs on OZPs, the BHRs imposed on private development sites (except for “G/IC” and “OU” sites) would be able to accommodate the maximum PR/GFA as stipulated on the OZP, taking into account the lease restrictions. Besides, he also considered that the demand for cold storage and the operation and expansion needs of the existing building were relevant considerations. In this regard, Mr. Jimmy Leung was of the view that there was scope to relax the BHR at the site and reference could be made to the ridgeline behind the site and the maintenance of 20% to 30% building free zone. He also

noted that the representer had provided photomontages of the alternative proposal and he considered that a detailed development scheme should not be a prerequisite for the consideration of the representation. On the demand for cold storage, the Chairman commented that it would be difficult to verify the information provided by the representer.

137. In response to a Member's enquiry, the Secretary said that all submissions and presentation made by the representers including the proposals submitted at the hearing were part of the hearing and would be put under proper record. However, the future development at the representation site would not be bounded by the development schemes submitted or presented by the representers at the hearing.

138. A Member asked whether there was opportunity to lower the BHR of the adjacent Hing Wai Ice and Cold Storage site (with existing BH of 53mPD) which was currently subject to a BHR of 110mPD. The Secretary replied that as the site was not subject to any representation in respect of the subject OZP, any proposed amendment to the BHR of the site would need to be undertaken in the next round of OZP amendments to be gazetted under s.7 of the Ordinance.

139. Mr. Jimmy Leung, Director of Planning, said that the statutory hearing process under the Ordinance was to provide opportunity for the representers to present their grounds and proposals directly to the Board. Hence, if there was any information presented by the representers that could not be verified at the hearing, he considered that further investigation should be carried out before the Board made the decision.

140. Miss Annie Tam, Director of Lands, said that she would reserve her position on both the comment of DPO/HK and that of the representer. If LandsD's advice was required, PlanD would need to write to LandsD to clearly set out those issues on which the advice of LandsD was sought. After some discussion, Members agreed to defer the consideration of R10 subject to further review study on the BHR for the site by PlanD and pending LandsD's advice on the lease entitlement of the site.

R11 and R12 (Tang Fung Street)

141. The Secretary said that according to the ES of the OZP, the eastern end of Tang Fung Street was designated as NBA so as to maintain air ventilation on Tang Fung Street and Ka Wo Street. However, through the s.16 planning application system, the Board would be able to scrutinize any proposal which could address the air ventilation problem in an alternative way, such as the use of a perforated podium not taller than 15m high across Tang Fung Street. Having noted the proposals presented by R11 and R12, Members did not consider that there was any planning and design merits of the proposals which justified relaxation of the BHRs or deletion of the NBA. A Member agreed that the 5m setback from Tang Fung Street proposed by R11 would improve air ventilation but would not justify a relaxation of BHR. Members said that if the representers intended to pursue the proposals presented, they could submit a s.16 application for minor relaxation of BHR, and demonstrated to the Board the merits of such a development scheme.

R13 (Main Street, Ap Lei Chau)

142. The Chairman said that for Marina Habitat quoted by R13, the existing BH of about 139mPD to 141mPD was considered rather incompatible with the waterfront and it was considered inappropriate to take the height of this high-rise development as reference in formulating BHR for the site. Members also noted that the BHRs would not result in larger building bulk and whether a building was bulky or massive depended on such factors as form and design of the building. Members noted that the 2-tier BHRs were imposed to areas predominated by small lots to cater for site amalgamation for more comprehensive development and inclusion of some necessary on-site parking and loading/unloading facilities. The threshold of 400m² for the 2-tier BHR represented a reasonable minimum site size to accommodate on-site car parking and loading/unloading facilities. Members did not agree to the grounds of representation and the representer's proposal.

Representation No. R5

143. After deliberation, Members noted the comments on the land use planning for

the ex-WCHE site in R5. Members also noted that the ex-WCHE site had been rezoned to “CDA” on the current OZP to ensure adequate planning control over the development mix, scale, design and layout of the development. At least 3 air/visual corridors would be provided and the future development would not create wall effect. The ES to the OZP had specified the GIC facilities to be provided in the development. A Planning Brief will be prepared to set out the detailed planning requirements to guide the future development, including the provision of GIC facilities.

Representation No. R10

144. After deliberation, Members agreed to defer the consideration of R10 subject to further review study on the BHR for the Hong Kong Ice and Cold Storage site by PlanD, and LandsD’s advice on the lease entitlement of the site.

145. After deliberation, Members generally agreed not to uphold all the remaining representations and then went through the reasons for not upholding the remaining representations as stated in paragraphs 6.2 of the Paper and considered that they should be suitably amended to reflect Members’ view as expressed at the meeting.

Representation No. R1

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

- (a) the imposition of the BHRs was to provide better planning control in guiding development/redevelopment and to avoid excessively tall buildings and out-of-context developments. The BHRs were imposed in the public interest and had struck a proper balance between public aspirations for a better living environment and private development rights; and
- (b) as the incorporation of BHRs did not involve any restriction on the

PR/GFA, there would not be any adverse impacts on the overall supply of residential flats and the property price.

Representation No. R2

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

General

- (a) the stipulation of BHR was an effort to provide better planning control over developments/redevelopments. The BHRs had been formulated based on reasonable assumptions with allowance for design flexibility. The imposition of BHRs would not lead to wall or canyon effect. The imposition of BHRs did not involve relaxation of development intensity and would therefore not worsen the vehicular/pedestrian traffic conditions;
- (b) a blanket imposition of PR restrictions on the Area would have significant ramifications and had to be carefully considered. GFA/PR restrictions had been imposed on the OZP for specific large-scale residential sites;

Specific Sites/Areas

- (c) more stringent BHRs for the Main Street, Ap Lei Chau area and the “R(A)2” sites in Tin Wan and Aberdeen as proposed would pose undue development constraints. It would not be desirable to delete the relaxation of BHR for larger sites under the 2-tier BHRs. The relaxation was to cater for site amalgamation which had the merits of optimizing land resources and providing opportunities for local improvement to address issues including provision of on-site parking and loading/unloading facilities, facilitating better floor plate design, mitigating site constraints and improving air ventilation through suitable building design. It was now Government policy that full GFA exemption would be given to basement carpark;

- (d) the roads and pavements in the said areas were generally adequate. The proposal for mandatory street level setback might induce severe development constraints for the small lots;
- (e) under the “R(A)2” zoning, retail shop was always permitted on the lowest three floors. The proposal to require that all ground floor areas must include retail use was considered inappropriate and unnecessary;
- (f) the ex-Wong Chuk Hang Estate site had been rezoned to “CDA” on the current OZP and the BHR had been reduced from 155mPD to 150mPD. The BHR of 150mPD would avoid excessively tall buildings while allowing scope for design enhancement measures including stepped height profile within the site, provision of air/visual corridors, terraced and cascade planting on podium. Lowering the BHR would limit the scope of height variation as well as design and layout flexibility. The proposal for setting back the boundary of the ex-Wong Chuk Hang Estate site from the nullah would be in conflict with the design of the rail depot of SIL(E) to be constructed on the site. Furthermore, the nullah proposed to be decked over would be developed into a public transport interchange underneath the railway station, which was intended to be integrated with the property development; and
- (g) the BHR for Yue Kwong Chuen would allow reasonable scope of redevelopment while avoiding out-of-context developments with the surrounding areas. More stringent BHR would impose undue development constraints and have adverse impact on the incentive in redevelopment of the public housing estate. There was no justification to require designation of 30% of the ground level in Yue Kwong Chuen as NBA to attract pedestrians as the site did not lie in the pedestrian corridor in the area.

Representations No. R3, R4 and R6

148. After further deliberation, the Board decided not to uphold Representation No. R3, R4 and R6 for the following reasons:

- (a) the ex-Wong Chuk Hang Estate site had been rezoned to “CDA” on the current OZP and the BHR had been reduced from 155mPD to 150mPD. The BHR had taken into account the proposed property development on the site, surrounding development profile, site characteristics as well as visual and air ventilation considerations. The BHR of 150mPD would avoid excessively tall buildings while allowing scope for design enhancement measures including stepped height profile within the site, provision of air/visual corridors and terraced podium. More stringent BHR or dividing the site into different BH zones would limit the scope of BH variation as well as design and layout flexibility. The Board would have sufficient control through the preparation of a Planning Brief, the requirement of planning application and MLP submission under the “CDA” zoning (R3, R4 and R6);
- (b) the Explanatory Statement to the OZP had specified the GIC facilities to be provided in the future development on the site. A Planning Brief would be prepared to guide the future development, which would set out more detailed planning requirements including the provision of GIC facilities (R4); and
- (c) under the “CDA” zoning, the future development on the site was subject to GFA restrictions. The maximum domestic GFA would not exceed a PR of 5. The provision of basement carpark within the proposed rail depot footprint was not acceptable due to the conflict with the design of the rail depot of the SIL(E) to be constructed on the site (R6).

Representation No. R7

149. After further deliberation, the Board decided not to uphold Representation No. R7 for the following reasons:

- (a) the “OU” sites in the Area form major visual relief and breathing spaces to the built-up areas. Unless there were committed proposals for known developments, the existing BHs of the “OU” sites would broadly be kept. This approach had been consistently applied in formulating the BHRs. The Hong Kong Disneyland had different planning circumstances and the BHR for that site was not comparable;
- (b) the current BHRs had taken into account the operational and expansion needs of Ocean Park and would not impose undue development or design constraints. The BHRs had already catered for the new facilities to be provided under the latest redevelopment plan and possible erection of low-rise structures in the undeveloped slopes. Amusement rides not constituting any storey were not subject to the BHRs;
- (c) a relaxation of the BHRs to 400 feet (about 122m) above ground level as stipulated in the lease was inappropriate as this would allow excessively tall buildings incongruous with the surrounding areas and create adverse visual impacts on the surrounding areas; and
- (d) in the absence of any concrete development proposal, a relaxation of BHR of the Waterfront Area (at northern part of the site) to not more than 5 storeys and a relaxation of BHR of the Summit Area (at southern part of the site) to not more than 7 storeys were inappropriate. Furthermore, there was provision for application for minor relaxation of the BHRs under the OZP and each application would be considered on its own merits. The statutory planning process would not unduly delay the provision of new facilities.

Representation No. R8

150. After further deliberation, the Board decided not to uphold Representation No. R8 for the following reasons:

- (a) the “OU” and “G/IC” sites in the Area formed major visual relief and breathing spaces to the built-up areas. Unless there were committed proposals for known developments, the existing BHs of the “OU” and “G/IC” sites would broadly be kept. This approach had been consistently applied in formulating the BHRs. It was also an urban design principle to allow only low-rise structures along the waterfront;
- (b) the proposal to relax the BHR to 120mPD (or between 85-110mPD) for the northern portion and 60mPD for the southern portion was considered inappropriate as this allowed excessively tall buildings on the waterfront and created adverse visual impacts on the surrounding areas; and
- (c) to cater for site-specific circumstances or schemes with planning or design merits, there was provision for application for minor relaxation of the BHRs under the OZP. Each application would be considered on its own merits.

Representation No. R9

151. After further deliberation, the Board decided not to uphold Representation No. R9 for the following reasons:

- (a) apart from providing GIC facilities, the “G/IC” sites in the Area also formed major visual relief and breathing spaces to the built-up areas. Unless there were committed proposals for known developments, the existing BHs of the “G/IC” sites would broadly be kept. The representation site lay on a major east-west air path in the Area and currently occupied by buildings not

taller than 3 storeys. It was considered appropriate to maintain the existing BHs to serve as a breathing space; and

- (b) the representer's proposal to relax the BH to 110mPD to cater for its redevelopment proposal was considered inappropriate as the proposal involved residential use and requires rezoning. There were concerns on the traffic, environmental, landscape and visual aspects of the proposed development.

Representations No. R11 to R13

152. After further deliberation, the Board decided not to uphold Representations No. R11 to R13 for the following reasons:

- (a) the 2-tier BHRs of 85mPD/100mPD were considered appropriate for the representation site, taking into account the site level, the location nearer to the waterfront and the need to achieve a discernible stepped height profile ascending from the waterfront to the inland areas. The BHRs were to avoid excessively tall buildings while accommodating the maximum development intensity permissible under the OZP with reasonable design flexibility. It had struck a proper balance between meeting public aspirations for a better living environment and private development interests;
- (b) piecemeal relaxation of the BHR for individual sites would jeopardize the integrity of the stepped BH profile and result in proliferation of high-rise developments, which was not in line with the objective of imposition of BHRs;
- (c) the purpose of designating NBA was to maintain air ventilation along Tang Fung Street and Ka Wo Street. The designation of the NBA would not significantly limit the development flexibility of the representation site.

There was provision for application for minor relaxation of the NBA restriction and each application would be considered on its own merits. A perforated podium not taller than 15m might be permitted on application to the Board (R11 and R12);

- (d) the 2-tier BHRs were imposed to cater for site amalgamation for better-designed developments and inclusion of on-site parking and loading/unloading and other supporting facilities. The threshold of 400m² represented a reasonable minimum site size for which a slightly higher height is allowed (R13); and
- (e) to cater for site-specific circumstances or schemes with planning or design merits, there was provision for application for minor relaxation of the BHRs under the OZP. Each application would be considered on its own merits.

Agenda Item 10

[Open Meeting]

Submission of the Draft Shek Kip Mei Outline Zoning Plan No. S/K4/24A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance
(TPB Paper No. 8451)

[The meeting was conducted in Cantonese.]

153. 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

154. Members noted that Mr. Stanley Y.F. Wong and Dr. W.K. Lo had already left the meeting while Mr. Andrew Tsang, Ms. Maggie M.K. Chan, Mr. Rock.C.N. Chen and Mr. Raymond Y.M. Chan had tendered apologies for not being able to attend the meeting. As the item was on procedural matter, Members agreed that the other Members who had declared interest on the item should be allowed to stay at the meeting. The Secretary introduced the Paper. On 9.4.2010, the draft Shek Kip Mei Outline Zoning Plan (OZP) No. S/K4/24 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of 211 valid representations were received. On 18.6.2010, the representations were published for three weeks for public comments. No comment was received. After giving consideration to the representations under section 6B(1) of the Ordinance on 3.9.2010, the Board decided not to uphold the representations.

155. After deliberation, the Board agreed:

- (a) that the draft Shek Kip Mei OZP No. S/K4/24A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft Shek Kip Mei OZP No. S/K4/24A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 11

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

156. There being no other business, the meeting closed at 6:40 p.m.