

**Minutes of 988th Meeting of the
Town Planning Board held on 29.7.2011**

Present

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

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. Walter K.L. Chan

Mr. B.W. Chan

Mr. Raymond Y.M. Chan

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Maurice W.M. Lee

Mr. Timothy K.W. Ma

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Professor S.C. Wong

Ms. Pansy L.P. Yau

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Mr. Fletch Chan

Deputy Director of Environmental Protection

Mr. Benny Wong

Director of Lands

Miss Annie Tam

Director of Planning

Mr. Jimmy Leung

Deputy Director of Planning/District

Miss Ophelia Wong

Secretary

Absent with Apologies

Mr. K.Y. Leung

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Dr. James C.W. Lau

Mr. Rock C.N. Chen

Dr. Winnie S.M. Tang

Dr. W.K. Lo

Dr. W.K. Yau

Mr. Stephen M.W. Yip

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

In Attendance

Assistant Director of Planning/Board
Mr. C.T. Ling

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse

Town Planner/Town Planning Board
Ms. Karina W.M. Mok

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 987th Meeting held on 15.7.2011

[The meeting was conducted in Cantonese.]

1. The minutes of the 987th Meeting held on 15.7.2011 were confirmed without amendments.

Agenda Item 2

Matters arising items (i) and (ii)

[Closed Meeting]

2. Matters arising items (i) and (ii) were recorded under confidential cover.

Matters arising item (iii)

[Open Meeting]

Letter dated 28.7.2011 from the Indigenous Villagers' Representatives of the Pak Lap Village, Sai Kung

[The meeting was conducted in Cantonese.]

3. The Secretary said that the following Members had declared interest in this item:

Ms. Anna S.Y. Kwong - being the consultant for a proposed international boarding school in the area

Mr. Stephen M.W. Yip - being a former consultant of the Executive Committee under the Sai Kung North Rural Committee

4. Members noted that Mr. Stephen M.W. Yip had tendered an apology for being unable to attend the meeting and agreed that the interest of Ms. Anna S.Y. Kwong was direct and substantial and hence she should withdraw from the meeting.

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

5. The Secretary said that a letter dated 28.7.2011 from two Indigenous Villagers' Representatives (VRs) of the Pak Lap Village, Sai Kung was tabled at the meeting. They raised concerns on designating the entire Development Permission Area (DPA) Plan area as "Unspecified Use" area on the draft Pak Lap DPA Plan No. DPA/SK-PL/1 and submitted detailed proposals for the area. The VRs claimed that the detailed proposals were only submitted at this stage as they were not familiar with the procedures of the Town Planning Board. The Secretary said that the representation hearing process in respect of the draft Pak Lap DPA Plan had been completed. However, in accordance with section 20(5) of the Town Planning Ordinance, the DPA Plan was effective for a period of three years and after which it had to be replaced by an Outline Zoning Plan (OZP). She suggested referring the letter to the Planning Department (PlanD) so that the detailed proposals as contained in the letter could be taken into account by PlanD in preparing the OZP for the Pak Lap area. Members agreed.

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

Hong Kong District

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Consideration of Further Representations to the
Draft Wan Chai Outline Zoning Plan No. S/H5/26
(TPB Paper No. 8874)

[The hearing was conducted in English and Cantonese.]

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

Mr. K.Y. Leung - his spouse owned a flat on Lockhart Road

- Mr. Laurence L.J. Li - owned a flat in Wan Chai
- Ms. Julia M.K. Lau - owned properties at Star Street
- Mr. Rock C.N. Chen - owned a flat at Star Street
- Mr. Raymond Y.M. Chan - had current business dealings with Swire Properties Limited (Swire). F2's proposal covered Three Pacific Place which was owned by Swire and the relevant representation (R98) was submitted by Swire

7. Members noted that Mr. K.Y. Leung and Mr. Rock C.N. Chen had tendered apologies for being unable to attend the meeting whereas Mr. Laurence L.J. Li, Ms. Julia M.K. Lau and Mr. Raymond Y.M. Chan had not yet arrived at the meeting.

8. Mr. Walter K.L. Chan, having a property near the Wan Chai Market which could not be viewed from the further representation site, and Mr. Timothy K.W. Ma, being a member of the Executive Committee of the Hong Kong Council of Social Services, also declared their interests in this item. Members considered that their interests were indirect and agreed that they could stay at the meeting.

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

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

10. The following representatives from the Planning Department (PlanD) were invited to the meeting:

- Ms. Brenda Au - District Planning Officer/Hong Kong (DPO/HK), PlanD
- Mr. Louis Kau - Senior Town Planner/Hong Kong (STP/HK), PlanD

11. The following representatives of the further representer/representers and the

commenter were also invited to the meeting:

F2 - One Queen's Road East Ltd.

R98 - Swire Properties Ltd.

R99 - Sino Flagship Investments Ltd.

R100- Super Gear Investment Ltd.

Mr. Ian Brownlee]

Ms. Anna Wong] Representatives of F2 and R98-R100

Mr. James Fan]

C2 – Mr. Ng Yin Keung (Convenor of Wan Chai District, Civic Party)

Mr. Ng Yin Keung - Commenter

12. The Chairman extended a welcome and explained the procedures of the hearing to the representatives of the further representer/representers and the commenter. He then invited DPO/HK to brief Members on the further representations.

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

Background

- (a) 24.9.2010, the draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/26, incorporating mainly amendments to impose building height restrictions (BHRs), rezoning of “Commercial/Residential” (“C/R”) sites and other rezoning proposals, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 106 representations and 293 comments were received during the statutory publication periods of the draft OZP and the representations respectively;
- (b) after giving consideration to the representations and comments on 26.4.2011, the Town Planning Board (the Board) decided to propose amendments to the OZP to partially meet three representations (R98-R100) and not to uphold the remaining representations. On

13.5.2011, the Board agreed that the proposed amendments, which included the rezoning of the sites at 8-10 and 12-18 Wing Fung Street (the subject site) from “Residential (Group A)” (“R(A)”) to “Commercial (7)” (“C(7)”) with a BHR of 120mPD and with a requirement that any redevelopment for commercial/office use be subject to the approval by the Board to ensure that there would be no adverse traffic impact, were suitable for publication for further representation under section 6(C)2 of the Ordinance. On 20.5.2011, the proposed amendments were published and two further representations were received during the statutory publication period;

Further Representation No. 1

- (c) F1, submitted by Mr. David Lai, a Wan Chai District Council (DC) Member, supported the proposed rezoning of the subject site from “R(A)” to “C(7)” with a BHR of 120mPD with a condition of adding front setback to allow widening of street/walkway. It should be noted that the requirement of 1m setback from the lot boundaries fronting Wing Fung Street had already been proposed for the subject site for better air ventilation;

Further Representation No. 2

- (d) F2, submitted by One Queen’s Road East Ltd., supported in principle the rezoning of the subject site from “R(A)” to “Commercial” (“C”), but opposed the requirement for planning permission for commercial/office development, which needed to be accompanied by a traffic impact assessment (TIA), under the proposed “C(7)” zone on the following main grounds as stated in paragraph 2.3 of the Paper:
 - (i) the proposed amendments did not enable F2’s intention of extending the Three Pacific Place development into the subject site for a comprehensive redevelopment at the amalgamated site to be implemented;

- (ii) an initial conceptual extension scheme had been prepared by F2. The extension would enable a more comprehensive design of a single Grade A office development at the amalgamated site instead of having the existing Three Pacific Place and two small office developments to be redeveloped at the subject site. Under the extension scheme, internal transport facilities could be provided in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) which would not be possible if the subject site was to be redeveloped on its own. The proposed extension could also reduce the number of vehicular ingress/egress points;
- (iii) an updated TIA had been undertaken to address the initial comments of the Transport Department (TD) on the TIA submitted by R98-R100 at the TPB meeting on 26.4.2011. The TIA concluded that the traffic impact on the surrounding road network due to the proposed extension was minimal;
- (iv) although 'Eating Place', 'Office' and 'Shops and Services' uses were always permitted under the "C(7)" zone, Remark (7) in the Notes for the "C(7)" zone stipulated that planning permission was required for any redevelopment or in-situ conversion of an existing building from a residential building to a commercial/office building. This effectively made these uses permissible only on application to the Board and hence confused their status. It was considered that there was no need for the proposed commercial/office uses to be subject to a planning application; and
- (v) there was inconsistent setback requirement as shown in the Remarks to the Notes of the "C" zone and Plan 1 attached to the Explanatory Statement (ES) of the OZP;
- (e) F2 proposed to rezone the subject site from "C(7)" to "C(6)" (which currently only covered Three Pacific Place and subject to a BHR of 180mPD) with same individual BHRs and amend the Notes of the "C"

zone by combining Remarks (6) and (7) with the deletion of the requirement for planning permission for commercial/office development;

(f) PlanD's responses to the further representation of F2 were highlighted in paragraphs 3.6 to 3.13 of the Paper and summarised below :

(i) Amalgamated commercial/office development: the proposed "C(7)" zoning with a BHR of 120mPD for the subject site was intended to cater for the amalgamation of the subject site with Three Pacific Place for commercial/office development having regard to R98-R100's proposal. However, based on the upper ground floor plan submitted by F2, a strip of the existing open space in Three Pacific Place under the "C(6)" zone would be affected by the proposed amalgamated development and need to be re-provisioned in the subject site which was under "C(7)" zone. In such circumstances, the provision of not less than 1,650m² public open space at street level as stipulated in the Remark 6 for the "C(6)" zone could not be met. To overcome this, it would be necessary to rezone the subject site from "C(7)" to "C(6)" and combine the Remarks of "C(6)" and "C(7)" where appropriate. Moreover, it was agreed that the proposed rezoning of the subject site to "C(6)" would provide further flexibility for the provision of the open space so as to meet the statutory requirement on the OZP;

(ii) TIA: the Commissioner for Transport (C for T) considered that the updated TIA submitted by F2 had not sufficiently addressed the following issues:

- the traffic generation rates used in forecasting future traffic were only based on the rates for office use under the Transport Planning and Design Manual;
- the comparison between 2005 and 2009 was not reliable due to the "economic tsunami" in 2008/09 and the average traffic growth rate needed to be justified;

- the proposed Hopewell Centre II development had not been included in the assessment;
- the performance of one of the most important junctions at Queen Road East/Wing Fung Street and the impact of the extension proposal on pedestrian traffic and public transport demand had not been assessed; and
- details of junction assessment particularly for Queen's Road East/Wing Fung Street were not provided;

- (iii) Confusion for "Uses Always Permitted": the requirement for planning permission under Remark (7) for the "C(7)" zone was only applicable to in-situ conversion/redevelopment of the existing residential buildings at the subject site for commercial/office uses. This was to ensure that the proposed commercial/office development would not have adverse traffic impact. Once the existing residential buildings had been converted/redeveloped for commercial/office uses, the requirement for planning permission would no longer be required for further redevelopment for a commercial/office building. The Notes had been refined to put the above intention beyond doubt. In this regard, it would not cause confusion on the uses which were always permitted under the "C" zoning;
- (iv) Inconsistent setback requirement: with the rezoning of the subject site to "C(6)" and the combination of the Remarks of "C(6)" and "C(7)", the 1m setback requirement fronting Wing Fung Street for both the Three Pacific Place site and the subject site would be stipulated in the new Remarks for "C(6)" zone. Paragraph 8.1.6 of the ES of the OZP would also be revised accordingly; and
- (v) Deletion of the requirement for planning permission: C for T advised that different uses had different traffic generation

patterns and hence the traffic impact of any redevelopment would depend on the actual use or mix of uses. The actual redevelopment of the subject site might be different from the initial conceptual scheme on which the TIA was prepared, particularly as it could be carried out independently from Three Pacific Place and a wide range of uses were permissible under the “C” zone. There were also a number of planned/on-going substantial developments in Wan Chai South. By the time when the redevelopment of the subject site would actually take place, the traffic condition in the area might have changed. In this regard, relinquishing the planning permission requirement would let go the opportunity to require the developer to implement traffic measures (e.g. enhancement works on local roads or management measures controlling the traffic generated from/attracted to the redevelopment), if necessary; and

- (vi) in light of the above, PlanD proposed to rezone the subject site from “C(7)” to “C(6)” and amend the Notes of the “C” zone by including sub-areas (a) and (b) in the “C(6)” zone for the Three Pacific Place site and the subject site respectively as well as deleting the Remarks for “C(7)” zone. However, in view of C for T’s views and the deficiency of the updated TIA, F2’s proposal of deleting the requirement for planning permission for commercial/office development was not supported. This would ensure that the traffic impact of the future redevelopment of the existing residential buildings to commercial/office uses could be fully addressed.

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

14. The Chairman then invited the representatives of the further representer/representers and the commenter to elaborate on their submissions.

R98 - Swire Properties Ltd.

R99 - Sino Flagship Investments Ltd.

R100 - Super Gear Investment Ltd.

15. Mr. Ian Brownlee made the following main points:

- (a) PlanD's recommendation to rezone the subject site from "C(7)" to "C(6)" was fully supported as it could allow amalgamation of the subject site with the Three Pacific Place site, thereby enabling a good integrated design of commercial/office development to be implemented at the amalgamated site and the affected open space to be reprovisioned within the amalgamated site in a sensible manner;
- (b) the remaining issue was related to the traffic impact of the future redevelopment of the subject site for commercial/office uses. While R98-R100 had submitted a TIA on this issue and F2 had updated it to address TD's concerns, the updated TIA was considered not acceptable by TD. PlanD recommended that a s.16 planning application had to be submitted to the Board to demonstrate that the future redevelopment of the subject site for commercial/office uses would not cause adverse traffic impact. As the design of the future redevelopment at the subject site would be clearly defined with the imposition of the BHR and setback requirement for the "C(6)" zone and the requirement for planning permission was only to address the traffic concern, the aforesaid PlanD's recommendation was considered acceptable by F2; and
- (c) PlanD's recommendations were also supported by R98-R100.

C2 – Mr. Ng Yin Keung (Convenor of Wan Chai District, Civic Party)

16. Mr. Ng Yin Keung made the following main points:

- (a) it was noted that other than the further representers, only the relevant original representers and commenters in relation to the proposed

amendments under s.6C(2) of the Ordinance were invited to the further hearing. The residents in the neighbouring “R(A)” zone which was also subject to a BHR of 100mPD were not invited. They had not made any representations during the statutory publication period of the draft OZP because the subject site was originally zoned “R(A)” subject to a BHR of 100mPD. In addition, apart from the relevant original representers/commenters, other representers might have comments on the proposed amendments. In this regard, he asked why persons other than the relevant original representers/commenters were not invited to the further hearing;

- (b) F1 supported the proposed rezoning of the subject site from “R(A)” to “C(7)” and a BHR of 120mPD for the zone with a condition of providing front setback to allow widening of street/walkway. However, Members should note that the subject site was already subject to a setback requirement of 1m fronting Wing Fung Street and the provision of setback should not be a reason for allowing the 20m increase in BHR from 100mPD to 120mPD;
- (c) the subject site was originally zoned “R(A)” with a BHR of 100mPD. He asked why the zoning and BHR of the subject site could be amended but not the “R(A)” zone in the surrounding. There should be sufficient justifications to amend the zoning of a site. The proposed amendment in BHR was a very special case as a 20% increase in the BHR for the site was not minor. According to this understanding, strong justifications would have to be provided even for a s.16 application for minor relaxation of BHR by 6m as in the case of a development at Shui Fai Terrace; and
- (d) the total area of the “C” zone on the draft OZP had increased from 1.53ha to 20.39ha. The extent of increase was substantial and would have implications on traffic and environmental aspects. The provision of government, institution or community facilities would also be inadequate. TD’s concern on the deficiency of the TIA and PlanD’s recommendation

to retain the requirement for planning permission for commercial/office uses at the site to ensure that such uses would not cause adverse traffic impact was supported.

17. As the representatives of the further presenter/representers and the commenter had completed their presentations, the Chairman then invited questions from Members.

18. The Chairman asked DPO/HK to explain about the arrangement of the further hearing. Mr. Brenda Au said that if the Board decided to propose amendments to the draft OZP after giving consideration to the representations and comments, a notice on the availability of the proposed amendments for further representation would be published in the gazette. Any person (other than the original representers and commenters relating to the proposed amendments) could submit further representation to the Board in respect of the proposed amendments during the statutory publication period. If the residents of the surrounding "R(A)" zone did not agree with the proposed amendments for the subject site, they could submit further representations. If opposing further representations were received, the Board would hold a meeting to hear and consider the further representations. According to s.6F(3) of the Ordinance, only the relevant representers/commenters/further representers would be invited to attend the further hearing.

19. Mr. Ng Yin Keung asked if the residents of the "R(A)" sites in the surrounding areas, including those near Hopewell Centre, had been informed of the proposed amendments for the subject site. Many local residents who had made representations/comments on the draft OZP had attended the hearing on 26.4.2011, but they were not aware of the proposed amendments made by the Board and hence did not provide comments on the proposed amendments at that time. Also, the relevant documents provided by the Board were too bulky for the residents to read.

20. In response, Ms. Brenda Au said that the decisions of the Board on 26.4.2011 to partially meet R98-R100 by proposing amendments to the draft OZP were recorded in the minutes of the meeting which had been sent to all the original representers and comments. The proposed amendments had been published for further representations. Normally, DC Members would consult the local residents of the proposed amendments,

although she was not sure if the same had been done by the relevant DC Members for the subject proposed amendments. The Secretary added that apart from the above, the Board would also publish a notice in newspapers and send the notice to the relevant District Office and DC Members to inform them about the availability of the proposed amendments for inspection and further representations. A Member asked if there were provisions for the public to submit comments on the proposed amendments upon their gazettal. The Secretary replied that according to s.6D(1) of the Ordinance, any person (other than the representers and commenters relating to the proposed amendments) could make further representation to the Board in respect of the proposed amendments during the first three weeks of the public inspection period of the proposed amendments.

21. Regarding C2's concerns on rezoning the subject site to "C" and increasing its BHR from 100mPD to 120mPD, Ms. Brenda Au said that in considering the original representations and comments on 26.4.2011, Members had already noted that PlanD had conducted a land use review in 2008 for the area to the southwest of the junction between Hennessy Road and Johnston Road near Three Pacific Place, including the subject site. According to the land use review, the area was located immediately adjacent to the Central Business District at Central and Admiralty and many sites in the area had been developed for commercial/office uses. As such, the area possessed great potential to be redeveloped for commercial use. However, TD had raised traffic concern and considered that a TIA was required to ascertain the development intensity of individual sites or the area as a whole. In view of TD's concern, the land use review recommended to retain the "R(A)" zoning for the area such that commercial uses under the "R(A)" zoning would have to apply for planning permission from the Board and supported by a TIA to ensure no adverse traffic impact. With the rezoning of the subject site for commercial use, a higher BHR of 120mPD was proposed taking into account that the higher floor-to-floor-height of commercial use as compared to residential use. With the aid of a plan showing the stepped height profile of 100mPD, 120mPD and 140mPD in the surrounding area, the integrity of the overall stepped height profile in the area would not be jeopardized when the BHR of the subject site was increased to 120mPD.

22. A Member noted that C2 was concerned with the increase of the BHR for the subject site from 100mPD to 120mPD which was considered not minor. This Member asked DPO/HK about the planning considerations in relaxing the BHR at the plan-making

stage and s.16 planning application stage. Ms. Brenda Au said that at the plan-making stage, the overall building height concept such as the stepped height profile, topography, etc. would be taken into account in formulating the BHRs for the area. The BHRs on the OZP could also be amended by the Board after giving consideration to representations/comments/further representations. With the BHRs stipulated on the OZP, there was provision of application for minor relaxation of the BHR through the s.16 planning application system so as to cater for site-specific circumstances and schemes with planning and design merits.

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

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

Deliberation

24. The Chairman noted F1's support of the proposed rezoning of the subject site from "R(A)" to "C(7)" with a BHR of 120mPD. Regarding the requirement for adding front setback to allow widening of street/walkway raised by F1, it was noted that the requirement of 1m setback from the lot boundaries fronting Wing Fung Street had already been proposed for the subject site. Regarding F2, it was noted that the representative of F2 had no objection to PlanD's recommendations of rezoning the subject site from "C(7)" to "C(6)" with the same individual BHRs and retaining the requirement for planning permission for commercial/office uses for the subject site at the meeting. DPO/HK had explained that the proposed rezoning of the subject site would provide further flexibility for the provision of the open space so as to meet the statutory requirement on the OZP. According to the District Officer (Wan Chai), local complaints on the noise generated by people gathering at the open space near Three Pacific Place were received from time to time and hence the relocation of the concerned open space might attract local objection.

However, planning permission for the commercial/office uses at the site would be required and hence the design of the open space could be further examined at the planning application stage. After discussions, Members agreed that the subject site should be rezoned from “C(7)” to “C(6)” with the same individual BHRs and the requirement for planning permission for any in-situ conversion/redevelopment of the existing residential buildings for commercial/office uses should be retained to ensure no adverse traffic impact.

25. Regarding a Member’s question about the relaxation of BHR at the plan-making stage and s.16 planning application stage, Mr. Jimmy C.F. Leung said that at the plan-making stage, the Board could amend the BHRs after taking into account all relevant considerations and there was no restriction to a “minor” extent. However, if there was only provision for application for “minor” relaxation of the BHR under the Notes of the OZP, the extent of the relaxation would have to be “minor”. The set of criteria for considering such applications was set out in the Explanatory Statement of the OZP.

Further Representation No. F1

26. After further deliberation, the Town Planning Board (the Board) noted the support of Further Representation No. F1.

Further Representation No. F2

27. After further deliberation, the Town Planning Board (the Board) noted the support of Further Representation No. F2 to the proposed “Commercial” zoning for the sites at 8-10 and 12-18 Wing Fung Street (the subject site) and decided to partially uphold F2 by rezoning the subject site from “Commercial (7)” (“C(7)”) to “Commercial (6)” (“C(6)”) and amending the Notes of the “C” zone by including sub-areas (a) and (b) in the “C(6)” zone for the Three Pacific Place site and the subject site respectively, refining the need for planning permission only for in-situ conversion/redevelopment of an existing building from a residential building to a commercial/office building as well as deleting the Remarks for the “C(7)” zone.

28. The Board also decided not to uphold the remaining part of F2 for the following reason:

- it was appropriate to retain the requirement for planning permission for any in-situ conversion/redevelopment of the existing residential buildings for commercial/office uses on the subject site so as to ensure that such commercial/office development would not have any adverse traffic impact on the surrounding areas.

29. The Board also agreed that :

- (a) the draft Wan Chai Outline Zoning Plan (OZP) No. S.H5/26 should be amended by the proposed amendments as further varied and such amendments should form part of the draft OZP. In accordance with section 6H of the Town Planning Ordinance (the Ordinance), the OZP should thereafter be read as including the amendments;
- (b) the amendments should be made available for public inspection until the Chief Executive in Council had made a decision in respect of the draft OZP under section 9 of the Ordinance; and
- (c) administratively, the Building Authority and relevant government departments would be informed of the decision of the Board and would be provided with a copy/copies of the amendments.

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

Tuen Mun and Yuen Long District

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TM-LTY Y/209

Temporary Vehicle Repair Workshop and Warehouse for a Period of 3 Years

in “Village Type Development” zone, Lot 1996 S.B RP (Part) in D.D. 130

and Adjoining Government Land, Lam Tei, Tuen Mun

(TPB Paper No. 8872)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

30. 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. Tang Kei Cheung - Applicant’s representative

31. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/TMYL to brief Members on the review application.

[Ms. Julia M.K. Lau and Mr. Raymond Y.M. Chan arrived to join the meeting at this point.]

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

- (a) the applicant sought planning permission for temporary vehicle repair workshop and warehouse for a period of three years at a site zoned “Village Type Development” (“V”) on the approved Lam Tei & Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY Y/6;

- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 1.4.2011 for the following reasons:
- (i) the development was not in line with the planning intention of the “V” zone. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
 - (ii) the development was not compatible with the uses of the surrounding areas in particular the residential use to the east and southeast of the site. There was no information in the submission to demonstrate that the temporary uses would not generate adverse environmental impacts on the surrounding areas; and
 - (iii) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area;
- (c) the applicant applied for review on 3.5.2011, but had not submitted written representation in support of the review;
- (d) according to the applicant’s information, there were a two-storey structure, a toilet and a canopy at the site. Regarding the two-storey structure, the ground floor was a car repairing area with five car parking spaces and the first floor was for storage and ancillary office. Site photos showing the site and its surrounding areas were shown to Members;
- (e) the site was the subject of three previous applications (No. A/TM-LTYYY/112, A/TM-LTYYY/145 and A/TM-LTYYY/180) which were submitted by the same applicant and another person for temporary car exhibition area and office for a period of three years or renewal of

planning approval for the same use and were approved by the Committee between 2003 and 2009. However, the last two applications were subsequently revoked due to non-compliance with approval conditions on traffic and fire safety aspects;

- (f) there was no similar application for temporary vehicle repair workshop and warehouse in the same “V” zone. Nevertheless, there were three similar applications in the nearby “V” zone to the northeast across Shun Tat Street. Application No. A/TM-LTY Y/27 was for temporary vehicle repair workshop for a period of 12 months. Application No. A/TM-LTY Y/128 was for temporary vehicle repair workshop, sales and purchase of vehicles and ancillary office for a period of three years. Application No. A/TM-LTY Y/130 for temporary dump truck park and ancillary self-service repair workshop for a period of three years. They were rejected by the Committee/Board between 1998 and 2006. The main reasons for rejection of these applications were that the proposed development was not in line with the planning intention of “V” zone; the development was not compatible with the surrounding areas; and there was no information in the submission to demonstrate that the development would not have adverse drainage and environmental impacts on the surrounding areas;

- (g) the departmental comments on the review application were summarised in paragraph 4 of the Paper. The Director of Environmental Protection (DEP) advised that the applicant should follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the potential environmental impacts on the surrounding areas. According to the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD), there was no Small House application within the subject lot. However, Small House grants had been given at some sites in close vicinity, including House Nos. 245B and 245C as well as another one to the immediate west of House No. 245C;

- (h) one public comment was received during the publication period of the review application. The commenter supported the application as the development did not affect pedestrians;

- (i) PlanD's view - PlanD did not support the review application based on the assessments in paragraph 6 of the Paper which were summarised below:
 - (i) the development was not in line with the planning intention of the "V" zone which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;

 - (ii) there were a number of residential dwellings to the east and southeast of the site. The nearest village house at the southeast was about 5m from the site boundary. Three Small Houses to the immediate south of the site across a footpath had been approved by DLO/TM. Two of them (i.e. House Nos. 245B and 245C) had been developed. As such, the development was not compatible with the residential use in the surrounding areas;

 - (iii) there had been no approval for temporary vehicle repair workshop and warehouse within the same "V" zone. The three similar applications for temporary vehicle workshop within the nearby "V" zone to the northeast across Shun Tat Street were all rejected. The approval of the application would thus set an undesirable precedent;

 - (iv) the three previous applications at the site were submitted by the same applicant together with another person, although the applied uses were different from the current application. Two of them

(Applications No. A/TM-LTY/145 and 180) had been revoked due to non-compliance of approval conditions; and

- (v) there had been no major change in planning circumstances since the RNTPC meeting on 1.4.2011. As such, PlanD maintained its previous view of not supporting the application.

33. The Chairman then invited the applicant's representative to elaborate on the review application. Mr. Tang Kei Cheung made the following main points:

- (a) the applicant was an indigenous villager and would apply for Small House grant at the subject site. The subject application was only to allow the temporary use of the site for the applied uses;
- (b) the "existing use" of the site was for open storage and hence the site could be used for open storage at any time. If the subject application was rejected by the Board, the site could be used for open storage. As compared with the vehicle repair workshop and warehouse uses under application, open storage use would have greater environmental impacts on the surrounding areas; and
- (c) if the Board decided to approve the application, approval conditions could be imposed to ensure that the applied uses would not cause adverse impacts on the surrounding areas;

34. Noting that the applicant mentioned that he would apply for Small House grant, the Chairman asked if the applicant would build the Small House at the subject site. Mr. Tang Kei Cheung replied that the applicant or his relative intended to build Small House at the subject site though part of the site might encroach onto the adjoining government land. A Member asked if the applicant had any relationship with the proposed Small House to the southwest of the subject site as shown on Plan R-2 of the Paper. Ms. Amy Cheung said that there was no such information at hand.

35. The Chairman asked if the "existing use" of the subject site was for open

storage as claimed by the applicant's representative. Ms. Amy Cheung said that it was the responsibility of the applicant to provide evidence to prove that the "existing use" of the site was for open storage. Mr. Tang Kei Cheung said that the subject site was for open storage use as shown on the aerial photos No. CN22675 and A21456 taken in 1990 and 1991.

36. The Chairman asked if any complaints had been received against the existing vehicle repair workshop and warehouse at the subject site. Ms. Amy Cheung said that no complaint against the applied uses was received during the statutory publication period of the application at the s.16 and s.17 stages. DEP had received four water pollution complaints in 2009 and one water pollution complaint in 2010 in respect of the subject site. The complaints were generally about car washing at pavement and illegal discharge of effluent. However, the five complaints were not substantiated upon investigation. No complaint was received from January to March 2011.

37. A Member noted that the planning permissions granted under the previous applications in respect of the subject site had been revoked twice due to non-compliance with approval conditions. This Member asked if the applicant could provide any evidence to show that the approval conditions would be complied with if the subject application was approved. Mr. Tang Kei Cheung said that the fulfilment of approval conditions involved some technical issues. The applicant, who had not appointed professionals, was thus unable to comply with the approval conditions attached to the previous applications. For the subject application, the applicant confirmed that professionals would be appointed to handle the fulfilment of approval conditions.

38. The Chairman asked if there was any detailed information about the fulfilment of approval conditions for the previous applications. Ms. Amy Cheung said that under the first previous application No. A/TM-LTY Y/112, the applicant used about two years to discharge the approval conditions relating to the submission and implementation of drainage proposals. As for the second previous application No. A/TM-LTY Y/145, the applicant had not made any submission to comply with the approval conditions relating to the submission of a layout plan showing the arrangement of car parking spaces and proposal for vehicular access arrangement; the implementation of the vehicular access arrangement; and the provision of fire extinguisher in the site office. As for the third

previous application No. A/TM-LTYT/180, the applicant had not made any submission to comply with the approval conditions relating to the submission of a layout plan showing the arrangement of car parking spaces and proposal for vehicular access arrangement; the implementation of vehicular access arrangement; the submission of fire service installations (FSIs) proposals; and the provision of FSIs.

39. Noting that the applicant had not complied with approval conditions in a number of the previous planning permissions, the Chairman asked the applicant's representative how he could convince the Board that the approval conditions would be complied with this time. Mr. Tang Kei Cheung said that the Board could give a shorter compliance period of six months and if the approval conditions were not complied with within the specified period, the planning permission could then be revoked.

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

Deliberation Session

41. The Chairman said that though the proposed vehicle repair workshop and warehouse were within an enclosed structure and hence might have less environmental nuisance than open storage use, the track record of the applicant for failing to comply with approval conditions was a concern.

42. The Vice-chairman said that although the vehicle repair workshop and warehouse were within an enclosed structure, he noted that several cars were parked outside the application site as shown on the site photos in Plan R-4a of the Paper and this would cause nuisance to the residential use nearby. The situation could be worse if the business of the applicant improved. Moreover, the applicant had not provided any evidence showing that he would comply with the approval conditions for the subject application.

43. The Secretary said that although the RNTPC had previously approved three applications at the subject site, they were all for temporary car exhibition area and office. The nature of use was different from vehicle repair workshop and warehouse uses under the subject application. Moreover, the subject site was located within the “V” zone.

44. A Member agreed with the Vice-chairman’s view that if the business of the applicant improved, more cars would be parked outside the application site, which might cause nuisance to the pedestrians and the residential use nearby. Although the applicant’s representative indicated that the Board could give a shorter compliance period of six months to monitor the progress of compliance, he did not provide any evidence that the approval conditions would be complied with. In actual fact, a specified period of time had already been given for the applicant to comply with the approval conditions under the two previous planning permissions but yet the two permissions were revoked due to non-compliance of approval conditions.

45. The Chairman summarised Members’ views that the application could not be supported as the vehicle repair workshop and warehouse were not in line with the planning intention of the “V” zone. There were a number of residential dwellings in the surrounding area. The vehicle repair workshop and warehouse were environmentally not compatible with the surrounding residential use. There had been no approval for the applied uses within the same “V” zone and hence approval of the application would set an undesirable precedent. Moreover, the applicant had failed to comply with the approval conditions in previous planning permissions and had not provided evidence showing how the approval conditions would be complied with if the current application was approved. Members agreed.

46. After further deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 7.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone. No strong planning justification had been given in the submission to justify a departure from

the planning intention, even on a temporary basis;

- (b) the development was not compatible with the uses of the surrounding areas in particular the residential use to the east and southeast of the site. There was no information in the submission to demonstrate that the temporary uses would not generate adverse environmental impacts on the surrounding areas; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Dr. C.P. Lau arrived to join the meeting at this point.]

[A short break of 5 minutes was taken at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to
the Draft Yuen Long Outline Zoning Plan No. S/YL/19
(TPB Paper No. 8873)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

47. The following representatives from the Planning Department (PlanD) were invited to the meeting:

- Ms. Amy Cheung - District Planning Officer/Tuen Mun & Yuen Long (DPO/TMYL), PlanD
- Ms. Lam Sau Ha - Senior Town Planner/Central (STP/C), PlanD

48. The following representatives of the representers were also invited to the meeting:

R1 – Yuen Long District Council (YLDC)

Mr. Cham Ka Hung, Daniel - Representative of R1

R3 - Ping Shan Rural Committee (PSRC)

Mr. Cheung Chi Yin]

Mr. Choi Kin Sang] Representatives of R3

Mr. Wong Wing Sang]

Mr. Cheung Ka Hing]

R21 – Owners’ Committee (OC) of The Parcville

Mr. Wan Chi Wing - Representative of R21

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

50. The Chairman extended a welcome and explained the procedures of the hearing to the representers’ representatives. He then invited DPO/TMYL to brief Members on the representations and comments.

51. With the aid of a Powerpoint presentation, Ms. Amy Cheung made the following main points as detailed in the Paper:

Background

- (a) on 18.3.2011, the draft Yuen Long Outline Zoning Plan (OZP) No. S/YL/19 incorporating amendments to rezone part of the Tung Tau industrial area from “Other Specified Uses” annotated “Business” (“OU(B)”) or “OU(B)1” to “Residential (Group E)1” (“R(E)1”) and a

strip of land to the south of Chung Yip Road from “OU(B)” to ‘Road’ was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 25 representations and two comments were received during the statutory publication periods of the draft OZP and the representations respectively;

- (b) according to the Area Assessments 2009 of Industrial Land in the Territory (The Area Assessments 2009) completed by PlanD in 2010, there was scope to better utilize the land resources by rezoning some industrial sites to other suitable uses in view of the decreasing demand for flatted factory floor space in the territory, together with high vacancy rates and availability of undeveloped industrial sites in some of the industrial areas. In identifying the potential sites for rezoning, relevant planning considerations including vacancy rate, building ownership, building age, undeveloped government land, current/planned use of the sites, the surrounding land uses and other local planning circumstances had been taken into account and any rezoning proposal that might significantly affect the balance of homes and jobs would be avoided;

- (c) the Area Assessments 2009 recommended to rezone about 3.9ha of land along the nullah at the north-western edge of Tung Tau and close to the proposed comprehensive residential development at the West Rail Long Ping Station for residential use. The proposed rezoning area involved nine sites. Two sites were undeveloped Government sites, one site was under multiple ownership and the remaining six sites were under single ownership. There were seven industrial buildings within the area. Three of them had not yet been developed to the permissible plot ratio under the OZP and were seven storeys high or below. The other four buildings were 14 to 19 storeys high. Compared to the remaining area in Tung Tau, the subject area had a greater propensity for transformation to residential use as it was located at the edge of the industrial area and closer to town centre, had a higher proportion of land under Government or single ownership and lower existing plot ratios. On 17.9.2010, the Board endorsed in principle the findings and recommendations of the

Area Assessments 2009. Following the recommendations of the Area Assessments 2009, the amendments as stated in paragraph 51(a) above were agreed by the Rural and New Town Planning Committee (RNTPC) on 4.3.2011;

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

The Representations

- (d) R1-R25 opposed to the rezoning of part of the Tung Tau industrial area from “OU(B)”/“OU(B)1” to “R(E)1”. R21 also opposed to the rezoning of a strip of land from “OU(B)” to an area shown as ‘Road’. The main grounds of representations were detailed in paragraph 3.3 of the Paper and summarised below:

Need to retain land for business use

- (i) the high occupation rate of industrial/godown uses in Tung Tau industrial area showed that the demand for such uses was still high. Given the proximity to the West Rail station and single ownership for some buildings, Tung Tau industrial area had good development potential for hotel/business uses under the original “OU(B)” zone. The existing industrial use and the potential hotel/business use provided important local job opportunities (R1);
- (ii) in view of its proximity to the Mainland and increasing integration of trading between Hong Kong and the Mainland, the representation site should be retained for trading use. The Government should not rashly rezone the site because of the soaring property prices recently (R3);

Object to rezoning for residential use

- (iii) Planned plot ratio/building height (BH) not compatible with the

surroundings: rezoning the sites to allow 30-storey residential developments was not in line with the planning and development concept of Yuen Long which allowed a maximum BH of 30 storeys in the core area of the Yuen Long New Town along both sides of Castle Peak Road–Yuen Long with BH descending towards Tung Tau and Yuen Long South (R1). The planned residential developments with a plot ratio of 5 at the site were also not compatible with the existing/planned developments in the surroundings (R1 and R3). The building height restriction (BHR) of 30 storeys/85mPD for the “R(E)1” zone was higher than the originally planned BH of 20 storeys under the previous “OU(B)” zone and the height of the existing buildings in the area (i.e. 15 storeys) (R1). As there was no restriction on the site/building coverage of the planned residential developments, this would lead to excessive development intensity (R1);

- (iv) Wall effect: the wall-like residential buildings in a layout of long “L-shape” at the site would create “wall effect” causing adverse air ventilation and visual impacts (R1-R3 and R4-R20), aggravate air pollution, affect the health of nearby residents, cause heat island effect (R3 and R4-R20), damage the environment (R4-R20), block sunlight, cause glare problem (R3 and R4-R20) and adverse impact on the receipt of TV signals (R3);

- (v) Traffic/environmental impacts and security problem: the population growth and/or increased traffic flow brought by the planned residential developments at the site would cause adverse traffic impact, pedestrian safety problem, (R1-R3, R4-R20 and R22-R24), sewerage problem, light pollution, and security problem e.g. burglary, robbery, etc. (R3). As over two-third of the industrial buildings in the area would still exist, there would be environmental incompatibility problem between the planned residential developments and the industrial uses (R1 and R4-R20). The planned residential developments were also environmentally

incompatible with the sewage pumping station to the north (R1);

- (vi) Lack of technical assessments and relevant information: there was a lack of technical assessments/analysis and information (e.g. planned number of flats and population, and planned demand for community facilities) to support the rezoning (R1 and R25). Besides, no assessment data (e.g. on traffic impact) (R1 and R22-R23) and improvement proposals (R1) were provided;
- (vii) Inadequate recreational facilities: the population growth due to the planned residential developments would aggravate the problem of inadequate recreational facilities in the area (R4-R20);
- (viii) Fung shui: the planned residential buildings, looking like ancestral tablets facing the nearby villages, would have adverse psychological and physical health impacts on the nearby residents (R3 and R4-R20);
- (ix) Deviation from the Board's past decision: in the past 10 years and more, the Board had rejected five applications for rezoning for residential or residential-related uses in the Tung Tau industrial area. The Board should not adopt double standard on this matter (R1); and

Inappropriate to rezone only the peripheral area of the industrial area

- (x) rezoning only the western and northern part of the Tung Tau industrial area to residential use without considering other existing buildings in the area would cause problems of wall effect, inadequate supporting transport facilities, etc. The entire area should be considered and planned as a whole (R2);

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

- (e) the representers' proposals were detailed in paragraph 3.4 of the Paper and summarised below:
- (i) R1 proposed to review the long-term land use of Tung Tau industrial area along with the long-term development of the adjacent Yuen Long Town;
 - (ii) R2 proposed to rezone the whole Tung Tau industrial area for commercial and residential uses and relax the BHR of the whole area; and
 - (iii) R3 proposed to withdraw the rezoning proposal and restore the original business zone;

PlanD's Responses to the Representations

- (f) PlanD's responses to the grounds of representations were detailed in paragraph 4.3 of the Paper and summarised below:

Need to retain land for business use

- (i) according to the Area Assessments 2009, though Tung Tau had a lower vacancy rate than the territorial figure, the declining demand for manufacturing floor space and availability of underutilized sites had allowed scope to better utilize the land resources by rezoning certain industrial sites to other suitable uses. The representation site, as compared to the remaining area in Tung Tau, was located at the edge of the industrial area and closer to the town centre. It also had a higher proportion of land under Government or single ownership and lower existing plot ratios. As such, the site was considered to have a greater propensity for transformation to the planned residential use. The selection of the representation site for rezoning to

residential use was not a rash new taken;

- (ii) only part of the Tung Tau industrial area (3.9 ha) had been rezoned for residential use. The remaining 6.9ha of the Tung Tau industrial area under the “OU(B)”/“OU(B)1” zoning could still provide floor space for industrial/business/trading uses and hence local job opportunities. Besides, two pieces of land within the representation site had not yet been developed and were only occupied by temporary car park and bus depot. Whilst jobs that would be lost due to the rezoning might be re-created in other areas, new job opportunities would be created in the redevelopment process (e.g. construction of the planned residential developments). It was thus expected that the redevelopment to residential use at the site would be in a progressive manner and would not cause a sudden and drastic drop in local job opportunities;

Planned plot ratio/BH of the site

- (iii) the BHR under the “R(E)1” zone was 85mPD instead of 30 storeys as stated by the representers. The planning and development concept of Yuen Long Town was to achieve a stepped BH profile with the tallest BH at the town centre along Castle Peak Road (i.e. a maximum of 30 storeys) and lower BH for the areas away from the town centre including a maximum of 25 storeys for the residential area in the southern edge of Yuen Long Town and 15-20 storeys for the “OU(B)”/“OU(B)1” sites in the Tung Tau industrial area in the northern edge. The maximum BH of 85mPD (equivalent to about 25 storeys) for the “R(E)1” zone at the site thus fitted in the planned BH profile for the Yuen Long Town;
- (iv) the previous “OU(B)”/“OU(B)1” zones were subject to plot ratio restrictions of 5 and 9.5 respectively and maximum BHRs

of 15 and 20 storeys respectively. The rezoning of the site to “R(E)1” with a plot ratio restriction of 5 would lead to a reduction of the planned development intensity by about 25% (or gross floor area (GFA) of about 49,700m²). Since the floor-to-floor height assumed for residential development was lower than that of business development, the BHR of 85mPD for the “R(E)1” zone was in effect comparable to or even lower than that under the previous “OU(B)”/“OU(B)1” zones;

- (v) according to the photomontages prepared as part of the visual impact assessment (VIA) during the rezoning stage, the planned residential developments based on the “R(E)1” zoning would not cause adverse visual impact as compared to the previously planned business developments under the “OU(B)”/“OU(B)1” zonings. Photomontages showing the views from the West Rail Yuen Long Station, Long Ping Estate, I Shing Temple and The Parcville were shown to Members. Moreover, as the planned development intensity at the site would be lower under the “R(E)1” zone, the planned residential developments under “R(E)1” zoning would not cause unacceptable visual impact on the surrounding areas;
- (vi) the site coverage of the planned residential developments was regulated by the B(P)R under which the site coverage restrictions for domestic buildings were more stringent than those for non-domestic buildings. As such, the maximum permitted site coverage in “R(E)1” zone should be lower than that under the previous “OU(B)”/ “OU(B)1” zones;

Wall effect

- (vii) according to the Air Ventilation Assessment by Expert Evaluation conducted for Yuen Long Town in 2008 (the AVA), the previously planned business developments under the

“OU(B)”/“OU(B)1” zonings would not create significant adverse air ventilation impact. Since the planned development intensity permissible under the “R(E)1” zoning was lower than that under the “OU(B)”/“OU(B)1” zonings, no adverse air ventilation impact was envisaged with the rezoning of the site to “R(E)1”;

Traffic/environmental impacts and security problem

- (viii) the Commissioner for Transport (C for T) advised that the cumulative traffic impact arising from the planned residential developments had been considered. All critical junctions would operate within their capacities in the design year 2020. Adequate footpath and pedestrian crossing facilities had been provided in the vicinity and would be upgraded when necessary. Moreover, the “R(E)1” zone was intended to phase out existing industrial uses through redevelopment or conversion to residential use on application to the Board. Under the “R(E)1” zoning, new industrial developments were not permitted so as to avoid perpetuation of industrial/residential (I/R) interface problem whereas residential development would require planning permission from the Board to ensure environmental compatibility and to address potential I/R interface problems through mitigation measures. Any potential environmental problems arising from the pumping station to the north should be addressed by the future developer of the “R(E)1” sites in the application for planning approval for the residential development. There was no evidence to demonstrate that the planned residential developments would cause sewerage, security, light pollution, air pollution and glare problems, heat island effect, blockage of sunlight and obstruction of TV signals. Departments consulted did not raise concerns on these aspects;

Lack of technical assessments and information

- (ix) VIA had been undertaken and reference had been made to the AVA conducted for the Yuen Long Town. Besides, concerned departments, including C for T, had not raised adverse comments on the rezoning proposal. The increase in population and flats had also been taken into account in the technical assessments;

Inadequate recreational facilities

- (x) the existing/planned provision of open space and recreational facilities in Yuen Long area could still meet the requirements stipulated in the Hong Kong Planning Standards and Guidelines after taking into account the estimated population growth brought about by the planned residential developments;

Fung shui

- (xi) there was no evidence to demonstrate that the planned residential developments would adversely affect the psychological and physical health of nearby residents. Fung shui issue was also not a material planning consideration;

Deviation from the Board's past decision

- (xii) among the five examples of rezoning requests/applications for amendment of plan quoted by R1, four of them (No. Z/YL/P3, Z/YL/4, Z/YL/5 and Z/YL/8) were considered by the Board over ten years ago (in or before 2001). Planning circumstances have changed over these years. Besides, they were on individual sites and the Board's main concerns were that approving those piecemeal rezoning requests for residential or non-industrial uses would jeopardize the planning intention for the area.

Nevertheless, the current rezoning to “R(E)1” was based on a comprehensive review on the land use of the whole Tung Tau industrial area under the Area Assessments 2009. As for the remaining application (No. Y/YL/4), it was not comparable to the current rezoning to “R(E)1” as it proposed to amend the Notes for the entire “OU(B)” zone to facilitate consideration of residential use within the “OU(B)” zone, which was not in line with the planning intention of the “OU(B)” zone. Although I/R interface had been a major consideration for both the current rezoning and the quoted examples, the “R(E)1” zoning was considered an appropriate mechanism to address the I/R interface problem by way of the planning application system; and

Inappropriate to rezone only the peripheral area of the industrial area

- (xiii) according to the Area Assessments 2009, the site had been selected from the whole Tung Tau industrial area for rezoning for residential use taking into account of various factors as stated in paragraph 51(b) above. Moreover, the site was located at the fringe of the industrial area and would only be subject to potential I/R interface problem on the eastern and southern sides;

- (g) as detailed in paragraph 4.4 of the Paper, PlanD did not support the representers’ proposals. The long-term development of the whole Yuen Long Town, including the Tung Tau industrial area, had been considered by the Board in the rezoning of the site for residential use. The Tung Tau area was a major employment node in Yuen Long Town (other than Yuen Long Industrial Estate). In order to strike a proper balance between regeneration of old industrial areas and maintaining employment opportunities, a progressive approach in rezoning was considered more appropriate;

The Comments

- (h) as detailed in paragraphs 3.2 and 3.5 of the Paper, C1 supported the representers who objected to the rezoning of the site to residential use, mainly for reasons that residential land use which would bring in more population would exacerbate existing pedestrian congestion and air pollution problems. C1 proposed to defer the rezoning amendment until a concrete plan was drawn up to solve the concerned problems. C2 supported R1 and R3-R25 (except those justifications on fung shui ground) and did not support R2's proposal of rezoning the whole Tung Tau industrial area to commercial and residential use nor relaxing the BHR for the whole area; and

PlanD's responses to the Comments

- (i) as detailed in paragraph 4.5 of the Paper, the grounds of comments were similar to that of the representers and hence PlanD's responses to the representers were relevant. Moreover, the commenter's claim that the planned residential developments would lead to air pollution had not been substantiated. Regarding the pedestrian congestion problem, C for T had advised that adequate footpath and pedestrian crossing facilities had been provided in the vicinity and would be upgraded when necessary.

52. The Chairman then invited the representers' representatives to elaborate on their representations.

R1 – YLDC

53. With the aid of a Powerpoint presentation, Mr. Cham Ka Hung, Daniel made the following main points:

- (a) the ex-Yuen Long Estate site was located within the core area of the Yuen Long Town. The YLDC had objected to the use of the site for public housing purpose and proposed to use the site for commercial/hotel

uses instead. A working group on the development of the ex-Yuen Long Estate site and the surrounding area (the working group) which included the Tung Tau industrial area was then set up in 2009. According to PlanD's advice at the working group, there was no need to reserve the ex-Yuen Long Estate site for commercial/hotel uses as many sites that were under single ownership in the Tung Tau industrial area could provide such uses. Moreover, the ex-Yuen Long Estate site was zoned "Residential (Group A)" ("R(A)") and a s.16 planning application for commercial/hotel uses at the site would be required. Upon discussion, it was agreed that one-quarter of the ex-Yuen Long Estate site would be used for public housing purpose whilst the remaining three-quarter of the site would be for private housing purpose. In February 2011, the private housing portion of the ex-Yuen Long Estate site was sold at \$2.4 billion;

- (b) whilst the YLDC had agreed to the residential use at the ex-Yuen Long Estate site noting PlanD's advice that the Tung Tau industrial area could allow for commercial/hotel uses, the Financial Secretary announced in February 2011 that a site within the representation site would be included in the List of Sites for Sale by Application (Application List) for residential use. Although PlanD's representative had all along participated in the working group, the working group had never been informed of the government's intention of rezoning the representation site for residential use;
- (c) when the Financial Secretary made the above announcement on the Application List in February 2011, the Board had not yet approved the rezoning of the site from "OU(B)" to "R(E)1". It appeared that the Board was just a "rubber stamp" in subsequently agreeing to the rezoning of the site in March 2011;
- (d) according to the "Hong Kong Property Review 2010" of the Rating and Valuation Department, the total gross floor area (GFA) for industrial and godown uses in the Tung Tau industrial area at the end of 2009 was

about 335,000m², among which only 13,600m² (4%) involving only 11 industrial buildings was vacant. The vacancy rate was lower than the territorial rate of 8%. This demonstrated that the demand for industrial and business premises in Yuen Long was still very high. Besides, as the Tung Tau industrial area was located close to the West Rail Long Ping Station and some of the buildings were under single ownership, it had good redevelopment potential for hotel/business uses. The planning intention of the “OU(B)” zone was primarily for general business uses and a wide range of business uses such as information technology and telecommunications, non-polluting industries, offices, research centres, design and development centres, etc. was allowed. They would provide job opportunities for the residents in Yuen Long, thus saving travelling time and expenses for the residents. On the contrary, if the representation site was rezoned to residential use, more people would need to commute to work. In fact, in the letter from the Secretary for Development dated 24.2.2009 to the Town Planning and Development Committee of the Yuen Long District Council, it was pointed out that the Tung Tau industrial area, which was zoned “OU(B)”, would provide business development opportunities for uses such as information technology, office, etc. Even if the representation site had not yet been redeveloped for business use, the existing industrial use should be maintained to provide job opportunities for the residents in Yuen Long and the surrounding areas;

[Miss Anita W.T. Ma arrived to join the meeting at this point.]

- (e) at the meeting of the working group on 4.8.2009, PlanD’s representative advised that the vacancy rate of Tung Tau industrial area was relatively low and PlanD would provide a suitable development framework for the introduction of more business uses into the industrial area. It was subsequently noted that the Area Assessments 2009 was already completed at that time and there was a recommendation to rezone part of the Tung Tau industrial area for residential use;
- (f) according to the planning and development concept of the Yuen Long

Town, the development node of the Yuen Long Town along both sides of Castle Peak Road was subject to a maximum plot ratio of 5 and BHR of 30 storeys whilst lower-rise developments were planned in the northern and southern edges of the Yuen Long Town. However, the representation site was located within the northern edge of the Yuen Long Town and subject to a maximum plot ratio of 5 and BHR of 85mPD. While PlanD claimed the BHR of 85mPD was equivalent to about 25 storeys, it was considered that the developments at the site could be up to 28-30 storeys at such BHR. Changing the site to residential use at such development intensity and BH was not in line with the planning and development concept of the Yuen Long Town;

- (g) at the meeting of another working group about the relocation of government offices to Yuen Long on 7.6.2010, PlanD's representatives had advised that the existing industrial buildings and godowns in the Tung Tau industrial area were completed between 1983 and 2007 with plot ratios ranging from 1.3 to 5 (except for one "OU(B)1" site with a plot ratio of 9.5) and BH of 15 storeys. As the buildings were only built in the recent years, it was unlikely that they would be redeveloped to fully utilize the maximum permissible development intensity that was allowed under the OZP in the coming ten or twenty years or so;
- (h) the planned residential developments with a BH of 28-30 storeys (85mPD) was one-third taller than the originally planned BH of 20 storeys under the previous "OU(B)" zone and 50% taller than the existing BH of 15 storeys. Photos with broad indication drawn up by the representer showing the site with and without the planned residential developments from different viewpoints were shown to Members. The planned 28 to 30-storey residential developments together with the planned residential development at the West Rail Long Ping Station would form a layout of long "L-shape" which would cause "wall effect" as well as adverse air ventilation and visual impacts on the surrounding areas, including the Wang Chau Yeung Uk Tsuen, Wang Chau Lam Uk Tsuen and Long Ping Estate in the west, the ex-Yuen Long Estate and

Tai Kui Tsuen in the south, and Kwan Lok San Tsuen and Sai Pin Wai in the east. Retaining the existing skyline with variation in BH was preferred to having massive wall-like buildings at the site. Moreover, the prevailing wind of Hong Kong came from the east and northeast. The planned residential developments at the site would block the prevailing wind reaching Long Ping Estate and the nearby villages;

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

- (i) the planned residential developments at the site were also incompatible with the surrounding developments. To its north were Shan Pui Chung Hau Tsuen which was characterised by 3-storey village houses and Nam Sang Wai which was of great ecological value. An adjacent site to the north was previously zoned “Comprehensive Development Area (1)” (“CDA(1)”), “CDA(2)” and “CDA(3)” with maximum plot ratios of 0.4, 0.6 and 1 respectively. After giving consideration to the objections received in respect of that OZP, the “CDA(1)”, “CDA(2)” and “CDA(3)” zones were subsequently rezoned to “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) with a maximum plot ratio of 0.4 and BH of six storeys. The Board should have considered that the above development parameters were appropriate for the “OU(CDWRA)” zone which was just located to the immediate north of the site across a road. If that was the case, how would the representation site which was subject to a maximum plot ratio of 5 and BH of 85mPD be considered as compatible with the surroundings ?
- (j) The Parcville to its immediate east had a plot ratio of 3 and BH of about 20 storeys. A residential development south of The Parcville which was now under construction also had a plot ratio of 3 and BH of about 25 storeys. The development parameters stipulated for the planned residential developments at the representation site deviated from those of the adjacent sites. Moreover, the residential development south of The Parcville had a high podium of about 8 to 9 storeys which was considered

undesirable;

- (k) the planned residential developments at the representation site were environmentally incompatible with the sewage pumping station and bus depot to the north and south respectively. The bus depot was a source of noise nuisance to the surrounding areas. Although the future residential use at the representation site would require planning permission, planning conditions attached to the permission would not be able to resolve the serious problem of environmental incompatibility;

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

- (l) the rezoning of only one-third of the Tung Tau industrial area for residential use was piecemeal and the industrial/residential (I/R) interface problem with the other existing industrial uses could not be resolved. The detailed comments of the Director of Environmental Protection (DEP) were, however, not provided in the Paper;
- (m) if the rezoning was proposed by a private developer, detailed information and technical assessments in support of the rezoning would have to be submitted for the consideration of the Board. However, for the planned residential developments at the representation site, there was no traffic and environmental impact assessment reports as well as other detailed information e.g. the planned number of flats and population, demand for recreational and government, institution or community facilities, etc. In this regard, the Board should not support the rezoning of the site for residential use;
- (n) the population growth caused by the planned residential developments would have adverse traffic impact. However, no assessment data or improvement measures had been provided. While C for T advised that all critical junctions would operate within their capacities in the design year 2020, he was referring to the strategic road network for the entire Yuen Long Town e.g. Route 3, Yuen Long Highway, etc. As regards

the two local road junctions serving the site, they would be overloaded when the residential developments at the site and the other site to the south of The Parcville were occupied;

- (o) there were no restrictions on the site/building coverage and podium height for the planned residential developments. This would result in congested layout of buildings at the site. The massive podium structure at the residential development to the south of The Parcville should be avoided. On the contrary, the revised development scheme for the “CDA” development above the West Rail Long Ping Station was fully supported by the YLDC in that the building design of the development had been improved with the reduction of the number of residential blocks and site coverage of the podium for better air ventilation;

- (p) in the past few years, the Board had rejected five applications submitted by private developers for rezoning to residential or residential-related uses in the Tung Tau industrial area. Some of the application sites were located within the representation site. These applications were rejected for the following main reasons :
 - (i) rezoning request No. Z/YL/P3 was rejected as the proposed “CDA” zone for residential development in the Tung Tau industrial area, where many new industrial buildings were located, was considered piecemeal and would frustrate the overall planning of the area; the proposed residential development would result in I/R interface as industrial activities still existed in the Tung Tau industrial area; and approval of the rezoning request would set an undesirable precedent;
 - (ii) rezoning requests No. Z/YL/4 and Z/YL/5 were rejected because the proposed residential development would result in I/R interface problem; the proposed amendment was piecemeal and would frustrate the planning intention of the Tung Tau industrial area; approval of the rezoning request would set an undesirable precedent; and the proposed residential development would

generate additional traffic which was undesirable from traffic management viewpoint;

- (iii) rezoning request No. Z/YL/8 was rejected because the proposed amendment was piecemeal and would frustrate the planning intention of the area for industrial development; and approval of the rezoning request would set an undesirable precedent for other similar rezoning request, which would result in a cumulative loss of industrial land to meet the local employment needs; and
- (iv) Application No. Y/YL/4 for amendment of the Notes for the “OU(B)” zone to allow application for social welfare use with residential component in “OU(B)” zone was rejected because it was not in line with the planning intention to exclude residential uses in the “OU(B)” zone to avoid I/R interface problem; the proposed development was considered not compatible with the industrial uses which were still active at present in the vicinity; and the applicant failed to demonstrate that the I/R interface problem with the adjacent industrial developments and traffic noise could be satisfactorily resolved;
- (q) as the reasons for rejection of the above applications/rezoning requests were still considered valid, the Board should not adopt double standard by rejecting the aforesaid rezoning requests/applications submitted by private developers on the one hand while agreeing to the rezoning proposal recommended by PlanD on the other hand; and
- (r) in light of the above; the YLDC opposed to the rezoning of part of the Tung Tau industrial area from “OU(B)”/“OU(B)1” to “R(E)1”. PlanD should work with the YLDC as in the case of the ex-Yuen Long Estate site and review the long-term land use of Tung Tau industrial area along with the long-term development of the adjacent Yuen Long Town. If the Board decided not to accept the views of the YLDC and the representation site had to be rezoned for residential use, the following matters should be duly considered by the Board:

- (i) whether the plot ratio and BH restrictions of the site should be reduced, taking into account the lower development parameters of the neighbouring developments including The Parcville with a plot ratio of 3 and BHs of about 20-25 storeys;
- (ii) whether podium should be allowed at the site;
- (iii) whether setback requirement should be imposed to enable the provision of wider footpath along the site as in the case of the ex-Yuen Long Estate site where over 10m-wide footpath could be provided;
- (iv) whether site coverage restriction should be imposed to reduce the bulk of development at the site;
- (v) whether car park should be provided at basement to reduce the bulk of the above-ground structure; and
- (vi) whether some retail facilities could be provided on the ground floor of the development in order to provide convenience of shopping for the local residents and to provide local job opportunities.

[Professor P.P. Ho and Ms. Anna S.Y. Wong left the meeting temporarily at this point.]

R3 – PSRC

54. Mr. Cheung Chi Yin made the following main points:

- (a) the points made by Mr. Cham Ka Hung, Daniel were agreed; and
- (b) the villagers of Wang Chau Tsuen had grave concern on the massive wall-like buildings and the congested layout of the future development at the representation site.

55. Mr. Choi Kin Sang made the following main points:

- (a) the points made by Mr. Cham Ka Hung, Daniel were agreed; and
- (b) it was questionable that there were no traffic and air ventilation

problems in the Yuen Long area. The government experts had only visited the Yuen Long area a few times in making such conclusions. The local residents in Yuen Long had been suffering from the traffic congestion and air pollution problems. The future residential developments in Yuen Long would worsen the traffic congestion problem. However, no traffic improvement measures had been proposed. On the other hand, the odour problem generated by the Yuen Long Industrial Estate was also very serious.

[Professor P.P. Ho returned to join the meeting at this point.]

R21 – OC of The Parcville

56. Mr. Wan Chi Wing made the following main points:

- (a) the OC of The Parcville received objections from 83 residents of The Parcville against the rezoning of part of the Tung Tau industrial area from “OU(B)”/“OU(B)1” to “R(E)1” and the rezoning of a strip of land from “OU(B)” to an area shown as ‘Road’. They were mainly concerned about the following matters:
 - (i) the air and noise pollution problems during the construction of the future residential developments at the representation site, which might affect the health of the residents;
 - (ii) the lack of planning for the entire Yuen Long Town in that there was no mention about the provision of supporting facilities (e.g. schools, recreational, transport and retail facilities) to cope with the population increase arising from the future residential developments; and
 - (iii) the Parcville was only 17 storeys high. The “wall effect” and adverse air ventilation impact caused by the planned residential developments on the surroundings was a concern.

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

57. Noting R1 was of the view that the existing industrial uses at the representation site provided important job opportunities for the local residents, a Member asked about the existing uses of the site in terms of the provision of job opportunities. Ms. Amy Cheung said that among the nine sites within the representation site, two of them were government sites which were currently occupied by a temporary bus depot, a temporary workshop and a temporary car park. Two other sites were occupied by an industrial building and a godown, namely the Yuen Long Trading Centre and the Yuen Long Hi-Tec Centre. According to site inspection, these two buildings were mainly occupied by industrial-related office use. Two other sites were occupied by the Dah Cheong Motor Service Centre and a low-rise industrial building for the manufacture of fragrance. Overall speaking, the Yuen Long Trading Centre and the Yuen Long Hi-Tec Centre provided relatively greater amount of job opportunities within the representation site, but they had been developed to the maximum permissible development intensity under the OZP and were relatively newer buildings.

58. A Member noted that according to the Area Assessments 2009, the vacancy rate of the Tung Tau industrial area was about 4-5%. This Member asked if there was any updated information since then. Ms. Amy Cheung said that the vacancy rates were based on the Area Assessments 2009 and no updated figure was available. She noted that the representative of R1 had indicated that according to the “Hong Kong Property Review 2010”, the vacancy rate of the industrial and godown uses in the Tung Tau industrial area at the end of 2009 was 4%. The same Member asked if there was detailed on the traffic issue noting the representers’ concern on traffic congestion. Ms. Amy Cheung replied that in a detailed traffic impact assessment (TIA) undertaken for the “CDA” development at the West Rail Long Ping Station north site, a planned population of about 8,000 persons arising from the future residential developments at the representation site had been included in the assessment and the TIA concluded that there would be no adverse traffic impact. The TIA was accepted by the Transport Department.

59. A Member had the following questions:

- (i) whether the Area Assessments 2009 covered the entire Yuen Long Town and whether there was information about the space for industrial use in

the Yuen Long area;

- (ii) the reasons for imposing a maximum plot ratio of 5 and BHR of 85mPD for the site noting that the neighbouring residential developments including The Parcville had a plot ratio of 3 only;
- (iii) whether a lower BHR could be imposed at part of the site near Shan Pui Chung Hau Tsuen;
- (iv) the existing BHs of two buildings at Wang Yip Street West which were relatively higher in the Tung Tau industrial area; and
- (v) whether fung shui would need to be considered for planning in the New Territories.

60. In response, Ms. Amy Cheung made the following main points:

- (a) the Area Assessments 2009 covered the whole territory and not just the Yuen Long area. It had reviewed all the not yet developed industrial land under in the “Industrial” and “OU(B)” zones in the territory and how these sites had been used. The results indicated that there was a decreasing demand for flatted factory floor space in the territory and some industrial areas had high vacancy rates and contained undeveloped sites. In view of the above, there was scope to better utilize the land resources by rezoning some industrial sites to other suitable uses;
- (b) the Tung Tau industrial area and the Yuen Long Industrial Estate were two main areas providing space and jobs for industrial activities in the Yuen Long Town. The Yuen Long Industrial Estate was for special industrial uses. There were also shop and services uses in Yuen Long that provided job opportunities;
- (c) the maximum plot ratio of 5 for the site was comparable to the domestic plot ratio restriction of 5 for the “R(A)” zone in the Yuen Long Town and the maximum plot ratio of 5 for the previous “OU(B)” zoning of the site. Although part of the representation site was previously zoned “OU(B)1” with a maximum plot ratio restriction of 9.5, allowing the planned residential developments at the site to be redeveloped to a plot ratio of

9.5 was considered excessive and hence inappropriate. In this regard, it was stipulated in the Notes of the OZP that redevelopment of the existing buildings within the “R(E)1” zone to residential use would be restricted to a maximum plot ratio of 5 and BH of 85mPD and they could not claim the existing plot ratio and BH even if the existing buildings had exceeded the plot ratio and BH restrictions under the OZP;

- (d) a stepped BH profile was planned for the Yuen Long Town under which the buildings in the town centre area were generally restricted to a maximum of 30 storeys (which was about 100mPD) while lower BH was planned for areas away from the town centre area, including the representation site which was restricted to a maximum BH of 85mPD (which was about 25 storeys). Under the previous “OU(B)”/“OU(B)1” zoning of the site, the maximum BH allowed was 15-20 storeys. However, as the floor-to-floor height of industrial/godown/business uses were generally higher than residential use, the BH of a 25-storey residential building under the current “R(E)1” zoning would be comparable to a 20-storey industrial building under the previous “OU(B)1” zoning;
- (e) a VIA had been undertaken at the rezoning stage and confirmed that there would be no adverse visual impact. Relevant government departments had not raised adverse comments on the rezoning proposal. Moreover, the representation site was under private ownership except for two government sites. If a lower BHR was imposed at part of the site near Shan Pui Chung Hau Tsuen, it would not be fair to other private landowners within the site;
- (f) the Yuen Long Trading Centre and the Yuen Long Hi-Tec Centre were among the tallest buildings within the representation site. They were 17 and 19 storeys high respectively; and
- (g) it was noted that fung shui was a matter of concern of the locals for cases in the New Territories. PlanD, being a professional department, would

not take such matter into consideration, but all such concerns would be submitted to the Board for its consideration.

61. A Member said that the high occupancy rate of the Tung Tau industrial area which might be due to its location close to the town centre area and good accessibility of the area. This Member asked if there were other industrial areas in Yuen Long which had a lower occupancy rate that could accommodate the industrial uses displaced from the representation site. This Member also asked about the ownership pattern of the industrial site as multiple ownership of a site might hinder the chance of redevelopment to residential use.

62. Ms. Amy Cheung said that apart from the Tung Tau industrial area, the Yuen Long Industrial Estate was the other major industrial area in Yuen Long, but it was for special industrial uses only. The nearest industrial area was at Kiu Tau Wai, Ping Shan, which had a high occupancy rate. However, as only one-third of the Tung Tau industrial area was rezoned for residential use, any industrial use displaced by redevelopment of the representation site could be accommodated in other part of the Tung Tau industrial area. Besides, the redevelopment to residential use would not be undertaken all at the same time and hence the rezoning would not result in a drastic reduction in industrial use. Regarding the ownership of the representation site, two sites were government land, one of which had been included in the Application List for residential use. Except Yuen Long Hi-Tec Centre which was under multiple ownership, the other private sites were under single ownership. Three existing buildings on these sites were only 1 or 7 storeys high. These sites would have a greater propensity for redevelopment to residential use. As Yuen Long Hi-Tec Centre was mainly for industrial-related office use, its retention would not cause serious I/R interface problem.

[Mr. Laurence L.J. Li arrived to join the meeting at this point.]

63. Regarding the same Member's question in the function of the nullah adjoining the site, Ms. Amy Cheung said that the nullah was for drainage purpose. However, there might be unauthorized sewage discharge to the nullah and DEP would undertake the necessary enforcement actions.

64. The Chairman asked DPO/TMYL for her views on the building design requirements to be imposed on the site as suggested by the representative of R1 at the hearing. Ms. Amy Cheung said that the Building (Planning) Regulation had already stipulated that the maximum site coverage of domestic use was 33.33%-40%, which was lower than that of non-domestic use. Besides, the Government had introduced guidelines on Sustainable Building Design which covered the provision of building set back, building separation, underground car park, and greening coverage for new developments. These measures would help promoting good building design. Therefore, it might not be necessary to include the specific requirements under the OZP, although they were incorporated into some other OZPs.

65. Regarding Application No. Y/YL/4 mentioned by the representative of R1, Mr. Jimmy C.F. Leung said that the application was for conversion of an existing industrial building into a residential care home for the elderly (RCHE). At the RNTPC meeting on 18.2.2011, the RNTPC Members considered that the application site might be considered for RCHE development provided that the technical problems on traffic noise could be satisfactorily resolved. Moreover, the RNTPC Members also noted that the application was to amend the Notes for the "OU(B)" zone to include social welfare use with residential component as a Column 1 use for all "OU(B)" sites in the Yuen Long area. Given the wide implications of the rezoning application, RNTPC was of the view that even if the applicant could find ways to resolve the technical problems, the applicant had to consider a more appropriate way of rezoning. This explained that the Board had not adopted double standard in processing rezoning requests/applications submitted by private developers and proposals submitted by the Government. Each case would be considered on its own merits.

66. A Member said that there were various village settlements to the northwest and west of Tung Tau industrial area and hence it was considered appropriate to rezone the area at the northwestern part of the industrial area for residential use. The prime concern was to ensure the compatibility of the residential developments at the site with the surrounding areas, particularly the adjacent residential developments, including The Parcville with a plot ratio of 3. Ms. Amy Cheung said that in determining the development intensity and BH for the site, the location of the site at the fringe of the Yuen Long Town had been taken into account and hence the maximum plot ratios of 8-10 for

residential developments in the urban area had not been adopted. The reason for imposing a maximum plot ratio of 5 and BHR of 85mPD for the site had been explained earlier at the meeting. The site was separated from the village settlements by a nullah and hence the future residential developments would be located at some distance away. Moreover, as planning permission for residential use was required under the subject "R(E)1" zone, the Board had the opportunity to consider the layout of the future residential developments before approving the development proposal.

67. A Member said that if the nullah would be clean up, it might be worthwhile to consider setting back the future residential developments from the nullah so as to create an open space for the enjoyment of the local residents. Ms. Amy Cheung said that DEP would continue to undertake enforcement actions against unauthorized sewage disposal to the nullah, which would help improve the water quality in the nullah.

68. Regarding the presenter's remark that the Board was only a rubber stamp in agreeing to the rezoning proposal, the Chairman said that the Board would always consider each development proposal on its own merits, regardless of whether the development proposal was submitted by private developer or government departments. In actual fact, the Board had already considered and agreed to the findings and recommendations of the Area Assessments 2009 at the meeting on 17.9.2010 before the Government included a site within the representation site in the Land Sale Programme announced in February 2011.

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

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

[A short break of 10 minutes was taken at this point.]

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

Deliberation

Planned land use for the site

70. The Chairman said that on one of the main concerns of the representers on the loss of job opportunities as a result of the rezoning, DPO/TMYL had explained that two of the sites were government land which had not yet been developed and some other sites were used as godown/logistic centre, the industrial activities of which were not labour intensive. As regards the Yuen Long Trading Centre and the Yuen Long Hi-Tec Centre which were among the tallest buildings within the representation site, they were mainly occupied by industrial-related office use.

71. A Member said that with the completion of some large-scale residential developments in Yuen Long in recent years, local employment opportunities should be provided in order to save the need for the local residents to travel outside Yuen Long to work. Being close to Shenzhen and the Western Corridor, the industrial area in Yuen Long had the potential for industrial development, such as logistic centre, or testing and certification centres which were identified as one of the six industries where Hong Kong enjoyed clear advantages. This Member said that Louis Vuitton had set up a logistic centre in Tai Po Industrial Estate, which was the first one it established outside Paris. Both the Tung Tau industrial area and the industrial area at Kiu Tau Wai, Ping Shan had high occupancy rate as they were in close proximity to the Mainland China. In this regard, it might be worth considering whether part of the representation site should be retained for “OU(B)” uses.

72. In response to a Member’s question, the Secretary said that the survey conducted under the Area Assessments 2009 had covered existing industrial buildings within both the “I” and “OU(B)” zones in the territory. For the existing industrial buildings within the “I” zone, a full survey was carried out. For the existing industrial buildings within the “OU(B)” zone, a sample survey of about 59% the units therein was carried out. A forecast of the floor space requirement of the manufacturing industries by sectors had also been undertaken under the Area Assessments 2009 before PlanD came up with the rezoning recommendation. The same Member shared the view that there could be demand for logistic use in Yuen Long in view of its close proximity to the Mainland

China. The Chairman said that logistic use had specific operation requirements which might not be suitably accommodated in conventional flatted factories and suitable areas had been reserved for the use of logistic centre in the planning of new development areas (NDAs) in the New Territories.

73. Another Member said that the cultural and creative industries currently located in San Po Kong, Kwun Tong and Chai Wan were facing increasing pressure to relocate to other areas with cheaper rental price. Yuen Long was a suitable location for such industries as the district which were mainly small and medium-size enterprises was vibrant and intermixed with different kinds of uses, had good accessibility, and was close to the Mainland China. Retaining part of the site for business uses would allow a balanced development in Yuen Long Town.

74. A Member, however, opined that the representation site was relatively quiet, had good accessibility and the existing buildings were relatively low-rise. In this regard, it was considered appropriate to rezone the site for residential use to meet the housing need of the community. The only concern was the I/R interface problem between the future residential developments and the other industrial uses in the Tung Tau industrial area, which were just opposite the site across the road.

75. Mr. Benny Wong said that the I/R interface problem in the Tung Tau industrial area was not insurmountable. DEP's main concern was on the potential environmental problems arising from the two temporary bus depots within the Tung Tau industrial area. He understood that the two temporary bus depots were granted under Short Term Tenancy (STT), the concerned STTs could be terminated when the representation site was redeveloped to residential use. Mr. Wong clarified that the unauthorized sewage discharge to the nullah was not serious and DEP would continue to undertake enforcement against any unauthorized activities. However, as Yuen Long Town was an old town, some of the areas were not provided with public sewers and it would take time for the Environmental Protection Department and the Drainage Services Department (DSD) to complete sewerage network in the area. DSD had commissioned a consultancy study in 2007 to examine various proposals to revitalise the nullah. There was also a plan to improve the effluent discharge from the Yuen Long Sewage Treatment Works and to discharge the treated effluent into the nullah to create flushing effect.

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

76. A Member said that though the impact on employment opportunities was of concern, the logistic, cultural and creative industries would not create a large number of jobs. Moreover, the local residents might not choose to work in the same district they lived. On the other hand, a Member said that some industries such as information technology, cultural and creative industries were not location specific and the representation site which was located between two West Rail stations was very convenient. Another Member agreed that Yuen Long was at a convenient location, well connected to the metro area via Route 3 and the West Rail, and with the Mainland China via the Western Corridor.

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

77. The Chairman said that PlanD would monitor the needs of different land uses and ensure that land would be reserved to meet the changing economic and social needs at the territorial level. Mr. Jimmy C.F. Leung said that it was important to take into account the demand for different uses in a wider strategic context. PlanD in conjunction with others had conducted studies on this respect. For instance, land for higher education, hi-tech research and development facilities as well as cultural and creative industries had been reserved at Lok Ma Chau Loop which had an area of about 87 ha. In the planning of NDAs in the North East New Territories, about 16 ha of land in the Kwu Tung North NDA was planned for commercial, research and development uses whereas the Ping Che/Ta Kwu Ling NDA was primarily for special industries to provide development spaces for high value-added non-polluting business/industries as well as port back-up and logistic industries. In the recently commenced planning and engineering study for the Hung Shui Kiu NDA in the North West New Territories, the strategic role and land use requirements of the NDA would also be examined having regard to its close proximity to the Mainland. Under the Land Use Planning for the Closed Area, the southern side of Man Kam To Road was intended for high-tech and creative industries in addition to cross-boundary trade and logistic uses. Regarding office use, research had been undertaken which revealed that the demand for office use in the New Territories was not strong. To meet the office demand, there were also applications for changing the use of industrial premises to office use.

Regarding the representation site, while there were two government sites with temporary uses, the other sites were private land and whether the planning intention for the “R(E)1” zone would be materialized was subject to the private sector initiative.

[Mr. Laurence L.J. Li left the meeting temporarily at this point.]

78. A Member reiterated that cultural and creative industries would prefer locating in Yuen Long in view of its vibrancy and good accessibility and the popularity of YOHO Town for young people had demonstrated that. It was hoped that such kind of industries could be kept in Yuen Long. Another Member said that Yuen Long was an old town with strong unique local character. Some cultural organizations were willing to set up their organisations in Yuen Long.

79. The Vice-chairman said that the main concern of the representers was the substantial impact on employment opportunities as a result of the rezoning. At present, two government sites were occupied by some temporary uses and several other sites were for godown or logistic use. They involved highly automated/mechanized activities with an insignificant number of jobs. Moreover, part of the representation site was under private ownership and hence the pace of redevelopment for residential use was market driven. If there was strong market demand for industrial or business uses, the landowners would not redevelop the existing industrial buildings into residential use.

[Mr. Laurence L.J. Li returned to join the meeting at this point.]

80. Two other Members shared the same view that the implementation of the planning intention of “R(E)1” zone at the site for residential use would be determined by market force. One of them noted that PlanD had already conducted a wide range of studies setting out the strategic framework for the use of land in the territory. The other opined that the industrial development in Hong Kong was no longer manufacturing-oriented and land had been reserved for different industrial and business uses in other parts of the territory.

81. The Chairman said that although the occupancy rate of the Tung Tau industrial area was high, non-compliant uses were found in the industrial buildings. The presence

of non-compliant uses was undesirable because of the fire safety risks. In this regard, the Government had introduced a package of measures to encourage the conversion of existing industrial buildings for other suitable uses. Moreover, it should be noted the rezoning to “R(E)1” involved only one-third of the Tung Tau industrial area. As explained by DPO/TMYL, the existing developments within the representation site did not involve a significant number of employment. In addition, the implementation of residential use would likely be carried out in a progressive manner as the sites were under different private owners. Moreover, the remaining 6.9 ha of land in the Tung Tau industrial area could still provide floor space to meet the market demand. The Chairman suggested and Members agreed that the rezoning of the representation site to “R(E)1” was appropriate.

Development intensity, BH and building design of the planned residential developments

82. Regarding the representers’ concern on the potential “wall effect” created by the future residential developments at the representation site, a Member asked if there was scope to reduce the development intensity and BH of the developments to a level similar to that of The Parcville. Noting that there was previously a working group on the development of the ex-Yuen Long Estate site, the same Member asked if similar arrangement between the YLDC and PlanD could be set up to solicit the support of the local groups in the planning process. Another Member shared the same view that it was important to work with the respective DC.

83. The Secretary said that the BHR of a site had to be considered together with its plot ratio restriction. The maximum plot ratio of 5 for this site was comparable to that of the adjoining “CDA” site at the West Rail Long Ping Station which was subject to a maximum domestic plot ratio of 5 for a domestic building or a maximum non-domestic plot ratio of 9.5 for a non-domestic building. Besides, The Parcville was located next to a “Village Type Development” (“V”) zone whereas the representation site was located in the Tung Tau industrial area at the fringe of the Yuen Long Town next to the “OU(B)” and “OU(B)1” zones. The Secretary asked Members to note that the “OU(B)” and “OU(B)1” zones within the Tung Tau industrial area were allowed to be built to a maximum plot ratio of 5 and 9.5 respectively. A Member said that if the maximum plot ratio for the site was reduced to 3, there might be a sudden change in the stepped BH profile with the neighbouring “OU(B)” and “OU(B)1” zones. As such, this Member supported to retain the maximum plot ratio of 5 for the site.

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

84. The Secretary continued to say that building design requirements such as setback requirement, site coverage restriction, provision of car park at basement, non-provision of podium, etc. could be imposed on a site-specific basis either under the OZP or in land sale conditions. In the ex-Yuen Long Estate site, building design requirements had been stipulated in the land sale conditions. The revised development scheme for the “CDA” site at the West Rail Long Ping Station had also incorporated various building design elements in the approved Master Layout Plan. If Members considered it necessary, the Secretary said that building design requirements could be imposed on the representation site under the OZP so that these features would be incorporated in the future development schemes. After discussion, Members agreed that the Notes and Explanatory Statement of the OZP for the “R(E)1” zone should be amended to incorporate building design requirements. In drawing up such requirements, reference should be made to the building design requirements of the ex-Yuen Long Estate site and the West Rail Long Ping Station north development.

Wall effect

85. The Chairman said that the future residential developments at the site would have to comply with the building regulations and hence would not result in “wall-like” buildings as shown in the photos presented by the representative of R1.

Technical assessments

86. Regarding the representers’ claim that there was a lack of technical assessments to support the rezoning proposal, Members noted that C for T had advised that the cumulative traffic impact arising from the future residential developments for the “R(E)1” zone had been considered. All critical junctions would operate within their capacities in the design year 2020. Besides, a VIA had been carried out at the rezoning stage and an AVA by Expert Evaluation had been conducted for the Yuen Long Town in 2008.

Recreational facilities

87. Regarding the representers’ concern on the inadequacy of recreational facilities,

the Chairman said that the existing/planned provision of open space and recreational facilities in Yuen Long area could still meet the requirements stipulated in the Hong Kong Planning Standards and Guidelines after taking into account the estimated population growth brought by the future residential developments.

Fung shui

88. The Chairman said that it was subjective as to whether the planned residential developments would affect the fung shui of the area. Besides, there was no evidence to demonstrate that the planned residential developments would adversely affect the psychological and physical health of nearby residents as claimed by some representers. Members noted.

Rezoning of only part of the Tung Tau industrial area

89. Regarding the representers' concern that it was not appropriate to rezone only the peripheral area of the Tung Tau industrial area, Members noted that DEP's representative had advised that the I/R interface problems arising from the other industrial uses in the Tung Tau industrial area were not insurmountable. Moreover, the Secretary said that according to the Notes for the subject "R(E)1" zone, planning permission for residential use would be required to ensure that the proposed residential development would be acceptable in environmental terms.

Planning studies

90. The Secretary said that Members had been briefed on the findings and recommendations of the Area Assessments 2009 on 17.9.2010. She said that a copy of the TPB Paper and minutes in respect of the Area Assessments 2009 could be circulated to Members for reference. Members agreed.

91. Mr. Jimmy C.F. Leung said that the report of the Area Assessments 2009 had incorporated the projection of the future requirement of industrial floor space in the territory to serve as a broad indicator for possible rezoning of the "I" and "OU(B)" zones for other uses. According to the projection, only three types of manufacturing industries, namely printing, publishing and allied industries, food manufacturing, as well as transport equipment and manufacturing, had recorded an expansion in both the value-added to the gross domestic product (GDP) and the share of GDP within the manufacturing sector.

PlanD had also recently completed the Survey on Business Establishment in Kowloon East. The reports of the Area Assessments 2009 and the Survey on Business Establishment in Kowloon East had been uploaded onto PlanD's website for public information.

92. After deliberation, Members agreed to partially uphold R1 and not to uphold the remaining part of R1 and R2 to R25. Members then went through the reasons for not upholding the remaining part of R1 and R2 to R25 as stated in paragraph 6.1 and Annex IV of the Paper and considered that they should be suitably amended.

Representation No. R1

93. After further deliberation, the Board decided to partially uphold Representation No. R1 by proposing amendments to the Notes and Explanatory Statement of the Outline Zoning Plan (OZP) for the "Residential (Group E)1" ("R(E)1") zone with reference to the building design requirements of the ex-Yuen Long Estate site and the West Rail Long Ping Station north development. In this regard, the Board requested the Secretariat to work out the amendments to the Notes and Explanatory Statement of the OZP for the Board's further consideration.

94. The Board also decided not to uphold the remaining part of Representation No. R1 for the following reasons :

- (a) the rezoning of the representation site for residential use was based on the Area Assessments 2009 of Industrial Land in the Territory (the Area Assessments 2009). It would not cause any significant and sudden impact on the balance of homes and jobs as the large remaining area zoned "Other Specified Uses" annotated "Business" ("OU(B)") and "OU(B)1" in Tung Tau industrial area could still provide local job opportunities and the redevelopment to residential uses would be in a progressive manner;
- (b) the maximum building height of the "R(E)1" sites fitted in the planned building height profile of Yuen Long Town. Due to lower development intensity and smaller site coverage restriction of the planned residential

developments as compared with the previously planned business development, incompatibility with the surrounding developments should not arise. The visual impact assessment (VIA) conducted demonstrated that the planned residential developments would not cause unacceptable visual impact on the surrounding areas;

- (c) the maximum permitted site coverage for the planned residential developments in the representation site under the Building (Planning) Regulation was lower than that for the previously planned business developments;
- (d) based on the findings of the air ventilation assessment (AVA) and given the lower planned development intensity and smaller site coverage in the representation site after rezoning to “R(E)1”, it was envisaged that the rezoning would not cause significant negative air ventilation impact. The AVA had also recommended measures to minimize air ventilation impact on the local area;
- (e) the cumulative traffic impact from the planned residential developments had been assessed to ensure that the planned residential developments in the representation site would not create adverse traffic impact;
- (f) planning permission would be required for development in the “R(E)1” zone to ensure that there would not be environmental incompatibility problem between the planned residential development and industrial uses in the area;
- (g) any potential environmental problems arising from the pumping station to the north should be addressed by the future developer of the “R(E)1” sites in the application for planning approval for the residential development;
- (h) VIA had been carried out for the rezoning and reference had been made to the AVA for Yuen Long Town. The increase in population and flats had also been taken into account in the technical assessments;

- (i) the quoted previous rezoning requests or applications for amendment of plan were on individual sites proposing piecemeal redevelopments. The current rezoning to “R(E)1” was based on a comprehensive review on land use of the whole Tung Tau industrial area under the Area Assessments 2009; and
- (j) the proposal of reviewing and re-studying the long-term land use and development of Tung Tau industrial area and Yuen Long New Town was not supported since the long-term planning and development of Tung Tau industrial area and Yuen Long New Town had been considered when rezoning the representation site.

Representation No. R2

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

- (a) based on the findings of the air ventilation assessment (AVA) and given the lower planned development intensity and smaller site coverage in the representation site after rezoning to “Residential (Group E)1”, it was envisaged that the rezoning would not cause significant negative air ventilation impact. The AVA had also recommended measures to minimize air ventilation impact on the local area;
- (b) the cumulative traffic impact from the planned residential developments had been assessed to ensure that the planned residential developments in the representation site would not create adverse traffic impact;
- (c) based on the Area Assessments 2009 of Industrial Land in the Territory, the representation site in the Tung Tau industrial area had been selected for rezoning for residential use as it was located at the fringe of the industrial area and the representation site would only be subject to potential industrial/residential interface problem on the eastern and

southern sides which could be addressed in the planning application stage;
and

- (d) the proposals of rezoning the whole Tung Tau industrial area for commercial and residential uses as well as relaxing the building height restriction of the whole area were not supported since the Tung Tau area was a major employment node in Yuen Long Town. In order to strike a proper balance between regeneration of old industrial areas and maintaining employment opportunities, a progressive approach in rezoning was considered more appropriate.

Representation No. R3

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

- (a) the rezoning of the representation site for residential use was based on the Area Assessments 2009 of Industrial Land in the Territory. It would not cause any significant and sudden impact on the balance of homes and jobs as the large remaining area zoned “Other Specified Uses” annotated “Business” (“OU(B)”) and “OU(B)1” in Tung Tau industrial area could still provide local job opportunities and the redevelopment to residential uses would be in a progressive manner;
- (b) the maximum building height of the “Residential (Group E)1” (“R(E)1”) sites fitted in the planned building height profile of Yuen Long Town. Due to lower development intensity and smaller site coverage restriction of the planned residential developments as compared with the previously planned business development, incompatibility with the surrounding developments should not arise. The visual impact assessment conducted demonstrated that the planned residential developments would not cause unacceptable visual impact on the surrounding areas;
- (c) based on the findings of the air ventilation assessment (AVA) and given the lower planned development intensity and smaller site coverage in the

representation site after rezoning to “R(E)1”, it was envisaged that the rezoning would not cause significant negative air ventilation impact. The AVA had also recommended measures to minimize air ventilation impact on the local area;

- (d) the development intensity of the representation site would be lower and the planned residential developments would be subject to a smaller site coverage after rezoning to “R(E)1”. There was no evidence to demonstrate that the planned residential developments would lead to heat island effect, aggravation of air pollution, blockage of sunlight and obstruction of TV signals;
- (e) the cumulative traffic impact from the planned residential developments had been assessed to ensure that the planned residential developments in the representation site would not create adverse impact on traffic and pedestrian safety. Adequate footpath and pedestrian crossing facilities had been provided in the vicinity and would be upgraded when necessary;
- (f) there was no evidence to demonstrate that the planned residential developments would cause adverse sewerage impact and air pollution problem;
- (g) there was no evidence to demonstrate that the planned residential developments would create security problem; and
- (h) there was no evidence to demonstrate that the planned residential developments would adversely affect the psychological and physical health of nearby residents. Besides, the fung shui issue was not a material planning consideration.

Representations No. R4 to R20

97. After further deliberation, the Board decided not to uphold Representations No. R4 to R20 for the following reasons :

- (a) based on the findings of the air ventilation assessment (AVA) and given the lower planned development intensity and smaller site coverage in the representation site after rezoning to “Residential (Group E)1” (“R(E)1”), it was envisaged that the rezoning would not cause significant negative air ventilation impact. The AVA had also recommended measures to minimize air ventilation impact on the local area;
- (b) the development intensity of the representation site would be lower and the planned residential developments would be subject to a smaller site coverage after rezoning to “R(E)1”. There was no evidence to demonstrate that the planned residential developments would lead to temperature increase and creation of glare;
- (c) the cumulative traffic impact from the planned residential developments had been assessed to ensure that the planned residential developments in the representation site would not create adverse traffic impact;
- (d) planning permission would be required for development in the “R(E)1” zone to ensure that there would not be environmental incompatibility problem between the planned residential developments and industrial uses in the area;
- (e) the existing and planned provision of open space and recreational facilities in Yuen Long Outline Zoning Plan could still meet the requirements stipulated in the Hong Kong Planning Standards and Guidelines after taking into account the estimated population growth brought by the planned residential developments; and
- (f) there was no evidence to demonstrate that the planned residential developments would adversely affect the psychological health of nearby residents. Besides, the fung shui issue was not a material planning consideration.

Representation No. R21

98. After further deliberation, the Board decided not to uphold Representation No. R21 for the following reasons:

- (a) based on the findings of the air ventilation assessment (AVA) and given the lower planned development intensity and smaller site coverage in the representation site after rezoning to “Residential (Group E)1”, it was envisaged that the rezoning would not cause significant negative air ventilation impact. The AVA had also recommended measures to minimize air ventilation impact on the local area;
- (b) there was no evidence to demonstrate that the planned residential developments would lead to air and noise pollution problems at construction stage. The air and noise impact during construction stage would be governed by relevant legislation;
- (c) the cumulative traffic impact from the planned residential developments had been assessed to ensure that the planned residential developments in the representation site would not create adverse traffic impact; and
- (d) the existing and planned provision of open space as well as educational and recreational facilities in Yuen Long Outline Zoning Plan could still meet the requirements stipulated in the Hong Kong Planning Standards and Guidelines after taking into account the estimated population growth brought by the planned residential developments.

Representations No. R22 to R24

99. After further deliberation, the Board decided not to uphold Representations No. R22 to R24 for the following reason :

- the cumulative traffic impact from the planned residential developments had been assessed to ensure that the planned residential

developments in the representation site would not create adverse traffic impact.

Representation No. R25

100. After further deliberation, the Board decided not to uphold Representation No. R25 for the following reason :

- visual impact assessment had been carried out for the rezoning and reference had been made to the Air Ventilation Assessment for Yuen Long Town. The increase in population and flats had also been taken into account in the technical assessments.

Special Duties Section

Agenda Item 6

[Open Meeting]

Request for Deferral of Section 12A Application No. Y/H4/6
Application for Amendment to the Draft Central District Outline Zoning Plan No. S/H4/13
from “Government, Institution or Community” (“G/IC”) to
“Other Specified Uses” annotated “Heritage Precinct” or “G/IC(1)”,
Central Government Offices, The Court of Final Appeal, Battery Path and
a Public Toilet at Ice House Street in Central
(TPB Paper No. 8875)

[The meeting was conducted in Cantonese and English.]

Presentation and Question Session

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

Miss Fiona Lung	- Chief Town Planner/Special Duties (CTP/SD), PlanD
Mr. K.W. Ng	- Senior Town Planner/Special Duties (STP/SD), PlanD
Mr. Ian Brownlee]
Ms. Katty Law]
Mr. Lee Yuet]
Ms. Mary Melville]
Mr. Albert Lai]
Ms. Annalise Connell] Applicants' representatives
Mr. John Bowden]
Mr. Kelvin Sit]
Mr. Li Kit Wai, Dennis]
Ms. Mak Ka Yan, Levan]
Mr. Yeung Kwok Fai]

102. The Secretary said that two letters dated 27.7.2011 and 28.7.2011 were received from the applicants' representatives and one of the applicants, Society for Protection of the Harbour. The two letters were tabled at the meeting.

103. The Secretary continued to say that the letter dated 27.7.2011 set out the matters that the applicants' representatives considered the Board should take into account before making a decision on the deferral request made by PlanD. They were highlighted as follows:

- (a) on 6.5.2011, the Metro Planning Committee (MPC) agreed to the deferment request made by the applicants. However, at PlanD's request, the MPC agreed that the deferment was for a limited period of two months and that the application should be considered in July 2011. The applicants would like to know why a different approach had been taken when the deferment request was made by PlanD;
- (b) as the public consultation of the Government's scheme had ended in December 2010, the applicants would like to know why the assessment of the public consultation had taken so long. The public consultation

results should have been made available to the public and needed not wait until the Government had an alternative proposal;

- (c) should the Board decide to defer consideration of the application, the application should be considered by the Board after the views of the District Council (DC) and the Legislative Council (LegCo) Panel on the revised Government's scheme had been made known so that the Board might take them into consideration;
- (d) the Government's consultation did not provide any alternatives other than the sale and redevelopment of the West Wing. The applicants requested that the Government, when considering the public responses to the Government's scheme, must also consider the more than 6,200 supporting public comments to the conservation proposal received under the subject application. In considering revision to its scheme, the Government must give consideration to the options of not selling the West Wing site and/or not demolishing the West Wing building. These options should be presented to the DC and the LegCo Panel. It might be appropriate for the Government to carry out another round of public consultation where the revised Government's scheme was compared with the above options;
- (e) should the Board decide to defer consideration of the application, the hearing should be held at least a month after the Government's revised scheme was made available. This would allow adequate time for the applicants to obtain technical input, including legal advice, in preparing for the hearing;
- (f) it was not clear if PlanD was proposing that the Government's revised scheme and the application would be considered on the same day. A definite statement from the Board was required confirming that the Government's revised scheme would be considered on the same day by the same Members of the Board;

- (g) the applicants repeated their previous request that both the Government's revised scheme and the application should be considered at the same time. There was no apparent procedural difficulty in hearing them at the same time. This would save time and enable the presenters of both proposals to be questioned at the same time and to respond to issues raised by Members and each other;
- (h) should the Board consider that it was not possible to hear both presentations together, the applicants would like to be informed as to what provisions in the Board's procedures and practices or the Town Planning Ordinance (the Ordinance) prevented such an arrangement;
- (i) the applicants had previously advised the Board that in the interests of a fair and open hearing, they would request the Chairman to vacate the chair for the hearing. The applicants considered that the Chairman had conflict of interest as he was the Permanent Secretary of the Development Bureau (DEVB) which was the proponent of the Government's scheme to sell the West Wing site and to demolish the building. The decision of the application was of great public interest and hence a fair hearing should not only be provided, but should also be seen to be fair and open; and
- (j) the applicants requested that the Chairman should vacate the chair for the consideration of the Government's scheme, should they not be heard at the same time. This would ensure that both cases were heard by the same Members and with the same Chairman. The applicants also requested that the Government members of the Board present at the hearing of the application and the Government's scheme should abstain from voting on the decision. The decision should be made through a secret ballot among the non-official members present.

104. The Secretary said that the letter dated 28.7.2011 from the Society for Protection of the Harbour provided the following grounds in support of the requests that the hearings of the Government's scheme and the application should not be chaired by any

Government official, all Government officials should not vote and the voting should be by secret ballot:

- (a) the well-know principle that it “was of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done”;
- (b) the fundamental Principles of Natural Justice that a person should not be a judge of his own cause; a duty to act fairly; and there should be no bias and/or appearance of bias;
- (c) the well-established practice in Board’s meetings that any Member having any interest either in the manner itself or having any connection with the applicant should declare an interest and abstain from voting. There was no reason why the same practice should not apply to Government officials in the present circumstances;
- (d) there was no tenable reason why the Board should not observe the highest standard of conduct as an impartial tribunal in adopting the above approach to ensure that the decision would be manifestly fair; and
- (e) there was a precedent. In 1995, when the Board considered an application by the Administration to develop Chater Garden, the then Chairman Mr. Tony Eason had ruled that Government officials should only vote on principle in their personal capacity as a Board member rather than as Government officials. Accordingly, all except one (being the Director of Environmental Protection who voted against the Government) abstained. In the present case, it would be more fair if all Government officials were asked to abstain.

105. The Chairman extended a welcome and explained the procedures of the meeting. He said that the subject item was on the deferral request made by PlanD rather than the application itself. He then invited CTP/SD to briefly introduce the Paper.

106. Miss Fiona Lung did so and made the following main points as detailed in the

Paper:

- (a) the subject s.12A application was submitted by a group of twenty organisations on 11.2.2011 to rezone the application site from “Government, Institution or Community” (“G/IC”) to “Other Specified Uses” annotated “Heritage Precinct” (“OU(Heritage Precinct)”) or “G/IC(1)” on the draft Central District Outline Zoning Plan (OZP) No. S/H4/13;
- (b) on 6.5.2011, the MPC decided that the application was of wide public interest and should be considered by the full Board. At the request of the applicants, the MPC also agreed to defer a decision on the application for two months and that the application should be considered in July 2011. Subsequently, the applicants submitted further information (FI) to the Board which was published for public comments on 3.6.2011. The application was tentatively re-scheduled for consideration by the Board on 12.8.2011;
- (c) DEVB and PlanD had jointly undertaken a public consultation on the proposed redevelopment of the West Wing of Central Government Offices (CGO) from September to December 2010. The Board was briefed among others on the notional redevelopment scheme on 5.11.2010. The Government was now assessing the public comments received for further consideration of the proposed redevelopment scheme. The outcome of the public consultation, the revised redevelopment scheme and the proposed implementation arrangements would be released in due course and reported back to the LegCo Panel on Development, the Central and Western District Council (C&WDC) and the Board. If the application could be considered by the Board after the release of the revised redevelopment scheme and the outcome of the public consultation, the Board could take into account all relevant considerations, including the Government’s latest redevelopment scheme for the West Wing site and the public views collected, in assessing the application. In this regard, PlanD proposed to defer consideration of the

application to a date after the release of the public consultation report and the Government's revised redevelopment scheme for the West Wing, which should be no more than about three months (i.e. November 2011); and

- (d) the applicants on 4.4.2011 wrote to DEVB proposing that both the application and the Government's application (i.e. the redevelopment scheme of the West Wing) should be heard by the Board together on the same date such that the merits and demerits of both applications would be presented to the Board at the same time; the same group of Members of the Board could compare the two applications and make an appropriate decision; and time and cost saving could be achieved. PlanD's deferral request was in line with the applicants' proposed hearing arrangement.

107. The Chairman then invited the applicants' representatives to elaborate on their submissions.

108. Mr. Ian Brownlee made the following main points:

- (a) the subject s.12A application was submitted in the public interest of the people of Hong Kong;
- (b) the Secretary had already highlighted the main points as contained in the two letters dated 27.7.2011 and 28.7.2011 from the applicants' representatives and the Society for Protection of the Harbour respectively. He would not repeat them again; and
- (c) the applicants attended the meeting because the information provided in the Paper was incomplete and unclear. The applicants were also concerned that the deferral request made by PlanD would affect the applicants' right to be heard and the application be fairly considered.

109. Mr. Dennis Li made the following main points:

- (a) the Board was facing an unusual situation as the subject matter was unprecedented but of public importance. There was possible conflict of interest between Government officials and public interest. Town planning was an evolving process and the procedures could be flexible to cater for the updated developments. The Society of Protection of the Harbour would only agree if:
 - (i) the Government's revised scheme and the subject application would be heard together; and
 - (ii) the hearing would be conducted on a very fair basis and was as fair as possible; and
- (b) it was only sensible for the Government's revised scheme and the application be heard together because this could save time and was a sensible procedure. The Society of Protection of the Harbour had submitted a letter dated 28.7.2011 and the legal authorities. It was believed that the said letter and the legal authorities had been circulated to Members. He would be pleased to answer Members' questions on the legal submission.

110. Mr. Ian Brownlee said that Mr. Dennis Li had to leave now and asked if Members had any questions for Mr. Li. The Chairman confirmed that the letter dated 28.7.2011 and the legal authorities from the Society of Protection of the Harbour had been tabled at the meeting. Members had no question for Mr. Li.

[Mr. Dennis Li left the meeting at this point.]

111. Ms. Katty Law made the following main points:

- (a) Government Hill was the most important historical precinct and cultural heritage of Hong Kong. CGO was part of Government Hill and the public asset owned by the people of Hong Kong. The Government's

proposal on selling this heritage site was unreasonable. The Government should withdraw the proposal as the public consultation undertaken by the Government did not provide any alternatives other than the sale and redevelopment of the West Wing;

- (b) the applicants had submitted a document titled “Government Hill Compendium” (the Compendium) to the Board. The Compendium contained the findings of researches/studies of many academics, architects, planners and other professionals on Government Hill which had not been included in the Government’s documents before. The Compendium was an important document for the hearing and required much time to compile. When the applicants were informed that the application would be submitted to the Board for consideration in July 2011, the applicants found it very difficult to have the Compendium completed within such a short period of time. The applicants had no choice but to expedite the compilation of the Compendium at the expense of its quality. However, PlanD now recommended deferring the hearing to November 2011. The applicants considered such arrangement was unfair and requested PlanD to explain the reasons behind; and
- (c) the applicants requested the Government to withdraw the proposal of selling Government Hill. They submitted the application in order to enable the public to have the opportunity to discuss and provide, through a statutory channel, their comments on the alternative to the Government’s proposal. So far, the alternative proposal had obtained the support of many people. In this regard, one of the requests contained in the letter dated 27.7.2011 from the applicants’ representative was that the Government must consider the supporting public comments received on the subject application.

112. Mr. Albert Lai made the following main points:

- (a) PlanD proposed to defer consideration of the application because the Government had not yet completed the public consultation report on the

Government's scheme. However, the Government's scheme was based on a pre-determined assumption that the Government Hill would be sold with no alternative provided. This was unreasonable;

- (b) after the completion of the public consultation undertaken by the Government in December 2010, there were voices from many people of Hong Kong requesting retention of the Government Hill for public use. This was evident from the receipt of more than 6,200 supporting public comments to the conservation proposal in the subject application. Moreover, according to a survey conducted by the Civic Party in February 2011, 73% of the respondents agreed to retain Government Hill for public use whereas 13% agreed to change the use of Government Hill for commercial purpose. Besides, 61% of the respondents considered that conserving the integrity of the entire Government Hill was the most important consideration in re-planning the site. Only 13% of the respondents considered that building a Grade A office at the site was the most important consideration; and
- (c) the above public views would not be included in the public consultation report currently under preparation by the Government as they were collected after the completion of the public consultation exercise in December 2010. As such, the Government's public consultation report would not be able to comprehensively reflect all the public views on the matter for the Board's consideration.

113. Mr. Ian Brownlee made the following main points:

- (a) paragraph 2.1 of the Paper stated that the outcome of the public consultation, the revised redevelopment scheme and the proposed implementation arrangements would be reported back to the LegCo Panel, the C&WDC and the Board. The applicants requested that the decision on the subject application be made by the Board after the consultation with the LegCo Panel and the C&WDC as the Board was the authority that made a decision on the zoning of the application site. It would be

relevant to have all consultation findings before the Board when making a decision on the application.

114. Ms. Mary Melville made the following main points:

- (a) the applicants requested that both the application and the Government's revised scheme be considered together. However, this was not mentioned in the Paper. The applicants requested clarification on this point. If the request was not acceded to, the applicants would like to know why they could not be heard together.

115. Mr. Ian Brownlee made the following main points:

- (a) the issues that the applicants would like the Board to consider before making a decision on the deferral request were not just on fixing the hearing of the application on another day, but also about the way it should be heard. These included whether the hearing of the application and the Government's revised scheme would be heard on the same day; whether they would be heard at the same time; and who should be present at the hearing; and
- (b) the decision of the Board on the deferral request was not just a matter that the application would be heard on another date. It had significant implications, in particular about the consideration of the public views which were collected after the completion of the public consultation exercise on the Government's scheme. These public views should be given due weight in considering the application and the Government's revised scheme. Moreover, there was no reason why the public consultation outcome could not be made available without waiting for the Government's revised scheme.

116. A Member noted that there was public opinion survey undertaken after the completion of the public consultation exercise on the Government's scheme. If the Board agreed to defer a decision on the application, this Member asked if the latest public views

would be made available to the Board when the application was submitted for the consideration of the Board. Moreover, the Member noted that Ms. Katty Law said that the applicants had spent a lot of time to compile the Compendium which was not an easy task for a non-government organisation. The time allowed for the last deferral was not sufficient to allow the applicants to produce the Compendium to a quality that the applicants so desired. This Member said if the application was deferred for several months as proposed by PlanD, the applicants could then submit further FI in support of the application. Regarding the applicants' request to consider the application and the Government's revised scheme at the same time, this Member noted that PlanD had proposed to defer consideration of the application to a date when the Government's revised scheme would be available. As such, even if the application and the Government's revised scheme would not be considered together, the Board should have been briefed on the Government's revised scheme when it considered the application. Notwithstanding, this Member said that in fixing the hearing date of the application, it must be ensured that the public would have sufficient time to respond to the Government's revised scheme before the application was submitted to the Board for consideration.

117. Regarding the lack of time to prepare the Compendium as mentioned by the applicants' representative, Miss Fiona Lung clarified that the applicants on 11.4.2011 requested to defer a decision on the application for two months to allow time for the preparation of responses to the departmental comments received on the application. As the departmental comments had been passed to the applicants in end March 2011, it was considered that an additional one month for preparation of FI for submission by June 2011 should be sufficient, therefore, it was recommended that the application should be submitted to the Board for consideration in two months' time after the meeting held in May 2011 i.e. in July 2011. If the applicants considered more time was required to prepare the FI, they could request for further deferment.

118. Regarding a Member's question on whether the applicants or the public would have adequate time to respond to the Government's revised scheme, Miss Fiona Lung said that the subject application was an alternative proposal to the Government's scheme by conserving the entire Government Hill. The Government was now revising its redevelopment scheme to take into account the public comments received and undertook that the revised redevelopment scheme would be reported back to the LegCo Panel on

Development, the C&WDC and the Board. PlanD requested for a deferment of consideration of the application so as to enable the Board to take into account all relevant considerations, including the Government's revised scheme and the outcome of the public consultation, in assessing the application. If the Board decided to defer consideration of the application, the applicants would be consulted in rescheduling the hearing date. Whether the application and the Government's revised scheme would be considered together was a matter for the Board to decide.

119. The same Member said that in rescheduling the hearing date, it was believed that sufficient time would be allowed for the applicants to comment on the Government's revised scheme. In response to this Member's question, Miss Fiona Lung said that the applicants could submit FI as long as the Board had not yet made a decision on the application. The FI would be processed in accordance with the TPB Guidelines on 'Submission of Further Information in relation to Applications for Amendment of Plan, Planning Permission and Review made under the Town Planning Ordinance' (TPB-PG No. 32) and the Secretary would determine whether it could be exempted from the publication and recounting requirements.

120. Mr. Ian Brownlee said that it was the normal practice for the applicants to receive the relevant TPB Paper one week before the hearing. In the letter dated 27.7.2011, the applicants requested that the hearing of the subject application be held at least a month after the Government's revised scheme was made available. This was to ensure that the applicants would have reasonable time to consider the revised scheme. A Member asked if the applicants' concern was that sufficient and reasonable time would be given for the applicants to consider the Government's revised scheme and, if affirmative, the length of time requested. Mr. Ian Brownlee replied in the affirmative and said that one month was requested for the applicants to consider the Government's revised scheme.

121. Ms. Mary Melville said that it was only under great public pressure that the public consultation period for the Government's scheme was extended by one month. The applicants were under enormous pressure as the Financial Secretary had already announced to sell the Government Hill in the Budget and the application was yet to be considered by the Board.

122. A Member asked if the applicants would be affected should the Board decide to defer consideration of the application. Mr. Albert Lai said that if the Government did not withdraw its proposal to sell Government Hill, the applicants could not proceed to undertake comprehensive study on how best to utilise Government Hill in the public interest. The site would have to be left idle for years like the West Kowloon Cultural District and the former Marine Police Headquarters site. This would be a significant loss to the public.

123. Mr. Ian Brownlee reiterated the applicants' request to consider the application and the Government's revised scheme on the same day and at the same time. However, the TPB Paper was not clear on this point. Moreover, the public views collected after the public consultation exercise conducted by the Government would be missed out if Government's revised scheme would be considered separately.

124. Ms. Katty Law said that Government Hill was the asset of the public. The applicants had spent much time to do researches on the history of Government Hill and compiled the Compendium. This should be done by the Government rather than the non-Government organisation. There had not been discussion in the community on whether Government Hill should be sold and redeveloped. The heritage importance of Government Hill had also not been discussed by the Antiquities Advisory Board. However, the Financial Secretary had announced to sell Government Hill in the Budget. According to her understanding, the land sale conditions were already under preparation.

125. A Member remarked that, apart from the Government's revised scheme and the applicants' proposal, the applicants' comments on the Government's revised scheme might need to be considered by the Board. The Chairman said that what the Board needed to decide at this meeting was the deferral request made by PlanD.

126. Mr. Albert Lai said that the Board should not be a rubber stamp of the Government's proposal. If the Board would exercise its independent judgement and make a decision on the application in favour of the applicants on 12.8.2011 as scheduled, the Government might withdraw its revised scheme. A Member said that the Board was all along independent and impartial in considering each application. This Member asked the applicants' representatives why the Board should not wait until all relevant information,

including the government's revised scheme and the subject application, was available. Mr. Albert Lai said that the application was ready for consideration by the Board as the concerned government departments and the public had already provided their comments on the application. The Board was not exercising its independent judgement if it had to wait for the Government's revised scheme. This Member disagreed with Mr. Lai's views.

127. A Member asked if the considerations were the same for deferral request submitted by the Government and the applicant. The Secretary said that in accordance with the TPB Guidelines on 'Deferment of Decision on Representations, Comments, Further Representations and Applications' (TPB PG-No. 33), both PlanD and the applicant could request to defer consideration of a s.16 or s.12A application. Justifications for the deferment had to be provided for the Board's consideration. As a general practice, the Board would usually agree to the first deferral request made either by PlanD or the applicant if the justifications met the criteria for deferment as set out in the aforesaid TPB Guidelines. For this case, if the consideration of the application was deferred to the date after the release of the public consultation report and the Government's revised scheme, the applicants could still ask for further deferment when such information was available if more time was required for their preparation. Also, the applicants could submit FI to the Board before the application was considered by the Board.

128. A Member said that in considering the subject application, the Board would only be concerned with how best to plan for the site under the OZP after taking into account all relevant considerations. Whether the Financial Secretary had announced to sell the site should not affect the Board's decision. Moreover, all relevant stakeholders should have sufficient time to consider the relevant information before the Board made a decision on the application. Mr. Ian Brownlee said that the applicants were essentially asking for the same thing in that the Board should have all relevant information on the same day and at the same time it considered the s.12A application. However, the TPB Paper was not clear enough on this matter. In making a decision on the deferral request, the Board should specify clearly the matters which the applicants were asking today.

129. Ms. Annalise Connell said that the Board could evaluate the subject application on its own merits. If that was the case, there was no need to defer consideration of the application pending the availability of the Government's revised

scheme. Alternatively, the Board could consider the application and the Government's revised scheme together. The applicants had no problem to either arrangement. In fact, the applicants were ready to present their case and there was no need to defer consideration of the application.

130. Ms. Katty Law said that it was the general practice to summarise the information submitted by an applicant in the TPB Paper. However, the Compendium contained valuable information about Government Hill and she hoped that Members would be able to read it before making a decision on the application. The Secretary said that while PlanD would summarise the applicants' information in the main body of the Paper, the full set of the applicants' submissions would, according to the normal practice, be attached to the TPB Paper for circulation to Members.

131. As the applicants' representatives had no further comment to make and Members had no further question, the Chairman informed them that the presentation and question session for the item had been completed. The Board would further deliberate on the item in their absence and inform the applicants of the Board's decision in due course. The Chairman thanked CTP/SD and the applicants' representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

132. The Vice-chairman said that according to the established practice, both PlanD and the applicants could submit a deferral request and the Board would agree to the deferral request if it met the criteria for deferment as set out in the TPB Guidelines No. 33. While the subject deferral request was proposed by PlanD, sufficient justifications for the deferment had been provided and the deferment period requested was not indefinite. As such, the deferral request could be supported in accordance with the TPB Guidelines No. 33.

133. For Members' background information, the Secretary said that the applicants requested to defer consideration of the application on 11.4.2011 which was agreed by the MPC on 6.5.2011. Subsequently, the applicants submitted FI on 3.6.2011 which was published for public comments from 14.6.2011 to 5.7.2011. As the statutory deadline for

consideration of the application was recounted in accordance with the relevant TPB Guidelines, the application was rescheduled for consideration by the Board on 12.8.2011. As PlanD requested for deferment of a decision on the application for the reasons as detailed in the Paper, the deferment request was therefore submitted to the Board for consideration at this meeting. If the deferment request was not acceded to, the application would be submitted to the Board for consideration on 12.8.2011 as scheduled. If the Board agreed to the request for deferment, the application would be submitted to the Board after the release of the public consultation report and the Government's revised scheme. The applicants requested that their application and the Government's revised scheme should be considered on the same day and at the same time. The applicants also requested to have sufficient time to consider the Government's revised scheme before the hearing of their s.12A application and hence they asked for the hearing to be held one month after the release of the Government's revised scheme. They also requested that the hearing be held after the views of the DC and the LegCo Panel on the revised Government's scheme had been made known so that the Board could take them into consideration.

134. A Member agreed to the request for deferment made by PlanD. This would not only enable the Board to have all relevant information, including the public consultation results and the Government's revised scheme, available in making a decision on the application, but also allow sufficient time for the applicants to consider and provide comments on the Government's revised scheme.

135. A Member asked if consideration of the application would be deferred by not more than three months. The Secretary clarified that the application would be submitted to the Board for consideration after the release of the public consultation report and the Government's revised scheme, as proposed by PlanD in paragraph 2.4 of the Paper. It was estimated that this would take no more than about three months (i.e. November 2011).

136. A Member asked if the Board had previously agreed to any deferral request without specifying a fixed date for the deferment. The Secretary said that normally, the applicant would be allowed two months for preparation of submission of FI. However, there were also a few cases that the deferment period was based on an event rather than a definite date.

137. In response to a Member's question, the Secretary said that the application could be submitted to the Board for consideration on 12.8.2011 as originally scheduled only if the Government's revised scheme could be released well before that date. However, this would not be possible given that it was already end July.

138. The Vice-chairman asked if the Board should decide at this meeting regarding the applicants' request to consider the application and the Government's revised scheme on the same day and at the same time. Members considered that what the Board would need to decide at this meeting was the deferment request made by PlanD. Whether the application and the Government's revised scheme would be considered together was a procedural matter which did not need to be decided at this meeting, particularly as the Government's revised scheme was not yet available at this stage.

139. After further deliberation, the Board agreed to defer the consideration of the application as recommended by the Planning Department and that the application would be submitted to the Board for consideration after the Government's release of the public consultation report and the revised redevelopment scheme for the West Wing. The Board also agreed that there was no need to decide whether the application and the Government's revised scheme would be considered at the same time at this meeting. A decision would be made at a later stage.

[Miss Anita W.T. Ma left the meeting at this point.]

Procedural Matters

Agenda Item 7

[Open Meeting]

Confirmation of Proposed Amendment and
Submission of Draft Yau Ma Tei Outline Zoning Plan No. S/K2/21A
to the Chief Executive in Council for Approval
(TPB Paper No. 8876)

[The meeting was conducted in Cantonese.]

140. The following Members had declared their interests in this item:

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|----------------------|---|
| Ms. Maggie M.K. Chan | - her spouse owned a property in the King's Park area |
| Mr. Fletch Chan | - being a church member of The Evangelical Lutheran Church of Hong Kong which had submitted a comment on the representation to the draft Yau Ma Tei Outline Zoning Plan (the draft OZP) |

141. Members noted that Ms. Maggie M.K. Chan had tendered an apology for being unable to attend the meeting and Mr. Fletch Chan had left the meeting.

142. The Secretary briefly introduced the Paper. She said that the draft OZP, incorporating amendments mainly related to the imposition of building height restrictions (BHRs) and rezoning of sites to reflect their existing uses, was exhibited for public inspection on 29.10.2010 under section 5 of the Town Planning Ordinance (the Ordinance). After giving consideration to the nine representations and 702 comments on 13.5.2011, the Board decided to propose amendment to the draft OZP to partially meet one representation and not to uphold the remaining representations. On 3.6.2011, the proposed amendment was published under section 6C(2) of the Ordinance for further representations. Members noted that no further representation was received and agreed that the OZP should be amended by the proposed amendment in accordance with section 6G of the Ordinance as stated in paragraph 4(a) of the Paper.

143. The Secretary said that on 26.7.2011, the Real Estate Developers Association of Hong Kong filed a judicial review (JR) application against, inter alia, the Board's decision not to uphold its representation in respect of the draft OZP. In the JR, the Applicant applied, among others, for an interim stay of submission of the draft OZP to the Chief Executive in Council (CE in C) for approval pending the final determination of the JR proceedings. On 27.7.2011, the High Court granted leave for the JR and ordered to arrange a short inter-parties hearing on the interim stay of the OZP submission. The Board would be briefed in details about the JR application in due course.

144. The Secretary continued to say that on 28.7.2011, the Applicant's solicitor, Mayer Brown JSM (JSM), wrote to the Board requesting the Board to confirm that it would not take any steps to submit the draft OZP to the CE in C pending the Court's determination of the application for leave to apply for the JR and the interim stay. Alternatively, JSM requested the Board to give at least two clear days' advance notice if the Board intended to submit the draft OZP to the CE in C so that it might have the opportunity to apply to the Court for the appropriate urgent interim relief. A copy of JSM's letter dated 28.7.2011 had been tabled at the meeting. In view the JR proceedings, the Secretary suggested and Members agreed to give at least two clear days' advance notice to the Applicant if the Board intended to submit the draft OZP to the CE in C for approval. If the Board decided not to oppose the interim stay, the draft OZP would not be submitted to the CE in C for approval. If the Board decided to oppose the interim stay and the interim stay was not approved by the Court, the statutory plan-making process would then need to be taken forward by submitting the draft OZP to the CE in C for approval.

Agenda Items 8 to 11

[Closed Meeting]

145. Agenda items 8 to 11 were recorded under confidential cover.

Agenda Item 12

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

146. There being no other business, the meeting was closed at 2:50 p.m..