

Extract of Minutes of Meeting of Southern District Council held on 10.5.2018

Agenda Item 3: Motion: Strongly Oppose to the Planning Application to Rezone 111 Lee Nam Road, Ap Lei Chau from “Other Specified Uses” annotated “Business (3)” to “Residential (Group E)” (Application No. Y/H15/12)
(SDC Paper No. 38/2018)
[2:34 p.m. – 3:54 p.m.]

11. The Chairman said that two motions regarding the planning application to rezone 111 Lee Nam Road, Ap Lei Chau from “Other Specified Uses” annotated “Business (3)” to “Residential (Group E)” (application no. Y/H15/12) had been received prior to the meeting, i.e. one moved by Ms CHAN Judy Kapui, Ms CHEUNG Sik-yung, MH, Mr LAM Kai-fai, MH and Ms LAM Yuk-chun, MH, and another moved by Mr AU Nok-hin. Given their similar nature, a joint discussion on the two motions was arranged.

(Mr CHAI Man-hon joined the meeting at 2:35 p.m.)

12. Mr Paul ZIMMERMAN raised an enquiry on the rules of order. He commented that the agenda item was a planning issue and would like to know why it was to be discussed at SDC instead of the District Development and Housing Committee (DDHC).

13. The Chairman gave a response as follows:

- (i) the applicant had made the aforesaid planning application to the Town Planning Board (TPB) on 13 April 2018. Subsequently, TPB announced the details of the application on 27 April 2018;
- (ii) normally, rezoning matters were discussed at DDHC under SDC. However, the deadline for public consultation in respect of the said application was 18 May 2018 while the next DDHC meeting was to be held on 28 May 2018. The Members moving the motions considered that the rezoning application would have a great impact on Ap Lei Chau and therefore would like to discuss it at this meeting with a view to reflecting SDC’s views before the deadline for public consultation; and
- (iii) in view of the above reason, the Chairman accepted the motions in accordance with Order 16 of the Southern District Council Standing Orders.

14. The Chairman welcomed the following departmental representatives to the meeting:

- (i) Miss Jessica LEE, Senior Town Planner/HK 1, Planning Department (PlanD); and
- (ii) Ms Doris TSE, Estate Surveyor/Aberdeen, Lands Department (LandsD).

15. The Chairman said that the two motions were as follows:

- (i) “Motion 1”
(Moved by Ms CHAN Judy Kapui, Ms CHEUNG Sik-yung, MH, Mr LAM Kai-fai, MH and Ms LAM Yuk-chun, MH, and seconded by Mr AU Lap-sing, MH, Mr CHAN Fu-ming, MH, Mrs CHAN LEE Pui-ying, Mr CHU Lap-wai, Mr FUNG Se-goun, Dr MAK TSE How-ling, MH and Ms YAM Pauline)

“Owing to the fact that a vast number of large-scale residential projects of Ap Lei Chau have been approved, the roads and traffic in Ap Lei Chau are overloaded. Residents living on this densely populated island cannot accept the endlessly growing residential population arising from such unrestrained development. Moreover, if the application for rezoning the site of Dah Chong Hong Motor Service Centre now situated within a “Business” zone at 111 Lee Nam Road is approved by TPB for development into a residential site, one can imagine that it will prompt chain reaction on the part of the neighbouring developers of the “Business” zone to file similar planning applications for rezoning land into residential development. Therefore, SDC strongly urges TPB to reject the application for rezoning the site of 111 Lee Nam Road from “Business” to “Residential (Group E)”, and requests that the land use of the site for business purpose be maintained.”

- (ii) “Motion 2”
(Moved by Mr AU Nok-hin, and seconded by Mr LO Kin-hei)

“In the light of the excessively high population density of Ap Lei Chau coupled with the imbalance of its community facilities, this Council strongly objects to the planning application no. Y/H15/12 for rezoning the site of Dah Chong Hong Motor Service Centre, 111 Lee Nam Road, Ap Lei Chau from “Other Specified Uses” annotated “Business (3)” to “Residential (Group E).”

16. The Chairman continued that the written responses of relevant government

departments were set out at Annex 3 to SDC Paper No. 38/2018. The above two motions would be addressed in the order in which the motions were moved. The Chairman invited Mr LAM Kai-fai, MH to brief Members on Motion 1.

17. Mr LAM Kai-fai, MH briefed Members on the motion as follows:

- (i) there had been a number of planning applications for rezoning land into residential development in Ap Lei Chau since 2000 and SDC had expressed views on the applications. He was opposed to the planning application for rezoning the site of Dah Chong Hong Motor Service Centre at 111 Lee Nam Road from “Business (3)” to “Residential” zone. He understood the pressing demand for housing supply in Hong Kong, but the population density in Ap Lei Chau was excessively high. The Hongkong Electric Company Limited (HEC) had in the past submitted an application for rezoning the HEC Complex at South Horizons into two residential buildings. However, HEC had withdrawn the application due to strong opposition from the residents of South Horizons and submitted another application for rezoning the site into a hotel. Two major conglomerates had also submitted an application for rezoning the site of Shell Oil Depot near South Horizons for residential development. TPB had eventually rejected the application after the objectors had had spent over a year presenting their representations;
- (ii) although SDC could not prevent private developers from submitting planning applications for residential development, the Government had the responsibility to comprehensively examine the impact brought by such applications. Not long ago there was a planning application for rezoning the site of Hong Kong School of Motoring at Lee Nam Road. In view of the public concerns, the Government had assured that similar development plans would not be further pursued in its vicinity. The application was eventually endorsed. He stressed that if approval was given to the planning application for rezoning the site of Dah Chong Hong Motor Service Centre, it would generate a knock-on effect that there would be similar planning applications for rezoning the sites nearby, hence posing serious impact on Ap Lei Chau; and
- (iii) he reiterated that he was strongly opposed to this rezoning application, unless the Government had made long-term planning for Ap Lei Chau, such as building more road transport infrastructure connecting Ap Lei Chau and increasing the number of train cars of South Island Line (East) (SIL(E)). He also urged TPB to reject the rezoning application in response to the views of the residents in Ap Lei Chau.

18. The Chairman invited Mr AU Nok-hin to brief Members on Motion 2.
19. Mr AU Nok-hin briefed Members on the motion as follows:
- (i) in recent years there had been a number of planning applications in Ap Lei Chau, including the applications for rezoning the present site of Marina South, the site of Hong Kong School of Motoring at Lee Nam Road and that of Dah Chong Hong Motor Service Centre. Members had discussed the applications and presented their grounds for opposing the applications. However, some of the applications were endorsed eventually. He expressed discontent that the Government had repeatedly ignored the views of the local community;
 - (ii) with regard to the planning applications for residential development in Ap Lei Chau in recent years, SDC had reflected to the Government that such planning would lead to insufficient community facilities in the area. However, the Government referred to the Aberdeen and Ap Lei Chau Outline Zoning Plan (OZP) and pointed out that there were adequate sitting-out areas in Aberdeen and Ap Lei Chau. He commented that the Government should separately review whether there were sufficient sitting-out areas in Ap Lei Chau, instead of taking into account the sitting-out areas in Aberdeen or even Wong Chuk Hang when considering the planning applications in Ap Lei Chau;
 - (iii) despite the vast number of residential premises in the area, there were insufficient community facilities in Ap Lei Chau to cope with the needs of local residents. Land was valuable resource in Hong Kong. If the application involved rezoning of site for other use, the departments concerned should consider building community facilities to meet the needs of the society, instead of building 400-odd residential units only. He stressed that the present rezoning application was not cost-effective and it was contrary to the views of local residents. In this connection, he hoped that the said planning application could be discussed at the meeting and reasons for opposing the application could be stated in detail for the consideration of the departments concerned; and
 - (iv) he recalled that during the discussion on the application for rezoning the site of Hong Kong School of Motoring at Lee Nam Road at an earlier meeting of SDC, the Government had assured that there would be no similar development plans in its vicinity. Right now, the Government proposed another development project. He was worried that similar planning applications for rezoning the sites nearby, such as Harbour Industrial Centre, Oceanic Industrial Centre and Horizon Plaza, would be proposed successively if approval was given to the said rezoning application. He commented that such planning applications for rezoning the sites for residential use would not help solve the

current housing shortage problem faced by Hong Kong people.

20. The Chairman invited the representative of PlanD to respond.
21. Miss Jessica LEE replied that the response of PlanD to this agenda item was set out at Annex 3 to SDC Paper No. 38/2018. She said that any comments or suggestions in respect of the application no. Y/H15/12 for amendment of plan should be forwarded to the Secretariat of TPB direct by post to 15/F, North Point Government Offices, or by fax or email.
22. The Chairman invited the representative of LandsD to respond.
23. Ms Doris TSE replied that the response of LandsD to this agenda item was set out at Annex 3 to SDC Paper No. 38/2018. A site at Aplichow Inland Lot No. 124 was involved in the planning application. Under the Government lease, it was restricted for the purpose of industrial and/or godown purposes; and portion of the 5/F of the existing building was permitted to be used as a data centre by a Waiver Letter.
24. The Chairman asked the representative of Transport Department (TD) whether he had anything to add in respect of Members' concerns over the traffic in Ap Lei Chau.
25. Mr KWOK Yue-fung said that he had nothing to add.
26. The Chairman invited Members to raise comments and enquiries.
27. Mr Paul ZIMMERMAN raised the following comments and enquiries:
 - (i) he enquired whether PlanD would consider the personal safety matters of residents under normal circumstances upon the completion of residential flats in the business area when PlanD granted support for the application for rezoning individual business buildings to residential use in "Business" and "Industrial" zones; and
 - (ii) he pointed out that as mentioned in "Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030" (Hong Kong 2030+), in view of the imbalance in home-job spatial distribution in Hong Kong, the Government had considered creating more employment opportunities to redress the existing imbalanced spatial distribution of homes and jobs, pulling more economic activities to areas with limited existing economic activities, creating economic

nodes of sufficient scale in new growth areas, and connecting the population to employment centres. He commented that the above suggestion should not be intended to zone areas as purely business areas or purely residential areas. Under this principle, he enquired PlanD whether the business area in Ap Lei Chau would continue to exist in the future.

28. Ms CHAN Judy Kapui raised the following comments and enquiries:

- (i) since the implementation of construction of SIL(E), there had been continuous changes in the Southern District, including Ap Lei Chau which had become increasingly crowded. As the population density of Ap Lei Chau was quite high, residents had concerns over large-scale planning projects of Ap Lei Chau in recent years, including the rezoning of the site of Hong Kong School of Motoring at Lee Nam Road to residential use and the construction of a hotel at Yi Nga Drive as proposed by HEC. Compared with Kwun Tong District, which was the most densely populated district with a density of over 50 000 residents per square kilometer, the population density of Ap Lei Chau was over 60 000 residents per square kilometer, which was about one-third of the whole Southern District and far exceeded that of Kwun Tong District;
- (ii) she pointed out that Dah Chong Hong Motor Service Centre in Ap Lei Chau had been rezoned from "Industrial" to "Other Specified Uses" annotated "Business (3)" in the early years. Possible reasons for the applicant to submit the current rezoning application might include unsatisfactory leasing situation and the approval for application to rezone the site of Hong Kong School of Motoring at Lee Nam Road. However, from the perspective of the overall planning of Ap Lei Chau, Ap Lei Chau had already been densely populated. Besides, Lee Nam Road was the only way going in/out of Dah Chong Hong Motor Service Centre in Ap Lei Chau and its end was located at the waterfront. If accidents occurred in Shell Oil Depot and Sewage Treatment Works nearby, residents could not be evacuated promptly; and
- (iii) she emphasised that upon the completion of the residential flats located at the site of Hong Kong School of Motoring at Lee Nam Road as well as the hotel which HEC proposed to build at Yi Nga Drive, the residential population of Ap Lei Chau would increase, the living quality of residents would then be affected and traffic load of nearby area would also increase. In view of this, she enquired whether PlanD would consider setting a cap for resident population of Ap Lei Chau. She also requested the Government to review the overall planning of Ap Lei Chau prudently and listen to public opinion when considering the planning applications of Ap Lei Chau.

29. Ms LAM Yuk-chun, MH raised the following comments and enquiries:
- (i) according to the Guinness World Records, Ap Lei Chau was the second most densely populated island in the world, which reflected a very high population density in Ap Lei Chau; and
 - (ii) she pointed out that if approval was given to the application for rezoning the site of Dah Chong Hong Motor Service Centre in Ap Lei Chau to residential use, it would prompt chain reaction to file similar applications for rezoning other “Business” zones of the district in future. As a result, the living environment in Ap Lei Chau would be affected and its traffic would also be overloaded. Therefore, she strongly objected to the planning applications for rezoning any sites in Ap Lei Chau from “Business” to “Residential” without long-term planning, and urged the Government to carefully examine the relevant planning applications.
30. Mr CHAI Man-hon raised the following comments and enquiries:
- (i) he criticised the Government for selling the site of Hong Kong School of Motoring at Lee Nam Road at an exorbitant cost of about \$16.8 billion, inducing developers to apply for rezoning in the district. He urged the Government to examine whether the rezoning application concerned had violated the land use of “Industrial” zone. If the Government continued to allow the submission of similar rezoning applications, the housing demand of Hong Kong people would not be satisfied, and conflicts in society would also be escalated. He pointed out that PlanD would explain the traffic impact, local views and the stance of the department regarding any planning application in the past. However, he was disappointed that PlanD had not indicated where they stood regarding the planning application concerned. He requested PlanD to make clear its stance on the application concerned; and
 - (ii) PlanD had promulgated the “Report on 2014 Area Assessment of Industrial Land in the Territory” in the early years. It was mentioned in the report that with the change of land use of some industrial sites, the total area of industrial sites in Hong Kong would be reduced, resulting in insufficient land for industrial use. Therefore, in terms of policy, large industrial sites were not encouraged to be rezoned for other profit-making uses, such as residential use. However, due to the inadequacy of the Government, the site of Dah Chong Hong Motor Service Centre in Ap Lei Chau was rezoned from “Industrial” to “Business” in the early years, and an application had even been filed at present for rezoning the site

from “Business” to “Residential”, which did not comply with the recommendation of the report. He reiterated that the Government should make clear its stance.

31. Ms CHEUNG Sik-yung, MH was sceptical that PlanD’s written reply had not explained its stance on the planning application concerned, and TD had merely requested the applicant to submit further information. She emphasised that the end of Lee Nam Road was located at the waterfront and there was only one access to Main Street, Ap Lei Chau. She requested the Government to look into the impact of the rezoning application on the peripheral traffic facilities and population growth. Besides, she also strongly objected to the planning application concerned.

32. Dr MAK TSE How-ling, MH raised the following comments and enquiries:

- (i) she understood the pressing demand for housing supply in Hong Kong and that the waiting time for allocation of public rental housing (PRH) flats was rather long. However, what the grassroots needed was PRH flats rather than private flats. Therefore, she objected to the application for rezoning the site of Dah Chong Hong Motor Service Centre in Ap Lei Chau from “Other Specified Uses” annotated “Business (3)” to “Residential (Group E)” zone; and
- (ii) she pointed out that the area of Ap Lei Chau was small and Ap Lei Chau Bridge was the only external transport facility for that area. Even with the commissioning of SIL(E), serious traffic congestion still occurred from time to time. If PlanD continued to grant approval for the massive construction of residential flats in the area, the local population would increase substantially and the situation of traffic congestion would be worsened. Also, residential buildings in the area would be too concentrated. She urged PlanD to conduct thorough examination to decide whether the planning application was appropriate and requested TD to carry out traffic impact assessment.

33. The Chairman invited the representative of PlanD to respond.

34. Miss Jessica LEE gave a consolidated response as follows:

- (i) she pointed out that the site of Dah Chong Hong Motor Service Centre at 111 Lee Nam Road, Ap Lei Chau was zoned “Other Specified Uses” annotated “Business (3)” on the Aberdeen and Ap Lei Chau OZP. This zone was intended primarily for general business use, e.g. information technology and telecommunications industries, non-polluting industrial use, other commercial

uses, etc. Business buildings were always permitted. Residential development was not allowed in the "Business" zone and amendment to the relevant OZP was required. Therefore, the applicant requested TPB to amend the relevant OZP and proposed to rezone the site of Dah Chong Hong Motor Service Centre at 111 Lee Nam Road, Ap Lei Chau from "Other Specified Uses" annotated "Business (3)" to "Residential (Group E)" zone for residential use at the lot;

- (ii) TPB and PlanD were processing the said application for amendment of plan and conducting public consultation. If Members had any comments related to the application, please forward to the Secretariat of TPB direct by post, fax or e-mail on or before 18 May 2018; and
- (iii) Members' views on transport, environment, infrastructure and population density in Ap Lei Chau had been put on record. PlanD would reflect to TPB on Members' views, discussions and results of the motions together with the opinions collected from public consultation.

35. The Chairman invited the representative of LandsD to respond.

36. Ms Doris TSE said that since the planning application was still in process, LandsD had nothing to add for the time being.

37. Mr Paul ZIMMERMAN raised an enquiry on the rules of order. He said that PlanD had yet to respond to his two enquiries which were not directly related to the application, including his concern over the safety of the residents living in a single residential building in "Business" and "Industrial" zones, as well as the distribution of "Business" zones as mentioned in Hong Kong 2030+.

38. The Chairman invited the representative of PlanD to respond.

39. Miss Jessica LEE responded that PlanD understood that this agenda item was for discussion of the application for amendment of plan submitted to TPB under Section 12A of the Town Planning Ordinance. PlanD would not on behalf of the applicant provide and respond to the content of the application. Should Members have any views regarding this application, they could relay their views direct to TPB.

40. Mr Paul ZIMMERMAN raised an enquiry on the rules of order. He was dissatisfied with PlanD's failure to respond to his enquiries. He queried the role of PlanD's representative attending the meeting if PlanD insisted on adopting such approach to respond to SDC's enquiries about the rezoning application. PlanD could

simply provide written responses to SDC without having to send representatives to attend the meeting.

41. The Chairman said that information concerning this planning application had been uploaded onto TPB's website. Members could visit PlanD's website for relevant information.

42. Mr CHAI Man-hon was dissatisfied with PlanD's written responses and commented that the department just elaborated on the statutory procedure without stating its stance on the motion in writing, which in his opinion, contravened the rules of SDC and wasted meeting time. He thus requested PlanD to recall the practice. If PlanD did not make clear its stance at this stage, discussion of this agenda item should be adjourned.

43. The Chairman said that the main purpose for PlanD's representative to attend the meeting was to collect SDC's views on this application so that they could relay such views to TPB, but not to explain the application on behalf of the applicant.

44. Mr Paul ZIMMERMAN raised an enquiry on the rules of order. The deadline for public consultation in respect of this application was 18 May 2018 while the next DDHC meeting was to be held on 28 May 2018. If the representative of PlanD could not respond to Members' enquiries at the moment, he suggested adorning the discussion of this agenda item until PlanD could provide its response. He also enquired when PlanD could respond to the above enquiries raised by Members.

45. Mr AU Nok-hin said that PlanD should provide a detailed response to Members' enquiries. For example, Mr CHAI Man-hon mentioned the recommendations made in the 2014 Area Assessment of Industrial Land in the Territory, in which as a matter of policy, applications for rezoning industrial sites for residential use should not be encouraged. He thus enquired PlanD that based on its stance, whether the current planning application for rezoning the site of Dah Chong Hong Motor Service Centre in Ap Lei Chau from "Business" to "Residential" would be approved, given that the site had been rezoned from "Industrial" to "Business" zone in the early years.

46. Dr MAK TSE How-ling, MH raised an enquiry on the rules of order. She said that SDC should focus on discussing this planning application and proceed to the second round of discussion as soon as possible.

47. Ms CHAN Judy Kapui objected to the adjournment of discussion of this agenda item as proposed by Mr Paul ZIMMERMAN. She commented that SDC had to discuss and vote on the two motions and then relay the views and stance of SDC to TPB on or before 18 May 2018.

48. The Chairman said that under Order 22 of SDC Standing Orders, no motion shall be withdrawn unless with the unanimous consent of the members present (excluding abstentions). Hence, discussion of this agenda item would not be adjourned. Besides, the main purpose for PlanD's representative to attend the meeting was to collect SDC's views on this application for the consideration of TPB. In this regard, SDC should focus on discussing matters concerning this planning application and proceed to the second round of discussion.

(Mr LO Kin-hei joined the meeting at 3:20 p.m.)

49. Mr Paul ZIMMERMAN raised an enquiry on the rules of order. He requested PlanD to inform SDC as to when they could respond to Members' enquiries. In his opinion, SDC should conduct in-depth discussion only after PlanD had responded to Members' enquires and Members had obtained more information. Besides, TPB should accept the views which SDC had expressed prior to the hearing of TPB. He emphasised that he just proposed to postpone the discussion of this agenda item instead of terminating it.

50. The Chairman responded that this agenda item mainly focused on discussing the motion of opposing the planning application for rezoning the site at 111 Lee Nam Road in Ap Lei Chau instead of discussing land planning issues. If Members wished to discuss general issues on planning and lands, they should raise an agenda item in this respect later.

51. The Chairman invited Members to raise comments or enquiries.

52. Mr AU Nok-hin raised the following comments and enquiries:

- (i) he suggested the representative of PlanD respond to Members' enquiries one by one so that SDC could acquire more information for discussion;
- (ii) PlanD had promulgated the Report on 2014 Area Assessment of Industrial Land in the Territory in the early years. It was mentioned in the report that in terms of policy, industrial sites were not encouraged or permitted to be rezoned for residential use. However, the site of Dah Chong Hong Motor Service Centre in

Ap Lei Chau had been rezoned from "Industrial" to "Business" in the early years, and recently an application for rezoning the site from "Business" to "Residential" use was filed by the developer. He asked whether PlanD would approve this application. If approval was given to the said application, the above report would exist in name only. If the restrictions stipulated in the report must be complied with, there would be strong justifications to reject this application; and

- (iii) he requested PlanD to relay the aforesaid content of the Report on 2014 Area Assessment of Industrial Land in the Territory to TPB so that TPB could be informed of the details and relevant restrictions of the report.

53. Dr MAK TSE How-ling, MH said that Hong Kong was promoting the development of science and technology, and "Information Technology" was included in "Column 1 - Uses always permitted" under "Business" zone, therefore she suggested the Government take a leading role by developing the "Business" zone in Ap Lei Chau into a "Technology Town" in order to assist the industry. In view of this, she commented that PlanD should directly reject the planning application and promote the development of science and technology by developing the "Business" zone. She also urged PlanD to reflect the strong opposition of SDC to TPB.

54. Mr LO Kin-hei raised the following comments and enquiries:

- (i) he apologised for being late as he had to attend another meeting;
- (ii) according to Members' remarks, he noted that the representatives of relevant government departments had not responded to Members' enquiries one by one, which indicated that the representatives of PlanD and TD refused to adopt a receptive attitude as they failed to respond to Members' enquiries before TPB considered the rezoning application. If PlanD continued to attach little importance to the views of SDC and only express its stance to TPB, it was very likely that the views of SDC could not be relayed and TPB would only listen to the views of PlanD;
- (iii) he stressed that a majority of Members either moved or seconded the two motions and he expected that the two motions would be passed. This showed SDC's unanimous opposition to the planning application for rezoning the site at 111 Lee Nam Road from "Business" to "Residential" use. However, he commented that the final decision of TPB might not be affected even if the motions were passed. He emphasised SDC's repeated opposition to the rezoning applications in the district and Members had even staged demonstrations and petitions outside TPB to express their views, but the actual

situation always fell short of the expected results. Therefore, he opined that the core of the problem was that not much importance was attached to SDC's views;

- (iv) he agreed with Mr Paul ZIMMERMAN's view that PlanD should attend SDC meeting again to expound its position after the department had made clear its stance on this planning application and before TPB considered the application; and
- (v) With regard to TD's submission of preliminary views to PlanD as stated in its written response, he requested TD to account for the specific details.

55. Ms YAM Pauline raised the following comments and enquiries:

- (i) as one of the seconders of the first motion, she reiterated her opposition to the planning application for rezoning the site at 111 Lee Nam Road, Ap Lei Chau from "Other Specified Uses" annotated "Business (3)" to "Residential (Group E)"; and
- (ii) she understood that due to inadequate land supply in Hong Kong, it was necessary to develop more land for housing. However, the Government, which took a leading role in the matter, should not blindly effect changes in land use and had to consider whether there were sufficient ancillary facilities and community planning. There was only one bridge connecting Ap Lei Chau to other areas, with inadequate ancillary community facilities. Giving further support to such kind of planning applications would place a burden on the nearby Aberdeen.

56. Mr CHAI Man-hon raised the following comments and enquiries:

- (i) the response from PlanD's representative was utterly unacceptable. He emphasised that what was included in the Government's Report on 2014 Area Assessment of Industrial Land in the Territory was inextricably related to whether the current planning application should be approved. The failure of PlanD's representative to respond to the enquiries concerning the said report demonstrated her inadequate preparation for the meeting;
- (ii) Order 26 of SDC Standing Orders provided that "A question put to a public officer or any person invited to attend meetings of the Council shall be in writing." Accordingly, government departments should respond to enquiries raised by SDC positively in accordance with the principle underpinning the Order. Otherwise, it would only give the appearance of "administrative hegemony" and strained the relationship between the Government and the

- public; and
- (iii) he reiterated that PlanD had indeed made clear its stance on planning applications in the past. For instance, during the last term of SDC, the District Development and Environment Committee had discussed “Proposed Rezoning of a Piece of Government Land at Lee Nam Road, Ap Lei Chau for Residential Development” on 18 May 2015. PlanD had submitted detailed documents, including reference to the Policy Address on finding adequate land to meet the housing supply target for the next decade and the views of the government departments concerned. In contrast, as the current planning application was not submitted by the Government, established procedures had been immediately cast aside and PlanD had taken no stance. Where the Government’s position was not known, there was no room for discussion on that application at SDC.

57. Mr LAM Kai-fai, MH raised the following comments and enquiries:

- (i) he pointed out that the rezoning application was not submitted by the Government, but by a private developer instead. Like the construction project of a hotel as proposed by HEC, it was reasonable that the Government did not provide explanation for the application on behalf of the applicant. On the contrary, if the application was submitted by the Government, the Government should indicate its stance;
- (ii) when discussing the rezoning application of the site of Hong Kong School of Motoring at Lee Nam Road in the early years, it had been known that there had not been any similar residential projects in the area near Lee Nam Road in the future. However, the application was submitted by a private developer and the Government could not stop private sectors from submitting applications; and
- (iii) the aim of PlanD appointing its representative to attend SDC meeting was to collect the views from the Council, instead of indicating its stance on whether the department supported the application concerned. The decision on whether to support the application or not was under the purview of TPB. The major responsibility of the department was to truthfully reflect the views of SDC to TPB after the meeting. Hence, he hoped that SDC should focus on discussing the two motions under this agenda item, raising objection in respect of the application to rezone the site at 111 Lee Nam Road and requesting TPB to reject the rezoning application concerned. He suggested that the two motions be voted on as soon as possible.

58. Mr Paul ZIMMERMAN raised the following comments and enquiries:
- (i) if the draft OZP was to be amended, Members would understand that the department could meet them at any time and respond to their enquiries. Nevertheless, upon the receipt of the planning application, the department said that it had not been in a position to respond to Members' enquiries. He thus enquired the department about the appropriate timing and stage for SDC to discuss the planning application. He hoped that the department would give an account on this issue so that SDC would be able to discuss with the department in a timely manner before the meeting of TPB if similar situation happened in the future; and
 - (ii) if the Government had already planned to rezone the whole "Business" zone to residential site and ensured that the ancillary facilities were sufficient to meet the demand for housing in the future, he found it acceptable to rezone part of the business buildings to residential use gradually. However, if the Government did not plan to rezone the whole "Business" zone to residential site, the approach of gradual rezoning should not be accepted. He enquired the department whether the Government had any land planning in respect of the whole area as mentioned above.
59. The Chairman invited the representative of PlanD to respond.
60. Miss Jessica LEE responded that she thanked Members for their valuable views. The department had put Members' views on record and would reflect Members' views and the result of the two motions to TPB.
61. The Chairman invited the representative of LandsD to respond.
62. Ms Doris TSE said that she had nothing to add.
63. The Chairman invited the representative of TD to respond.
64. Mr KWOK Yue-fung said that he had nothing to add.
65. Mr Paul ZIMMERMAN raised an enquiry on the rules of order. He said that PlanD did not give a response in respect of his enquiry and requested the department to respond to the appropriate timing or stage for the planning application to be submitted for SDC's discussion. If the department would not discuss the planning application, it should inform SDC direct.

66. Mr AU Nok-hin criticised that the representative of PlanD had ignored his enquiry.

67. Mr LO Kin-hei raised the following comments and enquiries:

- (i) as revealed by the way in which government departments responded, the Government did not attach much importance to SDC. He did not share the view of Mr LAM Kai-fai, MH, that there was no need for the department to state its stance because the application was not filed by the Government. In his opinion, if SDC raised comments on the issue, the departments concerned should explain the situation to SDC, such as responding to Members' enquiries and explaining the departmental views on Members' comments, as well as liaising and exchanging views with Members. If the purpose for departmental representatives to attend the meeting was merely to gauge views, they could simply listen to the recordings of the meeting; and
- (ii) with regard to TD's submission of preliminary views to PlanD as stated in its written response, he had requested TD to give an account of the specific details to SDC. However, the department had not responded. He emphasised that the department should give an account of the details to facilitate Members' follow-up and verification. Otherwise, the accuracy of the information received by TPB could not be assured. If, owing to other reasons, it was inappropriate to conduct discussion in public on any information before the application was considered by TPB, the department should indicate when the issue could be discussed or even hold a closed meeting.

68. The Chairman raised the following comments and enquiries:

- (i) after taking into account Members' views, he commented that they shared same opinion towards the two motions. However, Members felt that the departments concerned did not make clear their stance on the issue. While he agreed with the views raised by Mr LAM Kai-fai, MH, he said that the departmental representatives attending the meeting should not only repeat the content of the written response. Instead, they should provide Members with the relevant information as far as possible. In this connection, he asked the representative of PlanD to make clear its stance on this planning application and provide more information; and
- (ii) the site of Dah Chong Hong Motor Service Centre in Ap Lei Chau had been rezoned from "Industrial" to "Business" in the early years, and an application

had been filed at present for rezoning the site from “Business” to “Residential”. Members found this practice inappropriate and queried why PlanD accepted such planning application. The department had expertise in planning and a better grasp of the information about the said planning application than SDC did. He hoped that the department could actively respond to Members’ enquiries and continue to liaise and exchange views with Members. Otherwise, it would give an impression of disrespect for SDC.

69. Miss Jessica LEE gave a consolidated response as follows:

- (i) TPB and PlanD were now processing and conducting public consultation on the above-mentioned application for amendment of plan in accordance with the Town Planning Ordinance and related planning guidelines. She reiterated that PlanD would not on behalf of the applicant provide and respond to the content or details in respect of the application;
- (ii) PlanD was circulating the documents submitted by the applicant to the relevant departments. The departments concerned could provide PlanD with professional technical advice on the proposal of the application and its technical assessment. They could also requested the applicant to provide supplementary information where necessary. At the present stage, PlanD had not received the professional advice from all departments concerned, nor could PlanD confirm whether the departments concerned accept the content of the application; and
- (iii) all documents submitted by the applicant, including all technical assessment reports, had been made available at the Planning Enquiry Counter of PlanD at 17/F, North Point Government Offices. Members of the public could gain access to and obtain copies of the relevant documents at the Planning Enquiry Counter.

70. The Chairman suggested that upon voting on the two motions by Members, SDC should write to TPB to reflect the voting results and Members’ views, with copies to the Development Bureau (DevB) and PlanD.

71. Members raised no objection.

(Post-meeting Note: The Secretariat had written to TPB on 16 May 2018. The details were set out at Annex 1, with copies to DevB and PlanD.)

72. The Chairman invited Members to vote on “Motion 1” moved by Ms CHAN

Judy Kapui, Ms CHEUNG Sik-yung, MH, Mr LAM Kai-fai, MH and Ms LAM Yuk-chun, MH, and seconded by Mr AU Lap-sing, MH, Mr CHAN Fu-ming, MH, Mrs CHAN LEE Pui-ying, Mr CHU Lap-wai, Mr FUNG Se-goun, Dr MAK TSE How-ling, MH and Ms YAM Pauline.

73. “Motion 1” was passed with 15 votes in favour, and zero against or abstention.

74. The Chairman invited Members to vote on “Motion 2” moved by Mr AU Nok-hin and seconded by Mr LO Kin-hei.

75. “Motion 2” was passed with 15 votes in favour, and zero against or abstention.

76. Mr Paul ZIMMERMAN said that since the documents of the rezoning application had been made available at the office of PlanD and the representative of PlanD could not make any comment, he suggested that the representative should bring along the documents when attending meetings in future for Members’ inspection, and PlanD should invite applicants to attend SDC meetings for Members’ understanding of the details.

77. The Chairman asked the representative of PlanD to note the view of Mr Paul ZIMMERMAN.

(Miss Jessica LEE and Ms Doris TSE left the meeting at 3:54 p.m.)

~~**Agenda Item 4: Revised Allocation of SDC Community Involvement Project Fund for 2018-19**
(SDC Paper No. 39/2018)
[3:54 p.m. – 4:14 p.m.]~~

78. The Chairman said that he was the Consultant of Hong Kong Southern District Orchestra under the Southern District Arts and Culture Association (SDACA). According to the Mechanism of Declaration of Interests in Vetting Fund Applications, since the post was in a nominal capacity, he could still take part in the discussion and decision-making and would continue to preside over the meeting. The Chairman asked whether Members consented to the aforesaid arrangement.

~~79. Members had no objection.~~