

TPB Paper No. 10603
For Consideration by the
Town Planning Board on 22.11.2019

INFORMATION NOTE AND HEARING ARRANGEMENT
FOR CONSIDERATION OF FURTHER REPRESENTATION ARISING FROM THE
CONSIDERATION OF REPRESENTATION ON
THE DRAFT NGAU TAU KOK AND KOWLOON BAY OUTLINE ZONING PLAN NO. S/K13/26

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1. Introduction

- 1.1 On 19.11.2010, the draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan (OZP) No. S/K13/26 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance).
- 1.2 During the plan exhibition period, a total of 1,304 representations and 1 comment were received. **R2** was submitted by the Real Estate Developers Association of Hong Kong (REDA) opposing the building height restrictions (BHRs) for all residential and Government, institution or community (“G/IC”) zones outside Kowloon Bay Business Area and all non-building area (NBA) and building gap (BG) requirements in various zones. On 27.5.2011, the Town Planning Board (the Board) considered **R2** and decided not to uphold **R2**¹.
- 1.3 A judicial review (JR) was lodged by REDA on 25.7.2011 against the decisions of the Board not to propose amendments to the Plan and three other OZPs² in accordance with its representations. On 3.2.2015, the Court of First Instance (CFI) allowed the JR by REDA and ordered that the Board’s decisions on REDA’s representations in respect of the four OZPs be quashed and that the decisions be remitted to the Board for re-consideration. Pursuant to the Court’s order on REDA’s JR, the Board re-considered REDA’s representation on 27.9.2019. The Board decided to partially meet the representation and to propose amendment to the draft Ngau Tau Kok and Kowloon Bay OZP No. S/K13/29 under section 6B(8) of the Ordinance, by deleting the BG requirement from Lam Fung Street to Sheung Yee Road within the “Other Specified Uses” annotated “Business (2)” (OU(B)2”) zone (**Amendment Item A**) and revising to the Remarks of the Notes for the “OU(B)” zone accordingly.

¹ On 27.5.2011 and 1.6.2011, after giving consideration to the representations (including R2) and comment, the Board decided to partially meet some representations and decided to propose amendments to the Plan under section 6B(8) of the Ordinance. On 30.6.2011, the proposed amendments were published for three weeks for further representations. A total of 286 further representations were received. On 3.2.2012, the Board gave consideration to the FRs and decided to amend the OZP by the proposed amendments under section 6F(8) of the Ordinance.

² The three other OZPs are the Wan Chai, Mong Kok and Yau Ma Tei OZPs.

1.4 On 18.10.2019, the proposed amendments were exhibited for public inspection under section 6C(2) of the Ordinance (**Annex I**). Upon expiry of the 3-week exhibition period, 1 further representation (FR) submitted by an individual (**F1**) was received.

2. The Further Representation (Plan FP-1)

Pursuant to section 6D(1) of the Ordinance, any person, other than that who has made any representation or comment and after consideration of which the proposed amendments have been made, may make FR to the Board in respect of the proposed amendments. **F1** expresses concern that no justification was provided for proposed deletion of the BG on the site that is within a very congested built-up environment. The list of FR is at **Annex II**.

3. Arrangement for Consideration of Further Representation

3.1 Under section 2A of the Ordinance, the Board is empowered to appoint a Representation Hearing Committee (RHC) from among its members to consider representations and comments, propose amendments to the OZP to meet representations, consider FRs in respect of the proposed amendments, and consider whether to vary the proposed amendments upon consideration of any adverse FRs. As the representations, comments and REDA's representation were re-considered by the full Board throughout the hearing and deliberation session, it is considered more appropriate for the full Board to hear the FR without resorting to the appointment of a RHC. The hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary. The arrangement would not delay the completion of the further representation consideration process.

3.2 Under section 6F(6) of the Ordinance, the Board may determine whether the FR shall be considered at the same meeting and whether they shall be considered individually or collectively. As there is only 1 FR, it will be considered at one meeting.

3.3 In accordance with section 6F(3) of the Ordinance, the original representers/commenters who have made representations/comments after consideration of which the proposed amendments have been made (i.e. R2 with no related commenter) and the further representer **F1** will be invited to the hearing.

3.4 To ensure efficiency of the hearing, it is recommended that the representer/FR be allotted a maximum of 10 minutes for presentation in the hearing session.

3.5 Consideration of the FR by the full Board under section 6F of the Ordinance is tentatively scheduled for end 2019/early 2020.

4. Decision Sought

The Board is invited to consider:

- (a) whether to appoint a RHC for consideration of the further representation; and
- (b) whether **F1** should be considered in the manner as proposed in paragraph 3 above.

Attachments

Annex I Schedule of Proposed Amendments to the draft Ngau Tau Kok and Kowloon Bay OZP No. S/K13/29

Annex II List of the Further Representer (F1)

Plan FP-1 Location Plan of the further representation site

**PLANNING DEPARTMENT
NOVEMBER 2019**