

**Minutes of 1001th Meeting of the
Town Planning Board held on 23.12.2011**

Present

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

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. K.Y. Leung

Mr. Walter K.L. Chan

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Professor Eddie C.M. Hui

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Dr. W.K. Lo

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Professor S.C. Wong

Principal Environmental Protection Officer (Strategic Assessment)

Mr. Victor W.T. Yeung

Assistant Director (2), Home Affairs Department

Mr. Eric Hui

Principal Assistant Secretary (Transport 3)

Transport and Housing Bureau

Ms. Elsa Cheuk

Director of Lands

Ms. Annie K.L. Tam

Director of Planning

Mr. Jimmy Leung

Deputy Director of Planning/District

Miss Ophelia Wong

Secretary

Absent with Apologies

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Professor P.P. Ho

Ms. Pansy L.P. Yau

Dr. W.K. Yau

Mr. Stephen M.W. Yip

In Attendance

Assistant Director of Planning/Board

Mr. C.T. Ling

Chief Town Planner/Town Planning Board

Miss H.Y. Chu (am)

Ms. Christine K.C. Tse (pm)

Senior Town Planner/Town Planning Board

Ms. Johanna W.Y. Cheng (am)

Mr. J.J. Austin (pm)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 997th Meeting held on 16.11.2011 and 1000th Meeting held on 9.12.2011

[The meeting was conducted in Cantonese.]

1. The minutes of the 997th Meeting held on 16.11.2011 and 1000th Meeting held on 9.12.2011 were confirmed without amendments. Members noted that replacement pages for the minutes of the 997th Meeting were tabled.

Agenda Item 2

Matters Arising

(i) New Town Planning Appeal Received

[Open Meeting]

Town Planning Appeal No. 15 of 2011

Proposed Hotel in “Residential (Group A)” zone,

10-12 Yat Fu Lane, Shek Tong Tsui

(Application No. A/H1/93)

[The meeting was conducted in Cantonese.]

2. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) on 1.12.2011 against the decision of the Town Planning Board (the Board) to reject on review an application (No. A/H1/93) for proposed hotel at a site zoned “Residential (Group A)” (“R(A)”) on the draft Kennedy Town and Mount Davis Outline Zoning Plan (OZP) No. S/H1/19. The application was rejected by the Board for the following reasons:

- (a) the application site was not conducive to hotel development given its small site area and triangular configuration;

- (b) there was no planning merit to justify the proposed hotel development;
and
- (c) the proposed hotel development would aggravate the traffic management problems and safety concern at the private land portion of Yat Fu Lane.

3. The hearing date of the appeal had not yet been fixed. Members agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

Town Planning Appeal No. 16 of 2011

Proposed House (New Territories Exempted House – Small House) in “Village Type Development” and “Agriculture” zones, Government Land in D.D. 15, Shan Liu Village, Tai Po

(Application No. A/NE-TK/347)

[The meeting was conducted in Cantonese.]

4. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) on 5.12.2011 against the decision of the Board to reject on review an application (No. A/NE-TK/347) for a proposed house (New Territories Exempted House - Small House) in “Village Type Development” and “Agriculture” zones on the approved Ting Kok OZP No. S/NE-TK/17. The application was rejected by the Board for the following reasons:

- (a) the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories in that it would likely involve site formation, slope stabilisation and access construction works resulting in clearance of mature trees and dense vegetation that would cause irreversible damage to the landscape quality of the area surrounding the Pat Sin Leng Country Park. The applicant failed to demonstrate that the proposed development would not cause adverse geotechnical and landscape impacts on the surrounding areas; and

- (b) the approval of the application would set an undesirable precedent for other similar applications in the area and adjacent “Agriculture” zone. The cumulative impacts of approving such applications would result in further encroachment onto the woodland surrounding the country park area and a general degradation of the environment and landscape quality of the area.

5. The hearing date of the appeal had not yet been fixed. Members agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

Appeal Statistics

6. The Secretary reported that as at 23.12.2011, 25 cases were yet to be heard by Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	28
Dismissed	:	120
Abandoned/Withdrawn/Invalid	:	154
Yet to be Heard	:	25
<u>Decision Outstanding</u>	:	<u>1</u>
Total	:	328

[Mr. Felix W. Fong arrived to join the meeting at this point.]

Agenda Item 3

[Open Meeting]

Urban Climatic Map and Standards for Wind Environment
Feasibility Study – Stakeholders Engagement
(TPB Paper No. 8972)

[The meeting was conducted in Cantonese.]

7. Professor P.P. Ho, being the Director and Professor of the School of Architecture, Chinese University of Hong Kong had declared interest in this item as the

School of Architecture of the Chinese University of Hong Kong was the consultant of the Study. Members noted that Professor P.P. Ho had tendered an apology for being unable to attend the meeting.

8. The following representatives of the Planning Department (PlanD) and members of the consultant team were invited to the meeting at this point:

Ms. Phyllis Li	-	Assistant Director/ Special Duties, PlanD
Ms. Ginger Kiang	-	Chief Town Planner/ Urban Design and Landscape, PlanD
Professor Edward Ng]	School of Architecture Chinese University of Hong Kong
Mr. K.S. Wong]	
Dr. Ren Chao]	
Ms. Betty Ho	-	PlanArch Limited

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

9. The Chairman extended a welcome and invited the team to brief Members on the Paper. Ms. Phyllis Li gave an introduction covering the following main points:

- (a) Hong Kong was a high-density city situated in a sub-tropical region. While a compact form of development had allowed for an efficient use of land resources and development of cost-effective public transportation, the dense concentration of buildings and urban activities had increased the Urban Heat Island (UHI) effects;
- (b) the air ventilation assessment (AVA) system was introduced in 2006 with the aim to improve the wind environment. The conduct of AVA was required for certain types of government projects and private projects. In 2006, the Government commissioned the subject Study, "Urban Climatic Map and Standards for Wind Environment – Feasibility Study" (the Study), with the aims to look for planning and design measures to address the UHI effects and achieve long-term improvement of the urban

living environment; and

- (c) the PlanD had started to consult the stakeholders as well as members of the public on the study findings/recommendations. The stakeholders engagement commenced on 8.12.2011 and would end on 15.2.2012. Taking into account the views and comments collected in the stakeholder engagement, the PlanD would finalise the recommendations of the Study.

10. With the aid of a powerpoint presentation, Professor Edward Ng made the following main points as detailed in the Paper and the stakeholders engagement digest in Attachment 1 of the Paper:

Key Issues, Background and Purposes of the Study

Key Issues - Thermal Stress and Wind for Thermal Comfort

- (a) Hong Kong was a high-density city situated in the sub-tropical climate region with hot and humid summers. Due to high-density urban developments, Hong Kong was affected by UHI. The urban areas were significantly warmer than the rural surroundings and this had led to uncomfortable urban living, heat stress and related health problems as well as increased energy consumption;
- (b) the Hong Kong Observatory (HKO) had conducted studies which showed that Hong Kong's urban temperature had been increasing over the decades. The rate of increase in average temperature in Hong Kong between 1947 and 2010 was about 0.16°C per decade; but during 1981 and 2010, the average increase was 0.26°C per decade. Coupled with the UHI effect, the rise in urban temperature would further intensify. With the urban temperature increasing by 3°C, the yearly occurrence of very hot days and very hot nights in Hong Kong would increase from 10 days to over 90 days and from 20 nights to over 120 nights respectively;
- (c) the wind environment in the urban area was also deteriorating. Over the

past forty years, there was no change in the wind speed recorded at Waglan Island but the wind speed recorded at King's Park within the urban area showed a reduction by 0.6 metre per second (m/s) per decade. It was necessary to find planning and design means to optimize Hong Kong's wind resources when further developing the city. Increased urban temperature coupled with reduced wind speed in the urban area would lead to heat stress and related health problems;

What Had Been Done ?

- (d) in 2005, the "Feasibility Study for Establishment of Air Ventilation Assessment (AVA) System" (AVA system Study) commissioned by the PlanD was completed;
- (e) in August 2006, based on the AVA system Study, a set of planning guidelines for promoting better air ventilation was promulgated in Chapter 11 of the Hong Kong Planning Standards and Guidelines (HKPSG);
- (f) a Technical Circular No. 1/06 on Air Ventilation Assessments (Technical Circular No. 1/06 on AVA) was also promulgated in 2006 to set out an advisory framework to require all major government projects to include AVA as one of the planning and design considerations;
- (g) in July 2006, the PlanD commissioned the subject Study with the aim to identify planning and design measures to achieve long-term improvement of the urban living environment;
- (h) in 2009, technical experts were consulted on the methodology of the Urban Climatic Analysis Map (UC-AnMap). The technical experts generally supported the need to establish Urban Climatic Maps (UC Map) for Hong Kong and to integrate urban climatic considerations into the town planning process; and they raised no major methodological or fundamental issues with the UC-AnMap;

- (i) in June 2010, subsequent to the Council for Sustainable Development's (CSB) public engagement on "Building Design to Foster a Quality and Sustainable Built Environment", the CSB submitted 51 recommendations to the Government. One of the recommendations was that it was important "to consider incorporating more scientific considerations in the planning process, e.g. Urban Climatic Map";

Purpose of the Study

- (j) the Study would formulate the Hong Kong UC Map to identify climatically problematic and sensitive areas to assist planning decision making. In addition, the Study aimed to establish a wind performance criterion for urban air ventilation in Hong Kong, as well as to refine the current AVA System;
- (k) urban climatic factors, namely wind and urban thermal comfort, and their corresponding effects on the dynamic potential and thermal comfort of the built environment were the foci of the Study. The relevant terms were explained as follows:
 - (i) thermal load measured the stored or emitted heat intensities of particular localities in urban areas. It had an effect on intra-urban air temperature increase depending on the building volume (which had an impact on heat storage during daytime and blocking the sky view that slowed the city's cooling at night); the topography and the availability of green space;
 - (ii) dynamic potential of an area depended mainly on roughness of the ground, which influenced the air ventilation and air exchange of the areas; and
 - (iii) human thermal comfort was indicated by Physiologically Equivalent Temperature (PET), that was the temperature of a reference

environment based on a heat balance model that combined climatic and physiological variables including air temperature, relative humidity, solar radiation, air movement, clothing and metabolic rate. Based on the Users' Thermal Comfort Survey, the neutral PET under Hong Kong's summer conditions was 28°C;

Urban Climatic Map

- (l) UC Map was an information and evaluation tool to integrate urban climatic factors and town planning considerations. UC Map typically had two main components, namely the UC-AnMap and the Urban Climatic Planning Recommendation Map (UC-ReMap);
- (m) there were international references for UC Maps. Germany had developed its first UC Map some 30 years ago. Japan had also developed a UC Map for Metropolitan Tokyo. Singapore and Macau had commenced preparation of their UC Maps and some places in Mainland China were also considering the preparation of UC Maps;

Urban Climatic Analysis Map

- (n) urban climatic and geometric data with respect to the six thermal load and dynamic potential related factors, namely, building volume, topography, green space, ground coverage, natural landscape and proximity to openness, were assembled. PET, as a human urban thermal comfort indicator, was used to synergize and analyze all six factors according to their relationship and effects on wind and thermal comfort. Positive and negative classification values were assigned corresponding to gain or loss in thermal load and/or dynamic potential resulting from varying scales of each parameter. The resultant value denoted the net effect of the parameters on the urban climate;
- (o) based on the analysis and evaluation, the urban climatic factors were translated into eight classes / climatopes in the form of a UC-AnMap.

Climatopes were spatial units which exhibited relatively homogeneous urban climatic characteristics, for example, open land, water or urban climatopes. To address urban thermal comfort, the UC-AnMap was developed to capture the most critical conditions in Hong Kong, during the hot and humid summer months of June to August;

Wind Information Layer

- (p) a layer of wind information for Hong Kong was prepared to complement the UC-AnMap. The wind information layer was prepared based primarily on long-term wind data collected at 40 HKO weather stations and supplemented with Hong Kong University of Science and Technology's MM5-CALMET modelled wind simulation data;
- (q) the wind data shown on the wind information layer was for the most critical summer months (June to August) of Hong Kong. The wind information layer summarised the background wind, including wind from channelling effects due to topography, the localized land and sea breezes, as well as the wind from downhill air movements;

Urban Climatic Recommendation Map

- (r) the UC-AnMap and the wind information layer were superimposed and further evaluated and interpreted to formulate the UC-ReMap. For clear and definable planning actions, the eight urban climatic classes of the UC-AnMap were consolidated into five Urban Climatic Planning Zones (UCPZ) in the UC-ReMap. The UCPZs were classified in accordance with their similarities in the urban climatic characteristics, by making reference to the human thermal comfort and planning implications. The arrows on the UC-ReMap showed the prevailing wind directions in different areas of Hong Kong. The planning recommendations for each UCPZ were as follows:
 - (i) UCPZ1 areas were mostly the natural areas at higher altitude that

provided sources of cool air to their adjoining areas. These urban climatically valuable areas needed to be preserved as far as practicable. Currently, the majority of areas within UCPZ1 had already been subject to different statutory controls such as country parks and conservation related and non-development zones on statutory town plans. Essential small-scale development might be allowed within this UCPZ;

- (ii) UCPZ2 areas were currently urban climatically “neutral’ in terms of urban thermal comfort. They were mostly urban fringe or rural lowland. New low-density individual developments and comprehensive developments were possible in UCPZ2 areas subject to prudent planning and building design to avoid adverse impact on the urban climatic condition;

- (iii) UCPZ3 areas were currently subject to urban climatically “moderate” impact in terms of urban thermal comfort. They were mostly in the urban fringe or less dense development areas. Some mitigation actions were encouraged where possible. Additional development was permissible subject to suitable planning and design measures and maximisation of greening; and

- (iv) UCPZ4 and UCPZ5 areas were the densely built areas, including most of the new town areas, the metro areas at the northern part of the Hong Kong Island, at the Kowloon Peninsula and at Tsuen Wan. The existing developments already had a strong to very strong impact on thermal comfort. Mitigation actions were essential. Air paths/breezeways, and low-rise, low-density ‘Government, Institution or Community’ (GIC) sites should be preserved as far as possible. Greenery, particularly tree planting on streets and open areas, should be increased. Intensification of use and addition of development was not recommended unless with adequate mitigation measures;

- (s) at the strategic level, the UC-ReMap was a comprehensive urban climatic planning framework and information platform that helped to identify areas in need of improvement, select suitable locations for new development areas as well as evaluate urban climatic effects of major planning and development proposals;
- (t) at the district level, the UC-ReMap provided an understanding of the local urban climatic conditions, and would help to identify appropriate planning measures such as designation of air path, designation of non-building area, regulation of development intensity, preservation of greenery and open space, etc. for addressing urban climatic concerns for forward planning and/or formulation of suitable planning parameters during the review of OZPs;

Planning and Design Measures to Improve the Urban Climate

- (u) based on the understanding of the UC Map, the following planning and design measures should be taken into account in project planning and formulation of development parameters to help improve the urban climate:
 - (i) green spaces for lowering thermal load - to improve greenery, preferably providing tree planting at-grade; to create urban green oasis/open space and to establish network of connected green spaces;
 - (ii) ground coverage for wind penetration - to reduce ground coverage and especially the size of podiums which seriously affected wind penetration at pedestrian level; to encourage setback along narrow streets; to designate non-building area to allow air penetration; and to reduce areas of building façade to increase permeability;
 - (iii) proximity to openness and connectivity for bringing air ventilation into the city - to preserve/create breezeways/air paths; to provide

greening along breezeways; to designate/orientate non-building areas perpendicular to waterfront and vegetated hill slopes; and to connect green spaces through air paths;

- (iv) building volume for reducing thermal load and increasing urban cooling – urban cooling depended on sky view factor and the building volume. The higher the building volume, the higher would be the thermal load as the localized heat capacity stored in the daytime would be increased whilst the radiative cooling effect in the city at night would be reduced. Hence, in medium/high-density areas, further development should be accompanied by appropriate building design to mitigate the increased thermal load;
- (v) building permeability for wind penetration – to provide building gaps/separations as closely packed buildings impeded air flow. Making reference to the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers No. APP-152 (PNAP No. APP-152) on Sustainable Building Design Guidelines (SBD Guidelines) by the Buildings Department, it was considered that building separation which provided a permeability equivalent to 20% to 33.3% of the total projected facades of the buildings was a good starting point for district planning and design;
- (vi) building heights for urban ventilation - in low/medium-density areas with building height/street width (H/W) ratio of 2 or below, controlling of building heights was effective in promoting air ventilation. In medium/high-density areas with H/W ratio of 3 or above, building height control alone might not be effective and other parallel measures such as providing building separation, air paths, building setback and greenery, reducing ground coverage, etc. would be needed. Given the same GFA, an increase in floor-to-floor height would increase the building volume and thus thermal load, hence excessive floor-to-floor height should be avoided;

Air Ventilation

- (v) the AVA system had been in force since 2006. AVAs had been undertaken for government projects and relevant private sector projects requiring planning approval from the Board or the Government. As there was no existing benchmark standard for AVA performance, the current AVA methodology was based on an option comparison approach;
- (w) a Users' Thermal Comfort Survey was conducted as part of the Study to understand the outdoor thermal comfort requirements of Hong Kong people and to find out the range of comfortable wind environment from a human physiological point of view. Based on the Users' Thermal Comfort Survey, the neutral PET in Hong Kong was 28°C. However, the mean radiant temperature on the streets of Hong Kong under shading in the summer was typically 32 to 34°C. To achieve the neutral PET of 28°C, "light air" of 1 m/s, as defined in the Beaufort scale, would be necessary;
- (x) the Study had also conducted Wind Tunnel Benchmarking Tests for 10 pairs of 20 areas with a view to investigating the existing wind environment of the city. Given the high urban density, narrow streets, tall and bulky buildings with large podium, there would be practical difficulties to achieve the desired human thermal comfort as indicated in the Users' Thermal Comfort Survey, except in unobstructed areas nearer to the waterfront and exposed areas;
- (y) based on the Users' Thermal Comfort Survey (the optimum wind requirement) and the Wind Tunnel Benchmarking Tests (the practical considerations of the existing built environment), a wind performance requirement comprising the following two components were proposed for development sites requiring AVAs:
 - (i) 80% of all test points inside the assessment area as defined in the

Technical Circular No. 1/06 on AVA had annual median hourly mean wind speed and summer median hourly mean wind speed, both higher than or equal to 1 m/s; and

- (ii) 95% of all test points inside the assessment area as defined in the Technical Circular No. 1/06 on AVA had annual median hourly mean wind speed and summer median hourly mean wind speed, both higher than or equal to 0.6 m/s;

Alternative (Prescriptive) Approach

- (z) due to the existing densely built environment, the wind performance requirement of 1 m/s might be difficult to achieve in some areas of Hong Kong, especially in the summer months. For practical consideration, the Study proposed an alternative (prescriptive) approach for mitigation of urban climatic impact from individual developments;
- (aa) parametric studies had been carried out to test the effects of various mitigation measures to mitigate UHI effects. Tree planting and smaller ground coverage were found to be particularly useful in reducing the localized thermal load and contributing to increased air movement near ground level. The study had concluded that 30% greening (in the form of tree planting) might reduce urban temperature by 0.8°C in the hot and humid summer daytime conditions of Hong Kong;
- (bb) taking into account the Study's analysis of various factors affecting urban climatic situation and the PNAP APP-152 on SBD Guidelines, the following mitigating design measures (prescriptive design measures) were required as an alternative to comply with the wind performance requirement:
 - (i) a ground coverage of not more than 65%;
 - (ii) building (tower block) permeability as per the SBD Guidelines

(PNAP APP-152);

(iii) setback requirement as per the SBD Guidelines (PNAP APP-152);
and

(iv) greenery (preferably tree planting) of not less than 30% for sites larger than 1 hectare (ha) and 20% for sites below 1 ha at lower and preferably at-grade levels. Sites smaller than 1,000m² would be exempted;

(cc) developments with demonstrated functional requirements in terms of building length and/or ground coverage, such as infrastructural facilities, transport terminus, sports and civic facilities, might be exempted provision of the prescriptive design measures, provided that all practical design improvement measures had been incorporated in the development;

Refinements to the Air Ventilation Assessment System

(dd) based on the Study findings and a review of all the completed AVAs listed on the AVA register, refinements to the AVA system were proposed. The major refinements included incorporating the proposed wind performance criterion as a quantitative yardstick to confirm acceptance of development proposal from the air ventilation viewpoint, extending the scope of application of AVA requirements to cover both public and private sector projects, and including non-waterfront development sites with lot frontage over 140m in the category of projects requiring AVA;

(ee) some technical refinements to the AVA System were proposed. These included adding median hourly mean wind speed as an indicator to measure the wind performance; requiring assessment of air ventilation impact of a proposal in summer months; and recommending establishment of a set of standardized site wind availability data to improve the accuracy and ensure a consistent baseline condition for

AVAs. In this regard, the PlanD was currently conducting a consultancy study on “Establishment of Simulated Site Wind Availability Data for Air Ventilation Assessments in Hong Kong”;

Way Forward

(ff) to carry forward the Study’s recommendations and improve the urban climate, concerted efforts of the public and the private sectors were required in the following areas:

By Government

- (i) to incorporate the UC-ReMap, the wind performance criterion and the planning and design measures to improve the urban climate into the HKPSG to guide both public and private development projects;
- (ii) to suitably amend the Technical Circular No. 1/06 on AVA to reflect the refined methodology and wind performance criterion for AVA;
- (iii) at the district level, to co-ordinate suitable planning measures to increase building permeability and reduce thermal load by regulating building density, building height and ground coverage; introducing breezeway/air path; and connecting green and open space. In this respect, PlanD had already been stipulating appropriate planning measures on statutory town plans where appropriate and during the planning of new development areas such as Kai Tak;
- (iv) to require public projects to carry out AVAs in early planning and design stage in accordance with the revised technical circular and to demonstrate acceptability from air ventilation point of view;
- (v) to widely promote greenery, particularly tree planting, in public spaces so as to improve the thermal comfort of the urban environment;

By Private Sector

- (vi) to incorporate appropriate building design in developments to ensure no adverse impact on the urban climatic environment; and
- (vii) to demonstrate air ventilation acceptability when required in planning applications and lease modifications or to demonstrate compliance with the relevant requirements under the SBD Guidelines (PNAP No. APP-152) when applying for GFA concessions;
- (gg) it was stressed that sustainable development was a matter of balancing environmental, social and economic needs. Urban climatic issue was one of the important considerations in the planning and design process; and
- (hh) with the concerted efforts of the public and private sectors, the urban climatic condition and quality of the living environment in Hong Kong would gradually improve to benefit the future generations.

Discussion Session

11. Members generally indicated support and agreement with the Study findings and recommendations. Pertaining to specific issues, Members provided comments and asked questions about the following matters.

Need for Improving Urban Climate and Wind Environment

12. A Member agreed that urban climate and wind environment were important for creating a better living environment. However, this Member considered that it might be difficult for people to understand the importance of urban climate and wind environment and to agree to the urgent need for improvements as people spent most of their time indoor.

13. In response, Professor Edward Ng said that people should be made aware that urban climate was directly related to human health, energy consumption and a quality outdoor environment. According to recent public health studies, the threshold temperature for people to experience heat stress was about 28°C, and above this temperature, the death rate would increase by 1.6% with an increase in every 1°C. In addition, the intensity of urban heat was directly related to energy consumption for air conditioning; with an increase of urban temperature by 3°C, energy consumption for air-conditioning would be increased by about 20%. He pointed out that due to UHI, urban temperature in some areas in Hong Kong would increase by as much as 4°C to 5°C. In addition, in order to encourage the public to spend more time outdoors, it was necessary to create a better quality urban environment.

14. Another Member said that based on the experience in the provision of safety alarm services, when the temperature rose above 28°C and with an increase in temperature by every 1°C, there would be an increase of 10% of elderly calling on the safety alarm services. Increased urban temperature would increase the chances of elderly being susceptible to respiratory sickness. Hence, it was necessary to address the increasing urban temperature and air quality problems in Hong Kong.

Urban Climatic Planning Recommendation Map

15. The Vice-chairman said that in the past, there was no objective standard on AVA and it was not easy to judge the AVA aspects of planning proposals. The UC-ReMap would provide an objective standard to assist the Board in the consideration of AVAs in planning submissions. He said that the Board currently used mandatory controls, such as setback or building gap requirements in OZPs, to achieve air ventilation objectives. He said that there could also be ways to provide positive incentives to encourage the adoption of the measures proposed in the Study.

16. Another Member asked whether the UCPZs in the UC-ReMap would be incorporated as planning controls in OZPs. In response, Professor Edward Ng said that each OZP would cover various UCPZs and the UC-ReMap would provide useful information for town planners to identify which areas should be preserved or needed

improvement measures, and appropriate planning controls might be incorporated in the OZPs. In addition, the UC-ReMap would provide information on the wind environment to facilitate planning for new development areas.

Wind Information

17. A Member said that wind would come from different directions during different times of the year, but the key wind directions shown in the UC-ReMap were mainly southerly. The Member asked how different prevailing wind directions during the year could be catered for in land use planning and design of buildings and whether wind conditions in summer should be given higher priority.

18. In response, Professor Edward Ng said that the key wind directions shown in the UC-ReMap were the wind directions in the summer seasons. During summer, the prevailing wind at Waglan Island was from the south-west. However, different areas in Hong Kong would experience different prevailing winds due to mountain ranges and other topographic conditions. For example, the UC-ReMap showed that in Tai Po, easterly wind prevailed; in Sha Tin, north-easterly/south-westerly wind prevailed; and in Tuen Mun, northerly/ southerly wind prevailed. The UC-ReMap showed the most important wind directions that should be taken into account when planning for the alignment of streets and buildings. Similar to UC-ReMaps prepared in other countries, the summer condition was given priority as wind was more important during summer when urban temperature was high.

Wind Performance Criterion

Wind Performance Requirement

19. A Member asked whether higher wind performance requirement should be adopted for districts with lower wind speed and worse UHI impacts. In response, Professor Edward Ng said that according to HKO's data, different districts in Hong Kong had different wind speeds. However, it was not necessary to adopt different wind performance requirements for different districts because the recommended wind performance requirement of 1m/s was established based on people's sensation of being

thermally comfortable and that the threshold would be 1m/s everywhere. In districts with lower wind speed or high urban temperature, it might be more difficult to achieve the wind performance requirement and therefore the Study recommended an alternative (prescriptive) approach. Under the alternative approach, project proponents were required to adopt prescriptive design measures as an alternative to comply with the wind performance requirement. If everybody did a fair share for developments on each site, there would be a higher chance to ultimately achieve the wind performance requirement in Hong Kong.

20. A Member said that given that wind directions could change radically in summer, how it would be possible to ensure objectivity when selecting the wind data that was used in the Study and in conducting AVAs. In response, Professor Edward Ng said that objective wind data from HKO in the form of wind roses (that recorded the frequency of occurrence of particular wind directions and wind speed) were incorporated into the wind information layer. The wind information layer was a comprehensive map showing the prevailing wind directions in different parts of Hong Kong. In summer, for example, wind flowed in an easterly/westerly direction within Victoria Harbour and in a south-westerly direction at Kai Tak. Ms. Phyllis Li said that the PlanD was conducting a consultancy study to establish a set of 'site wind availability data' which would provide consistent wind data for all relevant parties to use in AVAs in future. Professor Edward Ng added that adopting the same set of site wind availability data would improve the accuracy and ensure consistent baseline condition for AVAs. Together with adoption of the wind performance criterion, the AVAs to be conducted in future would be much more objective.

21. This Member further asked as to how the recommendations of the Study had taken into account the Hong Kong context and how the Study could assist the Board to make decisions on related matters. Ms. Phyllis Li said that the wind performance requirement was established through a scientific method and had taken full account of the Hong Kong context. The recommended wind performance requirement of 1m/s was established based on a Users' Thermal Comfort Survey, where more than 2 000 interviews were conducted to understand the outdoor comfort requirements of Hong Kong people and to find out the range of comfortable wind environment from a human sensation point of view. Ms. Phyllis Li said that it would be easier to gauge the AVA impacts with the objective wind performance requirement established through the Study, rather than using a

comparison method in the past. In this regard, the Study would assist the Board's consideration of air ventilation aspects in planning submissions.

Alternative (Prescriptive) Approach

22. In response to a Member's question, Ms. Phyllis Li said that two of the prescriptive design measures under the alternative (prescriptive) approach were ground coverage of not more than 65% and greenery coverage of not less than 30%. Most development proposals that were subject to AVA were large in scale. Based on the sensitivity tests by PlanD, these two prescriptive design measures were achievable. Developments that required larger site coverage due to functional requirements, such as sports and civic facilities and transport terminus, were exempted from provision of the prescriptive design measures.

Ground Coverage

23. A Member said that the basic principle to improve the urban environment was agreed. However, developers and people in Hong Kong were used to having podium-type developments and it might not be realistic to expect podium-free or small podium developments in future. Furthermore, if more pedestrian activities were to take place at podium or footbridge levels, the street level could mainly be used for vehicular circulation and the ground level wind environment might not be a major concern for pedestrians.

24. In response, Ms. Phyllis Li said that although most people's activities were conducted in indoor spaces, thermal comfort for outdoor environment which the Study was concerned about was important from the planning perspective. Street level environment and at-grade public space were important for a city's vibrancy and a quality living environment. As the Study had concluded that large podium coverage would increase the adverse impacts on wind environment and UHI effects, one of the Study recommendations was to reduce podium coverage in new developments.

25. Ms. Betty Ho supplemented that there had to be some level of pedestrian activities at street level as not all buildings had podium or footbridge linkages and that there were commercial spaces at ground level. She said that improving the street level

environment was in line with the rising public aspiration for a quality living environment. Another Member agreed and said that it was not possible to eliminate ground level pedestrian activities, especially where developments had shop frontages at the street level.

26. This Member asked whether the planning control in “Residential (Group A)” zones, which permitted commercial uses as of right on the lowest three floors of developments, had encouraged podium-type developments. Ms. Phyllis Li said that large podiums in developments were permitted under the Building (Planning) Regulations which allowed maximum site coverage of 100% for the non-domestic part of buildings up to a height of 15 metres. In fact, one of CSD’s recommendations to the Government, following the public engagement on “Building Design to Foster a Quality and Sustainable Built Environment”, was for the Government to review the site coverage provision under the Building (Planning) Regulations.

Impact of Building Design on Urban Environment

27. In response to a Member’s comment, Professor Edward Ng agreed that building design would have direct impacts on the urban environment. However, how a building was designed or used would also depend on the quality of the urban environment. For example, even if buildings were designed with green features like cross-ventilated windows, the users still would not open the windows if the surrounding environment was unpleasant. The Study had suggested ways to improve the overall urban environment and that would assist designers to design better buildings.

28. A Member said that developments with bonus plot ratio would create negative impacts on the surrounding environment, and asked if more stringent requirements would be required. Ms. Phyllis Li said that building volume was definitely a factor. However, development intensities permissible under the OZP would be respected. Therefore, the recommendations for UCPZs 4 and 5 focused on mitigation measures whilst major new developments should be directed to UCPZ2 areas. Professor Edward Ng said that by adopting different ways of design, namely different building height, site coverage and orientation, buildings with the same volume could have different impacts on urban climate. The Study provided recommendations on how to optimise design for a better urban climate.

Greening

29. A Member supported the Study's recommendation for more tree planting. However, it was opined that having more planting space might affect the developable gross floor area and / or lead to taller buildings. This Member asked how it was possible to strike a balance between having more planting space and its corresponding impact on development potential. In response, Mr. K.S. Wong said that in the SBD Guidelines (PNAP No. APP-152) promulgated by the Buildings Department in April 2011, there was already a requirement for 20-30% green coverage on sites larger than 1,000m². The Study made further refinement by adding the requirement of tree planting at lower level as trees were more effective in reducing urban temperature.

30. Two Members asked whether roof-top greening would be considered in Hong Kong and whether it would be effective to mitigate UHI effects. In response, Professor Edward Ng said that researches had confirmed that when compared to roof-top greening, greening (particularly trees) closer to pedestrian level would be more effective in contributing to thermal comfort. Hence, the Study recommended trees to be preferably planted at lower levels. In overseas countries, roof-top greening would be required to be provided at roof-top of low-rise buildings. As the buildings in Hong Kong were very tall, roof-top greening would not be effective in improving the ground level pedestrian environment. A Member said that providing grass surface and small trees on podium should help to reduce the temperature at the podium level and roof-top greening would reduce the temperature for the top floor in a building.

31. Ms. Phyllis Li said that it was the Government's policy to encourage greening within government buildings and to provide greening on roof-tops of low-rise structures as far as possible. In addition, in the newly developed public housing developments, roof-top greening would also be provided above covered walkways and low-rise car park structures.

32. A Member asked whether other means which required less space, such as grass surface or scrubs, were effective in reducing UHI effects. Professor Edward Ng said that grass would also help to reduce UHI effect as grassed surface had much lower surface

temperature compared with cement paved areas and would reflect less radiant heat. However, grass would only have 'second order' benefits. With a same coverage, grass would reduce the temperature by 0.3°C whereas trees could provide a cool space (between the tree crown and ground level) with reduced temperature of 1°C to 2°C. Hence, tree planting at pedestrian level was preferred as a measure to mitigate UHI effects.

33. A Member also opined that there should be supporting measures to encourage the use of grey water for watering plants. Professor Edward Ng agreed and said that various green building assessment systems, such as BEAM Plus, also encouraged grey water usage and / or rain water harvesting and reuse. Mr. K.S. Wong supplemented that district-based grey water systems would be beneficial and should also be considered.

Implementation

Non-statutory Means

34. A Member asked whether relying on non-statutory means, namely the HKPSG and the SBD Guidelines (PNAP No. APP-152), could ensure effective implementation of the Study's recommendations. In response, Ms. Phyllis Li said that there would be effective implementation of the Study recommendations as town planners would make reference to the HKPSG in their work and compliance with the SBD Guidelines (PNAP No. APP-152) was a pre-requisite for obtaining GFA concessions. In addition, the Board could require the submission of AVA and stipulate relevant planning approval conditions making reference to the Study's recommendations. She further said that the recommended wind performance criterion was the first attempt to measure the acceptability of air ventilation impacts. There was no similar overseas experience and it would be prudent to accumulate more experiences on the practical implementation issues. Furthermore, there were areas in Hong Kong, which currently had low wind speed (due to the existing dense environment and/or the natural topography) and a statutory wind performance criterion might not be achievable in those areas.

Trial Implementation

35. A Member noted that sites smaller than 1,000m² would be exempted from the greenery requirements. However, sites marginally larger than 1,000m² would not be exempted and the new requirements from the Study might make it difficult for site owners to get building plan approval for any redevelopments. As the industry might need more time to understand the abstract concepts like urban climate and wind environment, this Member asked whether there would be a trial period for implementation of the Study recommendations. During the trial period, the requirements might be more flexible and the assessment might only focus on satisfying the wind performance requirement during summer.

36. In response, Professor Edward Ng said that the Study had used a scientific approach, including the human heat balance model and Users' Thermal Comfort Survey of Hong Kong residents, to turn the abstract concepts of urban climate and wind environment into an objective wind performance requirement. He opined that the wind performance requirement of 1m/s was actually a wind speed on the low side when compared to the standards adopted in other countries. Mr. K.S. Wong said that the AVA system had been in force since 2006, and the types of project that required AVA were listed in the Technical Circular No. 1/06 on AVA. The Study only recommended one additional type of project, that was non-waterfront sites with lot frontage exceeding 140 metres in length, in the category of projects requiring AVA. Hence, the requirement for AVA for all the other types of projects currently listed in the Technical Circular No. 1/06 on AVA had already been tried out and some experience had been gained in that regard. Professor Edward Ng added that when determining the type of projects that required AVA as currently listed in Technical Circular No. 1/06 on AVA, it was considered that the focus should be on larger sites because large-scale developments would create greater development impacts and have more scope for incorporating design improvements.

District Based Improvement Measures / OZP Controls

37. Another Member said that the Study recommendations might be easier to implement in developments / redevelopments on large sites. However, in the most densely built-up areas in Hong Kong where improvements were most urgently needed,

there was often a lack of space to allow for setback or tree planting. This Member opined that there should be more short-term measures to improve areas under Classes 7 and 8 on the UC-AnMap with high / very high thermal load and low dynamic potentials.

38. In response, Professor Edward Ng shared his experience in conducting AVAs for reviews of Outline Zoning Plans (OZP) and said that the UC-ReMap showed the areas in Hong Kong where improvement was most needed, and suitable measures such as setback and non-building areas might be incorporated into the OZPs. With the implementation of the OZP controls strategically over a period of time, the overall environment in Hong Kong would gradually improve in the long term. He also said that he agreed with the Government's plan to revitalise the Central Market as a green oasis, as that would provide immediate improvement to a densely built-up area in Central.

39. Mr. K.S. Wong supplemented that the UC-ReMap provided a scientific basis for government departments to take into account the wind environment and UHI effects in future land use planning and road alignment. He also said that the Central Market case provided a good example when the Government utilized government land to increase greenery and provide spatial relief in densely built-up areas; utilisation of government land in similar manner might be considered when opportunities arose in other districts.

Other Matters

Footbridge Systems

40. A Member said that when planning for new development areas like Kai Tak, comprehensive pedestrian footbridge systems could be built to link up the buildings. Unlike the massive footbridges in Tsim Sha Tsui East, smaller scale pedestrian linkages between buildings were permeable for air ventilation purpose and would increase pedestrian walking space. Greenery and watering system could be incorporated in the footbridge design.

41. In response, Ms. Betty Ho said that Tsim Sha Tsui East was planned with a concept for segregation of pedestrian and vehicles, and major roads were located at the fringe and hence more extensive footbridges were required to provide connection to the

waterfront. Kai Tak was a good example of planning for a new development area, where podium-free design and more at-grade greening would be encouraged. Similarly, the Study's recommendations could be incorporated into the planning for other new development areas. Mr. K.S. Wong said that he agreed footbridges should be integrated with greening and permeable design.

Anthropogenic Heat

42. A Member asked whether the air-conditioning systems, which might be placed on lower levels of buildings, would increase urban heat. In response, Professor Edward Ng said that heat from man-made sources, including buses, cars or air-conditioners, were classified as anthropogenic heat in scientific terms. Anthropogenic heat at low levels of buildings (say between 10 to 30m above street level) would increase urban temperature. However, as the contribution of anthropogenic heat to urban temperature (around 10 to 15 watt/m²) was much lower than that from solar radiation (around 300 to 400 watt/m²), anthropogenic heat was not the focus of the subject Study. Notwithstanding, it might be noted that in some countries like Japan, district cooling was commonly used to reduce anthropogenic heat production from air-conditioning.

Public Engagement Document

43. In response to a Member's question, Ms. Phyllis Li said that there were both English and Chinese versions of the stakeholders engagement digest. In addition, a leaflet was prepared to present the Study findings in a simplified format to facilitate easier understanding by the public.

44. The Chairman concluded that Members generally supported the Study and thanked the representatives of PlanD and the consultant team for providing the briefing to Members. They left the meeting at this point.

[Mr. B.W. Chan, Ms. Maggie M.K. Chan and Mr. Eric Hui had left the meeting and Ms. Julia M.K. Lau 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-LTYYY/211

Temporary Storage of Metal and Wood for a Period of 3 Years

in “Green Belt” Zone, Lot 2432 RP (Part) in D.D. 130 and Adjoining Government Land,
Shun Tat Street, Tuen Mun, New Territories

(TPB Paper 8971)

[The meeting was conducted in Cantonese.]

45. The following representative from the PlanD and the applicant’s representative were invited to the meeting at this point:

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

Mr. Tang Kai Cheung - Applicant’s Representative

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

47. With the aid of a powerpoint presentation, DPO/TMYL presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to use the site for temporary storage of metal and wood for a period of three years. The site, with an area of about 109m², was zoned “Green Belt” (“GB”) on the approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYYY/6 at the time of application and currently in force;
- (b) the proposal involved a double-decked container structure on the site for storage, with a total floor area of 59.4m² and a building height of 5.4m;

- (c) the site was paved and fenced off and was accessible via Shun Tat Street in the north. The site was currently used for the applied use without a valid planning permission. The site was subject to planning enforcement action. Enforcement Notice (EN) was issued to the concerned parties requiring the discontinuance of the unauthorized development. Since the requirements of the EN had not been complied with, prosecution action was being undertaken against the notice recipients;

- (d) on 4.3.2011, the Rural and New Town Planning Committee (the RNTPC) rejected the application and the reasons were :
 - (i) the applied use was not in line with the planning intention of “GB” 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 applied use was not in line with the Town Planning Board Guidelines No. 10 on ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) as it was not compatible with the uses of the surrounding areas, in particular the residential use to the west of the site, and would cause adverse environmental impacts on the local residents and surrounding environment. There was no information in the submission to demonstrate that the applied use would not have adverse drainage and landscape impacts on the surrounding areas and nearby residents; and

 - (iii) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area;

- (e) the applicant had submitted drainage proposals in support of the review application and the latest drainage proposal was in Annex I of the Paper;

- (f) departmental comments - comments from relevant government departments were detailed in section 4 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) maintained his previous view of having reservation on the application from the landscape planning perspective because the unauthorized uses in the surrounding should not be regarded as relevant for reference, and that the approval of the application would encourage more incompatible uses into the “GB” zone resulting in deterioration of the landscape quality and intactness of the area. The Director of Environmental Protection (DEP) advised that from 2008 to June 2011, there was no complaint related to the site. The District Lands Office / Tuen Mun (DLO/TM) indicated that if the proposed drainage works would affect other private land or government land, the applicant was advised to seek the relevant consent / approval from the lot owners of the private land or DLO/TM. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) maintained his previous view of having no in-principle objection to the temporary use, but did not consider the latest drainage proposal submitted by the applicant as fully satisfactory. Other government departments either had no adverse comment or no objection to the review application;

- (g) public comments - one public comment was received during the publication of the review application and three public comments were received during the publication of the further information submitted by the applicant. One of the public comments received supported the review application without giving any reason. All the other public comments received objected to the review application and the grounds were that the applied use was not in line with the planning intention of the “GB” zone, it would set an undesirable precedent and it would cause degradation of the rural environment. During the publication of the

section 16 application, two public comments were received. They objected to the applied use on similar grounds as mentioned above as well as the ground that it would create pollution to the area and cause traffic congestion; and

(h) PlanD's view - PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 6 of the Paper, which were summarised below:

(i) the applied use was not in line with the planning intention of "GB" zone in that there was a general presumption against development. 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 applied use was not in line with the TPB PG-No. 10 as it was not compatible with the uses of the surrounding areas, in particular the residential use to the west of the site, and would cause adverse environmental impacts on the local residents and surrounding environment. There was no landscape proposal in the submission to address the landscape impacts and CTP/UD&L, PlanD had reservation on the application. There was no storm-water drainage in the area and CE/MN, DSD considered that the submitted drainage proposal was not yet fully satisfactory; and

(iii) the site fell within Category 4 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E), in which open storage and port back-up uses were encouraged to be phased out. The designation of the area as Category 4 areas was consistent with the planning intention of "GB" zone and helped to protect the area from encroachment of development;

- (iv) the RNTPC had not approved any temporary storage of metal and wood in the “GB” zone. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone and the cumulative effect would result in a general degradation of the environment of the area; and
- (v) there were two public comments objecting to the section 16 application and four public comments objecting to the review application on environmental grounds.

48. The Chairman then invited the applicant’s representative to elaborate on the review application. Mr. Tang Kai Cheung requested the Board to approve the application on review as the application was only temporary in nature; the area of the site was small and the impacts of the development would also be minimal; and the applicant would further refine the drainage proposal to address the comments of CE/MN, DSD.

49. A Member noted that the storage use on the site was an unauthorised development subject to prosecution actions by the Planning Authority. This Member asked the applicant’s representative when the unauthorised development was first built on the site and whether the applicant would consider finding an alternative site in areas outside the “GB” zone as the applied use only required a small site.

50. Mr. Tang Kai Cheung said that the applicant was one of the site owners, hence the applicant would not find an alternative site for the applied use. Mr. Tang Kai Cheung also said that he was uncertain when the unauthorised development on the site was first built as the applicant was not the first registered owner of the site.

51. 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

52. The Chairman said that it appeared that the applicant's representative had not provided sufficient additional justifications for the Board's consideration of the review application at the meeting. He asked Members if they agreed that the review application should be rejected as the applied use was not in line with the planning intention of "GB" zone; no strong planning justification had been given in the submission to justify a departure from the planning intention even on temporary basis; the applied use was not in line with TPB PG-No. 10; and the Board had not approved any temporary storage of metal and wood in the "GB" zone and approval of the application would set an undesirable precedent for similar applications within the "GB" zone. Members agreed that the application for review should be rejected for the reasons mentioned by the Chairman.

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

- (a) the applied use was not in line with the planning intention of "GB" 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 applied use was not in line with the Town Planning Board Guidelines No. 10 for 'Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance' (TPB PG-No. 10) as it was not compatible with the uses of the surrounding areas in particular the residential use to the west of the site, and would cause adverse environmental impacts on the local residents and surrounding environment. The applicant failed to demonstrate that the applied use would not have adverse drainage and landscape impacts on the surrounding areas and nearby residents; and

- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Mr. Walter K.L. Chan left the meeting at this point and Mr. W.K. Lo left the meeting temporarily at this point].

Shatin, Tai Po and North District

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TK/329

Proposed House (New Territories Exempted House - Small House)

in “Green Belt” zone, Government Land in D.D. 15

Shan Liu Village, Tai Po

(TPB Paper 8977)

[The meeting was conducted in Cantonese.]

54. Mr. Hui Wai Keung, District Planning Officer/Shatin, Tai Po and North, (DPO/STN), PlanD was invited to the meeting at this point. Members noted that the applicant had informed the Secretariat that he would not attend the review hearing. The Chairman then invited DPO/STN to brief Members on the application.

55. With the aid of Plan R-2, DPO/STN presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to build a proposed house (New Territories Exempted House (NTEH) - Small House) on the site. The site, with an area of about 65.03m², was zoned “Green Belt” (“GB”) on the draft Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/16 at the time of submission. The zoning of the site remained unchanged on the current approved Ting Kok OZP No. S/NE-TK/17;

- (b) the site was grassland covered with some scattered native trees and was accessible via a local track and Shan Liu Road off Ting Kok Road. The site was located outside the village ‘environs’ (VE) of Shan Liu Village. It was located within the lower indirect water gathering ground (WGG);
- (c) on 26.11.2010, the Rural and New Town Planning Committee (the RNTPC) rejected the application and the reasons were :
 - (i) the proposed development was not in line with the planning intention of the “GB” zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
 - (ii) the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (Interim Criteria) as the application site was entirely outside the “Village Type Development” (“V”) zone and the village ‘environs’ (‘VE’) of any recognised villages;
 - (iii) the applicant failed to demonstrate that the proposed development located within the lower indirect water gathering ground (WGG) would not cause adverse impact on the water quality in the area; and
 - (iv) the approval of the application would set an undesirable precedent for other similar applications in the area.
- (d) the applicant had submitted written representation in support of the review application and the major grounds were summarised in paragraph 3 of the Paper;

- (e) departmental comments – comments from relevant government departments were detailed in section 5 of the Paper. All government departments maintained their previous views on the application. The District Lands Office/Tai Po, Lands Department (DLO/TP, LandsD) did not support the review application as the proposed development did not comply with the Interim Criteria as the site fell entirely outside the “V” zone and ‘VE’ of Shan Liu Village. The Chief Engineer/Development (2), Water Services Department (CE/Dev(2), WSD) objected to the application as the site was within the lower indirect WGG and fell outside the ‘VE’ of Shan Liu Village. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD objected to the application from the landscape planning point of view as the proposed development would have adverse impacts on the existing landscape profile, landscape resources (including trees and vegetation) and landscape character of the area. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from the nature conservation point of view as the proposed development would require felling of trees in the subject “GB” zone. The Commissioner for Transport (C for T) had reservation on the application as such type of proposed development should be confined within the “V” zone. The other government departments either had no comment or no objection to the review application;
- (f) public comments – three public comments against the review application were received during the publication of the review application. The main grounds of the public comments were that the proposed Small House was not in line with the planning intention of “GB” zone; it was incompatible with character of the area; it would have undesirable sewerage impacts; and it would set undesirable precedent. The three commenters pointed out that substantial land degradation and tree felling had been carried out deliberately in the area and requested the Board to reject the application in order to send a clear message to the public that the “destroy first, build later” approach would not help approval of any

developments; and

- (g) PlanD's view – the PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
- (i) the proposed development was not in line with the planning intention of the “GB” zone, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
 - (ii) DLO/TP, LandsD, CE/Dev(2), WSD and CTP/UD&L, PlanD had raised objection to the review application; and DAFC and C for T had reservation on the review application;
 - (iii) there were public comments against the application raising concerns on the adverse impact of the proposed development on the subject “GB” zone;
 - (iv) the applicant had claimed that according to the PlanD's current estimate, the land available within the “V” zone in Shan Liu Village for Small House development was equivalent to 16 Small House sites. However, PlanD's previous estimate was that the land available within the “V” zone for Small House development was only equivalent to three Small House sites and this change in PlanD's estimate had led to rejection of most of the applications for Small House developments in Shan Liu Village. The PlanD's response was that PlanD's estimates had all along reflected that there was insufficient land for Small House development within the “V” zone of Shan Liu Village. The rejected cases involved non-compliance with the Interim Criteria and the TPB PG-No. 10 for development within “GB”

zone; and

- (v) the PlanD was conducting a review of the “V” zone of Shan Liu Village and there were ongoing discussions with the villagers and government departments. Further comments from concerned departments were still pending and the findings of the review would be reported back to the Board.

56. As Members had no question to raise, the Chairman thanked DPO/STN for attending the meeting. DPO/STN left the meeting at this point.

Deliberation

57. The Chairman said that the general shortage of land within the “V” zone of Shan Liu Village to meet the Small House demand was noted and that the PlanD was reviewing the “V” zone of Shan Liu Village and would report back to the Board on the findings of the review later. However, the subject application should be rejected as it was not in line with the planning intention of the “GB” zone; the site was outside the “V” zone and ‘VE’ of Shan Liu Village and the proposed development would affect the WGG. Members agreed.

58. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection of the review application as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the proposed development was not in line with the planning intention of the “Green Belt” zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (b) the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New

Territories as the application site was entirely outside the “Village Type Development” zone and the village ‘environs’ of Shan Liu Village;

- (c) the applicant failed to demonstrate that the proposed development located within the lower indirect water gathering ground would not cause adverse impact on the water quality in the area; and
- (d) the approval of the application would set an undesirable precedent for other similar applications in the area.

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

Tuen Mun and Yuen Long District

Agenda Item 8

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-PH/623

Temporary Open Storage of Sand and Bricks

for a Period of 3 Years in “Residential (Group D)” Zone,

Lot 55 (Part) in D.D. 108, Ta Shek Wu

Pat Heung, Yuen Long, New Territories

(TPB Paper 8974)

[The meeting was conducted in Cantonese.]

59. The following representative of PlanD and the applicant’s representative were invited to the meeting at this point:

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

Mr. Gavin Young - Applicant’s Representative

60. The Chairman extended a welcome and explained the procedures of the review

hearing. He then invited DPO/TMYL to brief Members on the application.

61. With the aid of a powerpoint presentation, DPO/TMYL presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary open storage of sand and bricks use for a period of three years on the site. The site, with an area of about 2,757m², was zoned “Residential (Group D)” (“R(D)”) on the approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11 at the time of application and currently in force;
- (b) the proposal involved a structure for office and storage of sand and bricks erected within the site. It had a total floor area of about 208m² and a building height of about 2.5m;
- (c) the site was paved and formed, and was accessible via a local track leading from Fan Kam Road to the northwest. The site was currently used for the applied use without a valid planning permission. The site was subject to enforcement action. Enforcement Notice (EN) was issued to the concerned parties requiring the discontinuance of the unauthorized development. Since the requirements of the EN had not been complied with, prosecution action was being undertaken against the notice recipients;
- (d) on 23.9.2011, the Rural and New Town Planning Committee (the RNTPC) rejected the application and the reasons were :
 - (i) the development was not in line with the planning intention of the “R(D)” zone, which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification had been given in the

submission for a departure from the planning intention, even on a temporary basis;

- (ii) the application did not comply with the TPB Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance' (TPB PG-No. 13E) in that no previous approval had been given at the site; no technical assessments had been included in the submission to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and there were adverse departmental comments and local objection against the application. The development was also not compatible with the surrounding land uses which were predominated by residential structures/dwellings and agricultural land; and
 - (iii) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "R(D)" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.
- (e) the applicant had submitted written representation in support of the review, but no technical submission had been submitted. The main justifications put forth by the applicant were summarised in paragraph 3 of the Paper;
- (f) departmental comments - comments from relevant government departments were detailed in section 5 of the Paper. All government departments maintained their previous views on the application. The Director of Environmental Protection (DEP) did not support the application as there were residential structures/dwellings located to the immediate west and north and in the vicinity of the site, and environmental nuisance was expected. Besides, an environmental

complaint on waste aspect, which was substantiated upon investigation, was received by DEP within the past three years. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view as the current open storage for heavy vehicles, construction materials and temporary structures would degrade the landscape quality of the area. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no in-principle objection to the review application, but requested the applicant to submit a drainage proposal if the planning application was approved. Other government departments either had no adverse comment or no objection to the review application;

- (g) public comment - no public comment was received during the publication of the review application. One public comment was received during publication of the section 16 application and the main grounds of objection were that the development would damage the local road and cause air pollution and noise nuisance; and
- (h) PlanD's view – the PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
 - (i) the development was not in line with the planning intention of the “R(D)” zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
 - (ii) the development was not compatible with the surrounding land

uses. While there were storage/open storage yards, warehouses, workshops and parking lots in the area, most of them were suspected unauthorized developments subject to enforcement actions taken by the Planning Authority;

(iii) the site fell within Category 3 areas under the TPB PG-No. 13E, within which “existing” and approved open storage uses should be contained. The application did not comply with the TPB PG-No. 13E in that no previous approval had been granted at the site; no technical assessments had been included in the submission to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; DEP and CTP/UD&L, PlanD did not support the review application; and there was local objection against the application. The development was also not compatible with the surrounding land uses which were predominated by residential structures/dwellings and agricultural land; and

(iv) the approval of the application with no previous approval for similar open storage use, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

62. The Chairman then invited the applicant’s representative to elaborate on the review application. With the aid of some photographs, Mr. Gavin Young made the following main point:

(a) the storage use on the site would not create adverse impacts on the surroundings. He visited the site a few days ago and stayed there for an hour. According to his observation at the site, there was no heavy goods vehicles entering / leaving the site during this hour;

- (b) there were a vehicle workshop and a car park near the site. They had generated much more goods vehicle traffic and adverse environmental impacts when compared to the applied use on the site; and
- (c) there were only two residential structures near the site and the complaints about the site were unreasonable.

63. In response to the Chairman's question, Mr. Gavin Young said that there were only two to three goods vehicle trips entering / leaving the site per day. In response to a Member's question, Mr. Gavin Young said that he was unsure about the damage that might be caused by a fully loaded goods vehicle of sand and bricks on the road surface. However, it was a fact that the applied use would generate much less goods vehicle trips than the nearby workshop and car park.

64. In response to the Chairman's question and with the aid of Plan R-2 of the Paper, Ms. Amy Cheung pointed out the location of the residential structures/dwellings, which were located to the immediate north and west of the site. Mr. Gavin Young said that those structures were not used for residential purpose but were only used as staff quarters/resting place. A Member asked the applicant's representative if he were living in those residential structures/dwellings, whether he would like to have storage of sand and bricks on the site. In response, Mr. Gavin Young said that the local villagers might not like the storage of sand and bricks on the site.

65. The Chairman asked whether the surrounding uses (including a vehicle workshop and a car park) as shown in Mr. Gavin Young's photographs were unauthorised developments and whether there were on-going prosecution actions. With the aid of Plan R-2 of the Paper, Ms. Amy Cheung showed Members the location of the parking of container vehicles, vehicle workshop and open storage yards in the vicinity of the site and said that they were all unauthorised developments. The Planning Authority was in the stage of collecting evidence and prosecution actions would be undertaken if there was sufficient evidence about the unauthorised developments.

66. A Member said that other than nuisance created by goods vehicles

entering/leaving the site, the operation of the applied use on the site would create dust or noise nuisances. In response, Mr. Gavin Young said that the site was mainly used for storage purpose, and the only operation on the site was the loading/unloading of sand and bricks onto goods vehicle. As there were only a few goods vehicle trips from the site each day, there would only be minor impact arising from the operation of the applied use on the site.

[Ms. Anita Ma arrived to join the meeting at this point.]

67. The same Member said that according to the Paper, an EN had been issued to the concerned parties on 12.10.2011. However, the requirement of the EN was not complied with and prosecution action was being taken against the notice recipients. In response to the Chairman's question, Ms. Amy Cheung said that the EN issued on 12.10.2011 required the discontinuance of the unauthorised development on the site. The applicant's representative made no response about the on-going prosecution action and why the applicant had not complied with the EN.

68. A Member asked the applicant's representative about the storage capacity of sand and bricks on the site. Mr. Gavin Young said that he was not sure about the exact storage capacity, but he estimated that there was about 10 to 15 truck-loads of sand and bricks stored on the site.

69. 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

70. The Chairman said that the applicant's representative had not provided sufficient additional justifications for the Board's consideration of the review application at the meeting. He said that the review application should be rejected as the applied use

was not in line with the planning intention of “R(D)” zone; the use applied for was incompatible with the surrounding uses, especially the residential structures/dwellings; and the application did not comply with the TPB PG-No. 13E. Members agreed.

71. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection of the review application as stated in paragraph 8.1 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 “R(D)” zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the TPB Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that no previous approval had been granted at the site, no technical assessments had been included in the submission to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas, and there were adverse departmental comments and local objection against the application. The development was also not compatible with the surrounding land uses which were predominated by residential structures/dwellings and agricultural land; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

72. As per the Chairman’s suggestion, Members proceeded to consider Agenda

Items 9 to 17 on procedural related matters before the lunch break.

Agenda Item 9

[Open Meeting]

Proposed Rezoning of Central Government Offices, Court of Final Appeal, Battery Path and a public toilet at Ice House Street in Central from “Government, Institution or Community” (“G/IC”) on the Draft Central District Outline Zoning Plan No. S/H4/13 to "Other Specified Uses" annotated "Heritage Precinct" or "G/IC(1)"
(TPB Papers 8980)

[This item was conducted in Cantonese]

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

Mr. Walter K.L. Chan : owned a property on Kennedy Road

Mr. Rock C.N. Chen : his company owned a flat on Kennedy Road

74. Members noted that Mr. Walter K.L. Chan had left the meeting and Mr. Rock C.N. Chen had not arrived at the meeting.

75. The Secretary said that the rezoning application was submitted by a group of 20 organizations represented by Masterplan Limited covering the Central Government Offices (CGO), Court of Final Appeal, Battery Path and a public toilet at Ice House Street. The application was for rezoning the application site from “Government, Institution or Community” (“G/IC”) to “Other Specified Uses” annotated “Heritage Precinct” or “G/IC(1)”.

76. The application was originally scheduled for consideration by the Metro Planning Committee (MPC) on 6.5.2011. At the request of the applicants, the MPC decided on 6.5.2011 to defer a decision on the application to allow time for preparing responses to address the comments of concerned government departments. The MPC also decided that the application should be considered by the full Board as the application was of wide public interest.

77. Noting that the Government would release the outcome of the public consultation on the redevelopment scheme for West Wing of CGO and the revised development scheme in November 2011, PlanD proposed to defer the consideration of the application to a date after the Government's release of the public consultation report and the revised redevelopment scheme for West Wing of CGO. On 29.7.2011, the Board agreed to defer the consideration as recommended by PlanD. On 22.11.2011, the Government released the public consultation report and the revised redevelopment scheme for West Wing of CGO. The Government would brief the Central and Western District Council in early 2012 and briefing to the Board would also be arranged before the submission of the subject application to the Board for consideration. On 23.11.2011, the Antiquities Advisory Board (AAB) agreed to accord priority to assess the grading of the Main Wing, East Wing and West Wing of CGO.

78. On 29.11.2011, the applicants wrote to the Secretary of the Board and requested the Board to further defer the consideration of the application until AAB had decided on the grading of CGO on the grounds that the information to be considered by AAB in the assessment and the deliberations and decision of the AAB would be vital and relevant to assist the Board in considering the subject application.

79. Members noted that the justifications for deferment met the criteria for deferment as set out in the deferment meet the criteria as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the AAB's grading for the CGO should be one of the relevant considerations for the subject application, the deferment period requested was not indefinite and the deferment would not affect the right or interest of other relevant parties.

80. After deliberation, the Board agreed to defer consideration of the application as requested by the applicant. The Board also agreed that the application should be submitted for its consideration after the completion of the AAB's assessment on the grading of CGO. The applicant should be advised that as the consideration of the application had been deferred for two times, involving more than 6 months, no further deferment would be granted unless under very special circumstances.

Agenda Item 10

[Open Meeting]

Request for Deferral for Review of Application No. A/YL-KTS/525

Temporary Open Storage of New Coaches and New Vehicle Parts with Ancillary Workshop for a Period of 3 Years in "Other Specified Uses" annotated "Rural Use" zone, Lots 560(Part), 563(Part), 564(Part), 565(Part), 618S.C(Part) and 618RP(Part) in D.D. 106, Kam Sheung Road, Yuen Long

(TPB Paper 8973A)

[This item was conducted in Cantonese]

81. The Secretary said that on 19.12.2011, the applicant wrote to the Secretary of the Board (after the issue of the TPB paper No. 8973) and requested the Board to defer making a decision on the review application for two months so as to allow time for preparation of an environmental assessment for the review application.

82. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needed more time to prepare the environmental assessment for the review application, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

83. After deliberation, the Board agreed to defer consideration of the review application as requested by the applicant. The Board also agreed that the review application should be submitted for its consideration within 3 months upon receipt of further submission from the applicant. The applicant should be advised that the Board had allowed two months for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 11

[Open Meeting]

Request for Deferral for Review of Application No. A/NE-TK/359

Proposed House (New Territories Exempted House - Small House) in "Village Type Development" and "Agriculture" zones, Lot 613 in D.D. 15 and Adjoining Government Land, Shan Liu Village, Tai Po

(TPB Papers 8978)

[This item was conducted in Cantonese]

84. The Secretary said that on 1.12.2011, the applicant wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for two months as more time was required for preparation of submission of further information.

85. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needed more time to resolve the technical issues with relevant government departments, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

86. After deliberation, the Board agreed to defer consideration of the review application as requested by the applicant. The Board also agreed that the review application should be submitted for its consideration within three months upon receipt of further submission from the applicant. The applicant should be advised that the Board had allowed two months for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 12

[Open Meeting]

Request for Deferral for Review of Application No. A/YL-LFS/216

Proposed Pond Filling (by about 2m) for Permitted New Territories Exempted House in "Village Type Development" zone, Lots 1531 S.A (Part) and 1531 S.B (Part) in D.D. 129, Mong Tseng Tsuen, Lau Fau Shan, Yuen Long
(TPB Papers 8979)

[This item was conducted in Cantonese]

87. The Secretary said that on 30.11.2011, the applicant wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for a period of two months to allow time for the applicant to prepare an ecological assessment to address the concerns of Agriculture, Fisheries and Conservation Department (AFCD).

88. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needed more time to prepare an ecological assessment to address AFCD's concerns, the deferment period was not indefinite, and the subject of deferment was to ensure that the interests of nearby residents would not be adversely affected.

89. After deliberation, the Board agreed to defer consideration of the review application as requested by the applicant. The Board also agreed that the review application should be submitted for its consideration within three months upon receipt of further submission from the applicant. The applicant should be advised that the Board had allowed two months for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Procedural Matters

Agenda Item 13

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Mong Kok Outline Zoning Plan No. S/K3/29
(TPB Papers 8981)

[This item was conducted in Cantonese]

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

Mr. Walter K.L. Chan : owned a property in Mong Kok

Mr. Raymond Y.M. Chan : his parents owned a property in Mong Kok

91. Members noted that Mr. Walter K.L. Chan had left the meeting. As the item was procedural in nature, Members agreed that Mr. Raymond Y.M. Chan could stay at the meeting.

92. The Secretary said that on 12.8.2011, the draft Mong Kok Outline Zoning Plan (OZP) No. S/K3/29 was exhibited for public inspection under section 7(2) of the Town Planning Ordinance. During the 2-month exhibition period, one representation was received. On 21.10.2011, the representation was published for public comments and, in the first three weeks of the publication period, one public comment was received.

93. The representation was mainly related to the rezoning of a site at Elm Street from "Other Specified Uses" annotated "Business" to "Residential (Group E)" and stipulating a maximum building height of 80mPD, and the rezoning of a Government, institution or community site to "Commercial (3)" and stipulating a maximum building height of 100mPD. As the amendments had attracted much public interest, it was considered more appropriate for the full Board to hear the representation and comment without resorting to the appointment of a Representation Hearing Committee. As there

was only one representation and one comment, the hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary.

94. After deliberation, the Board agreed that the representation and comment should be heard by the Board in the manner as proposed in paragraphs 2.2 and 2.3 of the Paper.

Agenda Item 14

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Kennedy Town & Mount Davis Outline Zoning Plan No. S/H1/19, Draft Chai Wan Outline Zoning Plan No. S/H20/18, Draft South West Kowloon Outline Zoning Plan No. S/K20/26, Draft Sha Tin Outline Zoning Plan No. S/ST/25, Draft Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/15 and Draft Ping Shan Outline Zoning Plan No. S/YL-PS/13

(TPB Papers 8984)

[This item was conducted in Cantonese]

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

Mr. Laurence L.J. Li : owned a property at Smithfield Road,
Kennedy Town

Mr. Clarence W.C. Leung : owned a property in Fo Tan

Prof. Eddie C.M. Hui : owned a property in Sha Tin

Mr. Raymond Y.M. Chan : his spouse owned a property in Sha Tin

Dr. W.K. Lo : owned a property in Tai Wai

96. Members noted that Mr. Laurence L.J. Li and Professor Eddie C.M. Hui had not arrived at the meeting. As the item was procedural in nature, Members agreed that

the other Members who had declared interests could be allowed to stay in the meeting.

97. The Secretary said that on 10.6.2011, the Board agreed to amend the Master Schedule of Notes to Statutory Plans (MSN) of the “Industrial” (“I”) zone by including “Eating Place (not elsewhere specified)”, “Institutional Use (not elsewhere specified)”, “Public Clinic” and “Training Centre” uses in wholesale conversion of an existing industrial building in Column 2 of the user schedule of the “I” zone to increase flexibility for changes of uses in wholesale conversion of existing industrial building.

98. On 30.6.2011, the draft Chai Wan Outline Zoning Plan (OZP) No. S/H20/18 and the draft Fanling/Sheung Shui OZP No. S/FSS/15 were exhibited for public inspection under section 5; and the draft Kennedy Town & Mount Davis OZP No. S/H1/19, the draft South West Kowloon OZP No. S/K20/26, the draft Sha Tin OZP No. S/ST/25 and the draft Ping Shan OZP No. S/YL-PS/13 were exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). The proposed amendments incorporated in the OZPs involved the revision to the Notes for the “I” zone of the OZPs by adding, where appropriate, the uses of “Eating Place (not elsewhere specified)”, “Institutional Use (not elsewhere specified)”, “Public Clinic” and “Training Centre” in wholesale conversion of an existing industrial building in Column 2 of the user schedule.

99. During the 2-month exhibition period, 11 representations were received in respect of the six OZPs. On 16.9.2011 and 23.9.2011, the representations were published for public comments and in the first three weeks of the publication periods, one public comment was received on the representation for the draft South West Kowloon OZP No. S/K20/26.

The Representations and Comments

100. Two representations were received on the draft Kennedy Town & Mount Davis OZP, with one supporting and the other opposing the revision to the Notes for the “I” zone.

101. Five representations were received on the draft Chai Wan OZP. Representations No. R1 and R2 supported while Representation No. R3 opposed the revision to the Notes for the “I” zone. R2 (part), R3 (part), R4 and R5 provided comments

on the preservation of the Chai Wan Factory Estate, which were not related to the amendments incorporated in the Notes of the subject OZP.

102. For the draft South West Kowloon OZP, the draft Sha Tin OZP, the draft Fanling/Sheung Shui OZP and the draft Ping Shan OZP, the same representer had submitted one representation for each of the four OZPs supporting the revision to the Notes for the “I” zone. On 5.12.2011, the representer withdrew the representation in respect of the draft Sha Tin OZP, hence there was no valid representation in respect of the Sha Tin OZP.

103. One public comment was received on the representation to the draft South West Kowloon OZP (Comment No. C1) and it was related to the future land use and planning of the reclamation area, which was not relevant to the subject amendments and the related representation.

Invalid Representations and Comment

104. The Secretary said that pursuant to sections 6(3)(b) and 12(3)(b)(i) of the Ordinance, R2 (part), R3 (part), R4 and R5 received on the draft Chai Wan OZP and C1 received on the representation to the draft South West Kowloon OZP, which were not related to the amendments to the Notes of the two subject OZPs (as set out in paragraph 1.6 and 1.8 of the Paper), should be considered invalid and should be treated as not having been made.

Hearing Arrangement

105. As the representations were all related to amendments to the Notes for the “I” zone of the five OZPs and five of the representations were submitted by the same representer, it was considered more efficient for the full Board to hear the representations without resorting to the appointment of a Representation Hearing Committee. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary.

106. As the representations were of similar nature and were submitted in respect of

the Notes for the “I” zone of the five OZPs which had been revised as a result of the Board’s decision to amend the MSN of the “I” zone at its meeting on 10.6.2011, it was appropriate to consider the representations collectively at the same hearing.

107. After deliberation, the Board agreed that:

- (a) R2(part), R3(part), R4 and R5 to the draft Chai Wan OZP and C1 to the representation to the draft South West Kowloon OZP, which were not related to the amendments of the two subject OZP, were considered invalid under sections 6(3)(b) and 12(3)(b)(i) of the Ordinance; and
- (b) the representations should be heard by the Board in the manner as proposed in paragraphs 2.1 and 2.2 of the Paper.

Agenda Item 15

[Open Meeting]

Submission of the Draft Sha Tin Outline Zoning Plan No. S/ST/25A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval
(TPB Paper No. 8983)

[This item was conducted in Cantonese.]

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

Mr. Clarence W.C. Leung : owned a property in Fo Tan

Prof. Eddie C.M. Hui : owned a property in Sha Tin

Mr. Raymond Y.M. Chan : his spouse owned a property in Sha Tin

Dr. W.K. Lo : owned a property in Tai Wai

109. Members noted that Professor Eddie C.M. Hui had not arrived to join the meeting. As the item was procedural in nature, Members agreed that the other Members

who had declared interests could be allowed to stay in the meeting.

110. The Secretary briefly introduced the Paper. On 6.7.2010, the Chief Executive in Council (CE in C) referred the approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/23 to the Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance (the Ordinance). On 11.2.2011, the draft Sha Tin OZP No. S/ST/24, incorporating amendments to rezone the areas at Shui Chuen O in Area 52 to facilitate a public housing development and to reflect as-built public roads as well as incorporating the building height and gross floor area restrictions in the Notes of the newly rezoned sites, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the 2-month exhibition period, 36 representations were received. On 6.5.2011, the representations were published for public comments and in the first three weeks of the publication period, no comment was received. On 30.9.2011, after giving consideration to the representations, the Board decided not to propose any amendments to the draft OZP to meet the representations. On 30.6.2011, the draft Sha Tin OZP No. S/ST/25, incorporating amendments to the Notes of the “Industrial” zone, was exhibited for public inspection under section 7 of the Ordinance. During the 2-month exhibition period, one representation was received but was subsequently withdrawn by the representer.

111. Since the representation consideration process had been completed, the draft OZP was ready for submission to the CE in C for approval in accordance with section 8 of the Ordinance. For submission to the CE in C, opportunity had been taken to update the Explanatory Statement (ES) to reflect the latest position of the draft OZP and the latest developments in the area.

112. After deliberation, the Board :

- (a) agreed that the draft Sha Tin OZP No. S/ST/25A at Annex I of the Paper and its Notes at Annex II of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated ES for the draft Sha Tin OZP No. S/ST/25A at Annex III of the Paper as an expression of the planning intention and

objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and

- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 16

[Closed Meeting]

113. This item was recorded under confidential cover.

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

Agenda Item 17

[Closed Meeting]

Any Other Business

[This item was conducted in Cantonese.]

114. The Secretary informed Members that the representation hearing for the Sai Ying Pun and Sheung Wan Outline Zoning Plan No. S/H3/26 (the OZP) and the Urban Renewal Authority Staunton Street / Wing Lee Street Development Scheme Plan No. S/H3/URA/1/3 (the DSP) was scheduled on 17.1.2012. On 19.12.2011, Masterplan Limited submitted a letter to the Secretary on behalf of the representers (R4 for the OZP and R4 for the DSP) and the letter was tabled for Members consideration. The Secretary said that according to paragraph 4 of Masterplan's letter, PlanD would include in the TPB paper a letter from one of their clients dated 11.8.2011 which was related to the comment submitted by URA. The Secretary then referred Members to the last paragraph of the letter, wherein the representer invited Members to visit the area with them prior to consideration of the representations so that Members could better understand the current state of the environment and the issues involved. The Secretary asked Members to consider the site visit invitation.

115. Three Members and the Vice-chairman considered that the Board should not

accept the representers' site visit invitation as they were familiar with the subject area and it might give the wrong impression that the Board was obliged to undertake site visits before deciding on planning submissions. One of those Members said that it was better for Members to visit the area by themselves or in small groups as considered necessary by individual Members. The Chairman said that ample information would normally be provided by government departments and the applicants / representers for the Board's consideration of planning submission. As long as Members considered that there was sufficient information for them to make a decision, site visits would not be necessary. The Secretary said that if Members wished to visit the area before the hearing, the Secretariat would make the necessary arrangement. Furthermore, if after hearing the presentations at the meeting, Members considered that there were doubts and wished to visit the area before making a decision, a site visit could also be arranged then.

116. The Chairman concluded that Members considered that the site visit invitation in Masterplan's letter dated 19.12.2011 should not be accepted and a site visit, if necessary, could be arranged for individual Members.

117. The meeting was adjourned for lunch break at 1:00pm.

118. The meeting was resumed at 1:45 p.m.

119. The following Members and the Secretary were present in the afternoon session:

Mr. Thomas Chow Chairman

Mr. Stanley Y.F. Wong Vice-Chairman

Mr. K.Y. Leung

Mr. Raymond Y.M. Chan

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Professor Eddie C.M. Hui

Dr. C.P. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department

Mr. Victor W.T. Yeung

Principal Assistant Secretary (Transport),
Transport and Housing Bureau

Ms. Elsa H.K. Cheuk

Director of Lands

Miss Annie K.L. Tam

Director of Planning

Mr. Jimmy C.F. Leung

Agenda Item 7

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/SK-TMT/31

Proposed Four Houses (New Territories Exempted House – Small House) in “Green Belt” zone, Lots 32 S.A ss.4, 32 S.A ss.5, 32 S.B ss.3, 32 S.C RP, 32 S.A ss.7, 32 S.A RP, 32 S.B ss.5, 32 S.B RP, 32 S.A ss.6, 32 S.A ss.8, 32 S.B ss.4, 32 S.B ss.6, 32 S.A ss.2, 32 S.A ss.3, 32 S.B ss.2 and 32 S.C ss.1 in D.D. 256, Tai Mong Tsai, Tai Po Tsai Village, Sai Kung

(TPB Paper No. 8975)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Mr. Ivan Chung	District Planning Officer/Sai Kung and Islands (DPO/SKIs), PlanD
Mr. Wong Siu Wah)
Mr. Yip Fook Wah) Applicants’ representatives
Mr. Cheung Chun Lung)

121. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. Ivan Chung to brief Members on the background of the application.

122. With the aid of a powerpoint presentation, Mr. Chung did so as detailed in the Paper and made the following main points:

- (a) the applicants sought planning permission for the proposed development of four houses (NTEH/Small House) at the application site which was zoned “Green Belt” (“GB”) on the Tai Mong Tsai and Tsam Chuk Wan

Outline Zoning Plan (OZP);

- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 18.3.2011 and the reasons were:
- (i) the proposed development was not in line with the planning intention of the “GB” zone on the Outline Zoning Plan, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in a “GB” zone. The proposed development was also not in line with Town Planning Board (TPB) Guidelines No. 10. There were no exceptional circumstances and strong planning grounds for the proposed development in the submission which justified a departure from the planning intention of “GB” zone;
 - (ii) the proposed development did not comply with the “Interim Criteria For Assessing Planning Applications for New Territories Exempted House/Small House Development in the New Territories” (“Interim Criteria”) as sufficient land had been reserved within the “Village Type Development” (“V”) zone for Tai Po Tsai village and the proposed development would also have adverse landscape impact;
 - (iii) the proposed Small Houses fell within the Water Services Department’s lower indirect water gathering grounds (WGG). There was no Drainage Services Department sewerage connection available in the vicinity at present. There was no information in the submission to demonstrate that the proposed Small House development within the WGG would not pose adverse impact on the water quality of the area; and

- (iv) approval of the application would set an undesirable precedent for similar applications within “GB” zone. The cumulative effect of approving such applications would lead to adverse impact on the value of the landscape environment and infrastructure provision in the area;

- (c) the further justifications in support of the review submitted by the applicants were set out in paragraph 3 of the Paper. The applicants considered that the rejection of the application without compensation was an infringement of indigenous villagers’ right to build Small Houses on private land within the village ‘environs’ (‘VE’); the “GB” zone was not an appropriate zoning for the site which was small in size; two existing houses were already in existence within the “GB” zone; there was great demand for Small House development but the supply of land within the “V” zone was limited; the site was far away from the stream course, the WGG and the water pumping station; and the applicants would be willing to carry out more planting in the surrounding areas to improve the environment should the application be approved;

- (d) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. The District Lands Officer/Sai Kung of Lands Department (DLO/SK, LandsD) commented that the site fell within the ‘VE’, there were 23 outstanding Small House applications and the 10-year Small House Demand forecast for Tai Po Tsai village was 18 Small Houses. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the proposed NTEH development would result in loss of greenery in the “GB” zone. The Chief Town Planner/Urban Design and Landscape of PlanD (CTP/UD&L, PlanD) did not support the application as the proposed development was not in line with the planning intention of the “GB” zone, there was no information to demonstrate that the proposed development would not impose an adverse impact on the existing landscape resources in the “GB” zone and the approval of the application would set an undesirable

precedent and attract similar applications within the “GB” zone. The Chief Engineer/Development (2) of the Water Supplies Department (CE/D(2), WSD) objected to the application as the site was within the lower indirect WGG and the proposed development was in an area where public sewerage connection was not available;

- (e) public comments – during the statutory publication period of the review application, one public comment from Designing Hong Kong Limited was received objecting to the application on the grounds that the proposal was not in line with the planning intention of “GB” zone, it was incompatible with the surrounding land uses and there was lack of a plan for a sustainable layout of infrastructure for the area. On the other hand, two public comments from the Chairman of the Sai Kung Rural Committee and a Sai Kung District Councillor were received supporting the application for the reasons that the site was within ‘VE’, it was the right of an indigenous villager to build Small Houses, the site was on private land, the “GB” zoning was inappropriate, two existing houses were already built within the “GB” zone and there was insufficient land available within the “V” zone; and

- (f) PlanD’s view – PlanD did not support the application based on the assessment in paragraph 7 of the Paper, which were summarised below:
 - (i) the proposed development was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in the “GB” zone. The proposed development was also not in line with the TPB Guidelines No. 10 in that there were no exceptional circumstances and strong planning grounds that justify a departure from the planning intention of the “GB” zone;

- (ii) contrary to the applicants' claim that the "GB" zone was inappropriate, DAFC and CTP/UD&L, Plan noted that the site was generally covered by vegetation including trees forming an integral part of the "GB" zone stretching to the "Conservation Area" zone in the north and the Sai Kung West Country Park beyond. As the existing "GB" zone for the site and its surroundings was an appropriate zoning to contain urban sprawl where development would be strictly controlled, approval of the application would result in degradation of the natural environment and loss of greenery in the "GB" zone. There was also no information to demonstrate that the proposed NTEHs would not have an adverse landscape impact;

- (iii) the application did not comply with the Interim Criteria. Although the site was within the 'VE', adequate land had been reserved in the "V" zone for Tai Po Tsai Village and there was no shortage of land to meet the Small House demand, which was contrary to the claim made by the applicants that there was insufficient land to meet the future Small House demand. While the 10-year Small House demand forecast for Tai Po Tsai Village was 41 (or equivalent to 1.03 ha of land), about 2.59 ha of land (equivalent to 103 Small House sites) was available within the "V" zone of Tai Po Tsai Village to meet the demand. Besides, CE/D(2), WSD objected to the application as the site fell within the lower indirect WGG and no public sewerage connections were available in the vicinity;

- (iv) as the two houses currently found within the "GB" zone had been in existence prior to the gazettal of the first statutory plan covering the Tai Mong Tsai and Tsam Chuk Wan area, they were 'existing use' which did not require planning permission from the Board;

- (v) on the claim that the rejection of the application without compensation was an infringement of indigenous villagers' right to build Small Houses on private land within the 'VE', it should be

noted that there was no provision under the Town Planning Ordinance for compensation due to zoning restrictions. Besides, the site was an agricultural lot and the current “GB” zoning did not deprive any building right of the applicants; and

- (vi) approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would lead to adverse impact on the value of the landscape, environment and infrastructure provision in the area.

123. The Chairman then invited the applicants’ representatives to elaborate on the application.

124. With the aid of an extract plan and a newspaper cutting, Mr. Wong Siu Wah made the following main points:

- (a) the decision of the RNTPC to reject the application was based on an unfair assessment of the actual situation surrounding the site and was a wrong decision. The Board should conduct a site visit to understand the actual site conditions before making a decision on the application;
- (b) the villagers had written several times to the relevant government departments pointing out that the site was suitable for Small House development and should not be zoned “GB”, but no department had taken any action. Making reference to the extract plan shown on the visualiser, he said that the site was surrounded by village houses on all sides and the areas to the north-east and south-west of the site were already zoned “V”. As the site was small in size and under private ownership, it was a planning mistake to zone the site as “GB”;
- (c) as the 4 proposed Small Houses were located 45m to 75m away from the nearest stream, the proposed development had met WSD’s requirement

that all septic tanks for Small House development within WGGs should be located at least 30m away from existing stream courses or water bodies. WSD's concerns on the adverse impact caused by seepages from the proposed septic tanks of the Small Houses were not justified;

- (d) the applicants noted that DAFC's concern was that the felling of trees would result in loss of greenery in the "GB" zone. As the trees in the "GB" zone were mainly common species, as confirmed by DAFC, the applicants were willing to submit a landscape proposal to improve the greenery of the site and to maintain the existing landscape character;
- (e) regarding PlanD's claim that there was no shortage of land to meet the Small House demand, the former village representative of Tai Po Tsai village had already written to DLO/SK on 22.4.2010 to clarify that the Small House demand would reach more than 100 when villagers of 8 recognised villages in the vicinity were included. As there were already nearly 50 Small House applications submitted, he doubted that the land available within the "V" zone for the development of 103 Small Houses was adequate to meet the Small House demand of the villagers;
- (f) although Small House development within the "GB" zone was allowed upon application to the Board, all planning applications submitted since 2001 had been rejected by the Board. The mechanism of allowing the villagers to submit section 16 and section 17 planning applications only gave a false hope to the villagers. He pointed out that as the 4 Small Houses proposed under the current application would take up the last site in the area under private ownership, approving the application would not set an undesirable precedent as no similar applications would follow;
- (g) the applicants had been affected by the construction of Yan Yee Road when a large part of the lot had been resumed by the Government. The applicants had been sincere and co-operative and had not adopted the negative approach of 'destroy first, build later'. The applicants only

wanted to make use of the remaining land under their ownership to build Small Houses. However, due to the “GB” zoning of the site which was inappropriate, the Government had taken away the applicants’ rights as indigenous villagers to build Small Houses for themselves;

- (h) making reference to the newspaper cutting, he noted that the application was in line with the 2011-12 Policy Address where the Government would look into the use of green belt areas that were cleared of vegetation, deserted or formed and convert them for housing development to meet the public need;
- (i) the application was supported by the Chairman of the Sai Kung Rural Committee, four Sai Kung District Councillors and the village representatives of three villages; and
- (j) the Board should consider the application in detail and approve it.

[Mr. Laurence L.J. Li and Professor Eddie C.M. Hui arrived to join the meeting at this point.]

125. Mr. Cheung Chun Lung made the following main points:

- (a) as the indigenous inhabitant’s representative (IIR) of Tai Po Tsai village, he confirmed that the applicants were indigenous villagers. As the applicants were using private land within the ‘VE’ to develop Small Houses, the application should be supported;
- (b) he complained that the number of Small Houses developed in other villages was much larger than that permitted for Tai Po Tsai village. The Government should uphold the right of indigenous villagers to build Small Houses;

[Mr. Rock C.N. Chen arrived to join the meeting at this point.]

- (c) the villagers were not consulted or informed when the subject site was zoned “GB” on the OZP. PlanD should have consulted the villagers, the Rural Committees and the District Council on the zoning of the site as the “GB” zone had severely affected the development rights of villagers;
- (d) it was a waste of valuable land resources for the site to be zoned “GB” as villagers with private land within the “GB” zone would not be able to develop Small Houses for their own use. As they were owners of private land, those villagers were not eligible to apply for public housing;
- (e) the amount of land within the “V” zone that was actually available to the villagers to develop Small Houses was much smaller than the estimated amount set out in the TPB Paper. The application site was the only site under private ownership that was available for the villagers to develop Small Houses; and
- (f) the impact of the proposed development on the surrounding area was minimal as the development only comprised 4 Small Houses.

[Mr. Stanley Y.F. Wong returned to join the meeting at this point.]

126. Mr. Yip Fook Wah made the following main points:

- (a) as the proposed houses would be located about 45m to 75m away from the nearest stream, the proposal would not adversely affect the WGG. He suggested that soakaway pits could be built around the proposed Small Houses to further reduce their impact on the stream;
- (b) the approval of the application would not set an undesirable precedent as the application site was the only piece of private land within the “GB” zone and no other land would be available within the same “GB” zone for Small House development. Besides, the Board should consider each case on its individual merits; and

- (c) if the application was approved by the Board, the Board could require the applicant to submit any impact assessments or landscape proposals to address the concerns of the relevant government departments. The applicants would be willing to prepare the relevant assessments and proposals to address the departmental concerns.

127. In response to Miss. Annie K.L. Tam's enquiry, Mr. Cheung Chun Lung confirmed that the applicants were indigenous villagers and the application site was an agricultural lot. As for the latest estimate of the 10-year Small House demand forecast, Mr. Cheung said that he needed more time to update the figure after taking into account the number of overseas indigenous villagers who indicated that they wanted to return to live in the village. Mr. Ivan Chung supplemented that, according to the information provided by DLO/SK as set out in paragraph 5.2.1 of the TPB Paper, the application site was held as an old schedule lot restricted to agricultural use. Moreover, 23 outstanding Small House applications were being processed by DLO/SK and the 10-year Small House demand forecast for Tai Po Tsai village was 18 Small Houses. Mr. Chung also confirmed that according to PlanD's estimate, land equivalent to 103 Small House sites was available within the "V" zone which overlapped with the 'VE' of Tai Po Tsai village.

128. A Member enquired about the status of the village houses surrounding the application site as shown on the extract plan presented by the applicants' representatives. In response, Mr. Ivan Chung said that there were two existing houses within the "GB" zone which had been in existence before the gazettal of the first statutory plan covering the Tai Mong Tsai and Tsam Chuk Wan area. As they were 'existing use', planning permission from the Board was not required. The other village houses to the north-east and the south-west of the application site were located within the "V" zone. In response to the same Member's enquiry about the distance between the proposed houses and the stream, Mr. Chung said that the distance was about 35m as measured from the survey sheet and that WSD's concern was that the proposed development was within the WGG.

129. Contrary to the claim made by the applicants' representatives about the lack of public consultation, Mr. Ivan Chung said that when the Tai Mong Tsai and Tsam Chuk Wan

Development Permission Area (DPA) Plan was first published in 2000, public consultation was conducted and objections from the villagers to the “V” zone proposed in the DPA Plan had been received. After consideration of the objections to the DPA Plan, the Board decided not to uphold the objections. In 2003, when the said DPA Plan was replaced by an OZP, public consultation was again conducted and one objection to the “V” zone was received from the Rural Committee. The Board decided not to uphold the objection after taking into account the impact on the WGG, and the extensive vegetation cover and trees found within the site. Mr. Cheung Chun Lung, however, disagreed with DPO/SKIs and said that none of the villagers of Tai Po Tsai village was ever consulted on the “GB” zoning of the site. The Chairman explained that according to the statutory plan making procedures, the DPA Plan and the OZP would be published and the public could submit written objections/representations to the Board. In response to the Chairman’s enquiry, Mr. Ivan Chung said that during the publication of the DPA Plan, one objection was received from a Sai Kung District Councillor against the inadequate amount of land that was zoned “V” and, during the publication of the OZP, an objection was received from the Sai Kung Rural Committee against the “GB” zoning of the site under concern. The objector requested that the site should be rezoned to “V”. However, after consideration of the objection, the Board decided to retain the zoning of the site as “GB”

130. In response to a Member’s enquiry about why the subject “GB” zone was sandwiched between two “V” zones located to the north-east and south-west, Mr. Ivan Chung said that the two “V” zones were within the ‘VE’ of Tai Po Tsai village. He said that the “GB” site was originally zoned “CA” on the Draft Tai Mong Tsai and Tsam Chuk Wan DPA Plan No. DPA/SK-TMT/1 and formed part of the existing “CA” zone located to the north-west of the site. The “CA” zoning was intended to serve as a buffer area for the Sai Kung West Country Park to the further north-west of the site. In 2003, when the DPA Plan was replaced by the Draft Tai Mong Tsai and Tsam Chuk Wan OZP No. S/SK-TMT/1, the site was rezoned from “CA” to “GB” after taking into consideration the local views, the views of the relevant government departments and the fact that the site was not of a high conservation value. Notwithstanding this, it was considered that the “GB” zone would continue to provide a buffer for the Country Park as the site was well vegetated with trees and there was a presumption against development within the “GB” zone.

131. Referring to Plan R-4, the Chairman asked DPO/SKIs to confirm if the proposed development would affect any trees on site. In response, Mr. Ivan Chung referred to AFCD's comment in paragraph 5.2.2(a) of the TPB paper and said that the proposed Small Houses at both ends of the site would be in conflict with some existing trees. As the applicant did not provide any additional information, it was not possible to ascertain whether the adverse landscape impact could be addressed. Regarding the road shown on Plan R-4, Mr. Chung said that the road was an access road serving the existing house to the north-west of the application site.

132. In response to a Member's enquiry on the amount of land available within the "V" zone for Small House development, Mr. Cheung Chun Lung said that there was indeed a lot of undeveloped land within the "V" zone but most of the land were Government land and some were well-vegetated. Moreover, none of the Small House applications submitted by the villagers to LandsD in the last few years was approved. Mr. Ivan Chung said that in estimating the amount of land available for Small House development, PlanD would exclude the steep slopes, woodland, rivers and areas of conservation value in the "V" zone and the remaining land that was not yet built would be included in the calculation. However, in the estimation, PlanD would not differentiate between government land and private land.

133. Mr. Wong Siu Wah supplemented that the previous IIR had advised DLO/SK that the 10-year Small House demand forecast was more than 120 Small Houses and the letter was submitted as part of the planning application. He did not understand why the revised 10-year demand forecast was not reflected in the TPB Paper. He also doubted whether the land available for Small House development could indeed provide 103 Small Houses. Even though the Government claimed that there was adequate land to meet the demand, the problem was that the land was not available to those villagers who wanted to build Small Houses. Many other villages shared that same problem.

[Ms. Elsa H.K. Cheuk arrived to join the meeting at this point.]

134. In response to a Member's enquiry about the review of green belt areas for housing development mentioned in the 2011-12 Policy Address, Mr. Ivan Chung said that

PlanD was following up on the policy initiative separately. Nevertheless, as the subject “GB” site was well-vegetated, the “GB” zoning was still appropriate.

135. Mr. Yip Fook Wah said that if the application had to be rejected because the applicants had not provided the necessary impact assessments and landscape proposals, the applicants were willing to provide such information to address the departmental concerns. He considered that the “GB” zoning was arbitrary and inaccurate as the assessment was mainly derived from what was shown on the aerial photos and not the actual situation on site. It was not uncommon to find fruit trees on land in the rural areas and the Board should take into account that the site was within the ‘VE’ and was a piece of private land.

136. As the applicants’ representatives had no further comment to make and Members had no further question to raise, the Chairman informed them that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform them of the Board’s decision in due course. The Chairman thanked the applicants’ representatives and PlanD’s representative for attending the meeting. They left the meeting at this point.

Deliberation Session

137. Miss Annie K.L. Tam clarified that although the application site was an old schedule agricultural lot, it was not necessarily restricted to agricultural use.

138. In response to a Member’s enquiry on how this “GB” site sandwiched between two “V” zones could act as a buffer, the Secretary said that the overall planning intention for the Tai Mong Tsai and Tsam Chuk Wan area was mainly for conservation of the natural environment, and hence the site in-between the two “V” zones was originally zoned “CA”. However, in the objection hearing procedures, the Board had taken into account the concerns raised by the villagers for Small House development and the site was rezoned to “GB”. Regarding the two “V” zones on both sides of the “GB” zone, they were mainly to reflect the two village clusters that were in existence at the time when the statutory plan was prepared. In determining the size of the “V” zone, DPO/SKIs would take into account the Small House demand figure from the respective DLO which included the outstanding Small

House applications and the 10-year Small House demand forecast provided by the village representative. In estimating the land available for Small House development in the “V” zone, the existing built-up area, steep slopes, woodland, roads, streams, burial grounds and tsz tongs, etc would be excluded. As the remaining area of the two “V” zones was already adequate to meet the Small House demand, the site in-between was retained as a “GB” zone given it was well-vegetated and could serve as a buffer area. The Secretary noted that in the subject planning application, the Small House demand forecast provided by DLO/SK was only 41 Small Houses and hence there was no shortage of land within the “V” zone to meet the demand. Notwithstanding the applicants’ claim that the 10-year Small House demand forecast should be more than 100 Small Houses, she noted that the information provided in their submission only vaguely mentioned the possibility of overseas villagers returning to the village and this might be the reason why DLO/SK had not adopted the revised demand forecast figure. The Secretary also pointed out that the application was not supported by WSD as the site was within the lower indirect WGG.

139. A Member commented that, based on the demand and supply figures provided in the TPB paper, the application should not be approved. However, this Member noted that the 10-year forecast demand figure was only a figure provided by the IIR and was concerned whether there was a better method to estimate the future demand so as to provide a more scientific basis for consideration of the Board. The Secretary said that the DLO would request the IIR to review the 10-year Small House forecast demand every year and, unless there was a significant increase in the forecast demand as compared with the previous year, the IIR would not normally be asked to verify the figure. As the IIR was the person who knew the indigenous villagers and their needs, the 10-year Small House forecast demand provided by the IIR should be a reasonable estimate. Miss Annie K.L. Tam supplemented that the DLO was in no position to verify the 10-year demand forecast provided by the IIR as they did not know the number of male indigenous villagers for each village, their whereabouts and whether they wanted to submit a Small House application to LandsD.

140. In response to the same Member’s enquiry on the 30m criteria adopted by WSD, the Secretary explained that WSD had a general requirement in that all septic tanks of Small House developments had to be located at least 30m away from existing streams and

water bodies. However, WGGs referred to a large area which were gazetted areas and were divided into direct and indirect WGG with different types of control. The main concern of WSD was the adverse impact caused by developments within WGGs on the water quality and such developments would not normally be supported unless proper sewerage connections could be made.

141. Noting another Member's comment that the impact on the water quality might be safeguarded by an approval condition requiring the provision of septic tanks or connection to public sewers, the Chairman said that as the application site was located within the WGG, the proposed development had to be connected to public sewers and the provision of septic tanks was not acceptable due to problems of seepage which was the nature of septic tanks. In this respect, Mr. Victor W.T. Yeung confirmed that there were no public sewers in the vicinity and the Government did not have any plans to provide public sewers to the area.

142. The Chairman said that even if the 10-year Small House forecast demand was revised to over 100 Small Houses as suggested by the applicants' representatives, there was still adequate land available within the "V" zone to meet the demand as, according to PlanD, 103 Small Houses could be developed on the land that was available. Hence, there was no imminent need to use the application site which was zoned "GB" for Small House development.

143. A Member said that the issue of whether there was enough land in the "V" zone to meet the Small House demand was irrelevant to the applicants as it was the applicants' intention to develop Small Houses on the land they owned. Noting that the application site was located within the WGG with no public sewerage connections, the Member considered that the application should not be supported.

[Mr. K.Y. Leung left the meeting at this point.]

144. Noting the WGG boundary and the location of the stream, a Member enquired the rationale for the "GB" zone and the two "V" zones, as the "V" zone to the north of the application site was closer to the stream and might cause more adverse impact on the water

quality than the application site. In response, the Secretary said that the “V” zones were drawn up to cover the two village clusters based on the Small House demand at the time when the statutory plan was prepared. Taking into account the local characteristics, its topography and vegetation cover, the valley in between the two “V” zones was zoned “GB”. Mr. Victor W.T. Yeung added that as the entire area was within the WGG, EPD would not support any application for Small House development unless they were connected to public sewers.

145. A Member said that the application should not be supported as there was land available for Small House development within the “V” zone.

146. In response to a Member’s enquiry on the figures provided by DLO on the 10-year Small House demand forecast, Miss Annie K.L. Tam reiterated that the 10-year demand forecast was provided by the IIR and DLO would not be able to verify the figure. Regarding the same Member’s concern on whether the applicants were indigenous villagers and whether they were still living overseas, Miss Annie K.L. Tam said that she did not have the information at this stage, but when the applicants submitted Small House applications to the DLO, LandsD would require the submission of the relevant declarations and information in the processing of the applications. However, she considered that the information might not be relevant to the Board in considering the planning application.

147. In response to a Member’s enquiry on the applicants’ claim that the indigenous villagers were not eligible to apply for public housing, Miss Annie K.L. Tam said that it would be up to the Housing Authority to decide on whether an indigenous villager was eligible for public housing.

148. The Chairman concluded that Members generally considered that the application should not be approved as it was not in line with the planning intention of “GB” zone of the OZP. The proposed development was also not in line with TPB Guidelines No. 10 where there was a general presumption against development and there were no exceptional circumstances and strong planning grounds to justify a departure from the planning intention. Moreover, the proposed development did not comply with the Interim Criteria as sufficient land had been reserved within the “V” zone for Small House development so that it was not

justified to develop the proposed Small Houses in the “GB” zone. Besides, WSD objected to the application as the site fell within the WGG and no public sewerage connections were available in the vicinity.

149. After further deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone on the Outline Zoning Plan, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in a “GB” zone. The proposed development was also not in line with Town Planning Board (TPB) Guidelines No. 10. There were no exceptional circumstances and strong planning grounds for the proposed development in the submission which justified a departure from the planning intention of “GB” zone;
- (b) the proposed development did not comply with the “Interim Criteria For Assessing Planning Applications for New Territories Exempted House/Small House Development in the New Territories” as sufficient land had been reserved within the “Village Type Development” zone for Tai Po Tsai village and the proposed development would also have adverse landscape impact;
- (c) the proposed Small Houses fell within the Water Services Department’s lower indirect water gathering grounds (WGG). There was no Drainage Services Department sewerage connection available in the vicinity at present. There was no information in the submission to demonstrate that the proposed Small House development within the lower indirect WGG would not pose adverse impact on the water

quality of the area; and

- (d) approval of the application would set an undesirable precedent for similar applications within “GB” zone. The cumulative effect of approving such applications would lead to adverse impact on the value of the landscape, environment and infrastructure provision in the area.

[Mr. Raymond Y.M. Chan left the meeting at this point.]

Agenda Item 8

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/K1/229

Proposed Commercial Bathhouse and Massage Establishment in “Commercial” zone, B105-B122, B131-B132 & Coffee Shop A, Basement Level 1 & Unit G16, G/F, East Ocean Centre, 98 Granville Road, Tsim Sha Tsui

(TPB Paper No. 8976)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

150. As the School of Continuing and Professional Studies (CUSUS) of the Chinese University of Hong Kong (CUHK) was situated within the same building, the following Members had declared interests on this item:

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|--------------------|---|---|
| Professor P.P. Ho | - | being the Chairman of the Advisory Board of the CUSUS |
| Mr. Roger K.H. Luk | - | being a Council Member of CUHK |

151. Members noted that Professor P.P. Ho had tendered an apology for not attending the meeting. As the interests of Mr. Roger K.H. Luk were indirect, Members agreed that he should be allowed to stay at the meeting.

users of the same building;

- (c) the further justifications in support of the review submitted by the applicant were set out in paragraph 3 of the Paper. The applicant would isolate the application premises from the existing educational institution by fencing off any exits or passages leading thereto, making them two single isolated establishments on the same floor. The applicant would also limit the access to and from the application premises to the entrance on ground floor and would make use of other access routes in case of emergency only;
- (d) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. The Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD) and the Director of Fire Services DFS requested the submission of general building plans to demonstrate respectively compliance with the Building Ordinance and fire safety requirements. The other departments had no objection to the application;
- (e) public comments – a total of 819 public comments were received from the owners and users of the building and private individuals objecting to the application. The main grounds of objection were that the proposed commercial bathhouse and massage establishment was incompatible with the educational institutions in the same building, would cause nuisance to students, office ladies and clients of companies located in the same building, would cause public order and vice concerns, would breach Fire Safety Regulations and cause environmental pollution, would adversely affect the property value of the subject building, and would be incompatible with nearby museums, public open spaces and the Tsim Sha Tsui East waterfront promenade. In response to the applicant's further justifications, the public comments received indicated that it was unacceptable from the fire safety point of view to fence off any exits or passages to the adjoining educational institution at Basement Level 1 (i.e.,

the CUSUS) and that it was impractical to restrict clients of the proposed commercial bathhouse and massage establishment from using other entrances and the common facilities of the building; and

(f) PlanD's views – PlanD did not support the application based on the assessment as stated in paragraph 7 of the Paper, which were summarized below:

- (i) although the applicant said that other access routes would only be used in case of emergency, there was insufficient information to demonstrate that the proposed access arrangement would be feasible and that clients to the proposed commercial bathhouse and massage establishment would not share the use of common areas and facilities serving other users of the building including the corridors, lift lobbies, lifts, escalators, staircases, fire exits and lavatories;
- (ii) no justification was provided to address the compatibility of the proposed commercial bathhouse and massage establishment with the existing educational institutions within the same building;
- (iii) a large number of public comments had been received objecting to the proposal on the grounds that it would cause nuisance to other users of the building; and
- (iv) the applicant's proposal to fence off the passages between the application premises and the adjacent educational institution would deprive the educational institution of its right of usage and access to these common areas and facilities. There was also no information to demonstrate how the proposal to fence off these areas would be able to meet the requirements of Buildings Department and the Fire Services Department.

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

156. Mr. Wong Chun Wah made the following main points:

- (a) the applicant was operating many other commercial bathhouse and massage establishments in different parts of the Territory. The applicant provided high-end services to its clients who were mostly company executives and professionals of both sexes. In view of the high-end clientele of the proposed commercial bathhouse and massage establishment, it would unlikely cause nuisance to other users of the building;
- (b) the applicant would use the existing access at Granville Road as the only access to the application premises. The other accesses would be fenced off and clients to the proposed commercial bathhouse and massage establishment would not be permitted to use those accesses except in case of emergencies; and
- (c) as the application premises would be fenced off from the adjacent premises of the CUSUS, there should not be any compatibility problems as the two premises would be separated from one another.

157. The Chairman enquired whether the proposed commercial bathhouse and massage establishment would be operated 24 hours a day. In response, Mr. Wong Chun Wah said that the operating hours would be from 11 a.m. to 6 a.m.

158. In response to a Member's enquiry, Mr. Wong Chun Wah said that the applicant would employ an Authorised Person to prepare the building plans showing how to fence off the common areas and accesses. The same Member considered that the information should be provided together with the application for the Board to consider. In response, Mr. Wong said that the Board could approve the application subject to an approval condition requiring the submission of building plans showing how the areas would be fenced off.

159. A Member enquired whether the applicant had communicated with the other users of the same building with a view to alleviating their concerns. Mr. Wong Chun Wah said that the applicant had not done anything in that respect.

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

Deliberation Session

161. The Chairman said that a commercial bathhouse and massage establishment might not definitely create nuisance to other users of the same building. In this regard, a Member commented that the applicant did not try to communicate with the other users of the same building to address their concerns.

162. The Vice-Chairman said that the Board had considered many similar applications for commercial bathhouse and massage establishment and one of the most important planning criteria for determining such applications was the provision of a separate access. For the subject application, the applicant's proposal to fence off some of the common corridors and accesses was not feasible as it might affect other users of the same building. Hence, a separate access could, in practice, not be provided. In this regard, he considered that the application should not be supported.

163. A Member said that the long operating hours of the proposed commercial bathhouse and massage establishment was a concern. The other problem was the land use compatibility problem as the applied use would be incompatible with the educational institution use which was located on the same floor. The same Member said that the applicant did not seem to realize that the provision of a separate access was an important criterion for determining the planning application.

164. In response to the Chairman's enquiry, the Secretary explained that the planning criteria set out in the Town Planning Board (TPB) Guidelines No. 14B had clearly pointed out the importance of the provision of a separate access and the local views on the application. In response to a Member's enquiry on whether land use compatibility was a major concern in the application, the Secretary said that the TPB Guidelines stated that proposed commercial bathhouse and massage establishments should not be incompatible with other uses within the same building. The Chairman added that, in general, a commercial bathhouse and massage establishment would not be considered as compatible with an educational institution. Another Member said that the proposed use might cause embarrassment to students of the educational institution. Mr. Jimmy C.F. Leung added that even though the students of the education institution were adults, the discussion at the MPC had concluded that the proposed commercial bathhouse and massage establishment and the educational institution were incompatible uses.

165. The Chairman concluded that Members generally considered that the application should not be supported as the proposed commercial bathhouse and massage establishment was incompatible with the educational institutions within the same building and the applicant had failed to provide a separate access for the proposed commercial bathhouse and massage establishment.

166. After further deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the proposed commercial bathhouse and massage establishment was undesirable as it was incompatible with the education institutions within the same building; and
- (b) as the application premises and other premises of the same building would share some of the access routes, the proposed commercial bathhouse and massage establishment would cause nuisance to other users of the same building.

167. There being no other business, the meeting closed at 3:25 p.m.