

**Minutes of 1018th Meeting of the
Town Planning Board held on 31.8.2012**

Present

Mr. Stanley Y.F. Wong

Vice-chairman

Professor S.C. Wong

Mr. Timothy K.W. Ma

Professor Edwin H.W. Chan

Ms. Bonnie J.Y. Chan

Professor K.C. Chau

Mr. Rock C.N. Chen

Mr. H.W. Cheung

Mr. Ivan C.S. Fu

Mr. Sunny L.K. Ho

Mr. Lincoln L.H. Huang

Professor P.P. Ho

Professor Eddie C.M. Hui

Ms. Janice W.M. Lai

Mr. Dominic K.K. Lam

Dr. C.P. Lau

Mr. Patrick H.T. Lau

Ms. Julia M.K. Lau

Ms. Christina M. Lee

Mr. Maurice W.M. Lee

Mr. Clarence W.C. Leung

Mr. H.F. Leung

Mr. Laurence L.J. Li

Ms. Anita W.T. Ma

Mr. Stephen H.B. Yau

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Ms. Winnie Wong

Deputy Director of Environmental Protection

Mr. Benny Wong

Assistant Director (2), Home Affairs Department

Mr. Eric Hui

Director of Lands

Ms. Bernadette Linn

Director of Planning

Mr. Jimmy Leung

Deputy Director of Planning/District

Miss Ophelia Wong

Secretary

Absent with Apologies

Permanent Secretary for Development

(Planning and Lands)

Mr. Thomas Chow

Chairman

Dr. Wilton W.T. Fok

Dr. W.K. Lo

Mr. Roger K.H. Luk

Dr. W.K. Yau

In Attendance

Assistant Director of Planning/Board
Ms. Christine K.C. Tse

Chief Town Planner/Town Planning Board
Mr. Edward W.M. Lo (a.m.)
Miss H.Y. Chu (p.m.)

Senior Town Planner/Town Planning Board
Ms. Caroline T.Y. Tang (a.m.)
Ms. Donna Y.P. Tam (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1017th Meeting held on 17.8.2012

[The meeting was conducted in Cantonese.]

1. The minutes of the 1017th Meeting held on 17.8.2012 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

- (i) Decision on Representations of Wong Nai Chung Outline Zoning Plan
No. S/H7/15
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2. The following Members had declared interests in this item:

Professor S.C. Wong]	had business dealings with Ove Arup & Partners
Mr. Dominic K.K. Lam]	Hong Kong Ltd. (OAP) which was a consultant of
Mr. Ivan S.C. Fu]	Hong Kong Sanatorium and Hospital (HKSH). HKSH was one of the representers (R708)

Mr. Patrick H.T. Lau	-	being the Chairman of the Happy Valley Residents' Association which was one of the representers (R999), and had business dealings with OAP and MVA Hong Kong Ltd. both of which were the consultants of HKSH (R708)
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Miss Bonnie J.Y. Chan	-	her family member owned a flat in Happy Valley
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Dr. Wilton W.T. Fok - his family member owned a flat at Blue Pool Road in Happy Valley

Mr. Maurice W.M. Lee - owned a flat at Link Road and a flat at Wun Sha Street

Ms. Bernadette Linn (Director of Lands) - owned a flat at Broadwood Road and her spouse was a private practice doctor who would occasionally use the facilities in HKSH

Miss Ophelia Y.S. Wong (the Secretary) - owned a flat at Broadwood Road

3. Members noted that Professor S.C. Wong, Mr. Dominic K.K. Lam and Mr. Ivan S.C. Fu had no involvement in the HKSH project, and the properties owned by Mr. Maurice W.M. Lee, Ms. Bernadette Linn, the family member of Miss Bonnie J.Y. Chan and Dr. Wilton W.T. Fok (that had very distant view of HKSH) would not be affected by the HKSH project. Members noted that Ms. Linn's spouse was not an employee of HKSH nor was he involved in the HKSH project and considered that the interest declared was indirect. Members agreed that the Members mentioned above could stay in the meeting and participate in the discussion. Members also noted that Professor Wong, Mr. Lam, Miss Chan and Mr. Lee had not yet arrived to join the meeting, and Dr. Fok had tendered apology for being unable to attend the meeting.

4. Members considered that Mr. Patrick H.T. Lau's interest as a representative of Representer No. R999 was direct and he should be invited to withdraw from the meeting for this item. Members noted that Mr. Lau had not yet arrived to join the meeting.

5. As in the previous Town Planning Board (the Board) meetings to discuss the representation of HKSH, Members agreed that as the role of the Secretary was to provide information and advice on procedural matters and would not take part in decision-making, she could stay in the meeting.

6. The Secretary reported that an email dated 17.8.2012 and a letter dated 20.8.2012 in relation to the hearing of the draft Wong Nai Chung Outline Zoning Plan No. S/H7/15 held on 17.8.2012 were received from Mr. William Cheung (R1000) and Mr. David Forshaw (R971) respectively. Both representers had attended the meeting held on 17.8.2012. A copy each of the email and letter had been sent to Members on 22.8.2012 as requested by the two representers, which were also tabled at the meeting for Members' reference.

Matters Raised in the Email/Letter

Traffic Lights on Wong Nai Chung Road and Shan Kwong Road (R1000)

7. Mr. William Cheung (R1000) pointed out that at the meeting held on 17.8.2012, in response to a Member's question on the possible difficulty of entering the new ingress of HKSH at Wong Nai Chung Road via Route N2, HKSH's traffic consultant had stated that the traffic lights at Shan Kwong Road (north bound) (TL-A) and Wong Nai Chung Road (west bound) (TL-B) near HKSH would not show green at the same time, and the Transport Department's (TD) representative had confirmed the response given by HKSH's consultant at the meeting.

8. In the email, Mr. Cheung attached a photo and a video taken by him after the said meeting, which showed that TL-A and TL-B showed green at the same time for a short duration (about 4-5 seconds). In view of that, Mr. Cheung requested to record in the minutes of Board's meeting held on 17.8.2012 that the traffic light information given by HKSH's traffic consultant/TD's representative at that meeting was incorrect.

9. TD's comments on the matter had been sought. TD clarified that the two concerned traffic signals were not designed to phase with exclusive green lights. TD further indicated that for the Shan Kwong Road traffic, after passing through the traffic light of the pedestrian crossing, it had to give way to the Wong Nai Chung Road traffic as required by traffic sign and road marking arrows. TD explained that having regard to the above give way arrangement, access of vehicles from Wong Nai Chung Road (via Route N2) to the new HKSH ingress/egress at Wong Nai Chung Road would not be difficult.

10. Members noted TD's clarification and considered that the traffic light phasing was not a major concern for the consideration of the representations throughout the discussion at the meeting held on 17.8.2012. In addition, the Traffic Impact Assessment (TIA) had been accepted by TD and the information on the traffic light phasing provided at the meeting was not a significant factor as to render the assessment of traffic impact of HKSH's proposal unacceptable.

11. The Board agreed that a post-meeting note should be added to the minutes of Board's meeting held on 17.8.2012 to clarify the issue related to the two traffic lights.

[Ms. Anita W.T. Ma, Ms. Bonnie J.Y. Chan, Mr. Dominic K.K. Lam and Mr. H.F. Leung arrived to join the meeting at this point. Mr. Patrick H.T. Lau also arrived but was invited to withdraw from the meeting for this item at this point.]

Request for Re-opening the Meeting (R971)

12. Mr. David Forshaw (R971) complained that at the meeting held on 17.8.2012, he was requested by the Chairman to focus on the traffic issue and was not allowed to express views on other issues concerning HKSH's proposal. While the relevant TPB Paper also covered a wide range of issues in addition to the traffic issue, it was unfair that he could not present his views on other aspects at the meeting for Members' consideration. In this regard, he requested the Board to re-open the meeting.

13. The Secretary said that as explained by the Chairman at the meeting on 17.8.2012, all the other issues including building height, visual impact and air ventilation had already been heard and discussed at the previous meetings on 8.4.2011 and 11.5.2012. The meeting of 17.8.2012 was a continuation of the previous meeting on 11.5.2012 which was adjourned pending clarification from TD on the assumptions adopted in the TIA. Subsequently, TD had submitted the required further information on 6.6.2012 and 29.6.2012. The meeting of 17.8.2012 was to consider the further information submitted, which was on the traffic aspects.

14. The Secretary then invited Members to consider whether Mr. Forshaw's request to re-open the meeting should be acceded to.

15. Members noted that at the meeting held on 17.8.2012, the Chairman had explained clearly that hearing on the other issues had already been completed at the previous meetings and the meeting of 17.8.2012 was a continuation of the previous meeting of 11.5.2012 due to the need for TD to clarify the assumptions adopted in the TIA. Members considered that there was no reason to accede to Mr. Forshaw's request to re-open the meeting.

16. After deliberation, the Board decided that having considered the letter from Mr. Forshaw, there was no need for the Board to re-open the meeting and hence his request could not be acceded to. The Secretariat would make a reply to Mr. Forshaw accordingly.

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

(ii) Proposed Amendments to the Draft Wong Nai Chung Outline Zoning Plan No. S/H7/16 Arising from Considerations of Representations to the Draft Wong Nai Chung Outline Zoning Plan No. S/H7/15
(MA Paper (i))

17. The following Members had declared interests in this item:

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|-----------------------|---|---|
| Professor S.C. Wong |] | had business dealings with Ove Arup & Partners |
| Mr. Dominic K.K. Lam |] | Hong Kong Ltd. (OAP) which was a consultant |
| Mr. Ivan S.C. Fu |] | of Hong Kong Sanatorium and Hospital (HKSH).
HKSH was one of the representers (R708) |
| Mr. Patrick H.T. Lau | - | being the Chairman of the Happy Valley Residents' Association which was one of the representers (R999), and had business dealings with OAP and MVA Hong Kong Ltd. both of which were the consultants of HKSH (R708) |
| Miss Bonnie J.Y. Chan | - | her family member owned a flat in Happy Valley |
| Dr. Wilton W.T. Fok | - | his family member owned a flat at Blue Pool |

Road in Happy Valley

Mr. Maurice W.M. Lee - owned a flat at Link Road and a flat at Wun Sha Street

Ms. Bernadette Linn (Director of Lands) - owned a flat at Broadwood Road and her spouse was a private practice doctor who would occasionally use the facilities in HKSH

Miss Ophelia Y.S. Wong (the Secretary) - owned a flat at Broadwood Road

18. Members noted that Mr. Patrick H.T. Lau had already withdrawn from the meeting for this item. As agreed at the previous item MA(i), the other Members listed above could stay in the meeting and participate in the discussion, and the Secretary could stay in the meeting to perform the secretarial role. Members noted that Professor S.C. Wong had not yet arrived to join the meeting, and Dr. Wilton W.T. Fok had tendered apology for being unable to attend the meeting.

19. The Secretary briefly introduced the Paper. She reported that upon consideration of the representations and comments in respect of the draft Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/15 on 17.8.2012, the Town Planning Board (the Board) had decided to meet Representation No. 708 (HKSH) by amending the Notes of the “Government, Institution or Community” (“G/IC”) zone for the HKSH site to specify that the total number of hospital beds should not be in excess of 800 beds and not more than 15% of the total non-domestic gross floor area of the development should be used for clinic purpose; and amending the boundary of the building height control sub-areas stipulated with building height restrictions of 89mPD, 115mPD and 2 storeys of the “G/IC” zone covering the HKSH site on the basis of the proposal submitted by HKSH in February 2012.

20. The Plan was then amended by making adjustments to the boundaries of the building height sub-areas in the “G/IC” zone covering the HKSH site as shown at Annex II of the Paper. Moreover, a new clause was incorporated into the Notes of the OZP for the

“G/IC” zone to specify that *“for the HKSH site, the total number of hospital beds should not be in excess of 800 beds and not more than 15% of the total non-domestic gross floor area of the development shall be used for clinic purpose”* as shown at Annex III of the Paper.

21. After deliberation, the Board agreed that the proposed amendments to the draft Wong Nai Chung OZP No. S/H7/16 as shown at Annexes II to III of the Paper were suitable for publication for further representation under section 6(C)2 of the Town Planning Ordinance.

[Mr. Patrick H.T. Lau returned to join the meeting at this point.]

(iii) New Town Planning Appeal Received

Town Planning Appeal No. 7 of 2012

Proposed Columbarium in “Government, Institution or Community” zone,

Lot 667 in D.D. 131, Yeung Tsing Road, Tuen Mun

(Application No. A/TM/415)

22. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) on 20.8.2012 against the decision of the Town Planning Board (the Board) to reject on review an application (No. A/TM/415) for the proposed columbarium use at a site zoned “Government, Institution or Community” on the draft Tuen Mun Outline Zoning Plan No. S/TM/29. The application was rejected by the Board on 8.6.2012 for the following reason:

as there were existing and proposed columbaria in the area which would share the same access provided by Yeung Tsing Road, the proposed development with 8,000 niches would pose potential traffic impact on the surrounding road network. There was doubt on the implementability of the traffic management measures proposed by the applicant. The applicant therefore failed to demonstrate that the potential adverse traffic impacts generated by the proposed development could be satisfactorily addressed.

23. The Secretary reported that the hearing date was yet to be fixed. Members agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

(iv) Appeal Statistics

24. The Secretary reported that as at 31.8.2012, 22 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	28
Dismissed	:	123
Abandoned/Withdrawn/Invalid	:	161
Yet to be Heard	:	22
Decision Outstanding	:	1
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Total	:	335

[Ms. Christina M. Lee arrived to join the meeting at this point.]

General

Agenda Item 3

[Open Meeting]

Urban Renewal Plan for Kowloon City – Stage 1 Public Engagement
(TPB Paper No. 9166)

[The meeting was conducted in Cantonese.]

25. The Secretary informed Members that as the Urban Renewal Authority (URA) might be one of the potential implementation agencies of the redevelopment projects, the following Members had declared interests in this item:

- Mr. Jimmy Leung
as Director of Planning - being a non-executive director of URA Board

- Ms. Bernadette Linn
as Director of Lands - being a non-executive director of URA Board

- Mr. Eric Hui
as Assistant Director (2) of the Home Affairs Department - being a representative of the Director of Home Affairs who was a non-executive director of URA Board

- Mr. H.W. Cheung - being a co-opted member of the Planning, Development and Conservation Committee of URA

- Mr. Eddie C.M. Hui - being a co-opted member of the Finance Committee of URA

- Mr. Maurice W.M. Lee - being a former non-executive director of URA Board

- Mr. Stephen H.B. Yau - being a member of the Wan Chai District Advisory Committee of URA

- Mr. Timothy K.W. Ma - being a member of the District Urban Renewal Forum (DURF)

- Professor P.P. Ho - had business dealings with URA and had involved in the District Aspiration Study on Urban Renewal for Kowloon City

- Mr. Patrick H.T. Lau - had business dealings with URA

26. As the item was a briefing to Members on the Urban Renewal Plan for Kowloon City, Members agreed that all the above Members could stay in the meeting and participate in the discussion. Members noted that Mr. Maurice W.M. Lee had not yet arrived to join the meeting.

[Professor S.C. Wong arrived to join the meeting and Ms. Bernadette Linn left the meeting temporarily at this point.]

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

Ms. Lily Yam - Chief Town Planner/District Urban Renewal Forum
(CTP/DURF), PlanD

Ms. Sandy Ng - Senior Town Planner/ District Urban Renewal
Forum (STP/DURF), PlanD

Mr. Geoffrey Chan] AECOM Asia Co. Ltd.

Ms. Ebby Leung]

Mr. Adrian Cheung] A-World Consulting Ltd.

Ms. Michelle Lam]

Dr. Ho Wing Chung - Social Capital & Impact Assessment Research Unit,
City University of Hong Kong

Presentation Session

28. The Vice-chairman extended a welcome and invited the study team to brief Members on the urban renewal proposals for Kowloon City. Ms. Lily Yam, CTP/DURF, gave a brief introduction on the background of the Study. Ms. Yam said that as one of the initiatives of the new Urban Renewal Strategy promulgated in February 2011, the establishment of DURF was intended to strengthen urban renewal planning at the district level. The first DURF was set up in Kowloon City in June 2011 comprising members

from a wide cross-section in the community, with secretariat and professional support provided by PlanD. The Kowloon City DURF was to advise the Government on an Urban Renewal Plan for the Kowloon City District. The Stage 1 Public Engagement (PE) of the Urban Renewal Plan for Kowloon City was held from 14 August 2012 to 30 September 2012. The purpose of the briefing was to seek Members' Views on the Preliminary Urban Renewal Proposals for Kowloon City (PURPs).

29. With the aid of a Powerpoint presentation, Ms. Sandy Ng, STP/DURF, made the following main points as detailed in the Paper:

Background

- (a) according to the new Urban Renewal Strategy promulgated in February 2011, the "People First, District-Based and Public Participatory" approach should be adopted for carrying out urban renewal;
- (b) the Kowloon City DURF was to advise the Government on an Urban Renewal Plan for the Kowloon City District, including advice on redevelopment and rehabilitation areas, plus preservation and revitalisation initiatives;

Study Process

- (c) during the course of the study, the Kowloon City DURF would conduct public engagement activities, planning studies, social impact assessments and other related studies for the study area. A 2-Stage PE was proposed for the preparation of the Urban Renewal Plan for Kowloon City. The Stage 1 and Stage 2 PE would collect public and local views on the PURPs and the Draft Urban Renewal Plan respectively. The Urban Renewal Plan for Kowloon City, once formulated, would be submitted to the Government for consideration;
- (d) the PE to proactively contact local stakeholders, including residents' organisations, business and welfare agency through different channels

would be carried out. Residents, business operators and relevant stakeholders, particularly new arrivals, ethnic minority groups and the elderly would be encouraged to participate in the consultation exercises through their networks;

- (e) social impact assessment (SIA) would be undertaken at the planning stage before individual redevelopment project was decided. The impact of the renewal proposals to the community would be assessed at an early stage so as to propose mitigation measures and to provide advice on improving the urban renewal proposals at the planning stage;

The PURPs

- (f) the vision for the Urban Renewal Plan for Kowloon City was as follows:
 - preserve history and culture
 - synergise with surrounding development
 - optimise land resources
 - create quality living environment
- (g) the PURPs had been prepared having incorporated local views collected from the District Aspiration Study on Urban Renewal in Kowloon City District (undertaken by the Kowloon City District Council in 2009/2010) and suggestions of Kowloon City DURF members after a number of site visits, and having taken into account factors including building age and conditions, living environment of residents, opportunities brought about by the development of mass transit system in the vicinity, local character, and historical and cultural background of the Kowloon City District;

Redevelopment Priority Area

- (h) this Area included the sub-areas where the majority of buildings were aged 50 years old or above and their existing conditions were poor. Although some buildings did not fully meet the above criteria on

building age and conditions for redevelopment, the occupants in those buildings were facing serious environmental hygiene and air/noise pollution problems. Redevelopments within the Area might be undertaken by private developers (including owner-initiated groups); or the Urban Renewal Authority (URA) by way of their redevelopment projects under the “demand-led” model (whereby building owners would jointly initiate redevelopment to URA) or the “facilitator” model (whereby URA would assist building owners in amalgamating their property interests);

- (i) “5 Streets” and “13 Streets” (To Kwa Wan): the buildings in these sub-areas generally met the criteria on building age and conditions for redevelopment. Besides, there were over 200 vehicle repair workshops in the areas forming a cluster of the vehicle repair industry in Kowloon City. The noise and air nuisances generated by the workshops caused adverse impacts to the nearby residents. These two sub-areas were zoned “Comprehensive Development Area” (“CDA”) on the draft Kai Tak Outline Zoning Plan (OZP) No. S/K22/3 and the approved Ma Tau Kok OZP No. S/K10/20 respectively, which were intended for comprehensive development/ redevelopment for residential and/or commercial uses with the provision of open space and other supporting facilities. Given the slow progress of redevelopment, consideration could be given to split the larger “CDA” zone into smaller areas to help expedite the redevelopment process;
- (ii) Kowloon City Road/Lok Shan Road (To Kwa Wan): although the buildings in this sub-area might not fully meet the criteria on building age and conditions for redevelopment, the residential buildings on both sides of Kowloon City Road were adversely affected by noise and emissions generated by traffic on the nearby East Kowloon Corridor, resulting in a poor living environment. Having capitalised the opportunities brought by the future Ma Tau

Wai Station of the Shatin to Central Link (SCL) in the proximity, redevelopment for urban restructuring could be undertaken to release potential land resources for housing and to improve leisure and community facilities in the district; and

- (iii) Eight “Wan” Streets/Ngan Hon Street/Sung On Street (To Kwa Wan): most streets within the Eight “Wan” Streets were privately owned and lack of proper management, thus creating problems such as inadequate street maintenance, improper sewage disposal and poor hygiene and living environment, etc. Redevelopment, particularly comprehensive redevelopment of a larger scale, would be able to improve the living environment of the area and to resolve problems caused by private streets;

Rehabilitation and Revitalisation Priority Area

- (i) this Area included those sub-areas with distinct local character and revitalisation potential, or those that were in need of improvement. It was proposed to bring new vitality to these sub-areas through various revitalisation measures. Nevertheless, individual private redevelopment projects would not be precluded. Regarding rehabilitation, the owners would be encouraged to make use of various building maintenance schemes implemented by the Government and other organisations, such as the “Integrated Building Maintenance Assistance Scheme” jointly coordinated by URA and the Hong Kong Housing Society to improve building conditions. Besides, selecting targeted buildings within the Area could be considered for the “Mandatory Building Inspection Scheme” and “Mandatory Window Inspection Scheme”. As for revitalisation, street beautification and greening measures, improvement of street facilities, and display of art pieces relating to the local character of the Area, etc. might be implemented;
- (i) Nga Tsin Wai Road (Lung Tong): while the age and conditions of the buildings in this sub-area generally met the redevelopment

criteria, there were already a considerable number of privately-led redevelopments. Besides, the area had many restaurants serving different cuisine and various types of retail stores with local character worthy of preservation. It was therefore proposed to include such area in the “Rehabilitation and Revitalisation Priority Area” whilst not precluding individual private redevelopment. Apart from encouraging and assisting property owners to carry out building rehabilitation, pedestrian priority area could be designated at suitable locations where pedestrian facilities and loading/unloading facilities would be improved with greenery and street beautification measures and erection of street signage at distinctive buildings and tourist attractions. Art pieces relating to the local character of the area could be displayed at suitable locations. Connectivity with the future To Kwa Wan Station of the SCL and Kai Tak Development Area would also be enhanced for bringing new vibrancy to the district; and

- (ii) Winslow Street/Gillies Avenue South (Hung Hom): the age and conditions of the majority of buildings in this sub-area did not meet the criteria for redevelopment. Residents in this area, however, were affected by the operation of funeral and related businesses. Consideration could be given to implement appropriate mitigation measures including greenery and street beautification to help improve the visual amenity of the area;

Mixed Redevelopment and Rehabilitation Area

- (j) in the Area, some buildings were in need of redevelopment while some were rather newly-built, resulting in a mixture of old and new buildings. It was proposed to incorporate areas with such old and new buildings into the “Mixed Redevelopment and Rehabilitation Area” so that redevelopment and rehabilitation works could be carried out at suitable locations;

- (i) Ngan Hon Street/Sheung Heung Road/Kwei Chow Street/Yuk Yat Street (To Kwa Wan): a mixture of old and new buildings was found in this sub-area, with buildings along Lok Shan Road generally older and in poor conditions. Industrial buildings along Sheung Heung Road and Yuk Yat Street, which were zoned “Residential (Group E)” on the approved Ma Tau Kok OZP No. S/K10/20, the intention of which was for phasing out the existing industrial use through redevelopment (or conversion) for residential use, were also included in the area. However, the redevelopment pace of these industrial buildings was slow;
- (ii) Bailey Street/Chun Tin Street/Sung On Street (Hung Hom): in this sub-area, the buildings near Ma Tau Wai Road were generally older and in poorer conditions, as compared with buildings along Sung Chi Street a considerable number of which were undergoing building rehabilitation works; and
- (iii) Whampoa Street/Bulkeley Street/Wuhu Street (Hung Hom): in this sub-area, the buildings along Whampoa Street and Gillies Avenue South were generally older and the conditions of most buildings were dilapidated while some residential buildings and commercial buildings along Wuhu Street and Bulkeley Street were comparatively newer and in better conditions;

Revitalising Business Area

- (k) Hok Yuen Street/Hok Yuen Street East/Man Yue Street (Hung Hom): this Area included buildings designated as “Other Specified Uses” annotated “Business” on the approved Hung Hom OZP No. S/K9/24, which was intended for general business uses. All these buildings were built in 1970s or after and they were still in fair conditions. A considerable number of shops on the ground floor of these buildings were being used for selling luxury goods including gold ornaments, jewellery and watches, and the area had become a popular shopping spot

for tourists. However, due to the poor appearance of some industrial buildings and the street scene of Man Yue Street under the elevated road of Fat Kwong Street, the overall environment was considered incompatible with the tourism and retail industries. Consideration could be given to implement beautification and revitalisation works for the streets, and to provide facilities such as pedestrian crossings and lay-bys in the Area;

Revitalising Heritage and Designation of a Heritage Trail

- (l) Kowloon City was rich in archaeological and built heritage. It was proposed to set up a heritage trail linking up various heritage sites, historic buildings and places with a rich history within the District, with signage erected to introduce the relevant history and background information. These sites included the Ex-Ma Tau Kok Animal Quarantine Depot (“the Cattle Depot”), Lung Tsun Stone Bridge in Kai Tak Development Area, Kowloon Walled City Park, Sung Wong Toi Inscription Rock inside the Sung Wong Toi Garden and Fishtail Rock in Hoi Sham Park, etc.;

Revitalising the Waterfront and Piers

- (m) the existing waterfront in the District was blocked by uses such as private development and sewage treatment plant. It was proposed to link up those sections in which the current access to the waterfront promenade had been obstructed so as to provide a continuous waterfront promenade connecting Tsim Sha Tsui and Kai Tak Development Area, and to carry out beautification and revitalisation works for the waterfront area (including the piers) and the promenade for promoting tourism industry and the local economy; and

Other Revitalisation and Enhancement Initiatives

- (n) these initiatives included:

- (i) strengthening the connection between Kowloon City District and Kai Tak Development Area to foster the development of and inject vitality to the District;
- (ii) providing a green decking over the sunken section of Kai Tak Tunnel to connect with the nearby Cattle Depot, San Shan Road and other centralised area, so as to improve connections within the District and to create a unique public open space; and
- (iii) the existing Man Tai Street and Pak Tai Street had many restaurants serving different cuisine. Adjacent to Pak Tai Street was Tam Kung Road, where restaurants began to move in. It was proposed to designate these streets as dining hubs, to erect street signage and to undertake street beautification and greening works to attract visitors.

Question and Discussion Session

30. The Vice-chairman thanked the study team for giving the presentation and invited Members to give their views on the PURPs. The following views and comments were expressed by Members:

Rehabilitation and Revitalisation for Heritage Preservation

- (a) Kowloon City was one of the last remaining districts with unique character and local culture. The vision for urban renewal in Kowloon City should focus more on rehabilitation of old buildings and revitalisation of heritage buildings with a view to preserving the unique local character and culture;
- (b) in the past, urban renewal was mainly achieved through redevelopment. Nowadays, more attention should be paid to preservation to ensure that suitable areas were preserved while others were redeveloped;

- (c) Nga Tsin Wai Road was a gourmet neighbourhood with a lot of restaurants serving international cuisine and retail shops at the ground floor of buildings, forming a distinct character. It was also a well-mixed community with people from Chiu Chow and Thailand. The special character and ambience of an old district, where some people described it as “little Bangkok”, should be preserved;
- (d) old buildings might not necessarily require demolition. The conditions of the buildings and the chance of building maintenance should also be taken into account. Priority should be given to rehabilitation as far as practicable;
- (e) some buildings in “13 Streets” with historic value and architectural merits such as the Eastern Cotton Mills should be considered for rehabilitation/revitalisation rather than redevelopment;
- (f) places of heritage value such as the Remnants of Lung Tsun Stone Bridge should be preserved;

Planning and Urban Design Considerations

- (g) in preparing urban renewal schemes, opportunities should be taken to optimise rather than maximise the development potential. Appropriate development intensity and building height should be imposed on the redevelopment sites, in order to achieve a more liveable and sustainable built environment;
- (h) more open space and community facilities should also be provided, when opportunities arose;
- (i) more details of the urban design concept should be developed and the air ventilation in the Kowloon City District should be improved, taking heed of the redevelopment opportunities. The existing character of small

local shops along the streets should be preserved so as to help maintain the diversity of shopping experience;

- (j) in addition to improving the connectivity of various heritage attractions along the heritage trail, more greenery and street beautification works should be implemented in order to provide a more comfortable environment for the users;
- (k) pedestrianised areas should be designated at appropriate locations;

Transportation and Connectivity

- (l) the mass transit system and traffic management measures should be taken into consideration in formulating the urban renewal proposals, in particular the need to cater for a large amount of visitors to the district;
- (m) the possibility of providing a leisure walkway from Kai Tak Development Area via Kowloon City to Lion Rock should be explored as a long term proposal;
- (n) the connectivity amongst different neighbourhoods within the same district and with other areas of Hong Kong should be considered in order to improve the accessibility of the district as whole;

Other Proposals

- (o) given Kowloon City was once the gateway to the old Kai Tak Airport, the development of a museum on the history of the Hong Kong Kai Tak Airport should be considered; and
- (p) while there were proposals to promote beautification and revitalisation works for the streets, a suitable and able implementation agent should be identified in order to ensure smooth implementation and good progress.

31. In response, Ms. Lily Yam made the following main points:
- (a) Nga Tsin Wai Road was proposed as a rehabilitation and revitalisation priority area. Emphasis would be put on how to preserve its local character. The local views gathered would be carefully considered. SIA would also be undertaken to assess the impacts of the urban renewal proposals on the local community;
 - (b) “13 Streets” were mostly occupied by old buildings. There were strong requests for redevelopment from the local residents in order to improve their living environment. Rehabilitation and revitalisation could also be considered and some heritage buildings would be preserved, as appropriate;
 - (c) the vision of the Study was to optimise the land resources instead of maximising the development potential;
 - (d) the imposition of building height restrictions would be considered in the statutory planning context. The proposals under the urban renewal plan should also comply with the development parameters stipulated on the OZPs.
 - (e) appropriate greening and beautification works would be recommended along the heritage trail at suitable locations;
 - (f) the provision of open space and community facilities would be reviewed under the Study and opportunities would be taken to address the shortfall, if any;
 - (g) the traffic problem in Kowloon Cit was noted. Upon completion of the Ma Tau Wai Station of the SCL, the transportation network and accessibility of the Kowloon City District would be greatly improved. The Study would also examine if the revitalisation proposal would help resolve the problem; and

- (h) the views and suggestions given by Members were very much appreciated and would be taken into consideration at the next stage of the Study.

32. The Vice-chairman said that Members had expressed views on the PURPs covering many aspects including rehabilitation/revitalization versus redevelopment, preservation of local culture and character, and provision of supporting transport infrastructure and facilities, etc. The study team was requested to take into account the views expressed by Members at the next stage of the Study. The Vice-chairman thanked the representatives of PlanD and the Consultants for attending the meeting. They all left the meeting at this point.

Kowloon District

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations to the
Draft Kwun Tong (South) Outline Zoning Plan No. S/K14S/17
(TPB Paper No. 9167)

[The hearing was conducted in Cantonese.]

33. The Secretary said that the representations were related to a site at Sau Ming Road, Kwun Tong, for public rental housing (PRH) development by the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item:

Mr. Stanley Y.F. Wong - being a member of HKHA
(Vice-chairman)

Ms. Julia M.K. Lau - being a member of HKHA and owned
some carparking spaces in Kwun Tong

- | | |
|--|--|
| Dr. W.K. Lo | - being a member of the Building Committee (BC) and Tender Committee of HKHA |
| Mr. Jimmy Leung
as Director of Planning | - being a member of the BC and Strategic Planning Committee (SPC) of HKHA |
| Ms. Bernadette Linn
as Director of Lands | - being a member of HKHA |
| Mr. Eric Hui
as Assistant Director (2) of
the Home Affairs
Department | - being an alternate member of the Director of Home Affairs who was a member of the SPC and Subsidised Housing Committee of HKHA |
| Mr. Dominic K.K. Lam |] |
| Mr. H.F. Leung |] had business dealings with HKHA |
| Ms. Janice W.M. Lai |] |
| Mr. Wilton W.T. Fok | - being the consultant of a study for HKHA (completed in 2009) |
| Mr. Timothy K.W. Ma | - owned a flat at Yuet Wah Street |

34. The Secretary said that as the Chairman had tendered apology for being unable to attend the meeting and the submission of the Kwun Tong (South) Outline Zoning Plan to the Chief Executive in Council for approval was subject to a tight statutory time limit, the Vice-chairman should continue to chair the meeting out of necessity. Members agreed.

35. Members noted that the property owned by Mr. Timothy K.W. Ma would not be affected by the representation site and agreed that he could stay in the meeting and participate in the discussion. Members considered that as the interests of the other Members as listed above were direct, they should be invited to withdraw from the meeting

for this item. Members noted that Dr. W.K. Lo and Mr. Wilton W.T. Fok had tendered apologies for being unable to attend the meeting.

[Ms. Bernadette Linn left the meeting temporarily already, and Ms. Julia M.K. Lau, Mr. Jimmy Leung, Mr. Eric Hui, Mr. Dominic K.K. Lam, Mr. H.F. Leung and Ms. Janice W.M. Lai left the meeting temporarily at the point.]

Presentation and Question Session

36. The Vice-chairman said that notice had been given to invite all the representers and commenters to attend the hearing, but other than a commenter who was present at the meeting, the rest had either indicated not to attend the hearing or made no reply. As sufficient notice had been given to the representers and commenters, Members agreed to proceed with the hearing in their absence.

37. The following government representatives and commenter were invited to the meeting at this point:

- | | |
|-------------------------|---|
| Ms. Fiona Lung | - District Planning Officer/Kowloon (DPO/K),
Planning Department (PlanD) |
| Ms. Teresa Fong | - Senior Planning Officer, Housing Department (HD) |
| Ms. Jacinda Chow | - Planning Officer, HD |
| <u>C2 – Mak Fu Ling</u> | |
| Mr. Mak Fu Ling | - Commenter |

38. With the aid of a Powerpoint presentation, Ms. Fiona Lung, DPO/K, made the following main points as detailed in the Paper:

Background

- (a) on 23.3.2012, the draft Kwun Tong (South) Outline Zoning Plan (OZP)

No. S/14S/17, incorporating amendments to rezone a site at Sau Ming Road from “Government, Institution or Community” (“G/IC”) to “Residential (Group A) 2” (“R(A)2”) to facilitate the PRH-cum-community hall development and other technical amendments to the Notes of various zones, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);

- (b) during the two-month exhibition period, four representations were received. On 1.6.2012, the representations were published for three weeks for public comments, and two comments were received;
- (c) on 27.7.2012, the Town Planning Board (the Board) decided to consider all the representations and comments collectively in one group;
- (d) all the four representations and the two comments were related to Amendment Item A on the Plan of the OZP which involved the rezoning of a site at Sau Ming Road from “G/IC” to “R(A)2”;
- (e) the representation site, with an area of 2,800m², was located at the fringe of Sau Mau Ping Estate. The northern portion of the site was currently occupied by a temporary open air car park and the southern portion was a 6-storey Sau Mau Ping (Central) Estate Community Centre (Community Centre) built in 1969. Only about 224m² gross floor area (GFA) on the ground floor of the Community Centre was used as activity room/community hall (accommodating 180 seats without a purpose-designed stage) which was sub-standard under the current community hall design (with a GFA of 1,260m², 450 seats and a purpose-designed stage). The remaining upper floors were occupied by five non-government organisations (NGOs), namely, an integrated children and youth services centre, a Christian service centre, a neighbourhood family centre, a youth service centre and a community service centre;
- (f) the site had been reserved for a new community hall development but

there was no definite development programme yet;

- (g) the representation site was located at the fringe of Sau Mau Ping Estate with Sau Mau Ping Shopping Centre located to its northeast. A cluster of private residential developments was located at a lower level platform of the slopes to its west;
- (h) since 2008, there had been repeated requests from the Kwun Tong District Council (KTDC) Members and local residents for early development of a new community hall at the representation site, with provision of library and study area facilities to meet the local needs in the Sau Mau Ping area. At the same time, there was an urgent need to find suitable sites to develop PRH to address the public housing demand. HD had thus taken this opportunity to pursue a composite development with PRH cum library and study area at the existing community centre site as well as a standard community hall at the adjacent temporary open air carpark site;
- (i) the PRH-cum-community hall development put forward by HD at the site would be subject to a maximum plot ratio (PR) of 6 (with a maximum domestic PR of 4.5 and a maximum non-domestic PR of 1.5) and a maximum building height of 150mPD and 20 storeys. The proposed PRH would accommodate about 325 flats including 120 one to two person units for a population of 700 persons. The GFA of a community hall with 450 seats, a library and a study area would be 1,300m², 550m² and 100m² respectively. The proposed development would provide a local space of 700m² and achieve a green coverage ratio of 30% of the site area. The project was tentatively scheduled for completion by 2017/18;

Public Consultation

- (j) prior to the publication of the draft Kwun Tong (South) OZP No. S/K14S/17, KTDC was consulted at its full meeting on 8.1.2010 and its

Housing Committee on 17.3.2011. KTDC gave full support to the proposed PRH-cum-community hall development and the proposed development scale;

- (k) during the two-month exhibition period of the OZP, KTDC was further consulted on the proposed amendments on 8.5.2012. The major views expressed by KTDC Members were to expedite the PRH-com-community hall development, to provide sufficient transport facilities and/or footbridge links to nearby estates, and to allow more area for the provision of community facilities (e.g. library, greening and open space);

The Representations

- (l) the four representations (**R1 to R4**) were submitted by individuals and were all related to the PRH development at the representation site. While **R1** was in support of the proposed rezoning, **R2 to R4** mainly opposed the proposed type of housing and proposed to develop the site into private housing;

Grounds of Representations

Supportive Representation (R1)

- (m) **R1** gave in-principle support to the rezoning proposal and provided the following comments:
 - (i) both the existing library in the district and the proposed library within the subject development were too small and would not be able to cope with the need of an increasing population, especially for the low-income group; and
 - (ii) the area was already facing with traffic congestion and traffic noise issues, in particular, public transports were always full and

crowded during peak hours. Although the traffic impact assessment (TIA) concluded that the proposed development would not generate adverse impacts on the traffic network in the area, it failed to take into account the pressure exerted on the public transport by the additional population of about 700 people;

Adverse Representations (R2 to R4)

- (n) the grounds of the representations put forth by **R2 to R4** were mainly on the following aspects:
 - (i) Kwun Tong had the largest number of public housing in Hong Kong, but the provision of private housing had been in deficit over the past years. Adding more PRH in this small site could not alleviate the demand for public housing, but would worsen the poverty problem in Kwun Tong; and
 - (ii) the representation site should be planned for private housing to address the housing needs of the middle class group; to complement the commercial node development in East Kowloon; and/or to facilitate PRH residents to buy their flats, vacating the public rental units for the needy;

Representers' Proposals

- (o) the representers' proposals were summarised below:
 - (i) **R1** proposed to examine the feasibility of setting up a district library in Sau Mau Ping, to increase the frequency of bus and mini-bus services to ensure a smooth flow of passengers, to tackle the problem of traffic noise by introducing mitigation measures, and to provide suitable community facilities and services to cater for the needs of the local residents with low income; and

- (ii) **R2 to R4** proposed to provide private housing or Home Ownership Scheme (HOS) at the representation site and/or to allow developers to design and build small-sized residential flats to meet the need of first-time buyers;

Comments on Representations

- (p) two comments (**C1** and **C2**) were received. **C1** considered that **R2 to R4** were not objecting to the proposed rezoning of the representation site for residential use, but to the type of housing to be provided. He considered that the Government should provide justifications for developing the site for PRH-cum-community hall development rather than private housing. **C2**, submitted by a member of KTDC, did not specify which representation his submission was related to, but indicated support to the proposed amendment to the OZP and urged for early implementation of the proposed development;

PlanD's Responses to the Representations and Representers' Proposals

- (q) **R1**'s in-principle support of the proposed rezoning was noted. The responses to **R2 to R4** and the representers' proposals were as follows:

Main Responses (R2 to R4)

- (r) the representers were not objecting to the proposed rezoning of the representation site from "G/IC" to "R(A)2", but to the type of housing to be provided;
- (s) in recent years, there was an urgent need to meet the increasing housing demand and HD was requested to find suitable sites to develop PRH urgently. At the same time, KTDC had repeatedly requested for early development of a new community hall at the representation site to meet the local needs in the Sau Mau Ping area. Whilst the representation site, which was proposed to be rezoned from "G/IC" to "R(A)2", was

considered suitable for both private and public housing development, the composite development with the provision of PRH cum a standard community hall and a library with study area as a whole package, as proposed by HD, would be able to achieve the dual purposes of meeting the public housing demand and the urgent local needs for community facilities in a timely manner;

- (t) since 2009, HD had actively liaised with the departments concerned and commenced consultation with the local community. KTDC gave full support to the proposed PRH-cum-community hall development;
- (u) the representation site was located at the fringe of Sau Mau Ping Estate, forming a natural extension to the PRH development. In addition, HD and the Transport Department (TD) were actively reviewing the need of a footbridge system with lift tower linking the community facilities at the site to the nearby areas. The proposed PRH development would facilitate provision of such facilities which were strongly demanded by the local community;
- (v) it was recognised that as a result of its development history, the housing mix in Kwun Tong was biased towards subsidised housing with the private-to-subsidised housing ratio of 30:70. Nevertheless, the housing mix in the district was expected to be more balanced with the implementation of the Kai Tak Development and the Anderson Road Quarry Development which were planned with a private-to-subsidised housing ratio of 60:40 and 80:20 respectively;

Responses to Specific Proposals

Provision of private housing (R2 to R4) or HOS (R2) at the representation site

- (w) as stated in paragraphs 4.9 and 4.10 of the Paper, the proposed development would facilitate early development of a new standard community hall and other GIC facilities along with the PRH. This

could meet urgent local needs on one hand and could help meet the public housing demand on the other. The development had the full support of KTDC;

- (x) the PRH-cum-community hall development at the representation site had been initiated by HD in 2009. Whether the representation site should be developed for PRH or HOS was a matter of housing policy;

To provide community facilities and services (RI)

- (y) the proposed composite development had already accommodated a standard community hall and a public library. No requests for accommodating more GIC facilities in the proposed development had been received from concerned government departments;

Increase frequency of bus and mini-bus services and to tackle traffic noise problem by introducing mitigation measures (RI)

- (z) the TIA for the project, which was acceptable to TD, indicated that the existing road junctions would operate within their capacities and the impact generated from the proposed development would be minimal. The representer's view was conveyed to TD, and TD advised that they would closely monitor the bus and mini-bus services and would liaise with the transport operators to strengthen their services when required;
- (aa) as regards the representer's concern on traffic noise, there would be no private car parking spaces provided at the proposed development and the traffic generated was likely to be insignificant. The Director of Environmental Protection had no adverse comments on the environmental assessment conducted by HD for the proposed composite development; and

PlanD's Views

- (bb) the support of **R1** to the proposed rezoning was noted; and
- (cc) PlanD did not support **R2 to R4** for the reasons as stated in paragraph 6.2 of the Paper.

39. The Vice-chairman then invited Mr. Mak Fu Ling (**C2**) to elaborate on his submission.

C2 – Mak Fu Ling

40. Mr. Mak Fu Ling made the following main points:

- (a) he had been living and serving in the Sau Mau Ping area for decades;
- (b) the representation site was originally reserved for a community centre upon redevelopment of Sau Mau Ping Estate, but the plan did not proceed due to economic reasons. At present, the Sau Mau Ping area had a total population of about 100,000 to 110,000 people. There was only a small library of about 200ft². The proposed development of a community hall was the community aspiration for many years and should be implemented as soon as possible to address the shortfall in local community facilities; and
- (c) KTDC had repeatedly requested for the provision of a community centre in Sau Mau Ping and fully supported the proposed development at the representation site.

41. As the commenter had finished his presentation, the Vice-chairman invited questions from Members.

The PRH-cum-Community Hall Development

42. Noting that the representation site had originally been reserved for a new community hall development, a Member queried why the site should be turned into a PRH-cum-community hall development. Miss Fiona Lung, said that the community hall was originally a project to be implemented by the Home Affairs Department, but because of resources allocation problem, there was no implementation programme. The PRH-cum-community hall development, would be able to achieve the dual purposes of meeting the public housing demand and the urgent local needs for community facilities in a timely manner, which was considered to be a win-win situation. Mr. Mak Fu Ling agreed that the current proposal should be supported.

Provision of Library Facilities

43. A Member enquired about the existing provision of library facilities in the Sau Mau Ping area. Mr. Mak Fu Ling said that at present, there was only a small library of about 200ft² provided on the ground floor of Sau Ming House. As the population was expected to be increased to about 180,000 persons upon completion of the Anderson Road Quarry Development in 2015, there was an urgent need for a larger library to serve the local population in the area.

44. In response to a Member's question, Miss Fiona Lung said that according to the Hong Kong Planning Standards and Guidelines (HKPSG), a district library would be provided for every 200,000 persons. As the planned population in the Sau Mau Ping area was less than 200,000 persons, a district library could not be justified according to HKPSG. However, other than the existing library in Sau Mau Ping Estate, there were a number of libraries provided in adjacent areas such as Lam Tin, Ngau Tau Kok and Kwun Tong, which could also be used by the residents living in the Sau Mau Ping area. Besides, a district library was under construction in Lam Tin. The Vice-chairman supplemented that the proposed development involving the provision of a new library of 550m² plus a study area of 100m² within the proposed development at the representation site could meet the need for a larger library within the district and was fully supported by KTDC.

Other Issues

45. In response to a Member's enquiry, Miss Fiona Lung confirmed that the subject site was not included in the list of "G/IC" sites that would be rezoned for housing development as announced by the Chief Executive on 30.8.2012 as the subject proposal had been initiated in 2009.

46. By referring to Plan H-3 of the Paper, the same Member expressed an idea that it might be better if the subject site could be swapped with the bus terminus located to its immediate north so as to maintain the integrity of the green spine.

47. As Members had no question to raise, the Vice-chairman thanked the government representatives and the commeter for attending the meeting. They all left the meeting at this point.

Deliberation Session

The PRH-cum-Community Hall Development

48. A Member had some reservation on the rezoning proposal. The Member considered that the representation site was located at a green spine, with green belt stretching from Sau Ming House in the south to Sau Ming Road Park in the north. As the representation site would only provide 325 flats and the proposed development might affect the air ventilation of some existing blocks of Sau Mau Ping Estate. This Member considered that the representation site should preferably be remained for use as a new community hall rather than a PRH-cum-community hall development.

49. Another Member considered that the proposal should be supported on the grounds that the proposed development was separated from the adjacent residential blocks by Sau Ming Road, thus its visual impact on the adjacent development was not significant. There were some open and green areas in the vicinity of the site, rendering a pleasant environment for the residential development and the proposed development was fully supported by KTDC. The Member considered that the proposal could be regarded as a win-win situation.

50. A Member pointed out that the “bundle” approach for residential cum GIC facilities development was widely accepted as a practical solution in Hong Kong. The proposed development at the representation site was considered acceptable as it would be a win-win situation for the local and the wider community. The same Member was of the view that the proposed development, once approved, should be implemented as soon as possible. Some other Members shared the same view that the “bundle” approach was acceptable.

Re-provisioning of Other Community Facilities

51. Noting that some NGOs would be affected by the redevelopment of the existing community centre, a Member suggested that the Government should provide the necessary assistance for the affected NGOs to find alternative premises for re-provisioning of their facilities as far as possible.

Development Parameters

52. A Member supported the proposal and said that the opportunity to increase the plot ratio (PR) of the proposed development further in order to maximise the flat production of the proposed PRH at the site should be explored, if possible. In response, the Secretary explained that the proposed PR of 6 for the subject site was derived having taken into account the site characteristics and constraints, in particular, its close proximity to the adjacent green areas and the possible impacts on the surrounding environment.

Other Proposal

53. A Member considered that it would be a better option if the subject site could be swapped with the bus terminus located to its immediate north so that a continuous green spine could be provided and the visual impact could be minimised.

54. The Secretary said that there was a shortage of housing land in the short to medium term. The representation site, which was readily available for housing development, could help to address the housing demand in this critical period. Noting that the site was located amidst a strip of vegetated slope, PlanD had liaised with HD to

ensure that the scale of future development was commensurate with the setting. The proposed PRH-cum-community hall development would also provide the much needed community centre for the local residents. The proposal was also fully supported by KTDC.

Conclusion

55. The Vice-chairman concluded the discussion by saying that Members generally agreed to the proposed rezoning as it would help provide PRH at a good time to meet the public housing need of the community and enable early implementation of the community hall to meet the urgent need of the local population. Members agreed to note the supportive view of **R1** and not to uphold the adverse representations of **R2 to R4**. Members then went through the reasons for not upholding **R2 to R4** as detailed in paragraph 6.2 of the Paper and considered that they were appropriate.

Representation No. R1

56. After further deliberation, the Board noted the supportive view of Representation No. **R1**.

Representations No. R2 to R4

57. After further deliberation, the Board decided not to uphold Representations No. **R2 to R4** for the following reasons were:

- (a) the proposed rezoning from “Government, Institution or Community” to “Residential (Group A) 2” was to facilitate the composite development of public rental housing (PRH)-cum-community hall at the site. The development could allow the Housing Department to develop the site as a whole package to meet the public housing demand and ensure the timely provision of the community facilities to meet the urgent need of the local population (**R2 to R4**); and

- (b) the decision of developing PRH or Home Ownership Scheme at the site was a matter of housing policy (**R2**).

[Ms. Julia M.K. Lau, Mr. Jimmy Leung, Ms. Bernadette Linn, Mr. Eric Hui, Mr. Dominic K.K. Lam, Mr. H.F. Leung and Ms. Janice W.M. Lai returned to join the meeting at the point.]

Sai Kung and Islands District

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/I-MWF/20

Proposed Temporary Open Storage of Recycling Materials (including Scrap Plastic, Paper and Metals) with Ancillary Paper Compacting Workshop for a Period of 3 Years in “Government, Institution or Community” zone, Government Land near D.D. 4 Mui Wo, Ngan Kwong Wan Road, Mui Wo, Lantau Island (near Mui Wo Fire Station)
(TPB Paper No. 9168)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

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|-------------------|--|
| Ms. Lisa Cheng | - District Planning Officer/Sai Kung and Islands (DPO/SKIs), PlanD |
| Mrs. Margaret Lam | - Senior Town Planner/Sai Kung and Islands (STP/SKIs), PlanD |
| Mr. Wong Fuk Kan |] |

Ms. Leung Yin Fan] Applicant's representatives
Mr. Cheung Pin]

59. The Secretary said that a letter dated 2.7.2012 just received from the applicant's representative was tabled at the meeting for Members' information.

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

60. The Vice-chairman extended a welcome and explained the procedures of the review hearing. He then invited STP/SKIs to brief Members on the review application.

61. With the aid of a Powerpoint presentation, Mrs. Margaret Lam, STP/SKIs, presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for proposed temporary open storage of recycling materials (including scrap plastic, paper and metals) with ancillary paper compacting workshop for a period of three years at the application site which fell within an area zoned "Government, Institution or Community" ("G/IC") on the approved Mui Wo Fringe Outline Zoning Plan (OZP) No. S/I-MWF/8;
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 4.5.2012 and the reasons were:
 - (i) the development was not in line with the planning intention of the "G/IC" zone which was primarily for the provision of Government, institution or community facilities serving the needs of the local residents and a wider district. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
 - (ii) no relevant technical assessments had been included in the

submission to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding areas, and there were adverse departmental comments on and local objections to the application. The development was also not compatible with the residential uses located to its immediate east and southeast and in the vicinity and with the rural character of the area; and

- (iii) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications in the “G/IC” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area;
- (c) the applicant was of the view that the grounds of rejecting the application were unacceptable. However, the applicant had not submitted any supplementary information or technical assessments in support of the review application;
- (d) the application site, with an area of about 500m², was currently formed and vacant. It was directly accessible from Ngan Kwong Wan Road. Ngan Wan Estate was located to its east (about 60m) across Ngan Kwong Wan Road and Mui Wo Fire Station was located to its immediate northeast. To its further southwest and further north were some fish ponds and River Silver respectively;
- (e) departmental comments – the departmental comments were detailed in paragraph 5 of the Paper. The Director of Environmental Protection (DEP) did not support the application. Although they had given initial policy support to an application made by the subject applicant for short term tenancy (STT) for operating a recycling yard on government land in 2009, it did not constitute any implications on whether the application site would be suitable for such a use, which would involve assessment on individual merits of the site having regard to planning, environmental,

traffic and other relevant considerations. In accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, DEP did not support the application as the subject site was located in close proximity to Ngan Wan Estate (within 100m) and thus the proposed development might create adverse environmental impacts to nearby residents;

- (f) the Director of Housing raised objection to the application as the proposed development was in close proximity to the liquefied petroleum gas store of Ngan Wan Estate which might pose fire risk danger. The bad smell and noise nuisance generated from the proposed development might become a nuisance to the residents of Ngan Wan Estate, and the transportation of the recycling materials by heavy vehicles might create traffic problem along Ngan Kwong Wan Road;
- (g) the Chief Town Planner/Urban Design and Landscape, PlanD had some reservation on the application from the landscape planning perspective as the proposed development was not compatible with the surrounding landscape;
- (h) public comments – eight public comments were received on the review application. All of them objected to the application as the location of the proposed development was in close proximity to Ngan Wan Estate and other local community facilities. They also raised concerns on hygiene and environmental degradation, public health and sanitation, noise, air quality, traffic safety, fire safety, river pollution and visual impact; and
- (i) PlanD’s views – PlanD did not support the review application based on the assessments as 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 “G/IC” zone which was primarily for the provision

of Government, institution or community facilities serving the needs of the local residents and a wider district. No strong planning justification for a departure from the planning intention, even on a temporary basis;

- (ii) the application site was in close proximity to Ngan Wan Estate which was about 60m to its east. The applicant had not submitted any technical assessments to demonstrate that the proposed development would not generate adverse environmental impacts on the surrounding area; and
- (iii) the proposed development was incompatible with the land uses of Mui Wo Fringe and its adjacent area. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications in the “G/IC” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

62. The Vice-chairman then invited the applicant’s representatives to elaborate on the review application.

63. Mr. Wong Fuk Kan (Islands District Council member), the applicant’s representative, made the following main points:

- (a) the recycling of scrap plastic, waste paper and metals could help reduce solid waste disposal and was in line with the environmental policy of the Government. The subject application for open storage of recycling materials collected from residents in Mui Wo should be supported on environmental grounds; and
- (b) it should be noted that some objection letters were similar. Those raising objections to the proposed development were pinpointing particularly on the applicant. In fact, the site currently used by the applicant for the same purpose as that under application was only about

100m away from the application site and was also located near Ngan Wan Estate and the fish ponds. Relevant government departments, such as Fire Services Department, had no objection to the subject application. Therefore, the subject application should be approved.

64. Ms. Leung Yin Fan, the applicant's representative, made the following main points:

- (a) she was the operator of Mui Wo Recycling Company;
- (b) they collected scrap plastic, waste paper and metals and no electrical appliances and/or their parts would be collected. The pressing machine operated about three times a week. The site would not be used for storing a large amount of collected materials because they would be removed from the site once the quantity reached that of a fully loaded lorry. As demonstrated in the existing operation, which was located to the south of the application site, the site was kept clean and their operation did not generate any environmental nuisance including noise and smell to the surroundings. Their company was not subject to any complaints or enforcement actions by relevant government departments;
- (c) their company was only a small business but they could help improve the environment by collecting materials for recycling. It also provided a source of income for the poor and the elderly in Mui Wo who collected and sold waste paper, plastic and aluminium cans to earn a living;
- (d) the objection raised by the commenters were mostly submitted in the form of standard letters and the grounds were unfounded. The objectors raised concerns about bad smell, environmental hygiene, public health and sanitation, and release of toxic substances. It should be noted that there were no such environmental problems in their current operation; and
- (e) the operation of recycling business in Mui Wo should be supported on

environmental grounds.

65. As the applicant's representatives had finished their presentation, the Vice-chairman invited questions from Members.

The Proposed Recycling Yard

66. In response to a Member's enquiry about the operation of the proposed recycling yard, Ms. Leung Yin Fan said that it was a small scale recycling yard and the transportation of collected recycling materials would on average require 5 trips of a 24-tonne lorry per month. Only simple processes and operation, like pressing, compacting and packing of scrap plastic, waste paper and metals would be carried out on site. The operation hours were between 9:00 a.m. and 5:30 p.m./6:00 p.m., Mondays to Saturdays. There would be no significant environmental impact on nearby residents.

67. In response to another Member's question, Ms. Leung Yin Fan said that they collected plastic bottles, waste paper, scrap metals, aluminium cans, window frames and electric wires, etc. from households or nearby construction sites.

68. Mr. Benny Wong, Deputy Director of Environmental Protection, enquired about the types of workshop activities and operation to be carried out on-site. Ms. Leung Yin Fan said that the recycling materials collected would be compacted by the pressing machine and then arranged in packs. There was no further processing or dismantling of the collected materials at the site.

69. In response to a Member's enquiry about the use and area of the proposed on-site structure, Ms. Leung Yin Fan said that the proposed structure, with an area of about 600ft², would include a toilet, a resting place and a store for more valuable items collected such as objects made of aluminium and copper. Ms. Leung also confirmed that the proposed structure was not intended for residential use. In response to the same Member's question, Ms. Leung stated that according to her knowledge, there would be electricity and water supply to the on-site temporary structures and connection points to such services were readily available. She would comply with all the government requirements if the application was approved.

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

The Existing Recycling Yard

70. In response to a Member's enquiry, Mr. Wong Fuk Kan clarified that an existing recycling yard operated by the same applicant was located about 100m to the south of the application site. Ms. Leung Yin Fan supplemented that the landowner of the existing recycling yard wanted to take the land back so they needed to find an alternative site to continue the business. Ms. Leung reiterated that their operation would not cause any pollution or adverse impacts to the environment. Since the application site was not directly facing the main road, it would not be noticed by visitors and no adverse visual impact was anticipated. The Vice-chairman asked whether there were any photos showing the conditions of the existing site. Ms. Leung replied in the negative.

71. A Member asked whether the existing recycling yard or the application site was closer to the fish ponds. In response, Ms. Leung Yin Fan said that the existing recycling yard was closer to the fish ponds.

72. Another Member enquired whether there were any complaints received regarding the existing recycling yard. Both Mr. Benny Wong and Mrs. Margaret Lam did not have such information in hand.

Alternative Sites

73. Noting that during the RNTPC meeting for consideration of the s.16 application of the subject case, the Committee had requested government departments to provide assistance to the applicant in finding an alternative site, Mr. Benny Wong, Deputy Director of Environmental Protection, asked if any suitable sites had been identified. With the aid of some plans and photos in the Powerpoint presentation, Mrs. Margaret Lam indicated that the District Lands Office/Islands (DLO/Is) had identified two alternative sites for the applicant's consideration. One of the sites (about 1,470m²) was located near Round Table Village (i.e. the former Agricultural Extension Office of the Agricultural, Fisheries and Conservation Department) while the other site (about 352m²) was located along Mui Wo Ferry Pier Road (i.e. the former consolidation site of Environmental

Protection Department (EPD) Livestock Waste Control Scheme). However, both sites were not accepted by the applicant. Ms. Leung Yin Fan explained that the two sites were located far away from their intended clientele and it would be difficult and dangerous for her clients who were mostly old people to carry the heavy recycling materials to walk such a long way across the roads with heavy traffic. In response to a Member's question, Ms. Leung said it would take about one hour to walk from the existing site to the site along Mui Wo Ferry Pier Road, one of the two alternative sites identified.

74. Mr. Wong Fuk Kan reiterated that although they did not submit the technical assessments/proposals to support their application, it should be noted that there was existing drainage connection in the site and the small scale operation with 5 vehicle trips only per month would not have any significant impact on the surroundings. The applicant was also willing to provide landscaping works to mitigate any adverse visual impact. The two alternative sites were considered unsuitable to their operation due to their remote locations far away from the residential areas which were their main sources of supply of recycling materials.

75. A Member asked if there was any planned use and development programme for the subject "G/IC" zone. In reply, Mrs. Margaret Lam said that the "G/IC" zone was reserved for a sports ground but according to the Leisure and Cultural Services Department, there was no implementation programme yet.

76. By referring to Plan R-2 of the Paper, Mr. Jimmy Leung, Director of Planning, asked whether other suitable locations could be identified within the subject "G/IC" zone for the proposed open storage use, such as an area to the south of the application site. It was noted that that area was not directly facing the residential block of Ngan Wan Estate as there were an electricity substation and a refuse collection point in between and the site was screened off by some mature trees. Mrs. Margaret Lam said that as the whole "G/IC" site was of similar site characteristics using the same access road, there might not be much difference in terms of the possible impacts on the surroundings. Ms. Lisa Cheng, DPO/SKIs, supplemented that the application site had already been formed and was previously used for temporary open storage. Hence, the applicant had identified this location for the proposed open storage use. Mr. Leung pointed out that there were only 5 vehicle trips per month and therefore, the traffic impact should be insignificant. On the

suggestion of choosing another location within the same “G/IC” zone, Ms. Leung Yin Fan said that she did not have objection to any location within the subject “G/IC” zone.

77. In response to a Member’s enquiry on the availability of any other alternative sites near the existing site, Mrs. Margaret Lam said the two proposed alternatives sites which were located further away from residential development were not accepted by the applicant and it was difficult to identify any sites near the existing operation as it was near the existing residential developments and there were local objections from the management office of Ngan Wan Estate.

Submission of Technical Assessments/Proposals

78. In response to a Member’s question on the technical assessments/proposals required, Mrs. Margaret Lam said that depending on the layout and actual operation of the open storage use, the applicant would need to submit technical proposals and/or mitigation measures to demonstrate that the proposed use would not generate adverse environmental impacts on the surroundings.

79. As the applicant’s representatives had no further comment to make and Members had no further question, the Vice-chairman informed the applicant’s representatives that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application in their absence and inform the applicant of the Board’s decision in due course. The Vice-chairman thanked the representatives of PlanD and the applicant’s representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

EDP’s Policy and Concerns

80. Mr. Jimmy Leung said that RNTPC decided to reject the application mainly due to the objection from EPD and local residents with regard to the adverse environmental impacts. The Secretary supplemented that at the RNTPC meeting, EPD’s representative had explained that his concern was mainly on the presence of a workshop

for processing of the recycling materials which would cause adverse environmental impacts to the surrounding areas.

[Professor S.C. Wong left the meeting at this point.]

81. A Member noted that EPD had given in-principle support to the proposed recycling yard as stated in its letter to the applicant on 27.5.2009 (Appendix I of Annex A of the Paper). Mr. Benny Wong said that EPD was generally in support of the recycling industry as it had a positive contribution to Hong Kong. However, each operator was still required to comply with the environmental and planning requirements. EPD's general policy support did not constitute any unconditional acceptance of the subject site for the proposed recycling yard.

82. Mr. Benny Wong further said that according to the current "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" ("the Code of Practice"), the proposed facility had to be located away from residential development with a minimum distance of 100m and the proposed development should not generate heavy traffic. Taking into account the information provided by the applicant's representatives at the meeting, the proposed use would not generate heavy traffic (only 5 vehicle trips per month). The remaining issue was related to the non-compliance with the guidelines which required a minimum distance of 100m away from residential developments. The suggestion of identifying another site at 100m away from Ngan Wan Estate should be considered. He said that based on EPD's knowledge on the operational mode of this type of small recyclers, he agreed with the applicant that the two alternative sites proposed by DLO/Is would be too remote and hence would not be able to meet the operational needs of the applicant.

83. Members generally considered that the two alternative sites identified were not suitable for the proposed recycling yard. Most of the Members considered that the proposed recycling yard should be supported in view of its contribution to the recycling business. Some considered that the proposed use could be supported at the application site if an alternative site could not be identified. A Member was concerned that if the subject application site was rejected, it might lead to a closing down of the recycling company and no more recycling activities could be found in Mui Wo.

Submission of Technical Assessments/Proposals

84. Some Members on the other hand noted that the applicant had not submitted any technical assessments/proposals to address the environmental concerns which were not insurmountable. In the absence of such technical proposals to demonstrate that the proposed development would not generate adverse environmental impacts on the surrounding areas, the application could not be approved. A Member remarked that as compressing of recycling materials was involved, the technical issues had to be resolved satisfactorily before approval could be granted. Mr. Benny Wong said that as the workshop activities only involved compacting and baling of recycling materials, and given the small scale of operation, it would unlikely generate significant environmental nuisance.

85. Another Member suggested providing assistance to the applicant on the submission of technical assessments. Some Members asked whether the application could be approved with conditions requiring the submission of technical assessments within a specified time period. A Member considered that recycling facilities should be located not too far away from the residential development so as to facilitate the collection of recycling materials. For the application site, it was possible for the applicant to fence off the site with appropriate landscape treatments to alleviate the visual impact. In order to allow sufficient time for the applicant to identify an alternative site, this Member proposed that the subject application could be approved for a shorter period so that the applicant could continue her business while at the same time look for a more suitable site for her operation.

86. The Secretary explained that for applications involving open storage and/or workshop use, the applicants would normally be required to submit technical proposals to demonstrate that the proposed development would not generate adverse impacts on the surrounding areas. There was no need to make complicated technical assessments for a small scale operation. They should only provide sufficient information to demonstrate that the proposed use would not generate adverse environmental impacts or the impacts could be properly mitigated. Guidelines on the submission requirements were available for public information and if necessary, concerned government departments could provide guidance on how the submission could be done.

Conclusion

87. The Vice-chairman said that Members generally considered that if technical assessments had been submitted, Members would be in a better position to consider the application. Members also agreed that it would be better if an alternative site which would satisfy the minimum distance of 100m between the recycling facilities and the residential development could be identified. Mr. Jimmy Leung proposed to request DPO/SKIs to help identify an alternative location within the same “G/IC” zone for the proposed temporary open storage use. Members agreed.

88. Upon the Vice-chairman’s request, the Secretary explained that the Board might consider deferring a decision on the application so that PlanD and Lands Department could liaise with the applicant to identify an alternative site. Once when an alternative site was identified, the applicant could make a fresh application to the Board and the current application could be withdrawn. If no suitable site could be identified, then the applicant could submit technical proposals in relation to the current application site for the Board’s consideration.

89. The Vice-chairman concluded that since the applicant did not submit any technical assessments/proposals for the proposal development, the subject application could not be approved at this stage. Members agreed to defer a decision on the application to allow time for the identification of an alternative site and the preparation of further information, if necessary.

90. After further deliberation, the Board decided to defer making a decision on the subject application pending submission of the further information by the applicant. The Board agreed to request PlanD to help the applicant to identify an alternative site for the applied use.

[Mr. Jimmy Leung left the meeting temporarily and Miss Bonnie J.Y. Chan left the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-TYST/564

Temporary Open Storage of Construction Machinery, Construction Materials and Recycled Materials (including Metal and Plastic) with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Lots 2428 RP (Part), 2429 S.D (Part), 2685 (Part), 2686 (Part), 2687 (Part), 2688 (Part), 2689, 2690 (Part), 2700 (Part), 2701 (Part), 2702, 2703 (Part), 2704 S.A & S.B (Part), 2705, 2712 (Part), 2713 (Part), 2714, 2716 RP, 2717 RP (Part) and 2718 RP (Part) in D.D. 120 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long, New Territories (TPB Paper No. 9169)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

91. Mr. W.W. Chan, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), Planning Department (PlanD) was invited to the meeting at this point. Members noted that the applicant had indicated not to attend the meeting. Members agreed that the review hearing should proceed in the absence of the applicant. The Vice-chairman then invited DPO/TMYL to brief Members on the review application.

92. With the aid of a Powerpoint presentation, Mr. W.W. Chan, DPO/TMYL, presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary open storage of construction machinery, construction materials and recycled materials (including metal and plastic) with ancillary workshop for a period of three years at the application site which fell within an area zoned “Undetermined” (“U”) on the approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/10;

- (b) the application site, with an area of about 9,362m², was intended to be partitioned into five smaller compartments for storage of construction machinery, construction materials and recycled materials. It was accessible via a local track leading from Shan Ha Road to its west. There were 11 structures with a total floor area of about 1,675m² and a height of about 3m to 6m (1 storey) for office, storage and ancillary workshop uses within the application site. Four parking spaces for private cars/light goods vehicles and two loading/unloading bays were also provided at the site. No dismantling and workshop activities, except ancillary sorting and packing of recycled materials, would be carried out on the site. The operation hours of the site were between 8:00 a.m. to 11:00 p.m., with no operation on Sundays and public holidays;

- (c) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 10.2.2012 and the reasons were:
 - (i) the application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the applicant could not demonstrate that the development would not generate adverse environmental, drainage and fire safety impacts on the surrounding areas or such impacts could be addressed through the implementation of approval conditions, and there were adverse departmental comments on the application; and

 - (ii) the application involved three previously revoked planning permissions due to non-compliance with the approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control;

- (d) the justifications put forth by the applicant in support of the review application were summarised in paragraph 3 of the Paper and below:
- (i) only the Director of Environmental Protection (DEP) did not support the application and DEP's concerns could be addressed through approval conditions;
 - (ii) the development was compatible with the surrounding land uses;
 - (iii) the applicant proposed to plant trees within the 20m wide buffer area to mitigate the potential environmental impact of the proposed development;
 - (iv) the applicant should not be accountable for the previously revoked planning permissions and was not aware of the advisory clause stating that no sympathetic consideration for further application if the planning permission was invoked again;
 - (v) the TPB PG-No. 13E did not explicitly state that failure to comply with the approval conditions of the three previously planning permissions would lead to rejection of the current application; and
 - (vi) the public comment received during the s.16 application stage could not be regarded as a local objection. Moreover, the public comment was directed to the former applicants;
- (e) the application site was currently partly vacant and partly used for open storage and workshop use. The surrounding areas were mixed with open storage yards, vehicle parks, workshops, cultivated and fallow agricultural land and unused land. To the immediate west was the "Village Type Development" zone of Lam Hau Tsuen and Shan Ha

Tsuen. The village cluster of Lam Hau Tsuen was located about 120m to its northwest. Three Small House applications (about 20m to its southwest) had been approved;

- (f) the TPB-PG No. 13E was relevant to the application. The application site fell within Category 1 areas under the said Guidelines;
- (g) departmental comments – the departmental comments were detailed in paragraph 5 of the Paper. DEP did not support the application as there were sensitive receivers of residential structures in the vicinity of the application site and along the access road leading to the application site, and environmental nuisance was expected. The Chief Engineer/Mainland North (CE/MN), Drainage Services Department (DSD), and the Director of Fire Services had no objection to the application provided that relevant assessments/proposals were submitted and implemented to their satisfaction;
- (h) public comments – no public comment was received on the review application. In the s.16 application stage, a public comment from a Yuen Long District Council member was received. The commenter raised objection to the application as the repeated revocations of the previous planning approvals reflected the applicant insincerity to comply with the approval conditions; and
- (i) PlanD's views – PlanD did not support the review application based on the assessments as set out in paragraph 7 of the Paper which were summarised below:
 - (i) although the proposed development was not incompatible with the surrounding uses, technical assessments should be submitted to demonstrate that all potential adverse impacts arising from the development could be adequately mitigated. In the current application, no fire service installations proposal had been submitted while the drainage proposal was not acceptable to

CE/MN, DSD;

- (ii) DEP did not support the application and considered that the development could create environmental nuisance on the nearby sensitive receivers;
- (iii) the applicant was well aware of the revocation history of the application site as mentioned in the document submitted by the applicant;
- (iv) in granting the last approval, the RNTPC had agreed that the applicant should be advised that sympathetic consideration to further planning application at the site might not be given if the permission was revoked again. This advice was recorded in the minutes of the RNTPC meeting which were uploaded onto the Boards' website for public information;
- (v) the TPB PG-No. 13E stated that for applications involving sites with previous planning approvals, the Town Planning Board (the Board) might refuse to grant permission if the applicant had not made genuine effort to comply with the approval conditions of previous applications;
- (vi) the public comment received at the s.16 application stage was submitted by a Yuen Long District Council member who would represent and solicit views of the local community for which he served; and
- (vii) there was no change in the planning circumstances since the consideration of the s.16 application.

93. As Members had no question on the application, the Vice-chairman thanked Mr. W.W. Chan for attending the meeting. Mr. Chan left the meeting at this point.

Deliberation Session

94. The Vice-chairman concluded that the application did not comply with the TPB PG-No. 13E. Besides, as the application involved three previously revoked planning permissions due to non-compliance with the approval conditions, approval of the application with repeated non-compliances would set an undesirable precedent for other similar applications. Members agreed that the review application should be rejected.

95. After 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 application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the applicant could not demonstrate that the development would not generate adverse environmental, drainage and fire safety impacts on the surrounding areas or such impacts could be addressed through the implementation of approval conditions, and there were adverse departmental comments on the application; and
- (b) the application involved three previously revoked planning permissions due to non-compliance with the approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

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

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-TYST/585

Temporary Open Storage of Metal, Scrap Iron and Containers for a Period of 3 Years in “Residential (Group D)” zone, Lots 977 RP and 978 in D.D. 121, Long Hon Road, Tong Yan San Tsuen, Yuen Long, New Territories (TPB Paper No. 9170)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

96. Mr. W.W. Chan, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), Planning Department (PlanD) was invited to the meeting at this point. Members noted that the applicant had indicated not to attend the meeting. Members agreed that the review hearing should proceed in the absence of the applicant. The Vice-chairman then invited DPO/TMYL to brief Members on the review application.

97. With the aid of a Powerpoint presentation, Mr. W.W. Chan, DPO/TMYL, presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary open storage of metal, scrap iron and containers for a period of three years at the application site which fell within an area zoned “Residential (Group D)” (“R(D)”) on the approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/10;
- (b) the application site, with an area of about 476m², would be used for storage of materials including converted containers. The operation hours of the site were between 9:00 a.m. and 6:00 p.m., Mondays to Saturdays;

- (c) on 4.5.2012, the application was rejected by the Rural and New Town Planning Committee (RNTPC) 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. 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 application did not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-Up Uses (TPB PG-No. 13E) in that no previous planning approval had been granted for the use on the site, no relevant technical assessments have been included in the submission to demonstrate that the development would not generate adverse environmental impact on the surrounding areas, and there were adverse departmental comments on the application. The development was also not compatible with the current and planned residential use in the surrounding areas; and
 - (iii) as no approval for similar uses has been granted in the subject “R(D)” zone since 2002, approval of the application, even on a temporary basis, would set an undesirable precedent for similar uses to proliferate into the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area;
- (d) the applicant had not submitted further information in support of the review application;
- (e) the application site was currently vacant. The surrounding areas were mixed with residential use, agricultural land, storage yards, vehicle parks

and vehicle repair workshops. There were scattered residential structures in its vicinity, with the nearest ones located about 40m to its west. Except for one open storage yard to its north, the other sites being used for storage uses, workshops and vehicles parks in the vicinity were mostly suspected unauthorised developments which were subject to enforcement by the Planning Authority;

- (f) the TPB-PG No. 13E was relevant to the application. The application site fell within Category 3 areas under the said Guidelines;
- (g) departmental comments – the departmental comments were detailed in paragraph 4 of the Paper. The Director of Environmental Protection (DEP) did not support the review application as there were sensitive receivers of residential uses in the vicinity of the application site and environmental nuisance was expected;
- (h) public comments – no public comment on the review application was received; and
- (i) PlanD's views – PlanD did not support the review application based on the assessments as set out in paragraph 6 of the Paper which were summarised below:
 - (i) the proposed 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 Town Planning Board (the Board). No strong planning justification had been given for a departure from the planning intention, even on a temporary basis;
 - (ii) the proposed development was incompatible with the existing

and planned residential use in the surrounding areas. Although there were storage yards and workshops in the vicinity of the site, they were mostly suspected unauthorized developments and were subject to enforcement action to be taken by the Planning Authority;

- (iii) the proposed development did not comply with the assessment criteria under the TPB PG-No. 13E in that there was no previous approval granted at the application site and there were adverse comments from DEP on the application;
- (iv) the applicant had not included any technical assessment/proposal in the submission to demonstrate that the proposed development would not generate adverse environmental impacts on the surrounding areas;
- (v) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications; and
- (vi) there was no change in the planning circumstances since the consideration of the s.16 application.

98. As Members had no question on the application, the Vice-chairman thanked Mr. W.W. Chan for attending the meeting. Mr. Chan left the meeting at this point.

Deliberation Session

99. The Vice-chairman said that the application was not in line with the planning intention of the “R(D)” zone, it did not comply with the TPB-PG No. 13E and no approval had been granted for similar uses in the subject “R(D)” zone since 2002. Members agreed that the review application should be rejected.

100. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 7.1 of the

Paper and considered that they were appropriate. The reasons were:

- (a) the development was not in line with the planning intention of the “Residential (Group D)” (“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. 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 application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that no previous planning approval had been granted for the use on the site, no relevant technical assessments had been included in the submission to demonstrate that the development would not generate adverse environmental impact on the surrounding areas, and there were adverse departmental comments on the application. The development was also not compatible with the current and planned residential use in the surrounding areas; and
- (c) as no approval for similar uses had been granted in the subject “R(D)” zone since 2002, approval of the application, even on a temporary basis, would set an undesirable precedent for similar uses to proliferate into the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Sha Tin, Tai Po and North District

Agenda Item 8

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-LT/440

Proposed Four Houses in “Village Type Development” and “Agriculture” zones,

Lots 1583, 1584, 1585, 1586, 1587, 1588, 1589 and 1590

in D.D.10, Ng Tung Chai, Lam Tsuen, Tai Po

(TPB Paper No. 9173)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

101. The following government representatives and the applicant’s representatives were invited to the meeting at this point:

- | | |
|----------------------|--|
| Ms. Jacinta Woo | - District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), Planning Department (PlanD) |
| Mr. Liu Chin Ho | - Engineer/New Territories East Region (E/NTE), Water Supplies Department |
| Mr. Wong Shiu Cheung | - Engineer/Tai Po 3 (E/TP3), Drainage Services Department (DSD) |
| Mr. Cheng Pan | - Engineer/Project Management 4 (E/PM4), DSD |
| Mr. Leung Kam Ho |] |
| Mr. Leung Ho Hin |] Applicant’s representatives |
| Mr. Chu Kin Lok |] |

102. The Vice-chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/STN to brief Members on the review application.

103. Ms. Jacinta Woo, DPO/STN, said that a letter dated 23.8.2012 from the applicant's solicitor (which was received on 27.8.2012) and a set of Drawings R-1 to R-10 for replacement of Drawings R-1 to R-6 as attached to the Paper were tabled at the meeting for Members' information.

104. With the aid of a Powerpoint presentation, Ms. Jacinta Woo presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for four proposed houses at the application site which fell within an area zoned "Village Type Development" ("V") (about 98.7%) and "Agriculture" ("AGR") (about 1.3%) on the approved Lam Tusen Outline Zoning Plan (OZP) No. S/NE-LT/11;
- (b) the application site, with an area of about 386.74m², was located at Ng Tung Chai, Lam Tusen, Tai Po, which comprised eight old schedule lots held under Block Government Lease (BGL). Lot 1583 was described as "Shed", Lots 1584 to 1588 were described as "House" and Lot 1590 was described as "Waste". According to the latest information provided by the District Lands Officer/Tai Po (DLO/TP), Lands Department (LandsD), Lot 1583 could be accorded with building status. In other words, the application site (except Lot 1590) had a building status;
- (c) the application site was accessible by a footpath leading to Ng Tung Chai Village and a local road connecting to Lam Kam Road;
- (d) the applicant proposed to build four connecting 3-storey houses on Lots 1583 to 1589. A total of seven flats would be provided;
- (e) the application was rejected by the Rural and New Town Planning

Committee (RNTPC) on 10.2.2012 and the reasons were:

- (i) the proposed development was not in line with the planning intention of the “V” zone which was primarily intended for development of Small Houses by indigenous villagers. Development of non-Small House/non-New Territories Exempted House (NTEH) would normally not be supported unless under very exceptional circumstances that the application site had a building status under the lease. However, the applicant had not provided sufficient justifications in the submission to demonstrate that the proposed house development complies with the building entitlement for the application site; and
 - (ii) the proposed development was located within the water gathering ground (WGG). There was no information in the submission to demonstrate that the proposed development could be connected to the planned sewerage system in the area and would not create adverse impact on the water quality in the surrounding area;
- (j) the justifications put forth by the applicant in support of the review application were summarised in paragraph 3 of the Paper and below:
- (i) according to the legal advice obtained by DLO/TP, Lot 1583 could be accorded with building status. Together with Lots 1584 to 1589 which were described as “House” at the Block Government Lease, the redevelopment of the lots had full building entitlement. As 98.7% of the proposed redevelopment was within the “V” zone, its design, disposition and height fully complied with the planning intention of the OZP; and
 - (ii) a communal septic tank was proposed to be built on Lot 1590 as

a temporary measure so that the water quality within the WGG would not be affected by the proposed redevelopment. The applicant would make a connection to the planned sewerage system of Ng Tung Chai Village when it became available;

- (f) the surrounding areas were predominantly rural in character with village houses and agricultural fields. Village houses were mainly located within the “V” zone to the east of the application site within the Ng Tung Chai Village proper. There were some on-farm structures to the south of the site and agricultural fields to the west and the northwest of the site;
- (g) a proposed public village sewerage and connection point was located to the east of the application site;

[Mr. Jimmy Leung returned to join the meeting at this point.]

- (h) departmental comments – the departmental comments were detailed in paragraph 5 of the Paper. DLO/TP advised that Lot 1583 could be accorded with building status and Lots 1583 to 1589 were governed by the BGL and there were no specified development restrictions. The four proposed houses were not regarded as NTEHs. Prior approval from LandsD for the sewerage connection on government land was required;
- (i) the Chief Engineer/Mainland North, DSD commented that the application site was at a level lower than the planned public sewer and he had doubt on the feasibility of the applicant’s proposal to dispose sewage by gravity. The proposal to delete toilets on the ground floor would make no difference as all sewage generated would first be conveyed to the septic tank, which was below the formation level, before discharge;
- (j) the Chief Engineer/Project Management, DSD commented that the application site was on a relatively lower ground as compared with the surroundings. The applicant should ensure that the proposed sewers

could be connected to the public sewerage system. The project boundary of the public sewerage system for Ng Tung Chai had been gazetted and was fixed;

- (k) the Chief Engineer/Development (2), WSD objected to the application as there was no information in the sewerage proposal about the arrangement for foul water drainage from the site to the public sewerage system. It could not be established that there would be no material increase in pollution effect to the WGG;
- (l) the Director of Environmental Protection (DEP) advised that the application site was located within the WGG and the main concern was the potential impacts caused by sewage discharge within the WGG. The proposed use of a communal septic tank would not be acceptable from environmental point of view. Inclusion of an advisory clause on “the actual construction of the proposed houses shall only begin after the completion of the public sewerage network” was recommended if the review application was approved;
- (m) the Director of Agriculture, Fisheries and Conservation (DAFC) objected to the application from agricultural point of view as there were active agricultural activities in the area;
- (n) public comments – 91 public comments were received on the review application. All commenters raised objection to the review application mainly on the grounds of suspected columbarium development, fung shui, traffic, safety, environmental impacts and non-compliance with NTEH requirements; and
- (o) PlanD’s view – PlanD did not support the review application based on the assessments as set out in paragraph 7 of the Paper which were summarised below:
 - (i) there was insufficient land in “V” zone to meet the demand for

Small House. Developments other than NTEH would normally not be supported;

- (ii) according to DLO/TP's latest advice, the application site (except Lot 1590) had building entitlement. Therefore, the proposed development under application constituted exceptional circumstances;
- (iii) the proposed development was not incompatible with the surrounding villages and rural setting;
- (iv) DAFC did not support the application as the site was partly within the "AGR" zone and there were active agricultural activities in the area. As only a very minor portion of "AGR" zone (i.e. about 4.86 m² or 1.3% of the site) was involved, it could be considered as a minor adjustment of the zoning boundary and it was not anticipated that the development would cause significant adverse impact to the surrounding agricultural land in the "AGR" zone;
- (v) one of the major considerations of the application was its potential impact to the WGG. The application site was within the WGG. There was insufficient information in the submission to demonstrate how the proposed houses would be able to be connected to the planned sewerage system and DSD had doubt on the feasibility of the sewerage connection proposal. WSD objected to the application as there was insufficient information in the supplementary sewerage proposal about the arrangement for foul water drainage from the site to the planned public sewerage at a higher elevation and it could not be established that there would be no material increase in pollution effect to WGG. DEP considered the use of a communal septic tank as an temporary measure not acceptable from environmental point of view; and

- (vi) 91 public comments objecting to the review application were received. They were mainly concerned about the noise, traffic, and environmental impacts.

105. The Vice-chairman then invited the applicant to elaborate on the review application.

106. With the aid of a Powerpoint presentation, Mr. Leung Kam Ho, the applicant's representative, made the following main points:

- (a) the application site comprised eight private lots in D.D.10. All these lots were old schedule lots held under the BGL. Under the schedule of BGL, seven lots, i.e. Lots 1583 to 1589, were accorded with building status, while only one lot, i.e. Lot 1590, was described as 'waste';
- (b) the application site was located at Ng Tung Chai, Lam Tsuen. It fell mostly within the "V" zone (98.7%) with a small part encroaching onto the "AGR" zone (1.3%) on the OZP and was entirely within the village 'environs' of Ng Tung Chai Village. Village houses were found in the vicinity;
- (c) after taking legal action by the applicant, the trespasser of the application site, who had felled the fruit trees, left the site. According to the photos taken at the site on 10.8.2012, the site had already been cleared and fenced off with no agricultural activities;
- (d) WSD objected to the application on the ground that the application was located within the upper indirect WGG. However, it should be noted that the application site was located at a higher level and was about 5km away from Lam Tsuen River. A communal septic tank was proposed to be built within the site as a temporary measure for treating the sewage so that the water quality within the WGG would not be affected. The effluent discharge could be absorbed by the vegetation and crops of farmland nearby;

- (e) DAFC pointed out that there were active agricultural activities in the area and did not support the application from agricultural point of view. This comment was no longer relevant as the agricultural activities at the site had been discontinued;
- (f) other government departments including DSD had no objection to or adverse comments on the application as stated in paragraph 5.2.9(c) of the Paper;
- (g) based on DSD's information, Phase 1 of "Lam Tsuen Valley Sewerage" project had commenced while Phase 2 relating to the village sewerage works in Ng Tung Chai was scheduled to commence in 2012/2013 for completion by 2016/2017. The public consultation and land acquisition process had not yet been commenced;
- (h) according to the information published on DSD's website, the required drainage works for a proposed development might be taken up by the lot owners/developers or by DSD. He understood that DSD would provide technical support to the landowners in resolving difficulties relating to connecting the proposed development to the public sewerage system;
- (i) in order to address the concern on the sewerage connection, relevant clauses could be incorporated into the Deed of Mutual Covenant for the future owners/tenants of the proposed development in order to ensure that all owners/tenants of the proposed development would comply with the relevant requirements; and
- (j) building plans would be submitted to the Buildings Department (BD) for approval such that all government requirements would need to be complied with upon the building plan submission stage.

107. As the applicant's representative had finished the presentation, the Vice-chairman invited questions from Members.

Public Concern on Suspected Columbarium Use

108. Ms. Bernadette Linn, Director of Lands, noted that there were public comments suspecting that the proposed development would be turned into a columbarium use instead of houses. She asked the applicant to clarify on this point. In response, Mr. Leung Kam Ho said that the proposed development was only for residential purpose and no columbarium use would be involved.

Impacts on the WGG and Lam Tsuen River

109. In reply to the Vice-chairman's enquiry, Mr. Benny Wong, Deputy Director of Environmental Protection, explained that water quality in Lam Tsuen WGG was under close monitoring by concerned departments. The subject site was located within the WGG and the proposed use of a communal septic tank for serving the proposed development, even on a temporary basis, was not acceptable from environmental point of view. The main concern was on the potential impacts on the water quality caused by sewage discharge within the WGG. In this connection, should the application be approved, an advisory clause requiring that the actual construction of the proposed houses should only begin after the completion of the public sewerage network should be incorporated.

[Mr. Maurice W.M. Lee left the meeting at this point.]

110. In reply to a question raised by a Member concerning Lam Tsuen River, Mr. Liu Chin Ho, E/NTE, WSD said that the water in Lam Tsuen River would be transferred partly to water treatment plants and partly to Plover Cove Reservoir for storage. Mr. Leung Kam Ho responded that according to his understanding, the water collected from the WGG would be properly treated in order to ensure compliance with relevant standards.

[Mr. Rock C.N. Chen left the meeting at this point.]

The Proposed Septic Tank and Sewerage Connection

111. Some Members were concerned about the technical feasibility of the sewerage

connection put forth by the applicant. In response, Mr. Leung Kam Ho said that in the rural areas, septic tanks were commonly used in the village type development. Since the public sewerage connection was not yet available, the construction of a septic tank within the proposed development was proposed as an interim measure to resolve the sewage discharge problem. As the public sewerage connection was located only about 2-3m away from the application site, the sewerage connection should not be a problem in future. However, according to his understanding, there were still uncertainties regarding the alignment and implementation programme of the public sewerage system serving the subject area.

[Ms. Bernadette Linn left the meeting temporarily at this point.]

112. In response to a Member's questions about the detailed design of the proposed septic tank, Mr. Leung Kam Ho said that the septic tank was proposed to be built on Lot 1590. The exact dimension and connection would be subject to detailed design. It was anticipated that the effluent discharge from the septic tank could be absorbed by the crops and trees growing on the adjacent agricultural land and hence the water quality in the WGG would not be affected. The Member, however, pointed out that the roots of the crops/trees would not be very deep as compared to the septic tank. As such, there was no scientific proof that the effluent discharge could entirely and effectively be absorbed by the crops and vegetation in nearby farmland. In reply, Mr. Leung said that alternatively, the effluent collected in the septic tank could be transported to another place for disposal, if necessary. The Member had some reservation on the technical feasibility, effectiveness and reliability of the proposed septic tank in ensuring the water quality in the WGG.

[Miss Janice W.M. Lai left the meeting at this point.]

113. Referring to the letter dated 23.8.2012 from the applicant's solicitor (tabled at the meeting) proposing to delete all toilet facilities on the ground floor, a Member asked WSD to comment on the point raised. Mr. Liu Chin Ho responded that in view of the level difference between the formation level of the proposed houses and the proposed public sewerage connection point, the feasibility of the applicant's proposal to dispose sewage by gravity flow was doubtful. Besides, the relatively long and looped sewer (about 50m) connecting the septic tank and the public sewerage system, as proposed by the

applicant, would pose a risk on water pollution in the WGG should there be any problems associated with the sewers.

114. Noting the discrepancy in the measurement of the proposed sewerage connection, Mr. Cheng Pan, E/PM4, DSD explained that the nearest point between the application site and the proposed public sewerage connection point was about 3m. However, as shown on the drawing submitted by the applicant on 13.8.2012 (Annex J of the Paper), a long and looped sewer system of about 50m long was proposed within the site connecting the septic tank with the proposed public sewerage connection point. Mr. Cheng also advised that the public sewerage system of Ng Tung Chai was included in Package 2F of “Lam Tsuen Valley Sewerage” project. Package 2F had been initially gazetted under Roads (Works, Use and Compensation) Ordinance as applied by section 26 of the Water Pollution Control (Sewerage) Regulation on 20.5.2010 and amended on 18.2.2011, 30.9.2011 and 13.1.2012. The Scheme of the Package 2F had been approved on 5.6.2012, and its alignment and implementation programme had been confirmed so that the applicant’s previous claim that the sewerage alignment would be further amended was not correct.

115. In response to the Vice-chairman’s enquiry, Mr. Wong Shiu Cheung, E/TP3, DSD clarified that approval of septic tank was within the purview of EPD. According to the sewerage connection proposal submitted by the applicant on 13.8.2012 (Annex J of the Paper), the formation level of the proposed development was about the same as the invert level of the proposed public sewer to which sewerage connection was to be made, such that the flow of sewage from the houses to the public sewer by gravity flow was not feasible technically. In this regard, he had doubt on the feasibility of the proposed connection works. Given that the gravity flow design was not feasible, there was no information to show whether a pumping system would be deployed to dispose the sewage.

116. On the issue of level difference, Mr. Leung Kam Ho said that they could consider revising the scheme to ensure that the toilet facilities would only be provided on upper floors but not on the ground floor. Mr. Wong Shiu Cheung advised that the proposal to delete toilets on the ground floor would make no difference as all sewage generated would first be conveyed to the septic tank, which was below the formation level, before discharge. In this regard, Mr. Leung said that they would actively liaise with DSD in working out a possible solution. An application to DLO/TP would also be made if government land was involved in the proposed sewerage connection.

117. In reply to a Member's question on the submission and implementation of drainage proposals for developments on private lots, Mr. Wong Shiu Cheung clarified that the landowner had the responsibility to submit the drainage proposals as part of the building plans submission to BD for approval. BD would circulate the building plans for departmental comments. DSD, being the professional department on drainage matters, would comment on the drainage proposals, including the proposed connection with the public sewerage system. Once approved, the drainage proposals should be implemented at the proponent's own cost and effort.

Clarification of the Building Status

118. In reply to a question raised by a Member, Mr. Leung Kam Ho said that as confirmed by DLO/TP, Lots 1583 to 1589 had building status (i.e. 7 out of 8 lots of the whole site). The applicant was only asked to clarify the building status of one of the lots after the consideration of the s.16 application. A Member queried if one of the rejection reasons for the s.16 application relating to building entitlement was no longer valid given that the applicant had provided information on the building status of all concerned lots. Ms. Jacinta Woo answered in the affirmative.

[Ms. Bernadette Linn returned to join the meeting at this point.]

Rejection Reason

119. In response to a Member's question on the rejection reason suggested by PlanD in the Paper, Ms. Jacinta Woo explained that PlanD did not support the application

on the ground that the proposed development was located within the WGG. Besides, there was insufficient information in the submission to show that the arrangement for foul water drainage from the site to the planned public sewerage at a higher elevation was feasible. According to the information provided by DSD, the alignment and design of the public sewerage system serving the subject area had been fixed and approved, and the project was tentatively scheduled for completion by 2016.

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

Deliberation Session

121. The Vice-chairman said that there was no existing public sewerage system serving the application site. Although the public sewerage system would be available in future, the applicant had not demonstrated the feasibility of sewerage connection from the proposed development to the public sewerage system due to the technical problem on level difference. The applicant proposed to provide a communal septic tank as an interim measure prior to connection to the public sewer. However, the use of septic tank was considered unacceptable by EPD as the subject development was located within the WGG and thus sewage discharge from the septic tank might cause adverse impacts to the WGG.

122. Mr. Benny Wong remarked that since 2002, there was an agreement reached amongst relevant government departments including EPD, DLO, WSD, DSD and PlanD in handling Small House Applications within WWG in Tai Po (2002 Agreement) in order to address the water pollution problem of Lam Tsuen River. According to the 2002 Agreement, for cases requiring planning permission from the Board, should the applications be approved, an advisory clause, i.e. "the actual construction of the proposed Small House should only begin after the completion of the public sewerage system" would be imposed.

123. The Secretary supplemented that in order to maintain the water quality in the WGG, one of the planning considerations in considering house developments in the area was whether proper connection to the planned public sewerage system could be made. She confirmed that since 2002, as a standard practice, for planning applications for Small House development within WGG approved by the Board, an advisory clause advising the relevant parties that construction of the proposed Small House could only begin after the completion of the public sewerage network would be included in the approval letter. The crux of the consideration of the instant case was whether the applicant had provided adequate information to demonstrate the feasibility of proper connection of sewers from the proposed house development to the planned public sewerage system in the area to the satisfaction of the concerned departments.

124. A Member pointed out that the septic tank arrangement, even as an interim measure would not be acceptable, and the applicant failed to demonstrate the feasibility of connecting to the planned public sewerage system due to technical problem. This Member therefore considered that the subject application could not be supported.

125. The Vice-chairman concluded that the application site was within the WGG and there was insufficient information to demonstrate that the proposed development could be connected to the planned public sewerage system in the area, thus it could not be ensured that there was no adverse impact on the water quality in the WGG. Members agreed that the subject application should not be approved.

126. After deliberation, the Board decided to reject the application on review. Members then went through the reason for rejection as stated in paragraph 8.1 of the Paper and considered that it was appropriate. The reason was:

the proposed development was located within the water gathering ground. There was insufficient information in the submission to demonstrate that the proposed development could be connected to the planned sewerage system in the area and would not create adverse impact on the water quality in the surrounding area.

127. The meeting was adjourned for lunch break at 1:30 p.m.

128. The meeting was resumed at 2:30p.m.

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

Mr. Stanley Y.F. Wong Vice-chairman

Mr. Timothy K.W. Ma

Professor Edwin H.W. Chan

Professor K.C. Chau

Mr. H.W. Cheung

Mr. Ivan C.S. Fu

Mr. Sunny L.K. Ho

Mr. Lincoln L.H. Huang

Ms. Janice W.M. Lai

Dr. C.P. Lau

Ms. Christina M. Lee

Mr. H.F. Leung

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Ms. Winnie Wong

Deputy Director of Environmental Protection

Mr. Benny Wong

Director of Lands
Ms. Bernadette Linn

Director of Planning
Mr. Jimmy Leung

Sha Tin, Tai Po and North District

Agenda Item 9

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments to the Draft Ma On Shan
Outline Zoning Plan No. S/MOS/17
(TPB Papers No. 9174 and 9175)

[The hearing was conducted in Cantonese.]

130. The following Members had declared interests in this item as R5 was submitted by the major landowner of the Lok Wo Sha “Comprehensive Development Area (1)” (“CDA(1)”) development immediately adjacent to the representation sites:

- | | |
|-------------------------|---|
| Mr. Clarence W.C. Leung | - being the Director of a NGO that received a private donation from a family member of the Chairman of Henderson Land Development Co. Ltd. in April 2010 (Henderson), developer of the Lok Wo Sha “CDA(1)” site |
| Mr. Patrick H.T. Lau | - had current business dealings with Henderson, developer of the Lok Wo Sha “CDA(1)” site |
| Mr. Dominic K.K. Lam | - had current business dealings with Henderson and New World Development Co. Ltd, developers of the Lok Wo Sha “CDA(1)” site |

Ms. Janice W.M. Lai - had current business dealings with Henderson, developer of the Lok Wo Sha “CDA(1)” site

Mr. Ivan C.S. Fu - had current business dealings with Henderson, developer of the Lok Wo Sha “CDA(1)” site

131. Since the Lok Wo Sha “CDA(1)” site was directly related to the subject representations, the interests of Mr. Patrick H.T. Lau, Mr. Dominic K.K. Lam, Ms. Janice W.M. Lai and Mr. Ivan C.S. Fu were direct and substantial. Members noted that Mr. Patrick H.T. Lau and Mr. Dominic K.K. Lam had already left the meeting and Ms. Janice W.M. Lai had not yet returned for the p.m. session of the meeting. Mr. Ivan C.S. Fu left the meeting temporarily at this point.

132. As the interest of Mr. Clarence W.C. Leung was indirect, Members agreed that Mr. Leung should be allowed to stay in the meeting for the item.

133. Dr. W.K. Yau had declared an interest in this item as he had tendered advice to Ma On Shan residents on the subject matter under consideration. Members noted that Dr. Yau had indicated that he would not attend the p.m. session of the meeting.

134. Dr. C.P. Lau had declared an interest in this item as one of the representers was his close relative. Dr. Lau left the meeting at this point.

Group 1

135. The Vice-chairman said that sufficient notices had been given to invite the other representers and commenters to attend the hearing, but they had either indicated not to attend the hearing or made no reply. As sufficient notices had been given to the representers and commenters, Members agreed to proceed with the hearing in their absence.

136. The following representatives of the Planning Department (PlanD), the representers, commenters and their representatives were invited to the meeting at this point:

Ms. Jacinta Woo District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), PlanD

Mr. Anthony Luk Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), PlanD

R1 (Liu, William)

Mr. William Liu Representor

R2 (David Allan Parkin)

Mr. David Allan Parkin Representor

R3 (Lai Nai Hing, Raymond)

Mr. Lai Nai Hing, Raymond Representor

R4 (Ho Suk Yi)

Mr. Cheng Tze Yau Representor's Representative

R5 (Harvest Development Ltd.)

Mr. To Lap Kee, Kenneth)

Ms. Lam Tsz Kwan) Representor's Representatives

Ms. Ada Wong)

R6 (關注馬鞍山環境聯盟)

Mr. Sin Chi Shan)

Mr. Cheng Tze Yau) Representor's Representatives

Mr. Ng Po Choy)

R7 (Designing Hong Kong Ltd.)

C10 (Designing Hong Kong Ltd.)

Mr. Paul Zimmerman) Representor and Commentor's

Ms. Eva Tam) Representatives

C1 (Ma On Shan Promotion of Livelihood and Recreation Association)

Mr. Yeung Cheung Li)
Mr. Chiu Man Leong Alvin) Representers' Representatives
Mr. Yuen Kwok Fai)

C5 (Wei, Daniel)

Mr. Wei, Daniel Commenter

137. The Vice-chairman extended a welcome and explained the procedures of the hearing. He then invited PlanD to brief Members on the background to the representations.

138. With the aid of a Powerpoint presentation, Mr. Anthony Luk, STP/STN, made the following main points as detailed in the Paper:

- (a) on 24.2.2012, the draft Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/17 was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance) to include amendments relating to rezoning of the sites at Whitehead for residential and recreational developments (Items A1 to A6) and a site at On Chun Street for residential development (Items B1 to B3). During the two-month exhibition period, a total of 1,079 representations were received. On 18.5.2012, the representations were published for comments and 61 comments were received;
- (b) the amendments related to Whitehead mainly involved the rezoning of the previous "Comprehensive Development Area" ("CDA") zone at Whitehead into five land use zones (Amendment Items A1 to A5) and the associated road reserve (Amendment Item A6). Seven representations (R1 to R5, R6 (Part) and R7(Part)) and 42 comments (C1 to C42) were related to these amendments;

Representations and Comments

- (c) R1 supported the rezoning of the site at Whitehead from “CDA” to “Recreation” (“REC”) (Item A1);
- (d) R2 to R4 and R6 supported the rezoning of the site at Whitehead to “REC” (Items A1), but opposed the proposed building height restrictions (BHRs) for all three main development sites, including the “REC”, “CDA(2)” and “CDA(3)” zones, and suggested alternative BHRs for the sites;
- (e) R5 opposed the proposed development restrictions (building height (BH) and gross floor area (GFA)) for the “REC”, “CDA(2)” and “CDA(3)” zones and suggested alternative BHRs for these sites;
- (f) R2 to R4 and R6 opposed the location of the “Government, Institution or Community” (“G/IC”) zone for the pumping station (Item A4). R2 to R4 opposed, but R6 supported the location of the “G/IC” zone near Starfish Bay (Item A5). R6 also supported the rezoning of the strips of land at Whitehead to area shown as ‘Road’ (Item A6);
- (g) R7 supported the rezoning of the site to “G/IC” for extension of the pumping station (Item A4), but opposed part of the “REC” zone. R7 proposed that the strip of sea area adjacent to To Tau should be removed from the OZP and the shoreline should be rezoned from “REC” to “Coastal Protection Area” (“CPA”);
- (h) the Comments were:
 - (i) C6 to C42 were standard submissions reiterating the views of R7;
 - (ii) C1 supported the rezoning of Whitehead for recreational use and suggested that the site was suitable for sports, cultural, eco-tourism and leisure uses to promote green community;
 - (iii) C2 opposed the development restrictions for the “REC”, “CDA(2)” and “CDA(3)” zones and expressed support to R2 and R4 that the

BHRs for the three zones should be reduced;

- (iv) C3 opposed the rezoning to “REC” at Whitehead unless the site was used for water sports centre and the associated road network;
- (v) C4 supported the rezoning to “REC” at Whitehead but suggested to impose tighter BH control on the waterfront (with the waterfront development not exceeding 10m in height and the overall BH not exceeding 25m), and that the building width and separation should be controlled to avoid creating wall effect; and
- (vi) C5 supported R6’s views with respect to Items A1 to A4;

Grounds of Representations

- (i) the main grounds of representations were summarized in paragraph 2.3 of the Paper and highlighted below:

Supporting Representations

Supporting the rezoning of the site at Whitehead from “CDA” to “REC” for comprehensive recreational development (Item A1) (R1 to R4 and R6)

- (i) R1 to R4 and R6 considered that the rezoning would allow the public to enjoy the use of the site for leisure and sports activities and promote local economy of Ma On Shan, and the use was compatible with the beautiful natural setting of Whitehead;

Supporting the rezoning of the site near To Tau Pumping Station from “CDA” to “G/IC” for extension of the pumping station (Item A4) (R7)

- (ii) R7 welcomed the rezoning to reflect the existing land use;

Supporting the rezoning of the site near Starfish Bay to “G/IC” (Item A5) as a long-term reserve for GIC uses (R6)

- (iii) R6 supported the rezoning of the site to “G/IC” as a reserve to meet the needs of the nearby comprehensive and recreational development and agreed to the BHR of 2 storeys for the site so as to control the building bulk of future development near the waterfront;

Supporting the rezoning of the strips of land at Whitehead to area shown as ‘Road’ as road reserve to provide access to the sites at Whitehead (Item A6) (R6)

- (iv) R6 welcomed the rezoning of some strips of land at Whitehead to area shown as ‘Road’ as road reserve and considered that the roads to be provided would facilitate the public to use the recreational facilities at Whitehead and was in line with the planning intention of the “REC” zone;

Adverse Representations

Opposing the development restrictions for “REC”, “CDA(2)” and “CDA(3)” zones (R2 to R6)

- (v) R5 opposed the rezoning to “REC”, “CDA(2)” and “CDA(3)” and the development restrictions (BH and GFA) of the sites, and the main grounds were:

- the BHR of 30mPD for the “REC” zone was too high as the site had a strategic role in achieving the “stepped height” profile from Wu Kai Sha to Whitehead in view of its location protruding into the Tolo Harbour;
- the overall increase in development intensity would prejudice the implementation of recreational facilities, which were the top

priorities of the local community;

- the increase in residential component was against the aspiration of the local residents. Recreational use was more compatible with the surrounding context;
 - the proposed layout of the sites would interrupt the pedestrian linkage from MTR Wu Kai Sha Station to the new “REC” zone; and
 - the amendments were not expected and were unfair to the developer of the “CDA(1)” zone at Lok Wo Sha, which was under construction;
- (vi) R2 to R4 and R6 opposed the BHRs for the three zones and suggested alternative BHRs for the sites. The main grounds were:
- R6 had concerns on the visual impacts of the future developments in these zones and recommended that alternative BHRs with reference to the “stepped height” profile concept adopted in the area should be adopted;
 - R4 proposed that a lower BHR should be adopted in order to protect the views towards the ridgelines; and
 - R2 and R3 opposed the BHRs without specific reasons;

Opposing the rezoning of the shorelines of Whitehead to “REC” zone (Item A1) (R6 and R7)

- (vii) R6 considered that the shoreline would need to be preserved and should not be rezoned to “REC”. The “REC” zone had allowed some Column 1 and Column 2 uses (e.g. hotel or holiday camp) which might destroy the natural coastline and suggested that the shoreline

should be rezoned to “Conservation Area” (“CA”) or “Open Space” (“O”), in order to capitalize the opportunities offered by the natural environment by providing a green footpath along the natural coastline for the public for leisure and healthy activities; link the green footpath with the existing Ma On Shan Promenade and the footpath along the riverbank at Sha Tin to allow people to walk from Sha Tin to Ma On Shan through Wu Kai Sha, Whitehead Bay and Starfish Bay; and preserve the integrity of the natural coastline of Whitehead to enhance the natural visual amenity of Ma On Shan;

- (viii) R7 suggested that the strip of sea area adjacent to To Tau should be removed from the OZP and the shoreline should be zoned “Coastal Protection Area” (“CPA”) in order to protect the integrity;

Opposing the location of the proposed “G/IC” zone for extension of To Tau Pumping Station (Item A4) (R2 to R4 and R6)

- (ix) R2 to R4 and R6 considered that the extension of the pumping station would cause adverse visual impacts and affect the integrity of the natural green area along the coastline. The representers suggested that the future pumping station should be screened off by trees or be provided underground. R6 proposed to shift the location of the “G/IC” zone to reduce visual impact;

Opposing the location of the proposed “G/IC” zone near Starfish Bay (Item A5) (R2 to R4)

- (x) R2 to R4 opposed the location of the “G/IC” site near Starfish Bay as the future use at the site would cause visual impacts at the waterfront location. They suggested adjusting the location of the site so that future development at the site would be less visible;

- (j) R5 proposed to revert the zoning of the Whitehead site to “CDA”, or restrict the total GFA for “CDA(2)” and “CDA(3)” zones to 51,600m² (under the Ma On Shan OZP No. S/MOS/17, the total GFA for “CDA(2)” and “CDA(3)” zones were 40,000m² and 30,000m² respectively);
- (k) R6 proposed to (i) rezone the shoreline of Whitehead to “CA” or “O” to provide a green footpath to connect with the Ma On Shan Promenade and Sha Tin; and (ii) adjust the location of the “G/IC” zone for the extension of pumping station to a more inland location to avoid encroaching upon the line of trees along the coast;
- (l) R7 proposed to delete the sea area to the north of To Tau, which was zoned “REC”, from the OZP, and to rezone the shoreline near To Tau to “CPA”;
- (m) proposals on BHRs:
 - (i) R2 and R3 proposed that BH of 30m should not be applied to the whole “REC” site, and the BH should be decreased towards the shoreline with no building within an area of 30m from the shoreline; and BHs of 40m and 50m should be applied to “CDA(2)” and “CDA(3)” respectively;
 - (ii) R4 proposed that the BH for the “REC” site should decrease towards the shoreline with no building along shoreline; and BH of 30m should be applied to the “CDA(2)” and “CDA(3)” zones;
 - (iii) R6 proposed that the eastern and western parts of the “CDA(2)” and “CDA(3)” zones fronting the sea should be restricted to a BH of 30m; and
 - (iv) C4 proposed BHs of 10m for waterfront development and 25m for the overall development in the “REC” site;

(n) other proposals not related to the amendments under the draft Ma On Sha OZP No. S/MOS/17:

(i) R5 proposed to rezone an area at To Tau from “CA” to “REC”; and

(ii) R7 proposed to (i) add ‘Public Boat Facilities’ as a Column 1 use in the “CA” zone (proper dry storage facility should be regarded as permitted use to facilitate the public boat service in the area); (ii) revise and extend the OZP boundaries to include and match the natural shoreline of Wu Kai Sha and To Tau; and (iii) take enforcement action to stop the suspected illegal land use in the “CA” zone in To Tau;

Responses to the Representations and Representers’ Proposals

Alternative BHRs not supported

(o) given the existing site level and site constraints, the alternative BHRs for the “CDA(2)” and “CDA(3)” sites would impose constraints on the design of the developments and might render the development potential of the sites not being optimized. The current BHRs would have no impact on the “stepped height” profile from Wu Kai Sha Station to Whitehead. To ensure design flexibility, detailed development requirements could be set out in the planning briefs to be prepared and the future development would be subject to visual impact assessment to be submitted to the Board for consideration at the planning application stage;

(p) the BH of 30mPD for the “REC” zone was to provide design flexibility for the future recreational development. It was in line with the “stepped height” profile. Given the large site area (about 15 ha), the future sports and recreational facilities could be designed with variations in BHs. Requirement for planning permission helped ensure that the future developments would not result in adverse visual impact on the surrounding area and height gradation could be achieved;

Alternative Zoning not supported

- (q) R5's proposal to revert the zoning of the site to "CDA" was not supported as the current land use framework would expedite the implementation of recreational facilities and housing development to meet the need of the community. A single "CDA" zone of some 23ha, comprising a wide range of intended uses, would be difficult to implement. The suggestion to lower the total GFA to 51,600m² was not appropriate as the proposed plot ratios were compatible with those of the surrounding developments. The increase in GFA would optimise development potential of scarce land resources in Hong Kong, given that there was no insurmountable infrastructural constraints;
- (r) R6's proposal to rezone the coastline area of the "REC" site to "CA" or "O" was not supported as the extent for preservation of coastline was uncertain at this stage. The requirement for preservation of the coastline could be reflected in the Explanatory Statement (ES), and would be conveyed to the Leisure and Cultural Services Department (LCSD) for consideration in the detailed site planning of the "REC" zone. The recreational development would need to be submitted in the form of a planning application for the Board's approval;

Alternative Location for the Pumping Station Extension

- (s) the current site configuration would allow a more compact design of the pumping station and result in less visual impact from both offshore and inshore. Turning the "G/IC" site perpendicular to the existing To Tau Pumping Station as proposed by R6 would affect some other mature trees to the north of the site and would create additional visual impacts when viewed inshore from the "REC" site. The Civil Engineering and Development Department (CEDD) advised that there was scope to provide screening for the pumping station and some of the facilities would be provided underground as far as possible. The visual impacts would be properly mitigated or minimized;

G/IC zone near Starfish Bay

- (t) the location and BHR for the “G/IC” zone near Starfish Bay were considered appropriate having regard to its surrounding context and proximity to the “CA” zone;

Other Proposals not related to the current OZP Amendments

- (u) on the proposal of R2 to R4 and R6 to extend the footpath/cycle track from the Ma On Shan Promenade to Starfish Bay, it had been the Government’s intention to extend the promenade to To Tau via Wu Kai Sha (zoned “O”). However, it would require reclamation and land resumption if it was to pass through the “CA” zone at To Tau. The cycle track had already been extended from the Ma On Shan Promenade to the south of Whitehead headland though cyclists had to pass through the Ma On Shan inland. The proposed access roads at Whitehead had made provision for further extension of footpath/cycle track to the “REC” zone at Whitehead;
- (v) R5’s proposal to rezone an area at To Tau from “CA” to “REC” was not supported as To Tau was largely a mature coastal woodland having ecological value. The raised beach south of To Tau had been identified to be a prehistoric archaeological site. Recreational facilities would have adverse impact on the natural and archaeological resources of the site. The Director of Agriculture, Fisheries and Conservation (DAFC) and the Chief Town Planner/Urban Design and Landscape, PlanD objected to this proposal. R7’s proposal to add ‘Public Boat Facilities’ as a Column 1 use in “CA” zone was also not supported. Lands Department (LandsD) would be informed to take enforcement action against any suspected illegal use at To Tau;
- (w) Regarding R7’s proposals, it was noted that the Wu Kai Sha natural beach was not a gazetted beach managed by LCSD. LCSD advised that this natural beach at Wu Kai Sha was situated between a major stormwater

outfall and a public pier. Public safety would need to be carefully examined before determining the suitability of developing a bathing beach for water sports activities. Besides, there was not enough space for the ancillary facilities such as showers, changing rooms, parking spaces, loading and unloading area to cope with the public demand. The traffic and noise impacts on the surrounding residential developments should also be assessed. Taking into account these issues, LCSD would not commit the development of a bathing beach at this juncture of time. Nevertheless, the waterfront of Wu Kai Sha was already zoned “O” where bathing beach was always permitted;

PlanD’s Views

- (x) to note the support of R1, R2 (part), R3 (part), R4 (part), R6 (part) and R7 (part); and
- (y) the representations R2 (part), R3 (part), R4 (part), R5, R6 (part) and R7 (part) should not be upheld for the reasons set out in paragraph 6.2 of the Paper.

139. The Vice-chairman then invited the representers, commenters and their representatives to elaborate on their representations and comments.

R1 (Liu, William)

140. With the aid of some plans, Mr. William Liu made the following main points:

- (a) he was an indigenous villager of Wu Kai Sha New Village;
- (b) in his written representation, he indicated support for rezoning of the site at Whitehead from “CDA” to “REC” as it would provide the residents in Ma On Shan with open space and recreation facilities. However, having considered the land uses permitted within the “REC” zone and “O” zone as stipulated in the Notes of the Plan, he no longer supported the rezoning of

the “CDA” site to “REC” and now proposed to rezone the site from “REC” to “O”;

- (c) it was noted that ‘holiday camp’ was a Column 1 use permitted under the “REC” zone. He said that there was already the Wu Kai Sha Youth Village and there was no need for another holiday camp at Whitehead. On the contrary, the uses permitted within the “O” zone would be more suitable for enjoyment of the public and residents of Ma On Shan;
- (d) the Wu Kai Sha New Village would eventually be engulfed by the high-rise developments to its east, west and south. There were some concerns that the Wu Kai Sha Youth Village (to the north of their village) might be relocated to the site zoned “REC” at Whitehead. If this was the case, the existing site, where the Wu Kai Sha Youth Village was located, might be sold off for high-rise residential developments. The village would then be surrounded by high-rise developments; and
- (e) he supported the following proposals of other representers:
 - (i) R6’s proposal to provide a pedestrian walkway along the coastline of Whitehead which would connect with the Ma On Shan promenade;
 - (ii) some representers’ proposals to lower the BHRs of “CDA(2)” and “CDA(3)”; and
 - (iii) R6’s proposal to adjust the location of the “G/IC” zone for the extension of the pumping station to a more inland location to avoid encroaching upon the line of trees along the coast. PlanD had indicated that the proposed relocation of the “G/IC” site would affect some areas within the “REC” zone. However, he considered that the preservation of a more natural coastline was a more important consideration.

R2 (David Allan Parkin)

141. With the aid of some photos and plan, Mr. David Allan Parkin made the following main points:

- (a) he had lived in Ma On Shan for about 12 years;
- (b) the population in the Ma On Shan New Town had grown rapidly and the existing town park and shopping centre were not sufficient to cater for the needs of the growing population. The Whitehead area should be reserved for recreation uses to serve the needs of the Ma On Shan residents. In his written representation, he supported the rezoning of the site at Whitehead to “REC”. However, he withdrew his support for the “REC” zoning. He now proposed rezoning the site from “REC” to “O” as open space uses would better serve the needs of residents;
- (c) the stepped BH profile adopted in the OZP, with taller buildings near the Wu Kai Sha Station in the south and stepping down to the waterfront of Whitehead in the north, was not commendable. With the aid of a photo and drawing of the development under construction at the “CDA(1)” site in Lok Wo Sha, he said that the stepped building height concept currently stipulated in the OZP would lead to a wall of buildings as viewed from the west;
- (d) Whitehead was a headland with coastlines in its north, east and west. Other than stepping down the BH from the south to the north, BHs should also be stepped down towards the waterfront in the eastern and western coasts of Whitehead. As such, the BHR of 50mPD for the “CDA(2)” and “CDA(3)” zones was unacceptable and should be reduced to 20mPD or 30mPD;
- (e) some residents had concerns that the Wu Kai Sha Youth Village might be relocated to Whitehead and the existing site occupied by the youth village might be redeveloped for housing;

- (f) the Paper indicated that the proposed amendments would have no visual impact, but he did not agree. The Paper also mentioned about the shortage of housing. However, there was no shortage of luxury housing which were being developed at Lok Wo Sha or proposed at Whitehead; and
- (g) with regard to the extension of the pumping station, there should not be any technical difficulties to build it mostly underground.

R3 (Lai Nai Hing, Raymond)

142. With the aid of a Powerpoint presentation, Mr. Raymond Lai made the following main points:

- (a) he had lived in Ma On Shan for about 10 years;
- (b) he withdrew his support for the “REC” zone which was mentioned in his written representation and proposed that the subject area should be rezoned “O” in order to preserve the natural landscape of Whitehead. It should be noted that the Whitehead and Wu Ka Sha areas were popular recreation places for Hong Kong residents;
- (c) the BHRs of the “CDA(2) and “CDA(3)” zones were proposed to be reduced to 36m and 30m respectively. The BH on the subject “CDA” sites should be lower than the BH of the Symphony Bay development, which was in a more inland location. The Lake Silver and Double Cove developments were excessively tall and the latter had destroyed the rural setting of the area;
- (d) the existing pump house (at the “G/IC” zone in the western side of Whitehead) extruded along the heavily vegetated coastline, thus was visually extrusive. Other than amending the size or location of the “G/IC” zone, the pump house should mostly be located underground; and

- (e) as the “G/IC” zone in the eastern side of Whitehead was too close to Starfish Bay, there should not be any development at that location.

R5 (Harvest Development Limited)

143. With the aid of a Powerpoint presentation, Mr. Kenneth To made the following main points:

Background

- (a) he represented the developer of the Lok Wo Sha development under construction at the “CDA(1)” zone. The “CDA(2)” and “CDA(3)” zones at Whitehead were to the immediate north of the “CDA(1)” zone. The Whitehead headland had an area of 23.5 ha, which almost doubled the size of the Lok Wo Sha development site with an area of 12.7 ha. There were varying site levels at Whitehead and the highest point was a small knoll at 21mPD in the west;

“CDA(1)” and “CDA(2)”

- (b) the previous “CDA” zone on the OZP No. S/MOS/16 was subjected to a maximum domestic GFA of 51,600m². Under the current OZP No. S/MOS/17, the maximum domestic GFA for the “CDA(2)” and “CDA(3)” zones were increased to 70,000m² (i.e. an increase of more than 30%). The BHR was also increased from 8 storeys (i.e. 7 storeys over 1 storey carport) in the previous OZP to 50mPD (i.e. equivalent to about 12 storeys) in the current OZP. The BHR was increased by more than 50%. However, no justification or technical assessment was provided to support the increase of the development intensity and BHR under the OZP;
- (c) the net and gross site areas, the maximum GFA and BHR in the “CDA(2)” and “CDA(3)” zones were summarized in the table below. It was shown that the net and gross site coverage of the proposed development on the “CDA(2)” and “CDA(3)” zones would be lower than 20% and lower than

10% respectively;

	“CDA(2)”	“CDA(3)”
Gross site area	37,713m ²	23,498m ²
Net site area <i>(excluding slope areas etc.)</i>	20,507m ²	14,394m ²
Maximum GFA	40,000m ²	30,000m ²
Maximum BHR <i>(50mPD or equivalent to about 12-storey)</i>	12 storeys	12 storeys
Net site coverage <i>(based on net site area)</i>	lower than 20%	
Gross site coverage <i>(based on gross site area)</i>	lower than 10%	

- (d) in the past, when the Board considered representations on proposed relaxation of BHRs, the Board was mindful that representers should have maximized the permissible site coverage of the development, which might be in the range of 20 to 30%. As such, there was scope to increase the gross site coverage of the proposed development at the “CDA(2)” and “CDA(3)” zones, say to 15% to 20%. If so, a BHR of about 8 storeys would be sufficient to accommodate the permissible GFA;

Building Height Profile

- (e) a stepped BH profile was adopted in the previous OZP with BH stepping down from the Wu Kai Sha Station to the waterfront at Whitehead. The BHRs as shown on the OZP for the “CDA(1)” zone was 105mPD (northern portion), 120mPD (middle portion) and 130mPD (southern portion), while the BHR for the MTR Wu Kai Sha Station was 185mPD (in the south);
- (f) however, according to the master layout plan (MLP) for the Lok Wo Sha development which was approved by the Board in 2005, the approved BHs in the northern portion of the “CDA(1)” zone was only in the range from 50mPD to 71mPD. These approved BHs were in fact much lower than the

BHR of 105mPD of the northern portion of the “CDA(1)” site subsequently stipulated on the OZP in 2009. The 50mPD to 71mPD BHs in the northern portion of the Lok Wu Sha development shown on the approved MLP were in line with the stepped BH profile of the previous “CDA” zone which was 8 storeys (about 33 to 36mPD);

- (g) according to the stepped height profile, the BHR at the “CDA(2)” and “CDA(3)” sites, which was closer to the waterfront, should be reduced to a level lower than the BHs of the Lok Wo Sha development;
- (h) there was no information on the type of development that would be developed in the “REC” zone. Hence, a BHR of 30mPD (i.e. equivalent to 5 to 6 storeys) was not justified. Taking the example of a sale site at the Sai Kung waterfront intended for hotel use, the BHR stipulated for that site was only 3 storeys;
- (i) the Lok Wo Sha development was first approved by the Board in 2005. Over the past years, the representer had refined the development scheme following the stepped height concept intended for the Lok Wo Sha and Whitehead area. The Lok Wo Sha development was currently under construction and it was unfair to the representer that the BHR at Whitehead was changed at this juncture;

Visual Impact Assessment

- (j) the Environmental Impact Assessment (EIA) for the Feasibility Study for Housing Development at Whitehead and Lee On in Ma On Shan (Whitehead Study) was approved in 2002. The approved EIA assessed the Whitehead development under the development parameters stipulated in the previous OZP No. S/MOS/16 (i.e. maximum GFA of 51,600m² and BHR of 3 to 7 storeys). With the change in development parameters at Whitehead, the relevant technical assessments might need to be revised;

- (k) several photomontages were shown to demonstrate that the proposed development at Whitehead under the new development parameters would have more adverse impact when compared to the original proposal assessed in the Visual Impact Assessment (VIA) of the approved EIA. In particular, developments at 30mPD in the “REC” zone would be taller than and incompatible with the knoll at 21.2mPD on the western coast of Whitehead. The VIA should be reviewed;
- (l) referring to PlanD’s photomontage showing the view from Ma On Shan Park (Plan H-4C of the Paper), he indicated that the developments in the “REC” zone (at 30mPD) were not shown in the photomontage and the height of the “CDA(2)” and “CDA(3)” developments (at 50mPD) shown seemed too low and was inaccurate;
- (m) referring to another photomontage as viewed from Starfish Bay, he said that there would not be stepped BH if the “CDA(2)” and “CDA(3)” developments were at 50mPD. The proposed BH of 50mPD was too high as compared to the knoll along the eastern coastline of Whitehead;

Increase in Development Intensity

- (n) the Government had not provided any justification or assessment to support increasing the domestic GFA at Whitehead from 51,600m² to 70,000m². It was indicated in the Rural and New Town Planning Committee (RNTPC) Paper No. 2/12 for consideration of the proposed amendments to the OZP that the Transport Department (TD) had indicated that there might be a need to carry out a revised Traffic Impact Assessment (TIA) for the Whitehead development. However, Paper No. 9174 for the representation hearing indicated that local infrastructure, including transport, would be able to support the two residential developments at the “CDA(2)” and “CDA(3)” zones with the exception of the need to upgrade the sewerage system. It was not clear whether a revised TIA had already been carried out;

Other Matters

- (o) a study prepared by the Sha Tin District Council (STDC) had indicated that local residents wanted the Whitehead area to be reserved for recreation, rather than residential use;
- (p) the Whitehead Study proposed a central pedestrian walkway to link up the Wu Kai Sha Station with the Whitehead headland through the Lok Wo Sha development at the “CDA(1)” zone. In taking forward this study recommendation, a 20m-wide pedestrian walkway with 24-hour access was incorporated into the Lok Wo Sha development with a reserve for a footbridge connection to Whitehead. However, according to the Government’s latest plans, the walkway system would no longer be extended to Whitehead. Instead, after crossing over a footbridge from the “CDA(1)” zone, pedestrians would need to walk down to the footpaths and walk along the west of the “CDA(2)” zone to access the “REC” area. The representer had spent a lot of effort to make provision for the pedestrian walkway in its development and it was doubtful why the Government now decided that the walkway access to the Whitehead was no longer needed;
- (q) the To Tau area was currently a popular place for recreation and water sports uses. The rezoning of the To Tau area to “CA” zone was not appropriate. Instead, the area should be rezoned to “REC”;
- (r) the natural northern coastline at Whitehead should not be included within the “REC” zone; and

Representer’s Proposals

- (s) the representer had the following proposals:
 - (i) to revert to the previous “CDA” zone or restrict the maximum GFA for the “CDA(2)” and “CDA(3)” zones to a total of 51,600m²;

- (ii) to reduce the BHR for the “CDA(2)” and “CDA(3)” zones to 36mPD. Given the existing site levels at the two “CDA” zones, the proposed BHR would allow for a development at about 5 to 8 storeys, which would be sufficient to accommodate the permissible GFA;
- (iii) to reduce the BHR for the “REC” zone to 20mPD. This would be lower than the height of the existing knoll at the western coastline. This BHR would be sufficient to accommodate typical recreational developments; and
- (iv) to rezone the To Tau area from “CA” to “REC”.

R6 (關注馬鞍山環境聯盟)

144. With the aid of a Powerpoint presentation, Mr. Sin Chi Shan made the following main points:

- (a) the 關注馬鞍山環境聯盟 was an alliance formed by residents living in the waterfront developments in Ma On Shan. Members of the alliance were very familiar with Ma On Shan and wished to provide their comments to improve the planning of the area;
- (b) the Double Cove development at Lok Wo Sha had completely blocked the waterfront views of some existing flats. The alliance was concerned that the same would be repeated in Whitehead;

[Dr. Sunny K.K. Ho left the meeting at this point.]

- (c) they withdrew their support for the “REC” zone which was stated in their written representation and now proposed to rezone the area as “O” as there was no need to allow holiday camp use at Whitehead. The Wu Kai Sha Youth Village, a popular holiday camp, was located nearby and there was no plan for its relocation. Rezoning the subject area to “O”, with limited or no developments, would better serve the needs of residents of Ma On

Shan and the people of Hong Kong;

- (d) they also wished to revise their proposal for the “CDA(2)” and “CDA(3)” zones which was stated in their written submission and proposed that the BHR should be amended to 36mPD to accord with the BHR of Symphony Bay;
- (e) one of their proposals was to build a pedestrian boardwalk along the natural coastline of Whitehead, which would provide magnificent views of Tolo Harbour and Ma Shi Chau. There were similar boardwalks in the Yellow Stone Park in the United States and in Eluanbi (鵝鑾鼻) in Taiwan. The boardwalk could provide connection to To Tau and the natural beach at Wu Kai Sha. Wu Kai Sha beach was a popular beach for Ma On Shan residents, and the Government should improve the beach facilities there. The proposed boardwalk could connect with the Ma On Shan promenade system to extend all the way to Sha Tin. The boardwalk would become a landmark of the area;
- (f) the STDC had all along stressed that there should be a comprehensive plan for the whole of Sha Tin and Ma On Shan. Good town planning should respect the natural topography, environment and local character and history of Ma On Shan;
- (g) the pump house was visually incompatible along the densely vegetated coastline. The Government should consider relocating the pump house extension to a more inland location, using alternative built form (such as building it underground) and/or providing better landscaping; and
- (h) there were proposals for developing a water sports centre in Ma On Shan and relevant government departments should explore how that proposal could be taken forward.

145. With the aid of a Powerpoint presentation, Mr. Paul Zimmerman made the following main points:

- (a) the PlanD had failed to consult the community before publishing the amendments to the OZP. As a result, there were many objections to the OZP from the local community. The Government was very defensive and not willing to make amendments to the OZP to respond to the representations;
- (b) in November 2011, the STDC and the Chinese University of Hong Kong undertook the Study on Ma On Shan Whitehead Headland Development. According to the survey conducted for that study, interviewees expressed that the Whitehead headland was suitable for recreational, tourism, sports and educational uses;

Preservation of the Natural Coastline

- (c) the OZP had made provision for a waterfront promenade and cycle track, in a straight alignment. This would dissect and destroy the natural sandy beach coastline at To Tau and Wu Kai Sha beach. The response in the Paper was that the requirement for preservation of the coastline could be reflected in the Explanatory Statement (ES), and would be conveyed to LCSD for its consideration in the detailed site planning of the “REC” zone. He said that this response was confusing and could not be understood;
- (d) it was proposed that the OZP should be amended to recognize the natural beach coastline at To Tau and Wu Kai Sha. The planned promenade and cycle track could be provided adjacent to the natural coastline;

Public Boat Rental Services and Water Sports at To Tau

- (e) the To Tau and Wu Kai Sha beaches provided free recreation spaces for people in Hong Kong. To Tau was one of the few places in Hong Kong where the public could rent a boat for fishing at relatively low cost. The

boat rental services at To Tau also provided local employment opportunities;

- (f) the public boat rental services in To Tau beach were very popular and they proposed that 'Public Boat Facilities' should be added as a Column 1 use so as to give recognition to these boat rental services. It was also proposed that dry storage of boats should be regarded as permitted land uses to facilitate the public boat rental services in To Tau. He did not agree to the response in the Paper which stated that within the "CA" zone, any recreational uses would have adverse impact on its conservation value. He said that there was example of water sports club within an area zoned "CPA" on the Tai Tam & Shek O OZP. He also considered that there would be no conflict to allow storage facilities for boat rental or water sports within a "CA" zone. With regard to another response in the Paper which stated that the waterfront at Wu Kai Sha was already zoned "O" where bathing beach was always permitted, he said that being 'always permitted' often meant that no works department would take up the responsibility to implement the 'always permitted' land use;

Zoning of a Sea Area at To Tau

- (g) they had proposed to delete the sea area to the north of To Tau from the "REC" zone, and to zone the shoreline as "CPA" in order to protect its integrity. The response in the Paper was that Whitehead had been proposed for provision of water sports facilities. He said that it was hard to understand why the Government refused to recognize the existing recreation facilities at To Tau, which was popular to both residents of Ma On Shan and people of Hong Kong and even proposed to remove them from the area, whilst proposing to build new recreation uses at Whitehead that had no committed plan yet;
- (h) he also did not agree to another response in the Paper which stated that deletion of sea area from the "REC" zone might render the provision of water sports facilities difficult. He said that all the sea areas for

existing/proposed water sports facilities at Hebe Haven, Causeway Bay, Aberdeen, Gold Coast and Kai Tak were not under any zoning in the respective OZPs; and

Lok Wo Sha Development and Impacts on the “CA” zone at To Tau

- (i) the development at Lok Wo Sha had led to a significant environmental degradation of the “CA” zone at To Tau. A large part of the “CA” zone had been cleared of vegetation and paved with tarmac to accommodate the illegal lorry parks that were previously located in Lok Wo Sha. The response in the Paper indicated that the matter would be conveyed to LandsD to take necessary enforcement action. He said that they had lodged a complaint with the relevant government department in September 2011 but the illegal operation was still continuing.

C1 (Ma On Shan Promotion of Livelihood and Recreation Association)

146. Mr. Chiu Man Leong made the following main points:

- (a) he represented the Ma On Shan Promotion of Livelihood and Recreation Association and he was a member of the Culture, Sports and Community Development Committee of the STDC;
- (b) there was an urgent need to provide more recreation and open space in Ma On Shan. Currently, for every 10,000 population, there was 5.6 ha of open space in Sha Tin but there was only 1.9 ha of open space in Ma On Shan;
- (c) more public open space and recreation space should be provided at Whitehead for residents of Ma On Shan and the Government should have a long-term plan for its implementation. They recommended that the Government should accord priority to develop the recreation facilities at Whitehead first;

- (d) the Government should allocate the revenue from selling the housing sites at Whitehead for the development and management of the recreation facilities at Whitehead. The recreation facilities at Whitehead should not be too commercialized; and
- (e) it was proposed that a traveller should be provided to provide convenient pedestrian access to the headland of Whitehead and to increase the utilization of the recreation facilities proposed therein.

147. Mr. Yeung Cheung Li made the following main points:

- (a) the headland at Whiteland had magnificent views of Tolo Harbour and the geological park. Some representers had referred to The Study on Ma On Shan Whitehead Headland Development prepared by the STDC and the Chinese University of Hong Kong. The Government should seriously consider taking forward the proposals of that study, which included development of a geological park, a cycle park and cycling track;
- (b) the Government should accord priority to develop the recreation facilities and public open space at Whitehead. There were many sites in Ma On Shan designated for open space or recreation facilities but the relevant department could not obtain funds to implement them. As a result, those sites were left vacant and unmanaged and became mosquito breeding ground; and
- (c) the Government should allocate the revenue from selling of the housing site for development of the recreation facilities at Whitehead.

C5 (Daniel Wei)

148. Mr. Daniel Wei made the following main points:

- (a) he agreed to the other representers' proposal to rezone the "REC" to "O" as there would be better planning control under the "O" zone. For example,

'holiday camp' was a Column 1 use that was always permitted in a "REC" zone, but it was a Column 2 use that required planning permission under an "O" zone. Through the planning application system, the public could provide comment and participate in the planning of the recreation facilities. Most district parks in Hong Kong were under an "O" zoning and the specific facilities such as indoor swimming pool would be subject to planning permission from the Board;

- (b) the proposed "O" zone should be subject to a BHR of 20mPD;
- (c) the BHR for the "CDA(2)" and "CDA(3)" zones should be reduced to 36mPD. This would help to reduce the visual impact of the subject developments. Whitehead was not suitable for high to medium-rise developments;
- (d) it was indicated in the Paper that part of the pumping station could be sunken and landscaping could be provided to mitigate its visual impact. However, there was no mechanism to control the design of the pumping station and some planning restrictions should be stipulated in the OZP;
- (e) he agreed with R7 that if the public was properly consulted about the proposed amendments to the OZP, there would not be so many objections from the community; and
- (f) he understood that there was a need to provide more housing land, but the development should balance different planning considerations.

R4 (Ho Shuk Yi)

149. Mr. Cheng Tsz Yau said that the Ma On Shan community had natural resources such as the beaches which could be enjoyed by residents for free. The natural resources should be conserved. The natural coastline at Whitehead should be preserved and the beaches at Wu Kai Sha and To Tau should be retained and enhanced. He agreed with some representers that a boardwalk should be built and the Wu Kai Sha beach should be improved

and served with life guard.

150. Mr. Yeung Cheung Li (C1) supplemented his presentation and said that he had doubts that the zoning amendments would expedite the development of Whitehead. While the main intention of the Government was to sell off the housing land, the 12 ha of land zoned “REC” would be left undeveloped for years. He urged the Board to agree to the amendments to the OZP only on condition that the “REC” facilities would be developed at the same time as the housing sites.

151. Mr. Paul Zimmerman (R7 and C10) also said that the LandsD was taking enforcement actions against the existing recreation facilities at To Tau, including the boat rental services, as those uses were not recognized by appropriate zonings. He urged that zoning amendments should be made immediately to recognize those existing recreation uses.

152. As the representers and commenters had finished their presentations, the Vice-chairman invited questions from Members.

153. In response to a Member’s questions on the function of the proposed pumping station at To Tau and whether consideration had been given to put the proposed pumping station underground, Ms. Jacinta Woo said that the intention was to provide an extension to the existing pumping station at To Tau to cater for the need of the nearby residential and recreational developments. CEDD advised that it was technically infeasible to put the entire pumping station underground as some of the facilities like switching room and steel frame for maintenance would need to be located at grade. Nevertheless, CEDD advised that some of the facilities would be provided underground to minimize the building bulk. With appropriate design and screening measures such as planting of trees, the visual impacts of the pumping station could be properly mitigated.

154. Mr. Jimmy Leung, Director of Planning, asked DPO/STN to elaborate on:

- (a) the differences on the planning intention and zoning restrictions between the “REC” and “O” zones; and

- (b) whether the strip of sea area adjacent to To Tau was the subject of amendment to the OZP and whether there was any proposed reclamation at the area as mentioned by a representer.

155. In response, Ms. Jacinta Woo provided the following information:

- (a) the planning intention of the “REC” zone was primarily for comprehensive recreational developments for the use of the general public, while the planning intention of the “O” zone was primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. The major difference between the two was that the “REC” zone was intended mainly for recreational developments and the “O” zone was for the provision of open-air public space. As the subject site was located at a prominent location on a headland, some recreational uses including “Place of Recreation, Sports or Culture” which might be of a larger-scale were put under column 2 of the Notes of the “REC” zone. Development for such uses would be subject to planning permission of the Board to ensure that the development would be compatible with the land uses in the surrounding areas and would not generate adverse impact; and
- (b) the boundary of the sea area adjacent to To Tau had not been changed in this round of amendment to the OZP. In the Whitehead Study undertaken by the then TDD in 2002, the waterfront areas to the north of To Tau was proposed for the development of a water sports centre. The inner bay of To Tau was considered suitable for the provision of landing and storage of boats to serve the water sports centre. In order to make allowance for the provision of water sports facilities in future, deletion of that area at this stage was not appropriate.

156. In response to two Members’ questions on the planning intention of the “O” zone along the shoreline of Wu Kai Sha, Ms. Jacinta Woo said that the “O” zone covered the existing natural beach at Wu Kai Sha and it was not an amendment item to the OZP. The existing Wu Kai Sha natural beach was not a gazetted beach managed by LCSD. LCSD

advised that this natural beach at Wu Kai Sha was situated between a major stormwater outfall and a public pier. Public safety would need to be carefully examined before determining the suitability of developing a bathing beach for water sports activities. LCSD would not commit the development of a bathing beach at this juncture. Nevertheless, the waterfront of Wu Kai Sha was already zoned “O” under which bathing beach was always permitted.

157. A Member noted the comments of a representer that the alignment of the “O” zone along the natural beach at Wu Kai Sha did not make provision to allow the existing uses of the natural beach such as boat storage facilities. This Member asked whether the existing natural beach was to be replaced.

158. In response, Ms. Jacinta Woo said that the “O” zone along the shoreline of Wo Kai Sha had been incorporated on the Ma On Shan OZP since its first gazetting. It was not an amendment item to the OZP. The “O” zone might not necessarily reflect the existing land uses. Nevertheless, bathing beach was always permitted within the “O” zone and it was not necessary to relocate the existing beach activities.

159. In response to a Member’s question, Ms. Jacinta Woo said that the existing landform and character of the headland at Whitehead had been taken into account in the planning of the area. It was considered that the northern part of the headland was more suitable for recreation use and the southern part could be used for residential development. With the adoption of BHRs of 50mPD for the “CDA(2)” and “CDA(3)” zones and 30mPD for the “REC” zone, a stepped down building height profile would be maintained from the Wu Kai Sha Station to the waterfront of Whitehead. Ms. Woo said that taking into account that the natural shoreline was worthy for preservation, compatible uses like cycle track and waterfront promenade and ancillary uses might be included in future. The recreation uses of the “REC” site would be considered by LCSD in the detailed planning stage and the need of the Ma On Shan residents would also be taken into account.

160. A Member asked how the existing zonings could help early implementation of the proposed recreation and residential uses. In response, Ms. Jacinta Woo said that the previous “CDA” zone had an area of 23.56ha. It was difficult to identify a single development agent to develop, manage and maintain both the recreational and residential

components of the comprehensive development. Under the revised plan, the original “CDA” zone was divided into two parts, with the northern part rezoned for recreation uses under the “REC” zone and the southern part rezoned for residential development under the “CDA(2)” and “CDA(3)” zones. The recreational development would be implemented by LCSD, while the residential development would be implemented through the land disposal mechanism. Some temporary recreation uses including golf driving range and a velodrome were currently provided in the “REC” site. The LCSD would discuss with the STDC to facilitate early implementation of the planned recreation uses in the “REC” site, once more concrete proposals were drawn up.

161. A Member asked DPO/STN to provide response to the representers’ request to rezone the site from “REC” to “O” for open space use.

162. Ms. Jacinta Woo said that Ma On Shan was provided with adequate open space. According to the requirements set out in the Hong Kong Planning Standards and Guidelines (HKPSG), there was a surplus of 17ha open space in Ma On Shan. With the completion of all the planned open spaces, there would be a surplus of 32ha. It was considered that there was no need to reserve the site at Whitehead for open space use. The site should be reserved for some active recreation uses.

163. Mr. Yeung Cheung Li (C1) said that many sites in Ma On Shan which were reserved for open space purpose had not been developed. He said that as shown on the Sha Tin and Ma On Shan OZPs, the total area of open space in Sha Tin was 257.03ha, while that of Ma On Shan was 40.12ha only. The ratios of open space provision in the two new towns were 5.9 and 1.9. This showed a deficit in the provision of open space in Ma On Shan. Many residents in Ma On Shan had difficulty in booking the recreation facilities as the provision of such facilities was not adequate.

164. In response, Ms. Jacinta Woo said that according to HKPSG, the open space requirement was 2m² per person. As the existing population in Ma On Shan was about 200,000, about 40ha open space should be provided according to the requirement. There was at present 60ha open space in Ma On Shan. If the planned open space of 15ha was also taken into account, the total area of open space in the New Town would be about 75ha, which had exceeded the HKPSG requirement.

165. Mr. Paul Zimmerman (R7) said that the OZP was reviewed to rezone the Whitehead site and another site in Ma On Shan for residential development. Opportunity should have been taken to review the other issues in the area, including the planning for recreation uses. His concern on the proposed promenade along the shoreline of Wu Kai Sha should therefore be considered by the Board. There was also the concern that the natural beach and the existing beach uses would be removed under the “O” zoning on the OZP.

166. Mr. Jimmy Leung said that the “O” zone along the shoreline of Wu Kai Sha was not an amendment item to the OZP and therefore was not the subject of consideration in the present hearing. However, the concerns of R7 were noted by the Board and PlanD and the issues should be followed up by PlanD separately.

167. Mr. Sin Chi Shan (R6) said that the green area shown on Plan H-7 of the Paper was not an existing promenade. There was a footpath at the back of the existing beach which was built two years ago. Mr. Sin said that the proposed open space at Whitehead was to serve the general public, not only the Ma On Shan residents. It was not fair to count this site towards the overall provision of open space in Ma On Shan area.

168. Mr. Ng Po Choy (R6) said that in undertaking development in the area, the natural environment should be preserved as far as possible.

169. As Members had no further question to raise, the Vice-chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in the absence of the representers, commenters and their representatives. They would be informed of the Board’s decision in due course. The Vice-chairman thanked the representers, commenters and their representatives and PlanD’s representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

170. Mr. Jimmy Leung said that the proposed promenade along the shoreline of Wu Kai Sha was not an amendment item and should not be the subject of consideration in the present hearing. The concerns raised by a representer on the “O” zone along the shoreline

should be followed up by PlanD and other relevant department separately.

“CDA(2)” and “CDA(3)”

171. The Vice-chairman said that the rezoning of the previous “CDA” zone to “REC”, “CDA(2)” and “CDA(3)” could facilitate early implementation for residential development. It was noted that the main concern raised by the representers was the BH of the “CDA” sites.

172. A Member supported the “CDA(2)” and “CDA(3)” zones. Noting the concerns of some representers on the BH of the two sites, this Member asked if the BH could be lowered. The Member also asked if the pedestrian walkway leading from the Lok Wo Sha development to Whitehead mentioned by a representer would still be built and whether it would be realigned to the alignment as shown on Plan H-6.

173. The Secretary said that according to DPO/STN, the BHR of 50mPD was adopted for the “CDA(2)” and “CDA(3)” sites, taking into account the BHs of the Lok Wo Sha development. As shown on the approved Master Layout Plan (MLP) of the Lok Wo Sha development (Annex III-5 of the Paper), the BHs of the development were from about 130mPD in the south to about 60mPD in the north. A BH of 50mPD was therefore adopted for the “CDA(2)” and “CDA(3)” sites such that a stepped down BH profile could be maintained. Development on the “CDA(2)” and “CDA(3)” sites would be guided by the planning briefs, which would be prepared by the PlanD and adopted by the RNPTC, which in turn would serve as guidance to the preparation of future MLP submission. Regarding the proposed pedestrian walkway, the Secretary referred Members to the approved MLP of the Lok Wo Sha development which showed the part of the pedestrian walkway to be built within the Lok Wu Sha development. According to DPO/STN, the Whitehead Study proposed to provide a central pedestrian walkway to link up Whitehead with the Wu Kai Sha Station through the Lok Wo Sha “CDA(1)” site. In taking forward this recommendation, the Lok Wo Sha development had incorporated a 24-hour pedestrian walkway leading from the Wu Kai Sha Station through the development. Taking into account that the original proposed alignment of the pedestrian walkway might pose constraints on the future development in the “CDA(2)” and “CDA(3)” zones, it was proposed to provide footpaths along the eastern boundary of “CDA(2)” zone and the western boundary of “CDA(3)” zone up to the “REC” zone at Whitehead. However, detailed alignment of the pedestrian

walkway could be further considered in the planning briefs for the two “CDA” sites to be prepared.

174. Mr. Jimmy Leung said in preparing the planning briefs for the “CDA” sites, PlanD would undertake more detailed assessments to provide guidance on the layout and design of the future development on the two sites.

“REC”

175. A Member noted that the site was zoned “REC” in order to allow flexibility to provide more active recreation uses. However, the concerns of some representers on the possible development of holiday camp at the site might need to be addressed. This Member asked if “holiday camp” should be moved to column 2 of the Notes of the “REC” zone.

176. The Secretary said that the “REC” site would be implemented by LCSD and there was no intention to develop it into a holiday camp. However, the crux of the matter was whether the representers had advanced sufficient justifications to warrant a transfer of the use from Column 1 to Column 2. Mr. Jimmy Leung supplemented that LCSD would discuss with the STDC on the facilities to be provided within the site.

177. A Member did not support moving “holiday camp” to column 2 of the Notes of the “REC” zone as keeping it as Column 1 use would allow flexibility for LCSD on the provision of recreation uses within the site. This Member also noted that no strong justification had been provided by the representers that holiday camp should not be provided in this site.

178. Regarding some representers’ concerns on the BH of the “REC” zone, a Member asked if a reduction of the BH would affect the flexibility on the provision of recreation uses in the site.

179. The Secretary said that some kinds of training facilities such as velodrome which might be provided on the site would have a higher BH. Nevertheless, as the site had an area of about 18 ha, there would still be ample open areas within the site.

180. A Member asked about the control on building development in the “REC” and “O” zones. The Secretary said that in general, there was no control on the extent of building development in the “REC” zone so as to provide flexibility for the provision of different types of recreation facilities within the site. On the other hand, as it was the planning intention of the “O” zone to provide open-air public space, there was an administrative requirement on the site coverage of the open space to be taken up by structures within the “O” site.

[Mr. H.W. Cheung arrived to join the meeting at this point.]

181. The Vice-chairman summed up Members’ views that no strong justifications had been provided by the representers on their objection to the “REC” zone and the BHR. It was also noted that 30mPD was only a maximum BH allowed within the site.

“G/IC”

182. Regarding some representers’ concerns on the visual impact of the proposed pumping station, the Vice-chairman said that according to DPO/STN, it was not technically feasible to put the whole pumping station underground. However, it was also noted that part of the pumping station would be put underground and mitigation measures such as provision of greening would be provided to minimize visual impact.

183. Members also noted that the representers and commenters had not put forward further ground regarding the site at Starfish Bay.

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

184. After further deliberation, Members agreed that the support of R4 (part), R6 (part) and R7 (part) should be noted and Representations R1, R2, R3, R4 (part), R5, R6 (part) and R7 (part) should not be upheld. Members then went through the reasons for not upholding the representations as stated in paragraph 6.2 of the Paper and agreed that they should be suitably amended.

Representation R1

185. After further deliberation, the Board decided not to uphold the Representation R1 for the following reason:

the “Recreation” (“REC”) zone was intended primarily for comprehensive development to accommodate some active recreational/sports facilities to meet the local and territorial needs, while land zoned “Open Space” (“O”) was intended primarily to provide for outdoor open-air public space for active and/or passive leisure and recreational activities. While detailed planning and design for the whole area would be worked out by the Leisure and Cultural Services Department upon further consultation with the Sha Tin District Council, the “REC” zoning would allow greater flexibility in terms of land use on the site although large-scale recreational development would still require permission from the Town Planning Board. Rezoning of the “REC” zone to “O” was not supported.

Representations R2 and R3

186. After further deliberation, the Board decided not to uphold the Representations R2 and R3 for the following reasons:

- (a) the “Recreation” (“REC”) zone was intended primarily for comprehensive development to accommodate some active recreational/sports facilities to meet the local and territorial needs, while land zoned “Open Space” (“O”) was intended primarily to provide for outdoor open-air public space for active and/or passive leisure and recreational activities. While detailed planning and design for the whole area would be worked out by the Leisure and Cultural Services Department upon further consultation with the Sha Tin District Council, the “REC” zoning would allow greater flexibility in terms of land use on the site although large-scale recreational development would still require permission from the Town Planning Board. Rezoning of the “REC” zone to “O” was not supported;

- (b) the proposed building height restrictions under the current OZP were appropriate having regard to the development constraints, the intended development levels to be achieved, and the stepped height profile from Wu Kai Sha Station to Whitehead;
- (c) it was technically infeasible to put the entire pumping station underground as some of the facilities like switching room and steel frame for maintenance would need to be located at grade. However, it was not necessary to adjust the zoning boundary of the new sewage pumping station as the potential visual impacts could be properly mitigated through provision of screening and adoption of design measures to minimize building bulk (e.g. placing some of the facilities underground); and
- (d) the “Government, Institution or Community” site near Starfish Bay had incorporated building height restriction of 2 storeys to ensure compatibility with the surrounding context. The potential impact on the adjacent “Conservation Area” zone should have been minimized.

Representation R4

187. After further deliberation, the Board noted the support of R4 (part) and decided not to uphold the remaining part of Representation R4 for the following reasons:

- (a) the proposed building height restrictions under the current Outline Zoning Plan were appropriate having regard to development constraints, the intended development levels to be achieved, and the stepped height profile from Wu Kai Sha Station to Whitehead;
- (b) it was technically infeasible to put the entire pumping station underground as some of the facilities like switching room and steel frame for maintenance would need to be located at grade. However, it was not necessary to adjust the zoning boundary of the new sewage pumping station as the potential visual impacts could be properly mitigated through provision of screening and adoption of design measures to minimize

building bulk (e.g. placing some of the facilities underground); and

- (c) the “Government, Institution or Community” site near Starfish Bay had incorporated building height restriction of 2 storeys to ensure compatibility with the surrounding context. The potential impact on the adjacent “Conservation Area” zone should have been minimized.

Representation R5

188. After further deliberation, the Board decided not to uphold the Representation R5 for the following reasons:

- (a) the proposed building height restrictions under the current Outline Zoning Plan (OZP) were appropriate having regard to development constraints, the intended development levels to be achieved and the stepped height profile from Wu Kai Sha Station to Whitehead;
- (b) there was no insurmountable infrastructural constraint to achieve the development intensity permitted under the current OZP. The increase in GFA would optimize the development potential of scarce land resources in Hong Kong;
- (c) retention of the previous “Comprehensive Development Area” zone would not be conducive to timely implementation of the recreational and residential developments to serve the need of the community; and
- (d) the pedestrian linkage between Whitehead and Wu Kai Sha Station was maintained and the planning intention of the Whitehead development could still be achieved.

Representation R6 (part)

189. After further deliberation, the Board noted the support of R6 (part) and decided not to uphold the remaining part of Representation R6 (part) for the following reasons:

- (a) the “Recreation” (“REC”) zone was intended primarily for comprehensive development to accommodate some active recreational/sports facilities to meet the local and territorial needs, while land zoned “Open Space” (“O”) was intended primarily to provide for outdoor open-air public space for active and/or passive leisure and recreational activities. While detailed planning and design for the whole area would be worked out by the Leisure and Cultural Services Department upon further consultation with the Sha Tin District Council, the “REC” zoning would allow greater flexibility in terms of land use on the site although large-scale recreational development would still require permission from the Town Planning Board. Rezoning of the “REC” zone to “O” was not supported;
- (b) the proposed building height restrictions under the current Outline Zoning Plan (OZP) were appropriate having regard to development constraints, the intended development levels to be achieved and the stepped height profile from Wu Kai Sha Station to Whitehead. The developments within the “REC”, “Comprehensive Development Area (2)” (“CDA(2)”) and “CDA(3)” zones would be scrutinized in the form of planning application. For “CDA(2)” and “CDA(3)”, planning briefs would be prepared to set out the detailed requirements to guide the future developments;
- (c) the requirement for shoreline preservation could be reflected in the Explanatory Statement of the OZP, when opportunity arose, for the consideration of the concerned government department during detailed site planning stage. The provision of footpath/cycle track along the shoreline could also be considered at the stage of detailed site planning having regard to site constraints and connectivity with existing network in Ma On Shan and Sha Tin; and
- (d) the current site configuration would allow a more compact design of the pumping station in relation to the existing one and result in less visual impact from both offshore and inshore. The proposed site (perpendicular to the existing pumping station) would affect some other mature trees to the

north of the site, and create additional visual impacts when viewed inshore from the users of the recreational facilities in the “REC” site. The potential visual impacts for the current site could be mitigated through screening and adoption of design measures, including putting some of the facilities underground, to minimize building bulk.

Representation R7 (part)

190. After further deliberation, the Board noted the support of R7 (part) and decided not to uphold the remaining part of Representation R7 (part) for the following reasons:

- (a) the recreation uses of the “REC” site including the possible water sports uses in the inner bay of To Tau would be considered by the relevant government department in detailed planning stage; and
- (b) the requirement for shoreline preservation could be reflected in the Explanatory Statement of the Outline Zoning Plan, when opportunity arose, for the consideration of the concerned government department during detailed site planning stage.

191. The Board also agreed to request the relevant government departments to look into the reclamation involved in building the proposed waterfront promenade along the beach at Wu Kai Sha, the natural coastline of To Tau as well as the small sea area at To Tau within the “REC” zone in consultation with the local community and recommend changes, if necessary.

192. As representers and commenters of Group 2 representations requested to have dinner before proceeding with the hearing, the Vice-chairman suggested and Members agreed that the Board should consider Items 10 to 14 first.

[Ms. Bernadette Linn, Mr. Benny Wong, Ms. Janice W.M. Lai arrived and Mr. Ivan C.S. Fu returned to join the meeting at this point. Professor Edwin H.W. Chan left the meeting at this point.]

Agenda Item 10

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-TK/389

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 No. 9172)

[The meeting was conducted in Cantonese.]

193. The Vice-chairman said that the applicant had indicated that he would not attend the meeting and Members agreed that the review hearing should proceed in the absence of the applicant.

Presentation and Question Session

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

Ms. Jacinta Woo

District Planning Officer/Shan Tin, Tai Po and
North (DPO/STN)

195. The Vice-chairman extended a welcome and invited Ms. Jacinta Woo to brief Members on the review application.

196. With the aid of a Powerpoint presentation, Ms. Jacinta Woo, DPO/STN, made the following main points on the review as detailed in the Paper:

- (a) the applicant sought planning permission for a proposed house (New Territories Exempted House (NTEH) - Small House) on the application site zoned “Green Belt” (“GB”) on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17;

- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 4.5.2012 and the reasons were:
- (i) 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) not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (the Interim Criteria) as the site was entirely outside the “Village Type Development” (“V”) zone and the village ‘environs’ (‘VE’) of any recognized 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) setting of an undesirable precedent for other similar applications in the area
- (c) the applicant submitted a written submission in support of the review application and the justifications were summarized in paragraph 3 of the TPB Paper and highlighted as follows:
- (i) it had been widely known that the Drainage Services Department (DSD) would build a sewerage system for Shan Liu Village to address the problem of waste water being discharged to the WGG and polluting the water there. The villagers would have to hire qualified professionals to design and construct branch sewers for connection to the sewerage system. Thus, sewage could be collected and discharged to the sewerage system and the water pollution problem could then be solved; and

- (ii) the lack of land for village type development in Shan Liu had persisted over a decade. PlanD had previously agreed to consider the feasibility to expand the “V” zone but this promise had not been honoured. Whilst the public sewerage system was being implemented, the concerned Village Representative’s request for replanning and extension of the “V” zone of Shan Liu had still been disregarded.

Previous and Similar Applications

- (d) the application site was the subject of two previous planning applications (A/NE-TK/329 and 354) for NTEH/Small House development, which were rejected by the Board on 23.12.2011 and 20.5.2011 respectively for reasons of being not in line with the planning intention of “GB” zone; not complying with the Interim Criteria in that the proposed Small Houses fell outside both the “V” zone and the ‘VE’; failure to demonstrate that the proposed development located within the WGG would not cause adverse impact on water quality in the area; and setting of undesirable precedent;
- (e) the site also formed part of a rezoning request (Z/NE-TK/13) to rezone a larger site of about 3.66ha from “Agriculture” (“AGR”) and “GB” to “V” for Small House development. The rezoning request was not agreed by RNTPC on 23.1.2009 for the reasons that the land in the concerned “AGR” zone was considered suitable for rehabilitation for cultivation or other agricultural developments; the ecological impacts of the proposed enlargement of the “V” zone onto the “GB” zone, which comprised wooded areas and the streams, had not been addressed; and there was insufficient information to justify that the proposed rezoning was acceptable from the water quality, landscape, agricultural and nature conservation planning as well as geotechnical safety points of view;
- (f) there were 14 similar applications involved in area either entirely within “GB” or within “GB” and “AGR” zones in the vicinity of the application

site;

Within the “GB” zone only

- (g) four similar applications (A/NE-TK/187, 188, 189 and 286) were rejected by RNTPC on 10.6.2005 and 21.8.2009 for the reasons of not complying with the Interim Criteria in that the proposed Small Houses fell outside both the “V” zone and the ‘VE’; insufficient information to demonstrate that the proposed developments located within the WGG would not cause adverse impact on water quality in the area; adverse landscape impact; and setting of undesirable precedent;
- (h) three similar applications (A/NE-TK/184, 317 and 330) were rejected by the Board on 10.6.2005, 27.8.2010 and 25.3.2011 respectively for the reasons of not complying with the Interim Criteria in that the proposed Small Houses were not able to be connected to the planned sewerage system in the area; insufficient information to demonstrate that the proposed development located within the WGG would not cause adverse impact on water quality in the area; adverse landscape impact; and setting of undesirable precedent;
- (i) subsequently, taking into account the planned village sewerage works under the project “Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C” scheduled for completion in 2013, three similar applications (A/NE-TK/299, 339 and 351) were approved with conditions by RNTPC on 12.2.2010, 28.1.2011 and 15.4.2011 respectively mainly on consideration that the sites fell within the ‘VE’; there was a general shortage of land in meeting the Small House demand; and the proposed Small Houses could be connected to the planned sewerage system in the area;

Within the “AGR” and “GB” zone

- (j) four similar applications (A/NE-TK/318, 357, 388 and 390) were rejected

by RNTPC on 27.8.2010, 17.6.2010, 20.4.2012 and 15.6.2012 respectively for reasons of not complying with the Interim Criteria in that the proposed Small Houses fell outside both the “V” zone and the ‘VE’; insufficient information to demonstrate that the proposed development located within the WGG would not cause adverse impact on water quality in the area; adverse landscape impact; and setting of undesirable precedent;

- (k) departmental comments – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site fell wholly outside the ‘VE’ and “V” zone of Shan Liu. The Chief Engineer/Development (2), Water Supplies Department (CE/D(2), WSD) objected to the application as the site was located within the lower indirect WGG and outside the “V” zone and ‘VE’ of Shan Liu and items (a) and (b) of the Interim Criteria were not satisfied. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD objected to the application as the site was located in the upper foothills of Pat Sin Leng separated from the built up area not far from the existing woodland on slope. The area comprised gentle rolling hills, spurs and deep valleys, and was covered with lush vegetation cover including woodland, shrubland and grassland. In general the quality of the landscape resources in the surrounding area was high. Signs of recent vegetation clearance and land formation within and surrounding the site were noted. These disturbances had already disrupted the high value landscape resources in the area and left unattractive scars therein;
- (l) public comments – one public comment from the Kadoorie Farm & Botanic Garden Corporation against the application was received and their comments were: some suspected site formation work might have been conducted at the village; any “destroy first, build later” activities should not be tolerated; as the site was located within the WGG, any effluent/runoff from the development would have the potential to affect the water quality in WGG; the planning intention of “GB” zone which was for conservation and to act as a buffer between urban setting and natural landscape, should be upheld; the approval of the application would set a

precedent for other similar applications in the area; and the Board should consider all the potential cumulative impacts so caused in approving the subject application;

- (m) PlanD's views – PlanD did not support the review application based on the assessments set out in paragraph 7 of the Paper, which were summarized below:
- (i) the 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) according to the DLO/TP, LandsD's record, the total number of outstanding Small House application for Shan Liu Village was 39, while the 10-year Small House demand forecast for the same village was 250. Based on the latest estimate by the PlanD, about 0.41 ha (or equivalent to about 16 Small House sites) of land were available within the “V” zone of Shan Liu Village. Therefore, the land available could not fully meet the future Small House demand of about 7.23 ha (or equivalent to about 289 Small House sites);
 - (iii) although there was a general shortage of land in meeting the future Small House demand in Shan Liu Village, the proposed development did not comply with the Interim Criteria as the site was entirely outside the “V” zone and the ‘VE’ of any recognized villages. In this regard, the DLO/TP, LandsD did not support the application. Approval of the application would set an undesirable precedent for other similar applications in the area. There was no exceptional circumstance or strong justification provided by the applicant that merits sympathetic consideration of the application;

- (iv) while a trunk sewer would be constructed to serve the Small House development within “V” zone of Shan Liu and the Director of Environmental Protection (DEP) and the Director of Drainage Services (DSD) had no objection to the application, the CE/Dev(2), WSD objected to the application as the site was within the lower indirect WGG and outside the ‘VE’ and “V” zone of Shan Liu. Moreover, in the review application, the applicant had not provided any information to demonstrate that the proposed Small House can be connected to the public sewerage system; was
- (v) the CTP/UD&L, PlanD objected to the application from landscape planning point of view.

197. As Members had no further questions, the Vice-chairman thanked representative of PlanD for attending the meeting. Ms. Jacinta Woo left the meeting at this point.

Deliberation Session

198. The Vice-chairman said that there was no change in planning circumstances pertaining to the case and the application should not be approved. Members agreed.

199. 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” zoning 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 New Territories Exempted House/Small House in New Territories as the site was entirely outside the “Village Type

Development” zone and the village ‘environs’ of any recognized villages;

- (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.

Agenda Item 11

[Open meeting]

Request for Deferral for Review of Application No. A/DPA/NE-TKP/5

Proposed 2 Houses (New Territories Exempted Houses – Small Houses)

in “Unspecified Use” zone,

Various Lots in D.D. 293, To Kwa Peng, Sai Kung North

(TPB Paper No. 9176)

[The meeting was conducted in Cantonese.]

200. The Secretary reported that on 1.8.2012 and 24.8.2012, the applicant wrote to the Secretary of the Board requesting the Board to defer making a decision on the review application for two months due to the need of additional time to provide technical reports to address the proposed development’s compatibility with the surrounding natural environment and its impact on the geotechnical, landscape, water quality, environment and ecology aspect within the area, and the cumulative impact on the surrounding environment. The justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications in that the applicant needed more time to resolve the technical issues with relevant government departments, the deferment period was not indefinite, and the deferment would not affect the interest of other relevant parties.

201. After deliberation, the Board agreed to defer a decision on the review application for two months in order to allow time for the applicant to prepare submission of further information. The Board also agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Board also agreed to advise the applicant that since this was the second deferment, the Board had allowed a total period of 4 months of deferment including the previous one, 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/DPA/NE-TKP/3
Proposed 19 Houses (New Territories Exempted Houses – Small Houses)
in “Unspecified Use” zone,
Various Lots in D.D. 293, To Kwa Peng, Sai Kung North
(TPB Paper No. 9177)

[The meeting was conducted in Cantonese.]

202. The Secretary reported that on 1.8.2012 and 24.8.2012, the applicant wrote to the Secretary of the Board requesting the Board to defer making a decision on the review application for two months due to the need of additional time to provide technical reports to address the proposed development’s compatibility with the surrounding natural environment and its impact on the geotechnical, landscape, water quality, environment and ecology aspect within the area, and the cumulative impact on the surrounding environment. The justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications in that the applicant needed more time to resolve the technical issues with relevant government departments, the deferment period was not indefinite, and the deferment would not affect the interest of other relevant parties.

203. After deliberation, the Board agreed to defer a decision on the review application for two months in order to allow time for the applicant to prepare submission of further

information. The Board also agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Board also agreed to advise the applicant that since this was the second deferment, the Board had allowed a total period of 4 months of deferment including the previous one, 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 Kwai Chung Outline Zoning Plan No. S/KC/26 (TPB Paper No. 9178)

[The meeting was conducted in Cantonese.]

204. The following Members had declare an interests in this item:

Ms. Janice W.M. Lai her spouse owned a unit in Wonderland Villas in the area

Mr. Clarence W.C. Leung his company was located in Kwai Chung

205. As the item was procedural in nature, Members agreed that Ms. Lai and Mr. Leung should be allowed to stay in the meeting for this item.

206. The Secretary briefly introduced the Paper. On 20.4.2012, the draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/26 incorporating amendments mainly to impose building height restrictions (BHRs) on various development zones, to designate non-building areas (NBAs) and building gaps, and to recommend other zoning amendments was exhibited for public inspection under s.5 of the Town Planning Ordinance (the

Ordinance). During the two-month exhibition period, 13 representations were received. On 29.6.2012, the representations were published for public comments and 1,926 comments were received. Since the amendments incorporated in the OZP mainly related to the imposition of BHRs for the Kwai Chung area and had attracted much public interest, it was recommended that the representations and comments should be considered by the full Board.

207. The Secretary said that as some of the representations were of similar or related nature, it was suggested to structure the hearing of the representations into three groups as follows:

Group 1: hearing of one representation (R1) regarding the BHRs of four electricity substations on “Government, Institution and Community” (“G/IC”) sites;

Group 2: collective hearing of six representations (R2, R9 to R13) and 170 related comments (C1 and C1758 to C1926) mainly regarding the BHRs, NBAs and building gaps of various development zones; and

Group 3: collective hearing of six representations (R3 to R8) and 1,757 related comments (C1 to C1757) mainly regarding the BHRs of the container terminals zoned “Other Specified Uses” annotated “Container Terminal”.

208. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of the representations and comments as detailed in paragraph 2.8 of the Paper.

Agenda Item 14

[Closed meeting]

209. This item was recorded under confidential cover.

[Ms. Christine M. Lee arrived to join the meeting and Ms. Winnie Wong left the meeting at this point.]

Agenda Item 9

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments to the Draft Ma On Shan

Outline Zoning Plan No. S/MOS/17

(TPB Papers No. 9174 and 9175)

[The hearing was conducted in Cantonese, English and Putonghua.]

Group 2

210. Mr. Dominic K.K. Lam had declared an interest in this item as his spouse owned two flats at Marbella (迎濤灣), which was located immediately adjacent to the representation site of Group 2 representations mainly submitted by the Marbella Owners' Committee (迎濤灣業主委員會) and residents of Marbella under consideration. Members noted that Mr. Lam had already left the meeting.

211. Dr. W.K. Yau had declared an interest in this item as he had tendered advice to the Ma On Shan residents on the subject matter under consideration. Members noted that Dr. Yau had indicated that he would not attend the pm session of the meeting.

212. The Vice-chairman said that sufficient notices had been given to invite the other representers and commenters to attend the hearing, but they had either indicated not to attend the hearing or made no reply. As sufficient notices had been given to the representers and commenters, Members agreed to proceed with the hearing in their absence.

213. The following representatives of the Planning Department (PlanD), the representers, commenters and their representatives were invited to the meeting at this point:

Ms. Jacinta Woo	District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD
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Mr. Anthony Luk	Senior Town Planner/Shu Tin, Tai Po and North (STP/STN), PlanD
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R6 (關注馬鞍山環境聯盟)

Mr. Sin Chi Shan)
Mr. Cheng Tze Yau) Representers' Representatives
Mr. Ng Po Choy)

R7 (Designing Hong Kong Limited)

C10 (Designing Hong Kong Limited)

Mr. Paul Zimmerman) Representers' Representatives
Ms. Eva Tam)

R8 (Marbella Owners' Committee)

R30 (Wong Yat Sun)
R32 (Wong Kam Cheung)
R33 (Wong Kam Chiu)
R34 (Chan Pak Shing)
R52 (Lau Pik Sim, Elaine)
R56 (Poon Chau Wan)
R57 (Yeung Sai Yu)
R60 (Wu Ho Tung)
R119 (Lam Siu Ling)
R144 (Lo Ho Lam)
R145 (Lo Hiu Lam)
R155 (Li Xue Zhu)
R164 (Yuen Tin Fu)
R167 (Cheng Ho Wai)
R178 (Kwong Oi Ling)
R193 (Suen Yung Chun)
R197 (Lee Yan Hang)
R210 (Xiao Bin)
R211 (Mak Chun Wai)
R212 (Lee, Nicole)
R219 (Cheng Chui Ling)
R223 (Wong Lap Tin)
R224 (Wong Cheuk Lam)

R240 (Wong Sau Ling)
R262 (Zhang Yang)
R265 (Lam Mei Ki)
R268 (Tang Kin Cheung)
R323 (Ng Chun Chiu)
R351 (Chan Chin Hung)
R352 (Yau Siu Lai)
R356 (Chan Lam)
R357 (Chan Ching Chuen)
R410 (Wong Sze Wing)
R416 (Lee Chun Fong)
R429 (Chong Chi Shing)
R433 (Yuen Tin Yan)
R439 (Cheung Shu Fan)
R452 (Su Lin)
R453 (Lau Shing)
R462 (Choi Yik Chin)
R465 (Chan Wing Ching, Vincent)
R480 (Chan Hok Yu)
R486 (Wong Pui Lan)
R487 (Kwong Po Yan)
R488 (Kwong Wing Kin)
R489 (Kwong Chung Kwan)
R490 (Tsang Siu Ying)
R492 (Chan Hok Chun)
R493 (Lau Wai Chi)
R508 (Miu Suk Man)
R510 (Sun Yee)
R524 (Choi Yik Chun)
R526 (Wong Woon Kai)
R533 (Choi Kwok Choi)
R538 (Lee Chung Kan)
R540 (Hui Keen Hang, Kenneth)
R557 (Lam Shuk Yin)

R567 (Wong Heung Tsz)
R590 (Sun Fung)
R592 (Lo Ka Fung)
R608 (Lee Chun Ying)
R631 (Cheung, Michael)
R661 (So, Alfred)
R662 (So, Ametto)
R663 (Lee, Lucy)
R664 (So, Alex)
R672 (Fong Hiu Kei)
R678 (Lau Chun Ching)
R679 (Tam Yuk Ngor)
R682 (Chan, Fiona)
R689 (Cheng Kwan Tei)
R690 (Cheng Man Yin)
R692 (Cheng Man Ho)
R699 (Cheng Yuk Lun)
R702 (Chow Kwong Sang, Samson)
R823 (Lau Kwok Hing)
R906 (Hui Keen Hang, Kenneth)
R908 (Hui, Calvin)
R910 (Lo Wei Yee)
R1015 (Chan Chor Fai)
R1020 (Li Yuk Ha, Rita)
R1023 (Cheng Kit)
R1024 (Chan Chi Him)
R1030 (Chan Lai Kuen)
R1033 (Lau Chui Ying)
R1046 (Hui Tat Keung)
R1049 (Kung Kit Fong)
Mr. Chan Kwok Kay

Representers' Representative

R10 (A Group of Sha Tin District Council Members)

R11 (Quat, Elizabeth)

R12 (Yeung Man Yui)

C45 (Quat Elizabeth and Yeung Man Yui (Sha Tin District Councillor))

Mr. Yeung Man Yui)
Mr. Lo Wai) Representer/Representers and
Mr. Leung Yiu Cheung) Commerter's representatives

R13 (Lee Chi Wing, Alvin (Sha Tin District Councillor))

Mr. Lee Chi Wing Representer

R17 (Cheung, Roger)

Mr. Cheung, Roger Representer

R28 (Wang Tong)

Mr. Wang Tong Representer

R39 (Yuen Ying Ho)

Mr. Yuen Ying Ho Representer

R42 (Yung Hung Cheong)

Mr. Yung Hung Cheong Representer

R68 (Ai Zhi Xian)

Mr. So Ning Representer's Representative

R98 (Tao Bing Cheong)

Mr. Tao Bing Cheong Representer

R99 (Yau Man Yu)

Mr. Yau Man Yu Representer

R100 (Kiang Nian Tao)

R691 (Tong Yu Ying)

Ms. Tong Yu Ying Representer/Representer's
Representative

R124 (Luk)

C25 (Wai Fun Luk)

Ms. Luk Wai Fun

Representer/Commenter

R153 (Wang Ping)

Mr. Wang Ping

Representer

R174 (Wong Wai Sau)

Ms. Wong Wai Sau

Representer

R176 (Mak Yip Chai)

Mr. Mak Yip Chai

Representer

R179 (Wong Chik Yat)

Mr. Wong Chik Yat

Representer

R190 (Chik Shun Hei)

Mr. Cheng Wai Ping

Representer's Representative

R311 (Si, Gangyan)

Mr. Cheung Ru

Representer's Representative

R379 (Lam Pui Shing)

Mr. Lam Pui Shing

Representer

R419 (Shea Meng Tsang)

R833 (Shea Yeuk Lan)

R834 (Lam Yin Tang)

R1043 (Lam Yin Lai)

Mr. Shea Meng Tsang

Representer/Representers'

Representative

C43 (Lee Ka Fai)

Mr. Lee Ka Fai

Commenter

C56 (Chung Wo House (Chung On Estate) Mutual Aid Committee)

Mr. Yeung Ching Hei

)

Ms. Cheung Suet Fun

) Representers' Representatives

Ms. Ma Wai Hung

)

Mr. Poon Kam Shing

)

[Ms. Christine M. Lee arrived to join the meeting at this point.]

214. The Vice-chairman extended a welcome and explained the procedures of the hearing. He then invited PlanD to brief Members on the background to the representations.

215. With the aid of a Powerpoint presentation, Mr. Anthony Luk, STP/STN, made the following main points as detailed in the Paper:

- (a) on 24.2.2012, the draft Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/17 was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance) to include amendments relating to rezoning of the sites at Whitehead for residential and recreational developments (Items A1 to A6) and a site at On Chun Street for residential development (Items B1 to B3). During the two-month exhibition period, a total of 1,079 representations were received. On 18.5.2012, the representations were published for comments and 61 comments were received;
- (b) the second group representations (R6 (part), R7 (part), R8 to R1079) were related to the rezoning of the On Chun Street site for residential development;

Representations and Comments

- (c) R6 (part) submitted by 關注馬鞍山環境聯盟 supported the rezoning of two strips of land to 'Road' (Items B2 and B3);
- (d) R6 (part), R7 (part) and R8 to R1079 (1,074 adverse representations) opposed the rezoning of the On Chun Street site to "Residential (Group B) 3)" ("R(B)3") (Item B1) for residential development;
- (e) 59 comments (C3 to C61) were received echoing the opposing views of the representations in relation to the site at On Chun Street;

Grounds of Representations and Representers' Proposals

Supporting Representation

- (f) R6 (part) supported the rezoning of two strips of land adjacent to Horizon Suite and Marbella from "Government, Institution or Community" ("G/IC") and "Residential (Group A)" ("R(A)") to area shown as 'Road', as this would facilitate pedestrian connection;

Adverse Representations

Opposing the rezoning of the site at On Chun Street from "G/IC" and "R(A)" to "R(B)3" (R6(Part), R7(Part), R8 to R1079)

- (g) the main grounds of representations were:
 - (i) the site was small, which could only accommodate 228 units, would not help address the housing shortage problem. There was another "G/IC" site at Hang Kwong Street, being used by the Water Supplies Department (WSD), which was more suitable for residential development in terms of location and accessibility;
 - (ii) the proposed residential development would bring adverse environmental, traffic, sewerage, air ventilation and visual impacts.

In the air ventilation assessment conducted for the Ma On Shan area, the building height assumed for the subject site was only 8 storeys. The building separation left was either insufficient or difficult to guarantee, and there were significant number of units of Marbella subject to blocking of view;

- (iii) the originally planned public transport interchange (PTI) and coach parking at the site was needed to serve the pier if it was developed. There were insufficient parking spaces for lorries and private cars in the area as there was on-street parking problem along On Chun Street. There was also a need to provide public toilet in the locality;
- (iv) as the population of Ma On Shan continued to increase, there was a need to provide more community facilities (e.g. community hall, health centre for the elderly, and youth centre), cultural facilities (performance venue, place for installation arts, and civic centre), entertainment (e.g. eating place), recreational (e.g. indoor swimming pool, indoor recreation centre, basketball court, bicycle park, water sports centre) and tourist facilities in Ma On Shan;
- (v) there were underground cavities below the site, which would increase the construction and maintenance cost and endanger the surrounding developments. All technical reports should be disclosed to confirm the suitability of the site for development;
- (vi) the public had not been consulted before the rezoning proposal was gazetted and the property owners of the adjacent development bought their properties on the expectation that the land use shown on the OZP would remain unchanged; and
- (vii) the Government should develop other vacant or undeveloped sites in Ma On Shan or Yuen Long to meet housing need;

Opposing the rezoning of the strips of land adjacent to Marbella and Horizon Suite from “G/IC” and “R(A)” to area shown as ‘Road’ (R13 and R669)

- (h) no specific reasons for opposition were provided but R13 expressed a concern on the adverse traffic impact arising from an increase in road provision;

Representers’ Proposals

The On Chun Street Site

- (i) R14 to R669, R672, R1014 to R1057, R1070 and R1071 proposed a multi-purpose building with height not more than 8 storeys to serve the community, which might include a health/civic/recreation centre for the elderly, youth centre, indoor swimming pool, basketball court, nursery, bicycle park, water sports facilities, indoor recreation centre/sports centre;
- (j) R673 to R1058 proposed a cultural, entertainment, recreational and tourist facility with building height not more than 2 storeys, which might include bicycle park, water sports facilities, eating place, and/or community hall;
- (k) R1066, R1072 and R1075 proposed kindergarten, community hall and supporting facilities for bicycle trails;

Proposals not related to the subject Amendment Items at On Chun Street

- (l) R8 and R9 suggested an alternative housing site at Hang Kwong Street (presently used by WSD as works area);
- (m) R624 suggested to swap the On Chun Street site with the adjoining “Open Space” (“O”) site, which was being used as plant nursery, for housing development;

- (n) R7 called for implementation programme of the planned pier at the “Other Specified Uses” annotated “Pier” (“OU(Pier)”) zone adjacent to On Chun Street;
- (o) R1079 proposed to provide various kinds of waterfront recreational facilities along the shoreline of Ma On Shan Promenade;
- (p) C45, C46 and C47 to C61 had undertaken their individual surveys to collect the views of the local residents on the preferred use of the On Chun Street site. The proposals included: waterfront restaurant; bicycle park and café; concert hall and performance venue; integrated community services centre; bicycle service station; community hall, waterfront sports centre; art gallery for the kids; and elderly activity centre;

Responses to Grounds of Representations and Representers’ Proposals

The Proposed Alternative Uses for the On Chun Street Site not Supported

- (q) the representers and commenters’ proposals were mainly to keep the “G/IC” zone for implementation of community facilities. There would be adequate provision of community facilities in the area to meet the needs of the existing and planned population;
- (r) the representation site with a site area of 4,800m² was considered suitable for housing development to meet the pressing need for increasing housing land supply. There were development restrictions under the “R(B)3” zone to ensure that the future development would be compatible with the surrounding area and no adverse traffic, environmental, ecological, landscape, visual, air ventilation, infrastructural and public safety impacts were anticipated;
- (s) as to the preferred uses identified by the surveys undertaken by C45, C46 & C47 to C61, concerned departments had confirmed that there was no requirement to use the site for performance venue, art gallery, bicycle park,

water sports centre, and community hall at the site;

Proposals Not Related to the Current OZP Amendment

- (t) R8 and R9's proposed housing site at Hang Kwong Street would be used by WSD as works area tentatively until 2015. The site was located in a low-rise cluster predominantly occupied by various government, institution or community (GIC) uses. Suitability of the site for residential development would be assessed later in due course;
- (u) regarding R624's suggestion to swap the On Chun Street site with the adjoining "O" site, the existing plant nursery fell within the airpath for the land and sea breeze in Ma On Shan and was not suitable for development as it would affect air ventilation of Ma On Shan Area. The Leisure and Cultural Services Department (LCSD) was carrying out a District Minor Works project to provide a sitting-out area at the existing plant nursery;
- (v) regarding R7's suggestion to have an implementation programme for the planned pier adjacent to the On Chun Street, the "OU(Pier)" site was not the subject of the current OZP amendments. The suggestion had been conveyed to the relevant government department for consideration;

PlanD's Views

- (w) to note the support of R6 (part); and
- (x) the representations R6 (part), R7 (part) and R8 to R1079 should not be upheld for the reasons set out in paragraph 6.2 of the Paper.

216. The Vice-chairman then invited the representers, commenters and their representatives to elaborate on their representations and comments.

R6 (關注馬鞍山環境聯盟)

217. Mr. Sin Chi Shan made the following main points:

- (a) they had reservation on rezoning the representation site and considered that the site should be retained as “G/IC”;
- (b) the site, being located at the waterfront and adjacent to Whitehead and was within walking distance from the MTR station, was considered suitable for water sports centre use; and
- (c) the proposed water sports centre might serve not only Hong Kong, but also the whole of Asia.

R7 (Designing Hong Kong Limited)

C10 (Designing Hong Kong Limited)

218. With the aid of a Powerpoint presentation, Mr. Paul Zimmerman made the following main points:

- (a) the need to build more housing to address housing demand was noted. However, it should be considered whether the new housing should be built on the subject site;
- (b) it was noted that Ma On Shan was considered suitable for additional housing development because of its good location and transport linkage. However, the sites to be selected for residential development should be at the back of the existing developments, but not in the front;
- (c) as the representation site was zoned “G/IC” on the OZP, the residents would have expectation that the site would not be developed for high-rise development;

- (d) the site was chosen only because it was readily available for development. Not all government departments were consulted on whether they required the site for the provision of other facilities or services;
- (e) the subject site, being located at the waterfront and provided with a pier, was considered suitable for water dependent uses and water sports uses; and
- (f) there was also a demand for public storage space for water sports equipment. The site was suitable for the provision of boat club with space for storage of water sports equipment as it would have minimal impact on commercial marine traffic and minimal ecological impact; it would support existing leisure marine activities; it was located in proximity to transport system; and it had large catchment area. The provision of a boat club at the site would have no conflict with the use of the waterfront promenade.

R1039 (Wong Lung Sheung)

219. With the aid of a Powerpoint presentation, Mr. Wong Lung Sheung made the following main points:

- (a) it was just announced by the Chief Executive (CE) the day before that 36 “G/IC” sites including the subject site at On Chun Street would be rezoned for residential use. That might mean that a decision on the rezoning of the subject site for residential development had already been made. Government officials were just following the instruction of CE in rezoning land for residential use;
- (b) the residents of Marbella, who were from the middle-class, had been working very hard to buy their homes according to their affordable budget. There had not been any support from the Government;
- (c) the Government was taking away the sea view being enjoyed by the residents. The residents had paid extra money for the beautiful sea view. This sea view would be replaced by building blocks and air conditioners;

- (d) every person wanted to have a good living environment. He bought his flat in Marbella based on the developer's promotion regarding the planned land uses in the area and the 270° sea view. However, the Government changed the originally planned GIC uses to in-fill needle-type residential development, without any consultation with the local residents. The Government had not taken into account that the rezoning would affect the residents who had been living in the areas for many years, and the future residential development would have adverse visual, air ventilation, landscape impacts on the area;
- (e) the provision of car parking spaces in the area was inadequate. There was also illegal parking problem along On Chun Street, which was very dangerous to the elderly people and students. The temporary car park at the site currently provided about 230 car parking spaces, which helped address demand for car parking spaces in the area. These car parking spaces would be displaced;
- (f) the construction works at the site would also generate noise and air quality impacts; and
- (g) the population in Ma On Shan was increasing. There was an urgent need for GIC facilities to serve needs of local people.

C31 (Lung Sheung Wong)

220. With the aid of a Powerpoint presentation, Mr. Yung Ming Chau, a Sha Tin District Council (STDC) member, made the following main points:

- (a) he did not agree to the information provided in Annex VII of the Paper in that:
 - there was only one existing clinic in Ma On Shan and there was no information on any planned clinic;

- according to the information provided by the Social Welfare Department (SWD) (Annex VI-1), the current youth population in the Ma On Shan New Town was around 42,000 (according to the 2012 population distribution) and there were five SWD subsidized integrated children and youth services centres in the district. However, it was stated in the table in Annex VII that only 3 integrated children and youth services centres were required according to the HKPSG requirement, and there were seven such centres in Ma On Shan. It was misleading for PlanD to take into account the non-standard integrated children and youth services centres;
 - the population of Ma On Shan was over 200,000 and four sports centres should be provided according to the HKPSG. However, it was stated in Annex VII that only three were required. There had not been any programme for the implementation of the planned sports centres in the area;
 - while it was stated that 125 kindergarten classrooms were required for Ma On Shan, the HKPSG did not provide any standard on the floor area of kindergarten classrooms;
- (b) the number of elderly people aged between 55 to 64 in Ma On Shan would increase from 22,200 in 2009 to 39,000 in 2019 (+ 75%) and those above 65 would increase from 16,000 in 2009 to 31,500 in 2019 (+ 97%). There would be a strong demand for elderly services in the New Town. However, according to the information provided in Annex VI of the Paper, there were only two day care centres for the elderly people in the area, one of which was located in Sai Kung outside the Ma On Shan district;
- (c) the population of young children of 2-year old and 3 to 5-year old would increase by 17% and 15% respectively. Residents in Ma On Shan had experienced difficulties in finding pre-nursery/kindergarten places in the area. These young children who could not find a place in the

pre-nursery/kindergarten in Ma On Shan might need to attend school in other districts;

- (d) while there would be a decrease in population of primary and secondary schools students, the provision of primary and secondary schools places might still be insufficient to meet the demand in view of the small-class policy; and
- (e) PlanD did not give adequate information on the provision of GIC facilities in Ma On Shan and the site should be retained for GIC uses serving the whole Ma On Shan area.

C18 (Li Suk Han)

221. With the aid of a Powerpoint presentation and a video, Ms. Li Suk Han made the following main points:

- (a) as shown in a video taken in the area, the traffic in the area was quite busy and there was illegal parking problem along On Chun Road;
- (b) the subject site was located very close to the Marbella development. The building blocks of Marbella were orientating towards the sea. It was expected that the future development would block 70% of the sea view from Marbella. The gap between the two building blocks as shown on PlanD's layout and the 5m-wide road between the subject site and Marbella would not help much in mitigating the adverse visual impact;
- (c) adequate buffer distance was provided in the adjacent public housing development and other developments in Ma On Shan such that the sea view would not be blocked;
- (d) the photomontages of PlanD were taken in a location very far away from the subject site or blocked by existing trees/buildings. They did not accurately reflect the visual impact of the proposed development. The

photomontages prepared by the representers demonstrated the visual impact of the proposed development when viewed from the surrounding area. They also showed that the sea view of the lower to middle floors of Marbella would be totally blocked by the proposed development;

- (e) a BH of 8 storeys was considered more appropriate for the site at On Chun Street;
- (f) the road between Marbella and the proposed development which was only 5m wide would form a very narrow gap/corridor; and
- (g) residents of Marbella bought their flats based on the information shown on the OZP that the site in front of Marbella was for GIC uses with a BH of 8 storeys only.

R612 (Yeung Man Tim)

222. With the aid of a Powerpoint presentation and a plan, Mr. Yeung Man Tim made the following main points:

- (a) he chose to live in Ma On Shan because of the good living environment in the area. Before buying his flat in Marbella, he noted from the government information that the site at the waterfront was planned for GIC uses and the sea view enjoyed by Marbella would not be affected by the planned GIC uses. Subsequent to the rezoning of the site, there had been a drop of the value of the Marbella flats. This had led to substantial loss to the owners of Marbella;
- (b) as there were underground cavities below the site, which would increase construction cost, and given the good waterfront location with the provision of a pier adjacent to the site, only luxury residential development would be built there. The value of the Marbella development would then be transferred to this future development;

- (c) while it was indicated in the title of the amendments to the OZP that a site at On Chun Street was rezoned from “G/IC” and “R(A)” to “R(B)”, the area under “R(A)” zone was very small. This was misleading;
- (d) as shown on a plan of the LandsD, the passageway in front of Marbella was 6m wide. It was not understood why the passageway was now reduced to 5m on the OZP. Further, the road adjacent to the hotel was the only passageway linking the waterfront and the proposed pier with On Chun Street. After the rezoning of the “G/IC” site, a passageway of only 5m wide would be retained. This would not allow the use by emergency vehicles (an EVA should be at least 6m wide according to the Building (Planning) Regulations);
- (e) it was noted that the relevant department indicated that there was no need to provide a bus terminus at the site. However, there was no assessment on the need for other GIC facilities;
- (f) according to the AVA study for the area, the annual prevailing wind of the area was mainly from the east and northeast. The summer wind was mainly coming from the east and the southerly quarters. The proposed development at On Chun Street would block the wind in the area;
- (g) it was also stated in the AVA report that “more of this kind of green fingers across the study area is desirable” and “GIC sites around Ma On Shan MTR station should be as much as possible be kept”;
- (h) according to the TPB Paper No. 8972 (dated 23.12.2011), Hong Kong was affected by “heat island effect”. Therefore, the urban climatic map should be used to provide guidelines on wind performance on building layout design. A building gap was therefore required for the building blocks at the site to allow air ventilation, as required under the relevant regulations. It was also noted that in low/medium density areas with BH/street width ratio of 2 or below, controlling building heights was effective in promoting air ventilation. However, the BH/street width ratio of the proposed On

Chun Street development would be 60m/5m, which was 12;

- (i) according to the Explanatory Statement (ES) of the Ma On Shan OZP, the AVA recommended that the area bounded by Ma On Shan Bypass and the waterfront should be free of building or as permeable as possible (for example, to include large voids in podium) upon redevelopment, if any. The ES also stated that better streetscape/good quality street level public urban space should be provided. The proposed development at On Chun Street was against these requirements;
- (j) the proposed 10m NBA within the site did not help improve the visual impact and air ventilation. The NBA was only to allow the drainage reserve required by the Drainage Services Department;
- (k) the rezoning would provide 228 luxury flats, accommodating 684 people. However, residents in more than 120 flats in Marbella, 90 hotel rooms in the adjacent Horizon Suite Hotel, residents in the surrounding developments and the students in the area would be affected because of the adverse impact on air ventilation and sea view caused by the proposed development; and
- (l) as his health condition was not very good, it was hoped that the site should be retained for GIC uses as originally planned, so that the good living environment in the area would not be affected.

R1075 (Chik Chi Kam, Thomson)

C24 (Chik Chi Kam, Thomson)

223. With the aid of a Powerpoint presentation, Mr. Chik Chi Kam made the follow main points:

- (a) according to the 2011 census, the population in Ma On Shan was about 200,000, and over 100,000 people were living in the town centre;

- (b) regarding the information on car parking provision provided by PlanD on Plan H-7 of the TPB Paper, it was noted that most of these car parks, including the car park at Ma On Shan Park (建盈停車場), Saddle Ridge Garden, Chung On Estate, Sunshine City, On Luk Street and Hang Kin Street did not provide monthly-rented car parking spaces or were restricted to use by residents only;
- (c) there were 11,692 car parking spaces in the town centre, of which 33% were not for monthly rental and 52% were reserved for residents of the particular housing estates. Only 1,714 car parking spaces were available for public use. These car parking spaces were provided in Sunshine City, Bayshore Towers, On Chun Street temporary car park, On Luk Street temporary car park and Hang Kin Street temporary car park;
- (d) some of the above car parks were located within walking distance (10 to over 15 minutes) from On Chun Street. Hang Kin Street temporary car park was located further away. Photographs taken in June and July showed that the temporary car parks at Hang Kin Street (480 spaces) and On Luk Street (262 spaces) were nearly full. It should be noted that the two temporary car parking sites were reserved for open space and sports centres uses and as such the car parking spaces currently provided there would be displaced in the future;
- (e) the photographs taken in April and June this year at the On Chun Street site also showed that the temporary car parking spaces provided there were fully occupied. The photograph taken by PlanD was misleading as it was taken on 1.12.2010 when the site was just turned into a temporary car park. The site was previously used as a temporary works area for the construction of the waterfront promenade;
- (f) as shown in the photographs taken at Ma On Shan town centre and On Chun Street, there was serious on-street car parking problem in the area;

- (g) if the temporary car parks were to be displaced, there would be no parking spaces provided for about 1,000 cars in the area. This would accelerate on-street car parking problem and the traffic and living conditions in the area would be seriously affected; and
- (h) it was proposed that the site should be retained for community hall use with the provision of an underground car park.

R956 (Lee Suk Man)

224. Ms. Lee Suk Man made the following main points:

- (a) the STDC members had submitted a joint declaration opposing the high-rise residential development at the subject site. The objection from the STDC should be upheld as it was advocated by the CE that district matters should be dealt with by the local people;
- (b) when she and her husband decided to buy their flat at Marbella, they had checked the planned land use of the On Chun Street site with the property agent and government information from the internet. It was noted that the site was reserved for GIC uses and there would also be a pier. These would all provide a very good living environment;
- (c) the developer of Marbella launched a promotion early this year with a view to selling out the flats in Marbella. The zoning of the On Chun Street site was changed immediately after the flats in Marbella were sold out. Residents were puzzled why there was such a coincidence;
- (d) half of the flats with sea view in Marbella would be affected by the proposed development on the site. Residents' privacy would be affected. The living environment would also be affected as the air conditioners and kitchens of the proposed development would be directly in front of their homes; and

- (e) there were other vacant sites in Ma On Shan which were suitable for residential use to address housing demand. The area of the subject site was small and could only provide about 200 flats. It was also expected that the site would not be used to provide public housing or HOS flats which were affordable by the general public. The development could not help addressing housing demand, but would destroy the living environment of the residents.

R10 (A Group of Sha Tin District Councillors)

225. Mr. Yeung Man Yui, a Sha Tin District Councillor, made the following main points:

- (a) while PlanD argued that public consultation on the subject rezoning had been undertaken in accordance with statutory and established procedures, it should be noted that all members of the STDC objected to the rezoning. These DC members represented over 340,000 people living in the Sha Tin area. The rezoning, if approved, was against the views of 340,000 people. It was advocated by the CE that issues affecting local people should be handled and decided by local people. As such, the subject site should not be rezoned for housing development as all local people were against such a proposal;
- (b) the area of the subject site was small and could not help address the housing problem. It was understood that the subject site was chosen for housing development only because the site was readily available;
- (c) there were other sites in Ma On Shan which were available for housing development; and
- (d) there was land in the North East New Territories and North West New Territories which was available for development.

R13 (Lee Chi Wing, Alvin (STDC member))

226. Mr. Lee Chi Wing, a STDC member, made the following main points:

- (a) a lot of GIC facilities which were required by residents were not provided. These facilities included warm water swimming pool, city hall (performance venue) and community hall;
- (b) the site at Area 103 adjacent to the Police Station, which was currently a temporary car park, was considered suitable for comprehensive housing development with the provision of GIC facilities. The site had good accessibility and would not affect air ventilation of the surrounding area. The site should be used to replace the On Chun Street site;
- (c) the subject site could only provide slightly more than 200 flats. However, over 500 units in Marbella would be affected by the development. Interests of the existing residents would be sacrificed;
- (d) while the rezoning was in accordance with the statutory requirement, it was not reasonable and acceptable to the residents; and
- (e) there was serious on-street parking problem in the area. The displacement of the temporary car park at the subject site would accelerate illegal parking problem.

R694 (Ai Chi Yin)

227. With the aid of a Powerpoint presentation, Ms. Ai Chi Yin made the following main points:

- (a) the subject site had been zoned and reserved for the provision of GIC facilities for over 20 years. Residents bought their flats at Marbella based on the information shown on the OZP that the site would be developed for GIC uses with 8 storeys. The sudden change in land use had affected the

residents' confidence on the Government, which had all along ruled by law;

- (b) it was reported in the press earlier that the Government's proposal to rezone a site, which was occupied by a temporary car park at Ma On Shan, for public housing or residential development to address housing demand was strongly objected to by the local residents. The press report was misleading as the site was in fact previously reserved for GIC uses but was now changed to luxury residential developments;
- (c) it was noted in the blog of the Financial Secretary (FS) that as Hong Kong was facing problem of scarce land resources for housing development, the Government had to fully utilize suitable land for housing development. While the local residents' views might have concerns on these housing developments within their district, the FS requested the local residents to understand and accept the proposals. However, it should be noted that the subject site at On Chun Street was not a piece of suitable land as it was reserved for the provision of GIC uses serving local residents; and the proposal was not to rezone the site for ordinary housing development to meet housing demand, but for luxury residential flats. The concerns and rights of over 200,000 residents in Ma On Shan had been ignored in the current proposal; and
- (d) the subject site was important in the provision of GIC facilities for the Ma On Shan area.

R 497 (Wong Sau Wah)

228. Ms. Wong Sau Wah made the following main points:

- (a) it was wrong for PlanD to conclude that the rezoning of the subject site for residential development would not create adverse visual impact as the proposed residential development would completely block the sea view of her flat which was currently being enjoyed by her. The infill development among existing developments had affected the living environment of the

local residents in the area;

- (b) residents used all their savings to buy their flats at Marbella, based on the information shown on the statutory OZP. Residents had suffered a great loss because of the sudden change in planning;
- (c) it was noted from the PlanD's response that the subject site was not required for immediate GIC development. However, planning should be for future needs; and
- (d) residents in Ma On Shan considered that there were deficits in the provision of many GIC facilities and there was also a lack of provision in car parking spaces in the area. The information in the TPB Paper, including that there were seven youth services centres in Ma On Shan, was incorrect and misleading. PlanD should assess the demand for GIC facilities based the on actual needs of local residents, but not on the planning standards.

R1073 (Chik, Urica)

C39 (Chik, Urica)

229. Mr. Yu Shek Hing made the following main points:

- (a) the privacy of residents in Marbella would be seriously affected as the proposed development at the On Chun Street site would be located very close to Marbella;
- (b) the responses given in the TPB Paper were confusing as it was stated in paragraph 4.2.5 that the proposed residential development of 16 to 17 storeys would not affect air ventilation, while it was stated in paragraph 4.3.3 that the plant nursery site would affect air ventilation; and
- (c) there were two schools in the area with about 1,000 students. As air ventilation in the area would be affected with the proposed residential development, the health of these students would be affected.

C43 (Lee Ka Fai)

230. With the aid of a Powerpoint presentation, Mr. Lee Ka Fai made the follow main points:

- (a) the rezoning would only benefit developers who would build taller and wall-like buildings in the area;
- (b) the Ma On Shan area was well planned and a lot of residents had already moved in. Any change in the planning of the area should take into account the impact on residents who were living in the neighbourhood;
- (c) the proposed residential development would only provide about 200 flats. It would not contribute a lot in addressing housing demand. However, over 400 residents living in Marbella objected to the proposal. The owners' committees of all the 13 estates and the whole STDC also objected to the proposal. It was not understood why the Government still insisted to proceed with the rezoning;
- (d) it was not difficult to identify an alternative site for the proposed residential development, including a site at Hang Hong Street nearby. The site was subject to less constraints and could be built taller;
- (e) the On Chun Street site had many merits. It was located along the waterfront and a cycle track, adjacent to a hotel, and very close to MTR station and a beach; and there would also be a pier. The site was suitable for many uses beneficial to the public. The original plan for the provision of GIC facilities was the most beneficial use of the site for the public; and
- (f) even if the site was not required by relevant government departments for the provision of GIC facilities, it could be used by other charitable or non-government organizations.

R848 (Cheung Suk Hung)

231. With the aid of a Powerpoint presentation, Ms. Cheung Suk Hung made the following main points:

- (a) the residents in Marbella paid extra to buy their flats on the understanding that they would enjoy the sea view from their flats. However, the sea view would be replaced by residential towers and the residents had not been informed of such change in planning. It was unacceptable to the residents and had affected the public's confidence on the Government;
- (b) the information given in the TPB Paper was not correct. For example, it was stated in paragraph 4.2.3 that the Commissioner for Transport (C for T) considered that there was no traffic problem in the area. However, the on-street parking problem demonstrated that there was a shortage of car parks in the area; and
- (c) there was also a lack of kindergarten places in the area. She had encountered great difficulties in finding a kindergarten place for her child. The information stated in paragraph 4.2.4 of the Paper that the GIC facilities in the area were adequate was not correct.

R500 (Yeung Hoi Kei)

232. With the aid of a Powerpoint presentation, an audio clip and some other information, Ms. Suen Pui Ling made the following main points:

- (a) it was doubtful if the provision of only about 200 flats at the site could help relieve housing supply problem in Hong Kong. Since the subject site was located at the waterfront and only medium-density development was allowed, it would be developed into a high-class residential development, which was not affordable by the general public;

- (b) housing sites should be identified in new development areas where the general public could afford to buy the flats there;
- (c) PlanD advised that the future development at the site would be about 16 to 17 storeys as the site was subject to a BHR of 60mPD. However, as shown in a cross section of the building at Marbella, a BH of 60mPD could allow a 20-storey building;
- (d) it was noted that relevant government departments consulted indicated that the subject site was not required to provide GIC facilities. However, PlanD had not consulted the local residents, who were the users of the GIC facilities in the area, on their needs;
- (e) there was a lack of car parking spaces in the area and the price of a car parking space was very expensive;
- (f) the subject site at On Chun Street was unique as a pier would be built adjacent to it. There was no reason to use this site for residential development;
- (g) residents were also puzzled about the timing of the rezoning process as it was noted that the developer launched a sales promotion and was eager to sell out all the flats in Marbella before Government's announcement of the rezoning. There was reason to believe that the developer had advance information on the rezoning of the site and therefore took deliberate action to sell the remaining flats with a higher price, before the sea view enjoyed by the Marbella development would be taken away by the rezoning of the On Chun Street site for residential development; and
- (h) she was a victim of the rezoning as she bought her flat at Marbella a few days before the rezoning. As demonstrated in her telephone conversation (in an audio clip played at the meeting) with the estate agent, she believed that she was cheated by the developer as the developer deliberately hid the fact that the sea view of Marbella would be blocked by the future

development at the On Chun Street site.

R565 (Wu Kei Li)

233. Mr. Wu Kei Li made the following main points:

- (a) the subject site was the only unique site locating along the waterfront promenade at Ma On Shan; and
- (b) waterfront site should be reserved for public uses.

R555 (Chan Sui Man)

234. With the aid of some photomontages, Mr. Chan Sui Man made the following main points:

- (a) as shown on the photomontages displayed at the meeting, a building of 20 storeys could be built with a BH of 60mPD;
- (b) the subject site was previously subject to a BHR of 8 storeys. The sudden proposal to change the planning of the site for a 20-storey building could not be accepted;
- (c) while two building blocks were shown in PlanD's layout, the future developer may only build one single block with wide frontage, resulting in a wall building along the sea front. Even if two blocks were to be built, only a narrow gap could be allowed between the two building blocks. Such layout would affect the air ventilation and penetration of light in the area;
- (d) there was no restriction on the type of residential development to be built at the site. Given the good location of the site at the waterfront with a pier and the high construction cost involved because of the presence of underground cavities, it would likely be developed for high-class residential development. The site could not help address housing demand of the

general public; and

- (e) privacy of residents at the Marbella would be affected as the distance between the future development and Marbella would only be 5m. The kitchens and toilets at the back of the future development would also affect the living environment and hygiene of Marbella.

R618 (Cheung, Raymond and Tam Mei Fong)

235. With the aid of some photomontages, Mr. Raymond Cheung Wai Chi made the following main points:

- (a) as shown on the photomontages displayed at the meeting, the narrow road (5m wide) sandwiched between Marbella and the future development would be very dark and there was safety concern for local people using the road;
- (b) wide building gaps were retained between public housing and HOS blocks in the area. However, the gap between Marbella and the future development was only 5m wide; and
- (c) the subject site was very unique as it commanded the view of Pat Sin Leng, Tolo Harbour, the Chinese University of Hong Kong, and Tai Po Waterfront Park in which a historic site was located. It was located along the waterfront and the cycle track and should be reserved for waterfront and cycle related uses. A café could be provided for the cyclists and the café could be a landmark in the area.

R450 (Wong Wing Yee)

236. Ms. Wong Wing Yee made the following main points:

- (a) the population in Ma On Shan was increasing and GIC uses should be planned to meet the future demand of residents. There was a lack of

community services in the area including the provision of interest class for kids. She had difficulty in securing a place in an interest class for her child; and

- (b) the subject site was located along the cycle track and cyclists would go through this area to On Chun Street to visit the restaurants along On Chun Street. The site should therefore be appropriate to be reserved for cycle-related uses.

R1037 (Chan Chun Hung)

237. Mr. Chan Chun Hung made the following main points:

- (a) Ma On Shan was a well planned new town. The layout of developments and disposition of building blocks were all properly designed. However, there was still a lack of many facilities such as city hall (performance venue) and community hall in this new town as the Government was reluctant to spend money to provide such facilities; and
- (b) while these facilities were provided in Sha Tin, it was time consuming and costly for the residents in Ma On Shan to travel to Sha Tin in order to enjoy such facilities.

R1048 (Chan Kok Gay)

238. Mr. Chan Kok Gay and his son, Chan Tin Long, played a video and said that the proposed development at On Chun Street would affect air ventilation, living environment and sea view currently enjoyed by the residents of Marbella.

R691 (Tong Yu Ying)

239. Ms. Tong Yu Ying made the following main points:

- (a) it was doubtful if PlanD had undertaken studies on the actual needs of the

Ma On Shan residents on community facilities. While there might not be a need for some facilities and services now, in view of the increasing elderly population in the area, the facilities and services might be required in the future. The provision of child care facilities should also be improved such that more women could go out to work. There should be long-term planning on the provision of GIC facilities;

- (b) Ma On Shan was a well developed district. There should be adequate provision of GIC facilities to support the community. The Board should not allow infill development within the well developed district;
- (c) the Government's decision making process in changing the planned use of the subject site was not transparent enough. The public was not consulted on the decision; and
- (d) residents had been working hard and had used most of their savings to buy their flats at Marbella, having considered the good living environment there. However, the Government had not taken any account of the efforts of the residents in making the decision to rezone the site for residential development. The residents bought their flats at Marbella, based on the information that the site in front of Marbella was for GIC uses. The sudden change in planning was a break of the contract between the Government and the public.

R1016 (Yeung Hoi Lam, Tara)

240. Mr. Chow Wai Leuk made the following main points:

- (a) he bought his flat at Marbella in February 2012 and he had been working very hard for years to earn the savings for buying the flat. His decision to buy the flat at Marbella was made on consideration of the good planning in the area and that GIC facilities would be provided here;
- (b) the decision of the Government to rezone GIC site, which was intended to

provide facilities to serve the public, for residential development was “topsy-turvy”. It was not sustainable development; and

- (c) the Board was requested to revert to the original planning, in view of the strong objection from local residents.

R153 (Wang Ping)

241. Mr. Wang Ping made the following main points:

- (a) the TPB Paper did not contain any views from the Department of Justice on the subject rezoning;
- (b) under Article 148 of the Civil Code (General Principles) of Taiwan, “A right cannot be exercised for the main purpose of violating public interests or damaging the others. A right shall be exercised and a duty shall be performed in accordance with the means of good faith.” This was the supreme principle of exercising a right and was also called the good faith principle, which stated that a right should be exercised under the guiding principle of benefitting oneself and not damaging the others. Otherwise, it would constitute an abuse of rights. The ownership of the immovable property included the right of light penetration and air ventilation. Resolutions should also be sought from the court if these rights were infringed;
- (c) there was similar law in Mainland China. Under the Property Law of the Mainland, “a building shall not be constructed in a way that it will block the ventilation, lighting or sunshine of any neighbouring building(s) in violation of the relevant construction standards of the State.” The Property Law set down specific requirements on the air ventilation, penetration of light and sunshine of neighbouring buildings and provided a legal basis for safeguarding the “sunshine right” and the “ventilation right” for citizens; and

- (d) the Board was requested to take into account the above principles in law in considering the rezoning of the site.

R1070 (Choi Wing Kam & Family)

242. Mr. Choi Wing Kam made the following main points:

- (a) the responses provided to the Legislative Council (LegCo) by the relevant government departments as stated in Annex VI-1 of the TPB Paper were not accurate. The Transport Department (TD) advised that it was not necessary to provide additional coach parking spaces on the site at On Chun Street as a certain number of parking and loading/unloading spaces for coaches were provided in Horizon Suite Hotel at On Chun Street and in Ma On Shan Park. However, it was noted that coaches were not allowed to go into Horizon Suite Hotel. While the Food and Environmental Hygiene Department (FEHD) responded that there was no need to provide a toilet in the site, the Leisure and Cultural Services Department (LCSD) had never considered to provide eating places at the site to serve the cyclists; and
- (b) there was concern on who would be responsible if the development on the site with underground cavities had generated adverse impacts on the surrounding developments.

R99 (Yau Man Yu)

243. Mr. Yau Man Yu made the following main points:

- (a) his flat was on the lower floor in Marbella and the sea view would be blocked even if an 8-storey GIC building was to be built according to the original plan. As such, he would not be affected by the residential development at the On Chun Street site;
- (b) there was no notice posted at the site for the change of planned use of the site from GIC use to residential development; and

- (c) the objection raised by residents was not only on the loss of sea view and impact on value of their properties. The concern was on the deletion of the planned GIC facilities.

R1075 (Chik Chi Kam, Thomson)

C24 (Chik, Thomson)

244. With the aid of a Powerpoint presentation, Mr. Chik Chi Kam supplemented the following main points:

- (a) according to projection, the population of Hong Kong would increase to 8.47 million and the elderly population would increase to 2.56 million in 2041. The percentage of elderly population (aged above 65) would increase from 13.7% to 30.3% from 2012 to 2041;
- (b) as for the whole Sha Tin district, the elderly population was expected to increase from 70,000 in 2010 to 114,000 in 2019 (+ 44,000 or 63%), whereas the elderly population of the Sha Tin New Town would increase from 53,000 in 2010 to 83,000 in 2019 and the elderly population of the Ma On Shan New Town would increase from 17,000 in 2010 to 32,000 in 2019 (+88%);
- (c) there were five elderly care centres in Sha Tin district, two of which were located in Ma On Shan and three in Sha Tin New Town. On average, 375 elderly people would wait for a place in the day care centre for the elderly in Sha Tin New Town, and 437 elderly people would wait for a place in Ma On Shan. By 2019, if no additional day care centre for the elderly was to be provided in Ma On Shan, the waiting list would be 550 for one place in Sha Tin New Town and 711 for one place in Ma On Shan. According to the information previously submitted to the LegCo by relevant government department, the average waiting time for a place in the day care centre for the elderly was nine months;

- (d) as stated in Annex IV(3) of the Paper, the SWD only responded that transportation service to the day care centre could be arranged for the elderly people, if needed. There was no mention on the inadequate provision of day care centre in the area. According to a study by the Chinese University of Hong Kong, it was preferable for elderly people to receive elderly services within their own district. As such, it was necessary to provide an additional day care centre for the elderly in this area;
- (e) there were 12 community halls in Sha Tin, and the utilization rate of these community hall was 93.34% in the period from Oct 2010 to March 2012. Ten of these community halls were located in Sha Tin New Town and only two were located in Ma On Shan. The ratio of provision of community hall in these two new towns in 1:43,000 in Sha Tin New Town and 1:98,000 in Ma On Shan. The ratio of Sha Tin New Town would be improved to 1:39,090 with the construction of another community hall in Area 14B;
- (f) the utilization rates of the two community halls in Ma On Shan were 95% and 94.4% respectively. The information provided by the Sha Tin District Office that the utilization rate of the neighbourhood activity centre at Yiu On Estate was only 50% was misleading as the location of this centre was not very convenient and had very restricted opening hours; and
- (g) the above information demonstrated that there was a need for the provision of additional day care centre for the elderly and community hall in Ma On Shan in meet the demand of the existing and future population.

245. As the representers and comments had completed their presentations, the Vice-chairman invited Members to raise questions.

246. In response to the representers and commenters' comments on the inadequate provision of community facilities in Ma On Shan, the Vice-chairman asked DPO/STN to explain the information on the provision of such facilities as shown in Annex VII of the

Paper.

247. In response, Ms. Jacinta Woo provided the following information:

- (a) the Hong Kong Planning Standards and Guidelines (HKPSG) set out the requirements on the provision of major community facilities. According to the HKPSG, the provision of community facilities were assessed based on the growth and distribution of population in a given area;
- (b) the assessment on the provision of community facilities in the Ma On Shan area in Annex VII of the Paper was made in accordance with the requirements set out in the HKPSG;
- (c) regarding the provision of integrated children and youth services centre, 3 to 4 centres were required in Ma On Shan according to HKPSG. According to the information provided by SWD, there were seven integrated children and youth services centres in Ma On Shan, although two of them were of smaller scale;
- (d) there were two existing sports centres in Ma On Shan and two additional centres were planned in Areas 111 and 103. According to LCSD, implementation of the two planned sports centres would be subject to demand;
- (e) the provision of two clinics was required for Ma On Shan according to the HKPSG. There were one existing and one planned clinics in Ma On Shan to meet the existing and future demand;
- (f) as the provision of city hall (performance venue) involved substantial amount of resources, no fixed standards were set out in the HKPSG and the facilities would be provided by the LCSD based on the needs of the area. According to LCSD, Sha Tin and Ma On Shan New Towns were regarded as one single district on the provision of such facilities and there was already a city hall in Sha Tin New Town to serve the population in the

whole district ; and

- (g) there was also no standard set out in the HKPSG on the provision of elderly centre. The SWD would provide elderly facilities based on its policy. According to the information provided by SWD, starting from the period between 2012 and 2014, 105 day care places would be provided for the elderly people in the Sha Tin district.

248. A Member raised the following questions:

- (a) the provision of car parking spaces in the area;
- (b) the distance between the subject site at On Chun Street and Marbella; and
- (c) the reason and background of rezoning the subject site for residential use.

249. In response, Ms. Jacinta Woo provided the following information:

- (a) sufficient car parking facilities according to the HKPSG requirements should be provided as part of a residential development. As advised by TD, as developments in Ma On Shan New Town were located closed to MTR stations, the requirement on provision of car parking spaces in these developments was lower. This was to encourage the use of mass transit system;
- (b) Plan H-7 showed the locations of temporary car parks in the area. As advised by TD, there was generally sufficient car parking provision in the area and TD would continue to monitor the situation of car parking provision in the area;
- (c) a preliminary layout design was worked out during the consideration of the rezoning of the site for residential use and it was estimated that the distance between the future development and Marbella would be about 29m. As the site was subject to a maximum plot ratio of 3.3 and a maximum BH of

60mPD, it was estimated that the site coverage of the future development would be less than 25%. This would allow ample open area within the site and provide the flexibility to achieve a good layout design;

- (d) specific requirements that the layout of the future development on the site should be in accordance with Sustainable Building Design Guidelines and that the future development would not generate adverse impact on the surrounding developments could be incorporated in the lease of the site;
- (e) the existing level of the site was about 5.5mPD. The future development would be around 16 to 17 storeys, with a BHR of 60mPD, assuming an average floor height of 3.15m;
- (f) to meet the increasing demand for housing land, it was pledged in the 2010 Policy Address that the Government would ensure an adequate supply of land and the Government should think out of the box to review existing land uses and explore new land resources. In the 2011 Policy Address, the Government would review GIC sites with no development programme to see if these sites could be released for residential development to meeting the housing demand;
- (g) the subject site at On Chun Street was previously reserved for the development of a bus terminus, public latrine and coach parking on the draft Sha Tin New Town Area 100 Layout Plan. Relevant government departments confirmed that the provision of a public latrine and a bus terminus as well as coach parking at the site was not required and other government departments also advised that the site was not required for other GIC uses; and
- (h) the proposed residential development at a plot ratio of 3.3 and a maximum BH of 60mPD was considered compatible with the surrounding residential clusters. The proposed amendment to rezone the site for residential use was agreed by the RNTPC on 10.2.2012.

250. A Member had the following questions for DPO/STN and the representer of R8:
- (a) whether the Sha Tin New Town Area 100 Layout Plan was prepared many years ago and whether there was any amendment made to the planned uses of this site on the layout plan. What was the reason to impose a BHR of 8 storeys for such uses?
 - (b) whether consideration had been given to allowing less flexibility so that the BHR of the future development could be reduced; and
 - (c) whether consideration had been given to rezone the other “G/IC” sites for residential use and retain the subject site for GIC use.

251. In response, Ms. Jacinta Woo provided the following information:

- (a) the said Layout Plan was prepared to provide guidance for the development and associated works projects of the Ma On Shan New Town. The subject site was reserved for the provision of a bus terminus, a public latrine and coach parking on the Layout Plan. While development of the Ma On Shan New Town had been largely completed, the Layout Plan had not been amended regularly;
- (b) a BH review of the development sites on the Ma On Shan OZP was undertaken in 2009 and a BHR of 8 storeys was imposed on the subject site. As the site was zoned “G/IC” at that time, the use of the site for GIC development was not pre-empted. However, no specific use was proposed for the site. A BH of 8 storeys was adopted under the then “G/IC” zoning, taking into account that a GIC development with 8 storeys would be generally compatible with the surrounding uses. It was also in line with the stepped height profile adopted for the area. The BHs of the area were proposed based mainly on urban design considerations and results of the AVA conducted for the whole area;

- (c) 60mPD was a maximum BH permissible for the site. Subject to detailed design, the future development could have a lower BH. However, a lower BHR might impose constraints on the design of the future development as the development had to comply with all relevant requirements including the Sustainable Building Design Guidelines. As the site was subject to a plot ratio restriction of 3.3, the site coverage of the future development would be less than 25%. This would allow the provision of ample open area within the site. PlanD had also worked out a design option with a lower BH. The resultant site coverage of this option would increase when compared to the option with a BH of 60mPD;
- (d) all “G/IC” sites within the Ma On Shan area had been reviewed. Sites with no development programmes were considered for rezoning for other uses. The site at Hang Kwong Street was being used by WSD as a temporary works area until 2015. As the site was not immediately available for development, future use of the site would be assessed in due course. In proposing rezoning of the Hang Kwong Street site for other use, PlanD had to consider whether the proposed use was compatible with the surrounding land uses; and
- (e) the provision of GIC facilities should be in a comprehensive manner and be appropriately distributed in the New Town to serve the local communities. Most of the sites shown on Plan H-6 of the TPB Paper for consideration of the Group 1 representations had been reserved for specific GIC uses, such as sports centre and clinic.

252. Mr. Chan Kwok Kay (representative of R8) made the following main points:

- (a) the Hang Kwong Street site was located between a church and Chung On Estate. Two bus stops were located in the vicinity. The site was currently used by WSD for parking and storage of water pipes. The use was temporary and could be relocated at any time;

- (b) as shown in a photograph showing the Hang Kwong Street site and the surrounding area, the building blocks of Chung On Estate were not facing the site. If the site was developed for residential use, it would not affect the privacy of residents living in Chung On Estate; and
- (c) since the site was separated from Chung On Estate by a major road and was located in a relatively open area adjacent to the Ma On Shan Sports Ground, a higher BH could be allowed and more flats could be provided.

253. In response to a Member's question on the imposition of BHR on "G/IC" sites, Ms. Jacinta Woo said that in the BH review of the whole Ma On Shan area in 2009, BHRs were proposed for all development sites within the area, including "G/IC" zones. BHRs for "G/IC" zones were imposed with reference to the existing or planned uses of the sites.

254. In response to another Member's questions on the provision of GIC facilities within Ma On Shan and whether the reduction of the BHR for the subject site would render the future development difficult to comply with the Sustainable Building Design requirements. Ms. Jacinta Woo said that the provision of GIC facilities was assessed based on the planned population of the area. Ms. Woo said that without the detailed design of the future development on the site, it was difficult to assess whether a reduction of the BHR of the subject site would comply with the Sustainable Building Design requirements.

255. A Member asked if all the undeveloped "G/IC" sites in Ma On Shan had been considered for possible rezoning for residential use.

256. In response, Ms. Jacinta Woo said that some undeveloped "G/IC" sites in Ma On Shan had been planned for specific uses and the relevant departments advised that the sites should be retained for the planned uses. For instance, the site in Area 103 was reserved for an Indoor Recreation Centre (IRC) and LCSD advised that the site should be retained for the planned use.

257. In response to a Member's question on the consultation process, Ms. Jacinta Woo made the following main points:

- (a) the public had been consulted on the rezoning through the established statutory and non-statutory consultation procedures;
- (b) the exhibition of the OZP for public inspection and the provisions for submission of representations and comments on representations formed part of the statutory consultation process under the Ordinance;
- (c) subsequent to the publication of the OZP, PlanD met the STDC members on 27.2.2012 and consulted STDC on 1.3.2012. PlanD also attended a residents' forum organized by the Owners' Committee of Marbella on 16.3.2012 to explain to the residents on the rezoning of the On Chun Street site for residential use; and
- (d) in response to a complaint made by the Owners' Committee of Marbella to the LegCo in April 2012 on the rezoning of the On Chun Street site, a case conference with the attendance of PlanD and other relevant departments was conducted on 4.6.2012. The LegCo raised questions on the rationale of proposing the site for residential development, the need for the provision of community hall, social welfare facilities and car park at the site, and the lack of public consultation. The LegCo also wrote the Board on 30.5.2012 conveying the concerns of the residents of Marbella. The Government's responses were attached at Annexes VI-1 and VI-3 of the Paper.

258. A Member asked if there was any supporting view on the rezoning of the "G/IC" site for residential use during the consultation process.

259. In response, Ms. Jacinta Woo said that all the comments received were objecting to the rezoning of the "G/IC" site.

260. Mr. Yung Ming Chau (C31) made the following main points:

- (a) as stated in paragraph 30 of the minutes of the STDC on 1.3.2012 (Annex V of the Paper), the STDC passed a motion raising strong objection to the rezoning of the On Chun Street for residential use;

- (b) while the consultation was an unfair process, the residents formed a concern group in order to raise their concerns and objection to the rezoning through established procedures;
- (c) the site at Area 103 had been reserved for the development of an IRC for 10 to 20 years. There was as yet no programme of implementation;
- (d) it was noted that funding for the implementation of the proposed IRC/community hall at Area 14B had just been approved, and the funding application for the proposed IRC at Area 24D was still pending. There was no programme for the provision of the planned IRC at Area 111. He did not even have any information on a proposed clinic in Ma On Shan as mentioned by DPO/STN; and
- (e) the site at On Chun Street should be retained for GIC uses serving not only residents in Marbella, but also residents in the Ma On Shan New Town. The rezoning of the site for residential development would only accelerate the inadequate provision of GIC facilities in the area.

261. Mr. Jimmy Leung, Director of Planning, had the following questions:

- (a) the criteria in identifying the vantage points for the preparation the photomontages for assessing the visual impact of the proposed development; and
- (b) how to ensure that the layout worked out by PlanD with two building blocks and a building gap between would be implemented on the On Chun Street site.

262. In response, Ms. Jacinta Woo made the following main points:

- (a) the vantage points taken for the preparation the photomontages for assessing the visual impact of the proposed development were shown in

Plan H-4 of the Paper. The vantage points included Tai Po Waterfront Park, Hong Kong Science Park, Ma On Shan waterfront promenade and Ma On Shan swimming pool. Only public vantage points were taken in assessing potential visual impact of the proposed development; and

- (b) the layout with two building blocks was only one of the possible design options for the future development on the site. Any requirements on the layout of the future development, including the provision of building gap or non-building areas could, be incorporated into the lease conditions.

263. In response to the Vice-chairman's question on air ventilation condition of the area, Ms. Jacinta Woo said that according to the AVA by expert evaluation (EE) conducted for the Ma On Shan New Town, the prevailing annual winds came from the east and northeast, while the summer wind came mainly from the southwest. According to the Housing, Planning and Lands Bureau Technical Circular on AVA for government projects, AVA would only be required for sites exceeding 2 ha with an overall plot ratio exceeding 5, development proposal with GFA exceeding 100,000m², or waterfront sites with lot frontage exceeding 100m in length. The representation site at On Chun Street did not fall within any of the categories. Nevertheless, an AVA by EE had been undertaken for the site. It was concluded in the EE that the site was not located within the air paths for the prevailing wind and the land and sea breeze and would not block major air flow in Ma On Shan. In addition, a 10m-wide strip of land along the northern boundary of the subject site fronting Ma On Shan Promenade was designated as a non-building area (NBA). This NBA, coupled with the adjoining footpath and open space could facilitate air circulation in the area.

264. In response to Ms. Bernadette Linn's (Director of Lands) question on the distance between Marbella and the future development, Ms. Jacinta Woo said that the layout of the future development had to comply with the requirements under the Buildings Ordinance such as the provision of prescribed windows and the Sustainable Building Design Guidelines, so the building blocks would not be built up to the lot boundary. According to layout design option worked out by PlanD, the distance between Marbella and the future development would be about 29m. There was also an existing pedestrian passageway in the adjacent site providing a buffer between the hotel and the future development.

265. Ms. Lee Suk Han (C18) said that as demonstrated in the Oceanaire development in Ma On Shan, building blocks could be built up to the lot boundary. In order to maximize the sea view of the development, the developer would probably adopt a layout with the building blocks along the lot boundary.

266. Mr. Yeung Man Tim (R612) said that the subject site being located at the waterfront would enjoy good air ventilation. However, as the prevailing wind came from the southeast direction, the development over the site would block air flow along On Chun Street.

267. Mr. Yau Man Yu (R99) said that PlanD had not provided any data to support the assessment that the proposed development would have no adverse impact on the area.

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

Deliberation Session

269. The Vice-chairman said that the subject site was one of the "G/IC" sites proposed by the Government for rezoning for residential development to address housing demand. It was expected that there would also be strong objections when other "G/IC" sites were to be rezoned. Members' decision on the subject case might have an important bearing on the rezoning of other "G/IC" sites.

270. A Member made the following comments:

- (a) it was noted that the Government had followed the established and statutory procedures to process the rezoning and undertake consultation on the change in land use of the site;

- (b) while this Member was impressed by the efforts made by the representers and commenters in the preparation of relevant information to support their objection against the rezoning of the site for residential development on different grounds and noted that some representers considered they should have the legitimate expectation that the planned use of the site in front of their property should not be changed, the subject case should be considered on planning grounds and merits of the case only;
- (c) while some representers raised objection to the rezoning on the ground that the future development would block the sea view and affect property price of their properties, other representers raised concerns on the provision of GIC facilities for the Ma On Shan area;
- (d) since the area of the site was small and could only provide about 200 flats, rezoning the site for residential development would not contribute much to addressing housing demand;
- (e) relevant government departments might be able to better coordinate with a view to identifying an alternative site to achieve the planning objective; and
- (f) the Board should take into account the unanimous objection raised by local residents and the STDC in considering whether the site should be rezoned for residential development.

271. The above views were supported by another Member who also said that the Government should not rush to rezone land for residential development. The Member said that concerned government departments should undertake detailed assessments on possible sites for residential development.

272. A Member noted that the data quoted by some representers and commenters was misleading. For example, the provision of services for the elderly people should not be assessed on the total population of the elderly people, but should be on the actual demand. This Member also noted that the information provided by DPO/STN in the Paper and Annex VII might not be comprehensive enough to facilitate the assessment on the provision of GIC

facilities in the district. The Member also agreed that the Board should not take into account the representers' sentiment against the loss of sea view and impact on property price. The Board should consider whether there was any comprehensive assessment and coordination among relevant government departments on the provision of GIC facilities and on the availability of sites for possible rezoning if the sites were not required for GIC uses.

273. A Member also shared the view that private views should not be a consideration in considering a rezoning. This Member noted that a BHR of 8 storeys was just imposed on the site in 2009, without any particular proposal on the future use of the site. The local residents might consider that they had the legitimate expectation that the site would be developed in accordance with this latest proposal shown on the OZP. Further, since the site could only provide about 200 flats, there might not be particular merits for rezoning the site for residential use. There might not be an overriding ground to overrule the objections of the residents. This Member asked if concerned government departments should be requested to provide more information on the other "G/IC" sites in the area to ascertain whether other sites could be made available for residential development.

274. Another Member said that in general, the developments in Ma On Shan New Town had a spacious layout, with wide separation between developments. However, the infill development of the On Chun Street site which was subject to some development constraints such as the presence of underground cavities and requirement on provision of NBA would result in quite congested development layout in the local area.

275. The Secretary said that the representers and commenters generally made the following three grounds in support of their objection: (i) the proposed residential development would generate visual impact and block the sea view of flats in Marbella; (ii) the proposed development would generate adverse impact on air ventilation; and (iii) the site should be retained for GIC uses as there was inadequate provision of GIC facilities in the area. As advised by DPO/STN, the proposed medium-density development was compatible with the surrounding land uses, and as demonstrated in the photomontages in the TPB Paper, it would not generate adverse visual impact to the surrounding area. It should also be noted that private views of buildings could not be guaranteed in the light of the development pace in Hong Kong. On air ventilation, it was noted that the site being located at the waterfront and adjacent to a wind corridor would not affect wind circulation in the area, as demonstrated

by the AVA by EE. The provision of GIC facilities in the area was also in accordance with the requirements set out in the HKPSG and concerned government departments had confirmed that the site would not be required for any GIC facilities. On the options that the Board could considered, she said that there were three options: (i) if the Board considered that the representers and commenters did not advance sufficient grounds to warrant a change of the residential zoning, the representations should not be upheld and the zoning would remain unchanged; (ii) if the grounds so raised were substantiated, the OZP should be amended to meet the representations; and (iii) if the Board considered that more information such as whether there were alternative sites in Ma On Shan which could be made available for residential development to address housing demand was required, the Board should defer making a decision pending submission of further information.

276. Mr. Jimmy Leung said that the rezoning was in line with the government policy to identify more land for residential development to address housing demand. The representation site was not required by government departments to provide GIC facilities and was readily available for residential use. However, as the site was subject to development constraints and could only provide about 200 flats, it might be prudent for the Board to consider whether the other undeveloped “G/IC” sites might be suitable and available for residential development as suggested by the representers, he agreed that the Board might defer a decision on the representations pending further review of the undeveloped “G/IC” sites in the area by relevant government departments. Nevertheless, the deferment did not mean that the Board had considered the representation site not suitable for residential use as the representation site would still be retained for residential development if it was considered that the site was the most suitable one for residential use after the review.

277. Some Members had the following views:

- (a) there was consensus in the community that there was an urgent need to identify more land for residential development to meet housing demand. Government policy to rezone “G/IC” sites for residential development was only one of the considerations of the Board;
- (b) private property owners and local residents might be affected by the rezoning for residential development. However, private interests should

not be the only consideration in making a decision to rezone the land;

- (c) rezoning proposal should be considered on its own merits and on planning principles;
- (d) the subject site was small in area and subject to development constraints. As only about 200 flats could be provided, it might not help much in addressing the housing demand; and
- (e) a review of other “G/IC” sites within the district would be required to facilitate the Board to consider whether there was alternative site(s), or the subject representation site was the most suitable one readily available for the housing development, taking into account all relevant considerations.

278. Mr. Jimmy Leung said that although the subject representation site was small in area and could only provide 200 flats, it could still address the housing demand in the short term. In the long run, housing supply would be provided in new development areas currently being studied.

279. A Member said that the TD should also be requested to provide more information on the car parking provision in the area, as it was shown in the photographs provided by the representers and commenters that there was illegal parking problem in the area. Members agreed.

280. The Vice-chairman summed up Members’ views that the Board should defer a decision on the representations pending a review of all the undeveloped “G/IC” sites in the area by relevant government departments to facilitate the Board to consider whether there was alternative site, or the subject representation site was the most suitable one readily available for the housing development, taking into account all relevant considerations.

281. After further deliberation, Members decided to defer a decision on the representations R6 (part), R7 (part) and R8 to R1079, pending a review of the suitability of other “G/IC” sites for residential development as suggested by the representers.

Agenda Item 15

[Open meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

282. There being no other business, the meeting closed at 2:10 a.m.