

**Minutes of 1040th Meeting of the
Town Planning Board held on 23.8.2013**

Present

Mr Stanley Y.F. Wong

Vice-chairman

Professor S.C. Wong

Mr Timothy K.W. Ma

Professor Edwin H.W. Chan

Mr Rock C.N. Chen

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Mr Roger K.H. Luk

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Miss Winnie M.W. Wong

Deputy Director of Environmental Protection
Mr C.W. Tse

Assistant Director (2), Home Affairs Department
Mr Eric K.S. Hui

Director of Lands
Ms Bernadette H.H. Linn

Director of Planning
Mr K.K. Ling

Deputy Director of Planning/District
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

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

Chairman

Mr Maurice W.M. Lee

Professor P.P. Ho

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Lincoln L.H. Huang

Mr Patrick H.T. Lau

Ms Christina M. Lee

In Attendance

Assistant Director of Planning/Board
Ms Brenda K.Y. Au

Chief Town Planner/Town Planning Board
Mr Edward W.M. Lo

Senior Town Planner/Town Planning Board
Ms Caroline T.Y. Tang

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1039th Meeting held on 9.8.2013

[The meeting was conducted in Cantonese.]

1. The minutes of the 1039th Meeting held on 9.8.2013 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

(i) **New Town Planning Appeals Received**

- (1) Town Planning Appeal No. 6 of 2013

Proposed House (New Territories Exempted House – Small House)

in “Agriculture” and “Green Belt” zones,

Government Land in D.D. 15, Shan Liu Village, Tai Po

(Application No. A/NE-TK/410)

2. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) on 25.7.2013 against the decision of the Town Planning Board (the Board) on 10.5.2013 to reject on review an application for a proposed house (New Territories Exempted House – Small House) in the “Agriculture” and “Green Belt” zones on the approved Ting Kok Outline Zoning Plan No. S/NE-TK/17. The application was rejected by the Board for the following reasons:

- (a) the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted

House/Small House in New Territories as the site was entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognised villages; and

- (b) 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.

3. The Secretary said 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.

(2) Town Planning Appeal No. 7 of 2013

Appeal against Town Planning Board’s decision to uphold the Metro Planning Committee’s decision to defer consideration of the section 16 planning application in respect of the proposed ‘Flat’, ‘Shop and Services’ and minor relaxation of building height restriction at 25-29 Kok Cheung Street, Tai Kok Tsui, Kowloon
(Application No. A/K3/545)

4. The Secretary reported that a Notice of Appeal against the decision of the Town Planning Board (the Board) on 26.4.2013 to uphold the Metro Planning Committee’s (MPC) decision to defer consideration of a section 16 application was received and acknowledged by the Appeal Board Panel (Town Planning) on 11.7.2013 and 9.8.2013 respectively.

5. The applicant sought planning permission for a proposed 23-storey composite building (including one basement floor) with minor relaxation of the building height restriction from 80mPD to 84.25mPD at No. 25-29 Kok Cheung Street, Tai Kok Tsui, Kowloon (the site). The site was zoned “Residential (Group E)1” on the draft Mong Kok Outline Zoning Plan (OZP).

[Mr Clarence W.C. Leung arrived to join the meeting at this point.]

6. On 11.1.2013, MPC considered the Planning Department (PlanD)'s request for deferral of the subject application. Noting that the building height restriction for the site was the subject of site-specific adverse representations (i.e. R6 and R7)¹, and the draft OZP and those representations had yet to be submitted to the Chief Executive in Council (CE in C), MPC decided to defer a decision on the application pending the submission of the OZP to CE in C in accordance with the Town Planning Board Guidelines No. 33 on 'Deferment of Decision on Representations, Comments, Further Representations and Applications' (TPB Guidelines No. 33).

7. On 6.2.2013, the applicant requested for a review of MPC's deferral decision under section 17(1) of the Town Planning Ordinance (the Ordinance). On 26.4.2013, the request was submitted to the Board for consideration under matters arising and not under section 17(1) of the Ordinance. At its meeting, the Board decided not to accede to the applicant's request to proceed with the consideration of the section 16 application and to adhere to MPC's original decision to defer consideration of the application. The Board considered that there were no special circumstances that would warrant a departure from the practice as stated in TPB Guidelines No. 33.

8. At the meeting on 26.4.2013, Members noted the legal advice previously obtained on a similar request for planning application No. A/H11/94. According to that legal advice, for the purpose of a review under section 17 of the Ordinance, the decision of the Board required under section 16 was a decision to refuse to grant the planning permission applied for or the imposition of conditions subject to which a planning permission was granted. Given that, a decision to defer was not a proper subject for the purpose of a review under section 17 of the Ordinance.

9. The Secretary said 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.

¹ Representations No. 6 and 7 (R6 and R7) were submitted by the Appellant. After giving consideration to all representations to the draft OZP on 29.4.2011, the Board noted the supporting grounds in some of the representations but decided not to uphold all of the representations (including R6 and R7).

(3) Town Planning Appeal No. 8 of 2013

Proposed House (New Territories Exempted House – Small House)

in “Village Type Development” and “Agriculture” zones and an area

outside the Outline Zoning Plan, Government Land in D.D. 15, Shan Liu, Tai Po

(Application No. A/NE-TK/429)

10. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) on 7.8.2013 against the decision of the Town Planning Board (the Board) on 14.6.2013 to reject on review an application for a proposed house (New Territories Exempted House – Small House) in the “Village Type Development” and “Agriculture” zones on the approved Ting Kok Outline Zoning Plan No. S/NE-TK/17. The application was rejected by the Board for the following reasons:

- (a) the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that it would involve site formation and slope stabilisation works resulting in clearance of mature trees and dense vegetation in its surrounding area and damage to the landscape quality of the area in close proximity to the Pat Sin Leng Country Park. The applicant failed to demonstrate that the proposed development would not cause adverse geotechnical and landscape impacts on the surrounding areas; and
- (b) the approval of the application would result in further encroachment onto the woodland surrounding the country park area and a general degradation of the environment and landscape quality of the area.

11. The Secretary said 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.

[Ms Anita WT Ma left the meeting temporarily at this point.]

(ii) Appeal Statistics

12. The Secretary reported that as at 23.8.2013, 18 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

| | | |
|-----------------------------|---|-----|
| Allowed | : | 30 |
| Dismissed | : | 129 |
| Abandoned/Withdrawn/Invalid | : | 171 |
| Yet to be Heard | : | 18 |
| Decision Outstanding | : | 2 |
| <hr/> | | |
| Total | : | 350 |

Housing and Office Land Supply Section

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Section 12A Application No. Y/H4/6

Proposed Rezoning from “Government, Institution or Community” (“G/IC”)

to “Other Specified Uses” annotated “Heritage Precinct” or “G/IC(1)”

on the Approved Central District Outline Zoning Plan No. S/H4/14

Former Central Government Offices, The Court of Final Appeal,

Battery Path and Public Toilet at Ice House Street in Central

(TPB Paper No. 9416)

[The hearing was conducted in Cantonese and English.]

Presentation and Question Session

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

- Mr Rock C.N. Chen - his company owned a flat on Kennedy Road, Central
- Mr Ivan C.S. Fu - LWK Conservation Limited, a subsidiary of his company, was employed by the Architectural Services Department (ArchSD) in the Heritage Impact Assessment (HIA) of the Main and East Wings of the Former Central Government Offices (CGO), and he had business dealings with Masterplan Limited, the consultant of the subject application
- Dr C.P. Lau - being an ex-member of the Antiquities Advisory Board (AAB) and involved in the grading of the subject site

14. Members noted that Mr Chen's property had no direct view to the subject site and agreed that he could stay in the meeting and participate in the discussion. Members considered that as the interests of Mr Fu and Dr Lau were direct, they should be invited to leave the meeting temporarily for this item.

[Mr Ivan C.S. Fu and Dr C.P. Lau left the meeting temporarily at the point.]

15. The following government representatives and the applicants' representatives were invited to the meeting at this point:

- Mr Eric Yue - Chief Town Planner/Housing and Office Land Supply (CTP/HOLS), Planning Department (PlanD)
- Mr K.W. Ng - Senior Town Planner/Housing and Office land Supply (STP/HOLS), PlanD
- Mr Tom Ming - Executive Secretary, Antiquities and Monuments

Office (ES, AMO), Leisure and Cultural
Services Department (LCSD)

| | | |
|-------------------|---|-----------------------------|
| Mr Ian Brownlee |] | |
| Mr John Battern |] | |
| Ms Katty Law |] | |
| Ms Mary Mulvihill |] | Applicants' Representatives |
| Ms Cynthia Chan |] | |
| Ms Louisa Sherman |] | |
| Mr Lawrence Tse |] | |
| Ms Debby Chan |] | |

16. The Vice-chairman extended a welcome and explained the procedure of the hearing. He said that on 19.8.2013, the applicants submitted a letter providing responses to some points raised in the TPB paper with proposed amendments to the Notes and Explanatory Statement in respect of the proposed “G/IC(1)” zone for the subject site on the Central District Outline Zoning Plan (OZP). As requested by the applicants, the letter was tabled at the meeting. Since the letter tabled included some new information which had not been published for public comments, Members would deliberate whether the new information could be taken into consideration during deliberation. The Vice-chairman then invited PlanD’s representatives to brief Members on the application.

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

17. With the aid of a Powerpoint presentation, Mr K.W. Ng presented the application and covered the following main points as detailed in the Paper:

The Application Site

- (a) the application site, with an area of about 2.1 hectares, was wholly government land. It comprised four portions, including Battery Path (western section), the former CGO, Court of Final Appeal (CFA) (i.e. the former French Mission Building) and a public toilet at Ice House Street;

- (b) the former CGO site and the three Wings, namely Main Wing, East Wing and West Wing, were Grade 1 historic buildings and CFA was a declared monument;

The Surrounding Areas

- (c) the surrounding areas were predominantly high-rise commercial buildings (including The Galleria, Standard Chartered Bank Building and HSBC Main Building, Citibank Plaza and Murray Building), government, institution and community (GIC) uses (including the Government House and the Consulate General of the United States of America) and open spaces (including the Hong Kong Zoological and Botanical Gardens);

The Applicants' Proposals

- (d) the applicants proposed to rezone the application site from "G/IC" to "Other Specified Uses" annotated "Heritage Precinct" ("OU(Heritage Precinct)") or "G/IC(1)";
- (e) the proposed development restrictions for the "OU(Heritage Precinct)" zone included (i) any demolition of the existing buildings would be prohibited; (ii) any changes to the existing buildings would require approval of the Town Planning Board (the Board); (iii) the maximum building height restriction should be 55mPD or the height of the existing buildings; and (iv) HIA and Conservation Management Plan (CMP) for the subject site should be submitted to the Board through the statutory planning application mechanism. The planning intention, Schedule of Uses and indicative scheme were not provided;
- (f) the proposed development restrictions for the "G/IC(1)" zone included (i) any demolition of the existing buildings would require approval of the Board; (ii) any new building would be limited to the footprint of the existing building it might replace; (iii) the maximum building height restriction should be 55mPD; (iv) any sale of part of the site for non-GIC

uses would be prohibited; and (v) HIA and CMP for the subject site should be submitted to the Board through the statutory planning application mechanism. The planning intention was for retaining the character and heritage importance of the site. The Schedule of Uses and indicative scheme were not provided;

[Miss Winnie Wong arrived to join the meeting at this point.]

The Applicants' Justifications

- (g) the justifications put forth by the applicants in support of the application were summarised in paragraph 2 of the Paper and highlighted as follows:
 - (i) the former CGO and buildings were of great historical and social interest. They were associated to the Hong Kong people in diverse ways and weighed heavily on our collective memory. The buildings represented a strong Hong Kong design tradition;
 - (ii) the Heritage Alert on West Wing issued by the International Council on Monuments and Sites (ICOMOS) in June 2012 should be taken into account, and AAB's decision to accord Grade 1 status to the former CGO site was compatible with the rezoning proposal;
 - (iii) the entire 'Government Hill' area was the best preserved and possibly the last remaining heritage precinct in Hong Kong;
 - (iv) there were inadequate conservation controls of Grade 1 historic buildings. The Development Bureau Technical Circular (Works) No. 6/2009 on HIA Mechanism for Capital Works Projects (the DEVB Technical Circular) allowed AMO to have discretion on the need for HIA for a project;
 - (v) the HIA for the former CGO site and buildings should be

followed by a CMP. Both the HIA and CMP should be made available for public comment through the statutory planning application system. The independent Board could ensure that the proposed preservation was up to standard;

- (vi) the requirement for Board's approval for any changes to existing buildings under the proposed "OU(Heritage Precinct)" zoning was crucial and consistent with other heritage sites;
- (vii) the proposed building height restriction of 55mPD on the application site was consistent with the recommendation of the previous AMO's Appraisal on the former CGO and the "G/IC" zones of other OZPs;
- (viii) the public access to the former CGO site should be restored to the situation before 1997. Guided tours to the interiors of the three Wings should be arranged as far as possible provided that Department of Justice (DoJ)'s operation would not be affected; and
- (ix) he would leave it to the applicants to present their detailed justifications;

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

Background

Government's Previous Redevelopment Scheme for the West Wing

- (h) in 2009, AMO commissioned a conservation architect firm to carry out a comprehensive appraisal for the former CGO. The Morrison Report, a study report on the historical and architectural appraisal of the CGO completed in September 2009, recommended that the Main and East Wings of higher historical and architectural value should be preserved while the West Wing of relatively lower historical and architectural

value could be demolished and redeveloped;

- (i) it was announced in 2009-10 Policy Address that the Main and East Wings would be used as DoJ's new headquarters while the West Wing would be redeveloped for commercial use;
- (j) from September to December 2010, DEVB and PlanD jointly carried out a public consultation on a notional scheme for redeveloping the West Wing into an office tower, a public open space (POS) and a shopping centre. The West Wing site was also proposed to be rezoned from "G/IC" to "Comprehensive Development Area";
- (k) in response to the public views received, the notional redevelopment scheme for West Wing was refined in November 2011. Under the refined scheme, the footprint of the proposed office tower was reduced, the size of the proposed POS was increased and the shopping centre was replaced by GIC facilities and ancillary office uses with a reduced gross floor area;
- (l) on 14.6.2012, the Government announced that a Build-Own-Transfer development mode to partner with the private sector would be adopted to redevelop the West Wing into a new financial and legal cluster with the new DoJ headquarters at the Main and East Wings. The existing "G/IC" zoning would be retained;
- (m) noting the strong divergent views on the proposed redevelopment of West Wing, the Government on 4.12.2012 announced that the scheme would be replaced by a reuse plan, in which the main body of the West Wing would be preserved and renovated for use by DoJ to accommodate its offices, as well as by law-related non-government organisations (NGOs). On 17.12.2012, AAB finalised the grading for the former CGO by according Grade 1 status to the former CGO site and the three Wings;

DoJ's Relocation Projects

- (n) the preparation work for the relocation of DoJ's offices to the Main and East Wings was at an advanced stage, with land allocation already granted to DoJ. As it was a capital works project, an HIA had been undertaken by ArchSD in accordance with the procedures and requirements of the DEVB Technical Circular. The concerned HIA Report was agreed by AMO and supported by AAB in June 2012. The Central and Western District Council and the Legislative Council (LegCo) Panel on Administration of Justice and Legal Services were also consulted on the project. Funding approval for the project was obtained from the LegCo Finance Committee in January 2013;

- (o) the refurbishment works for the West Wing would be under a separate capital works project, which was also subject to the HIA procedures and requirements;

Departmental Comments

- (p) the departmental comments on the subject application were summarised in paragraph 9 of the Paper and highlighted as follows:
 - (i) the District Lands Officer/Hong Kong West and South, Lands Department objected to the subject application as it was considered not acceptable to prohibit sale of part of the site for non-GIC uses in the statutory planning framework;

 - (ii) the Commissioner for Heritage's Office (CHO), DEVB and AMO, LCSD considered that the former CGO site and its three Wings with Grade 1 historic building status and to be used as DoJ's offices and law-related NGOs were duly protected under the HIA mechanism specified in the DEVB Technical Circular. CFA was a declared monument protected under the Antiquities and Monuments Ordinance. They did not agree that there were inadequate conservation controls over Grade 1 historic buildings.

The HIA mechanism was able to protect graded historic buildings under capital works projects, including the former CGO. CMP was required in the HIA for projects involving large-scale alteration/addition/ demolition works. CMP was recommended in the HIA for DoJ's relocation project to the Main and East Wings. The completed HIA included recommendation for opening some designated areas of the Main and East Wings to the public on scheduled days;

- (iii) the Director of Administration and Development, DoJ advised that the requirement that "any changes to existing buildings would require approval of the Board" under the proposed "OU(Heritage Precinct)" zone would have implications on DoJ's relocation works and future maintenance of the three Wings. According to the completed HIA, the unnecessary existing fences within the Main and East Wings site would be removed while those along Lower Albert Road would be replaced by lower fences. The public would be able to access the main entrance of DoJ from Lower Albert Road. The arrangements for the West Wing would be subject to the recommendations of a separate HIA;

[Ms Janice W.M. Lai returned to join the meeting at this point.]

- (iv) the Chief Architect/Advisory & Statutory Compliance (CA/ASC), ArchSD commented that the requirements that "any change to existing buildings would require approval of the Board" under the proposed "OU(Heritage Precinct)" zone was not necessary. There was already a mechanism to protect Government historic buildings under the DEVB Technical Circular. The proposed requirements would delay or affect the works for the adaptive reuse of the buildings for office use and would have implications on maintenance, minor alteration and fitting-out works for the buildings in future; and

- (v) the Principal Assistant Secretary (Greening, Landscape and Tree Management), DEVB did not support the application as the status quo under the proposed “OU(Heritage Precinct)” zone would rule out the potential for a better use of the site, while the development and conservation requirements of the proposed “G/IC(1)” zone would inhibit a better integration of the open spaces and green spaces as well as an improvement of pedestrian connectivity;

Public Comments

- (q) public comments – a total of 10,975 public comments were received, with 10,929 supporting, 3 objecting and 43 providing comments. Among the supporting comments, 10,877 of them were in the form of six standard submissions. The major views expressed in the public comments were as follows:

Supporting Views/Other Comments

- (i) the ‘Government Hill’ was of particular historic, political and civic context and there was a public sentiment about its heritage preservation. The former CGO buildings therein were designed and built as a “harmonious integral cluster”;
- (ii) the ‘Government Hill’ should be preserved in its entirety in view of the Heritage Alert on the West Wing issued by ICOMOS. It should also be retained under public ownership and opened for public use with the concerned Old and Valuable Trees and mature trees protected;
- (iii) the historical, cultural and social significance of the former CGO site and high architectural value of the buildings warranted a comprehensive protection by rezoning the entire site to a “Heritage Precinct”;

- (iv) any demolition of the existing buildings would generate unnecessary debris;
- (v) the three Wings should be planned together with CFA. The former CGO site should be retained under Government ownership for public/GIC uses. Building heights should be restricted to existing levels;
- (vi) an existing two-way vehicular access from Lower Albert Road to St. John's Cathedral site via the former CGO site should be retained;

Opposing Views

- (vii) the former CGO buildings were just a few concrete blocks which were not culturally and historically significant and should be demolished;
- (viii) the former CGO was a public property and should be properly utilised; and
- (ix) to preserve and carry out cultural development in Central would only benefit the rich, elites and expatriates. It would be better to use the return from land sales of the West Wing site to fund cultural development in the New Territories; and

[Ms Anita W.T. Ma returned to join the meeting at this point.]

- (r) PlanD's views – PlanD did not support the application based on the planning considerations and assessments as set out in paragraph 11 of the Paper and summarised below:

Appropriateness of Existing "G/IC" Zoning

- (i) as the whole former CGO site would remain to be used as government offices, the existing "G/IC" zoning was appropriate.

The “G/IC” zoning would not preclude heritage conservation control;

Adequacy of Existing Heritage Conservation Controls

- (ii) the whole application site was on government land, with all historic buildings wholly owned and used by the Government;
- (iii) CHO, DEVB and AMO, LCSD did not agree that there were inadequate heritage conservation controls over Government-owned graded buildings, which were subject to the HIA mechanism set out in the DEVB Technical Circular. The HIA for the Main and East Wings completed in June 2012 included a recommendation for preparation of a CMP for the project. Also, consultation of the project (including HIA) with AAB, the Central and Western District Council and LegCo Panel on Administration of Justice and Legal Services had been undertaken. The West Wing would also be subject to the HIA mechanism;
- (iv) heritage conservation fell within the purview of the Antiquities and Monuments Ordinance and was the main function of the Antiquities Authority and AAB. The proposed requirement for submitting HIA and CMP to the Board for approval would go beyond the statutory power and functions of the Board;

[Ms Bernadette H.H. Lim arrived to join the meeting at this point.]

- (v) to amend the OZP to require the submission of HIA and CMP through the section 16 planning application system would cause unnecessary delay to DoJ’s relocation projects, particularly if adverse representations were received in the OZP amendment process;

Applicants' Proposals

- (vi) the planning intention and Schedule of Uses for the two proposed zones were not clearly provided. There were also a lot of ambiguities and inadequacies in the suggested conservation requirements and development restrictions. For instance, the proposed restriction of the "G/IC(1)" zone to limit any new building to the footprint of the existing building could not be valid if the intention was to preserve the buildings in totality. Besides, the proposed restriction to prohibit any sale of the site for non-GIC use under the "G/IC(1)" zone was not a relevant planning matter for inclusion as a zoning requirement on the OZP;

- (vii) CA/ASC, ArchSD had advised that one of the proposed conservation requirements for the "OU(Heritage Precinct)" zone (i.e. any change to the existing buildings would require approval of the Board) was too restrictive and would also delay or affect the works for the adaptive reuse of the concerned buildings for government office use;

- (viii) imposition of building height restriction would be considered as part of the comprehensive review of the height restrictions for the Central District;

- (ix) the proposed public access to the restored former CGO site was in line with DoJ's initial management plan; and

Responses to Public Comments

- (x) in view of the Government's latest decision to preserve and reuse the three Wings of the former CGO as DoJ's offices and law-related NGOs and AAB's decision to accord Grade 1 status to the site and buildings, various issues raised in the public comments were overtaken by events.

18. The Vice-chairman then invited the applicants' representatives to elaborate on the application. Mr Ian Brownlee said that some materials including a pamphlet on "Open Up Government Hill", the Government Hill Orientation Day Questionnaire Sheet, ICOMOS's press release concerning the Heritage Alert issued for the West Wing, and the latest proposed amendments to the Notes and Explanatory Statement in respect of the proposed "G/IC(1)" zone of the application site were tabled at the meeting.

19. Mr Ian Brownlee then made the following main points:

- (a) the application was submitted by a group of 20 organisations in the public interest of the people of Hong Kong;
- (b) after the application was made, a large number of public comments including some researches and expert advice were received. A report entitled "Government Hill Compendium" was therefore compiled and submitted in form of further information. Subsequently, a booklet of "Our Government Hill" was also submitted to provide a good summary of 'Government Hill' which was a useful document for Members' consideration. The booklet contained information on the historical and social significance of 'Government Hill', the architectural merits of the West Wing and the planning implications on demolition of the West Wing;
- (c) at the time when the application was made in February 2011, the Government had proposed to demolish the West Wing for land disposal. Subsequently, the Government decided to preserve the West Wing and use it for DoJ's offices and law-related NGOs. AAB had also graded the former CGO site and buildings as Grade 1 historic buildings;
- (d) the procedures and requirements for HIA set out in the DEVB Technical Circular were only administrative processes without statutory effect and public involvement. The planning application mechanism could give statutory protection to the Grade 1 historic buildings while allowing public participation in the process;

- (e) the purposes of the rezoning application were to give statutory protection to the former CGO site and buildings under the Town Planning Ordinance; retain the buildings under Government ownership for GIC or public use; preserve the mature trees including Old and Valuable Trees on the site; and provide public access and pedestrian connectivity through the site; and
- (f) PlanD stated in the Paper that the proposals for the proposed “OU(Heritage Precinct)” and “G/IC(1)” zones were unclear and partially irrelevant given the changed circumstances. In this regard, a revised proposal with more details had been submitted and tabled at the meeting. It was considered that the “G/IC(1)” zoning would be more appropriate for the site under the current situation.

20. Mr John Battern continued the presentation and made the following main points:

- (a) in 2006, a group of people made representation to the Legislative Council against the Central Reclamation. One of the major concerns was the use of the CGO site after relocation of the CGO to Tamar. It was requested that the GGO site should be retained. As a result, the Government committed that the ‘Government Hill’ would be preserved;
- (b) the name ‘Government Hill’ first appeared in 1841. It had long been the place of government offices and decision-making;
- (c) the former CGO site and buildings were of great historical and social interest. The former CGO site was not only important by itself, but also important in the context of other heritage buildings and sites that were surrounding it or in the vicinity;
- (d) the three Wings were built in the 1950s to meet the need for an expansion of government offices. The West Wing was completed in

1959. The buildings were able to reflect the architectural style and building technology of the time. They were fine examples of the architecture in Hong Kong in the 1950s;

- (e) the site also had immense social significance. It was associated to Hong Kong people in diverse ways and it weighed heavily on their collective memory. The entire 'Government Hill' area was the best preserved and possibly the last remaining heritage precinct in Hong Kong;
- (f) the Government Hill Concern Group was formed to launch a campaign for the preservation of 'Government Hill' to prevent demolition of the buildings and selling any part of the site to developers. To achieve the objective, some amendments were proposed to the OZP in order to give flexibility to the Government while allowing the public to be involved in the revitalisation process of the buildings;
- (g) an interview was conducted in London with Mr Michael Wright, the former Chief Government Architect who supervised the construction of the former CGO in the 1950s. According to Mr Wright, the three Wings were designed as a holistic, simple and pragmatic modern structure at that time and the West Wing was a good solid design to meet its functional needs;
- (h) although the CGO site and buildings were accorded Grade 1 historic buildings, there was no statutory control regarding the conservation of these buildings; and
- (i) the "Revitalising Historic Buildings through Partnership Scheme" might not provide an effective way to preserve the historic buildings. Mei Ho House, Murray Building and Central Market were some examples.

21. Ms Katty Law continued the presentation and made the following main points:

- (a) the Government Hill Concern Group was formed by a number of NGOs, green groups, professionals and individuals to protest against the demolition of West Wing and selling part of the CGO site to developers for commercial development. They submitted an application to the Board in 2011 and subsequently, requested AAB to assess the grading of the former CGO site. They had also conducted researches and studies on the history and architecture of 'Government Hill' including interviews with Mr Michael Wright in London, and the family members of Mr John Aitken, the late architect of the West Wing, in Sydney to collect useful information on the design, construction and history of the CGO buildings;
- (b) in view of the threatened demolition of the West Wing, they made a submission to ICOMOS for a Heritage Alert. In June 2012, ICOMOS issued an international Heritage Alert to the West Wing. The Heritage Alert was also supported by Docomomo and the International Union of Architects. The historical significance of the West Wing had received international recognition;
- (c) the Government's decision on the conservation of 'Government Hill' had also attracted the attention of the Mainland. The Government Hill Concern Group had been invited by Docomomo, China to make a presentation on the conservation of 'Government Hill' at a conference to be held in Xian in October 2013;
- (d) the heritage preservation work had to be supported by both the conservation policy and the planning policy. Heritage conservation was not the responsibility of AAB alone. It should be noted that Grade 1 historic buildings had no statutory status. That was why the Ho Tung Gardens residence would be demolished. To ensure proper protection of those historic buildings on the CGO site, designation of appropriate zoning and imposition of development restrictions for the application site through the statutory planning mechanism were considered necessary. Furthermore, AAB was working under constraints. For

example, there was a lack of statutory public consultation process in considering the relevant projects. As such, the Board would provide a good platform to put in place statutory planning control on heritage conservation;

- (e) while the HIA for the Main and East Wings had been completed, no HIA had been conducted for the West Wing so far. There was no guarantee that no high-rise development would be built on top of the historic buildings; and
- (f) the Government's latest proposal for the former CGO site and buildings should set a benchmark on preservation. There was a need to impose statutory planning control including building height restriction on the site. The Board was an appropriate authority to oversee the matter through the planning application mechanism. The 'Government Hill' should be designated as the first conservation area in Hong Kong.

22. Mr Ian Brownlee continued the presentation and made the following additional points:

- (a) the applicants asked for the submission of HIA and CMP to the Board because of the legal and procedural problems they had encountered in the AAB grading process. Their procedures were much less developed than those of the Board. If HIA and CMP were required to be submitted under the planning application mechanism, the public could be involved in the process;
- (b) it was agreed that there was a distinction between the functions of the Board and those of AAB as mentioned in paragraphs 11.7 and 11.8 of the Paper, and that HIA and CMP should be processed by AAB;

Responses to the Points Raised in the Paper

Appropriateness of the "G/IC" zoning

- (c) given that the Government had decided to use the site as government offices, “G/IC(1)” would be the most appropriate zoning for the site under the current circumstances. In response to PlanD’s comments in paragraph 11.9 of the Paper that the planning intention and the Schedules of Uses for the two proposed zones were not clearly provided, the applicants proposed that the existing Schedule of Uses for the “G/IC” zone was applicable to the site and the planning intention statement as tabled should be added to the Explanatory Statement in respect of the proposed “G/IC(1)” zone of the subject site on the OZP;

- (d) in response to PlanD’s comments in paragraph 11.3 of the Paper, it was considered necessary to insert additional remarks to the Notes in respect of the proposed “G/IC(1)” zone as tabled to effect heritage conservation control. The Central Market and Murray Building sites were subject to similar requirements under the OZP, where any new building and new structure for facilities that were ancillary and directly related to the always permitted uses required permission from the Board. The same approach should be adopted for the application site;

Building Height

- (e) the Board had consistently imposed building height restrictions on “G/IC” zones on the OZPs. The proposed building height restriction of 55mPD was appropriate as it had taken into account the height of the existing buildings and the recommendations of the Morrison Report and HIA. There was no need for the Board to impose building height restriction on the application site pending the comprehensive review of the Central District OZP;

Responses to Public Comments

- (f) the applicants did not agree with PlanD’s comments in paragraph 11.11 of the Paper that the various issues raised in the public comments were overtaken by events in view of the recent Government’s decision to preserve all the three Wings and AAB’s decision to accord Grade 1 status to the CGO site and buildings. There were more than 10,000

public comments requesting that the site should be protected. In particular, they requested to rezone the entire site to “OU(Heritage Precinct)” and impose a building height restriction of 55mPD on the site. It was the established practice of the Board to take into account the public comments received in considering planning applications. If the Board did not respond positively to the public comments, the public would be disappointed; and

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

Gazetting of Proposed Amendments

- (g) the approval of the subject s.12A application would not necessarily delay DoJ’s relocation projects. According to the revised rezoning proposal of the “G/IC(1)” zone, any minor alternation and/or modification works would not require planning permission. Moreover, should the Board agree to the subject application, the subsequent proposed amendments to the OZP would need to be submitted to the Metro Planning Committee for agreement prior to gazetting. As revealed in some previous cases, even if the rezoning applications were approved by the Board, it might still take a long time to proceed to the gazetting stage. For the subject case, if the proposed rezoning was approved by the Board, the proposed amendments to OZP could be gazetted at a later time, if required. Besides, it was not expected that a large number of adverse representations would be received during the OZP amendment process.

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

23. Upon the invitation of the Vice-chairman, Mr Tom Ming made the following main points:

- (a) public works projects were subject to the HIA mechanism as set out in the DEVB Technical Circular. Once a capital works project was identified, its works agent was required to assess, preferably during

preparation of the Technical Feasibility Statement, whether there was any “heritage site” (including graded buildings) within the project boundary or in its vicinity (usually interpreted as not more than 50m measured from the nearest point of the project boundary). The works agent should then, via a checklist, confirm with AMO their findings. Upon receipt of the checklist, the AMO would first affirm the findings of the works agent and then review on the wider front if the project would affect the heritage of any “heritage site” within the works site or in its vicinity. Subject to the receipt of all required information, AMO would advise the works agent as to whether an HIA was required;

[Mr C.W. Tse left the meeting temporarily and Ms Anita W.T. Ma returned to join the meeting at this point.]

- (b) if an HIA was required, a detailed study would be undertaken by a consultant. In the course of planning the adaptive reuse of a historic building, conversion and refurbishment works might be required to meet the functional and operational needs of the future users and to meet the prevailing statutory requirements, such as those of barrier free access, fire services and building safety;
- (c) when the HIA was completed, AAB, being a major stakeholder on heritage conservation, should be engaged and its support would be sought. The works agent might need to involve the public in developing the project design. As the conditions of each project were unique to its own, the project proponent and works agent should determine the public engagement strategy that was most suitable for the project. The project proponent should take into account the public views, as appropriate, in taking forward the project;
- (d) in some cases, the relevant District Councils and LegCo Panels would also be consulted on the proposed works projects, including the HIA recommendations, before seeking funding approval from the LegCo Public Works Sub-committee and Finance Committee; and

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

- (e) the mechanism had been in operation smoothly and efficiently for some years. All the relevant reports were uploaded to AMO's website for public inspection and AAB's meetings were also open to the public.

24. The Vice-chairman invited questions from Members.

25. A Member asked whether an HIA would be conducted for the West Wing. Mr Eric Yue said that in light of AAB's decision to accord Grade 1 status to the former CGO site and its three Wings, the historic buildings were duly protected under the HIA mechanism set out in the DEVB Technical Circular. The HIA for the Main and East Wings had already been completed and endorsed by AAB. The West Wing was only accorded Grade 1 in December 2012. A separate HIA would be conducted for the West Wing.

[Mr C.W. Tse returned to join the meeting at this point.]

26. The same Member noted that PlanD was of the view that the requirement to submit HIA and CMP to the Board for approval would go beyond the statutory power and functions of the Board but the applicants claimed that the Central Market and Murray Building sites were subject to the planning application requirement under the OZP. The Member enquired if the two statements were inconsistent. Mr Eric Yue said that under the OZP, the two sites quoted did not require the submission of any HIA or CMP to the Board for approval. The requirement of submission of HIA or CMP to the Board had not been imposed on any historic buildings under the respective OZPs. Heritage conservation was the main function of AAB and AMO, and thus an HIA or CMP, if required, should be submitted to the relevant authority for consideration. Mr Ian Brownlee confirmed the applicants' agreement to PlanD's view that HIA and CMP should not be the concern of the Board.

[Mr Roger K.H. Luk left the meeting temporarily at this point.]

27. Ms Mary Mulvihill asked whether the subsequent implementation works proposed under the HIA would be monitored by the relevant authority in order to ensure no damage to the historic buildings. Mr Tom Ming said that different problems might emerge when the works project proceeded, including the need to satisfy fire and building safety requirements. They would be dealt with properly in different ways with a view to achieving compatibility with the original building character.

[Ms Julia M.K. Lau and Mr Roger K.H. Luk returned to join the meeting at this point.]

28. Ms Katty Law said that there was no available information about the renovation works of the West Wing and the required HIA. Up to now, the public and the Board did not have a chance to consider the HIA for the West Wing, it was not sure if the proposed works to the West Wing would be in line with the heritage conservation principles. As such, the proposed amendments to the Notes and Explanatory Statement of the OZP were considered necessary so as to ensure that the historic buildings would be protected properly.

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

Deliberation Session

New Information Submitted

30. The Vice-chairman said that the original application, which was submitted in 2011, proposed that the West Wing should be preserved and the site should be held under Government ownership. Some amendments to the zoning and the Notes were proposed to effect the intended planning control. In view of the changed circumstances, the applicants submitted some new information, i.e. a revised proposal which included proposed amendments to the Notes and Explanatory Statement of the OZP in respect of the

proposed “G/IC(1)” zone for the application site, to the Board just four days before the meeting. The new information changed the substance of the planning control proposal in the original submission and would require publication for public comments. According to the practice of the Board, the new information tabled should not be taken into consideration by the Board. As such, consideration of the application should focus on whether the applicants’ original proposal was acceptable.

[Professor Eddie C.M. Hui left the meeting temporarily at this point.]

31. In response to the Vice-chairman’s question, the Secretary explained that under the provision of the Town Planning Ordinance, when a piece of further information relating to a planning application was received, the Secretary would determine whether the information could be accepted and, if accepted, whether the information would be exempted from the publication and recounting requirements or otherwise. For the subject application, the new information was submitted by the applicants only four days before the meeting. The information was tabled at the meeting as requested by the applicants, but it was different from the original proposal. Under the original rezoning proposal, the applicants proposed that the application site should be rezoned to “OU(heritage precinct)” or “G/IC(1)”, under which HIA and CMP would be required to be submitted to the Board under the section 16 planning application mechanism. The applicants lately considered that “G/IC(1)” was the more appropriate zoning with planning intention stated in the Explanatory Statement, and proposed changes to the detailed control/requirements in the Remarks in the Notes. The requirement to submit HIA and CMP to the Board was deleted. As the new information had not been published for public comments, it would be unfair to the public as they were deprived of the opportunity to give comments on the new information submitted. Members agreed that the new information submitted on 19.8.2013 could not be taken into consideration when deliberating on the subject application.

[Professor Eddie C.M. Hui returned to join the meeting at this point.]

Consideration of the Applicants’ Original Proposals

32. A Member said that the application was submitted mainly on the grounds that

there was no statutory control over the conservation of the CGO site and hence the existing buildings might be subject to significant changes including an increase in building height. However, it was confirmed by AMO that the Government-owned historic buildings were subject to the existing conservation mechanism, including the submission of HIA. In this regard, the Member considered that the current “G/IC” zoning of the application site was appropriate and did not support the subject application. Another Member shared the same view and said that all the Government-owned graded buildings would be properly protected as clearly explained by the representative of AMO at the meeting. This Member pointed out that the applicants had proposed very stringent controls on the historic buildings at the application site through the planning application mechanism, which would not be appropriate.

33. A Member said that the effort made by the applicants in this application was appreciated. This Member, however, opined that the Board was not the authority on heritage conservation. The consideration of HIA and CMP which would require detailed and specialised technical knowledge should be dealt with by AAB and AMO. Another Member pointed out that the support of the general public and some overseas experts to preserve the historic buildings on the application site was recognised. However, there were different heritage preservation concepts internationally, and project proponents should be allowed to propose creative ideas in adaptive reuse of historic buildings without jeopardising the conservation objectives. The Member considered that the existing control mechanism would allow more flexibility for the architects while achieving the conservation objectives at the same time.

34. A Member considered that the applicants’ proposal to require the submission of HIA and CMP for the application site to the Board should not be supported as it would go beyond the Board’s purview. The competent authorities to consider heritage impact and conservation management matters should be the Antiquities Authority, AAB and AMO.

35. In response to a Member’s question, the Secretary said that the subject application should be considered based on the original submission but not the revised proposal. Members should consider whether the proposed “G/IC(1)” zoning was appropriate, whether the proposed development restrictions were appropriate and whether

the Board should control matters under the purview of AAB and AMO. Moreover, the applicants' original proposal, if agreed, might cause unnecessary delay to DoJ's relocation project, given that the Government had already decided to preserve the buildings for DoJ's offices and law-related NGOs. Even the applicants' representative had suggested that if the proposed amendments were agreed by the Board, the amendments to the OZP could be gazetted at a later time so as not to cause delay to DoJ's relocation project.

36. The Secretary continued to say that PlanD's representative had highlighted the technical deficiencies of the applicants' proposals. The applicants' proposals were inadequate as the proposed "OU(Heritage Precinct)" was not a use in itself; the proposed restriction of the "G/IC(1)" zone to limit any new building to the footprint of the existing building could not be valid if the intention was to preserve the buildings in totality; and the proposed restriction to prohibit any sale of the site for non-GIC use under the proposed "G/IC(1)" zone was not a relevant planning matter for inclusion as a requirement on the OZP.

37. To rebut the applicants' accusation that PlanD was not responding to the public comments properly, Mr K.K. Ling, Director of Planning, said that the various issues raised in the public comments were in fact overtaken by events as AAB had accorded Grade 1 status to the former CGO site and the buildings on it, and the Government had decided to preserve the buildings including the West Wing for government use.

Conclusion

38. The Vice-chairman noted Members' consensus that the subject application should not be approved as the site would remain to be used as government offices and law-related NGO offices, the existing "G/IC" zoning was appropriate. The Grade 1 historic buildings on site were subject to the HIA mechanism which included the preparation of CMP. On the imposition of building height restriction, this would preferably be considered as part of the comprehensive review of the building height restrictions for the Central District.

39. After deliberation, the Board decided not to agree to the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the

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

- (a) the existing “Government, Institution or Community” zoning was appropriate to reflect the latest planning intention of the application site;
- (b) there was no strong justification to amend the zoning to require submission of Heritage Impact Assessment and Conservation Management Plan through the section 16 application mechanism which fell within the purview of the Antiquities Authority and Antiquities Advisory Board; and
- (c) the proposed conservation requirements and zoning restrictions were inadequate.

[The meeting was adjourned for a short break of 3 minutes.]

[Mr Ivan C.S. Fu and Dr C.P. Lau returned and Mr Dominic K.K. Lam and Mr Laurence L.J. Li arrived to join the meeting at this point.]

[Mr Roger K.H. Luk and Mr Eric K.S. Hui left the meeting and Dr W.K. Yau left temporarily at this point.]

Hong Kong District

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/H20/177

Proposed Comprehensive Residential Development with Commercial Use and a Public Transport Terminus in “Comprehensive Development Area (1)” and “Open Space” zones, former China Motor Bus Depot at 391 Chai Wan Road (Chai Wan Inland Lot No. 88), Chai Wan Road Bus Terminus, and a section of Sheung On Street in Chai Wan
(TPB Paper No. 9404)

[The hearing was conducted in Cantonese and English.]

Presentation and Question Session

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

Mr Ivan C.S. Fu - had business dealings with Masterplan Limited, the consultant of the subject application

Mr Sunny L.K. Ho - jointly owned with his spouse a flat and a car parking space in Heng Fa Chuen

Mr Dominic K.K. Lam - his company owned a workshop at Cheung Lee Street, Chai Wan

41. Members noted that Mr Fu had no involvement in the subject application, and Mr Ho's property and Mr Lam's workshop were remote from the application site. Members agreed that they could stay in the meeting and participate in the discussion.

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

Ms Ginger Kiang - District Planning District/Hong Kong (DPO/HK), PlanD

Ms April Kun - Senior Town Planner/Hong Kong (STP/HK), PlanD

Mr Ian Brownlee]

Ms Cynthia Chan]

Dr Henry Ngan]

Mr Victor Wong]

Mr Frank Ma] Applicant's Representatives

Ms Elsa Kwong]

Mr Edmond Chu]

Ms Winnie Ko]

Ms Margaret Wong]

43. The Vice-chairman extended a welcome and explained the procedure of the review hearing. He then invited PlanD's representatives to brief Members on the review application.

44. With the aid of a Powerpoint presentation, Ms April Kun presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for a proposed comprehensive residential development with commercial use and a covered public transport terminus (PTT) at the portion of the site zoned "Comprehensive Development Area (1)" ("CDA(1)") (about 73%) and a public open space (POS) at the remaining portion of the site zoned "Open Space" ("O") (about 27%) on the draft Chai Wan Outline Zoning Plan (OZP) No. S/H20/20. The zonings and development restrictions of the site remained unchanged on the current OZP No. S/H20/21;
- (b) the application was rejected by the Metro Planning Committee (MPC) of the Town Planning Board (the Board) on 19.4.2013 and the reasons were:
 - (i) the traffic impact assessment (TIA) failed to demonstrate that the proposed development would not have adverse traffic impact on the surrounding area. There was reservation on the feasibility of the proposed traffic arrangements for the site. The TIA also failed to address the provision of pedestrian access to the proposed PTT and the aspect of pedestrian safety;
 - (ii) the adoption of single aspect building design with a long continuous façade for Tower 1 of the proposed development was undesirable from the urban design perspective; and

- (iii) one of the planning objectives of the rezoning application approved in 2001 was to provide a POS adjacent to the site. Since the provision and maintenance of the POS had not been resolved, the planning objective could not be realised;
- (c) the application site was located to the east of the junction of Chai Wan Road and Wing Tai Road, at the southern edge of the Chai Wan East Industrial Area. It comprised an old and vacated bus depot, an open-air bus terminus and a section of Sheung On Street;
- (d) opposite to the application site across Chai Wan Road were private residential buildings, a swimming pool complex and some schools. To the west were mainly public housing estates, such as Yue Wan Estate. To the immediate north were a LPG filling station, a temporary carpark and a temporary petrol filling station. To the east and further north were industrial and industrial/office buildings;
- (e) on 30.6.2000, the applicant submitted a request for rezoning the application site from “Industrial” (“I”), “Government, Institution or Community” (“G/IC”) and an area shown as ‘Road’ to “CDA” and “O” (No. Z/H20/1). On 12.1.2001, MPC partially agreed to the request and decided that some portions of the proposed “CDA” site should be zoned as “O”;
- (f) the applicant then submitted two s.16 applications No. A/H20/119 and A/H20/159. Application No. A/H20/119 for a comprehensive development with a total gross floor area (GFA) of 86,268m² and a building height (BH) of 192mPD was approved by MPC on 8.2.2002 but the planning permission lapsed on 9.2.2011. Application No. A/H20/159 for a comprehensive development with the same total GFA and a BH of 205mPD was rejected by the Board on review on 11.12.2009. On 5.3.2010, the applicant lodged an appeal to the Town Planning Appeal Board (TPAB) under section 17(B) of the Town Planning Ordinance (the Ordinance). The appellant had subsequently

requested TPAB to defer the appeal hearing three times which was re-scheduled to late 2013;

- (g) on 20.1.2012, the draft Chai Wan OZP No. S/H20/20, incorporating amendments mainly relating to the imposition of BH restrictions for various zones, was exhibited. A BH restriction of 140mPD was imposed on the subject “CDA(1)” zone;
- (h) on 17.8.2012, the applicant submitted the subject application which was rejected by MPC on 19.4.2013;
- (i) the application site covered an area of about 14,750m², including about 10,750m² within the “CDA(1)” zone and about 4,000m² within the “O” zone. Under the current scheme, the site would be developed into three residential towers with shops, PTT and POS, at a plot ratio (PR) of 6 (PR 7.05 if based on the net site area of the “CDA(1)” site and including the PTT GFA). The total GFA was about 64,500m² and the maximum BH was 140mPD, which complied with the OZP restrictions. A total of 780 flats would be provided. Tower 1 was proposed on Site A to the west of Sheung On Street, which would be located above a covered PTT on G/F, while Towers 2 and 3 on Site B to the east of Sheung On Street would be located above a 3-storey podium (excluding 2 storeys of basement carpark). Sites A and B would be connected by a 8m wide footbridge. A POS of 4,000m² (Linear Park) was proposed at the eastern part of the site connecting to a planned open space at Fung Yip Street. Private open space of 2,314m² was proposed at podium roof level. The vehicular access was located at Sheung On Street. A total of 172 car parking spaces and 3 loading and unloading bays would be provided;
- (j) the justifications put forth by the applicant in support of the review application were summarised in paragraph 3 of the Paper and highlighted as follows:

Traffic Impact

- (i) it was reconfirmed that the ingress/egress at Sheung On Street was still the most suitable location. To further address the concern raised, it was proposed to make the easternmost south-bound lane of Sheung On Street a dedicated left turn lane; and to extend its length for waiting vehicles, by realigning the curb line of the adjoining footpath whilst maintaining its 2.5m width;

- (ii) an additional pedestrian crossing at Sheung On Street/Fung Yip Street junction and the use of barriers at appropriate locations were also proposed;

Alternative Building Designs

- (iii) alternative designs and layouts for the site were prepared, including different tower shapes and forms, lengths of buildings, gaps between buildings, podium designs as well as forms of mitigation for traffic noise impact and visual impact. However, the alternatives were not pursued as they were unacceptable in terms of traffic noise impact. The single aspect design was considered, on balance, a better design than other measures such as a larger podium;

Design of Tower 1

- (iv) the following design elements were proposed to help mitigating the potential 'wall effect' facing Chai Wan Road:

Podium Treatment

- there would be planters lining Chai Wan Road to create a green wall effect;

- there would be an area of vertical greening on the eastern side of the podium structure;

- the existing and proposed tree planning at the edge of the

pedestrian pavement along the southern periphery of the site would screen the podium structure from Chai Wan Road at low-level views;

- the foliage of the trees and the vegetation on the podium would help create a green edge to the development;

Tower Design

- the tower would include various setbacks and modulations of such dimension to result in a staggered effect and to help provide visual interest. This would break the visual impact of the façade length to provide visual relief; and
- modern finishes, together with variation of building materials and colours would help make the tower aesthetically pleasing;

- (v) two photos showing quality residential buildings with design elements for single aspect building design were submitted by the applicant; and

Provision and Maintenance of the POS

- (vi) regarding the POS, the applicant proposed that the implementation cost would be met by the applicant. The POS would then be handed back to the Government for management and maintenance as soon as practicable. However, in case there was a mismatch in recurrent funding to be obtained by the Leisure and Cultural Services Department (LCSD), the applicant would manage and maintain the POS for no longer than two years:

- (k) departmental comments – the departmental comments were detailed in paragraph 6 of the Paper. The Commissioner for Transport (C for T) had no objection to the review application as the applicant had in principle provided solutions to his comments raised at the s.16 application stage. However, C for T and the Chief Highway Engineer/Hong Kong, Highways Department (CHE/HK, HyD) still had

concerns on the applicant's proposal of a covered PTT to replace the existing open-air bus terminus which would incur much higher maintenance and management costs. They requested the applicant to bear the capital and recurrent costs for the covered PTT which arose from the residential development. The Director of Environmental Protection (DEP) advised that the single aspect building design in Tower 1 was an effective way to improve the traffic noise compliance rate in the subject case. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had no objection to the review application as the applicant had proposed mitigation measures to address the visual impact of the proposed elevation of Tower 1 facing Chai Wan Road. The Director of Leisure and Cultural Services noted that the cost of implementing the POS within the application site would be met by the applicant and the applicant had prepared to maintain the POS for no longer than two years. However, the funding for the recurrent cost of the POS had not yet been secured;

- (l) public comments – 27 public comments were received on the review application, with four supporting, 21 objecting and two providing comments. The supportive views were mainly that the proposed development would alleviate the shortage of housing units, enable an early implementation of the development at the site, enhance the amenity in the area and create a catalyst for redevelopment of the neighbourhood industrial buildings. The opposing views were mainly that the proposed development would create 'wall effect', adversely affect air ventilation and aggravate traffic congestion problem in the area; the government land should not be used for private development; and the existing bus terminus should be developed as a park; and
- (m) PlanD's views – PlanD had no objection to the review application based on the planning considerations and assessments as set out in paragraph 8 of the Paper which were summarised below:

Design and Landscape

- (i) the applicant reiterated that adopting a single aspect building design with a continuous façade of 60m for Tower 1 was a necessary noise mitigation measure and DEP had confirmed that that was an effective way to improve the traffic noise compliance rate in the current case;
- (ii) the applicant had proposed a series of design elements for the podium and tower design. CTP/UD&L, PlanD advised that should the application be approved, an approval condition should be imposed requiring the submission of the design and implementation of façade treatment;

The POS

- (iii) for the Linear Park within the application site, the applicant proposed, in addition to design and construction, to fund the implementation of the POS. The POS would then be handed back to the Government for management and maintenance as soon as practicable. In case there was a mismatch in recurrent funding, the applicant would manage and maintain the POS for no longer than two years. In this regard, it was considered that the applicant had proposed a reasonable solution to the implementation of POS although LCSD still had to secure fund for the recurrent cost for management and maintenance of the POS;
- (iv) the applicant also offered to implement the POS to the north of the application site (Fung Yip Street Planned Open Space) if the Government would ensure that the land was available in a timely manner and the Government met the cost of the works. This proposed POS fell outside the application site and LCSD had advised that there was no development programme. It was considered that the implementation of that POS should be considered separately by relevant Government departments;

Traffic Aspect

- (v) C for T had no objection to the review application. In this regard, an approval condition, as recommended in paragraph 9.2(j), would be imposed requiring the submission of a revised TIA and implementation of the mitigation measures, should the application be approved;

Covered PTT

- (vi) C for T and CHE/HK, HyD still had concerns on the applicant's proposal of a covered PTT to replace the existing open-air bus terminus which would incur much higher maintenance and management costs than the existing open-air bus terminus. From planning point of view, it was considered that an integrated design and provision of the PTT with the proposed development, was in line with the planning intention of the "CDA" zone. The detailed arrangements for the funding, design, construction, management and maintenance of the PTT could be sorted out among the concerned Government departments at the land grant stage;

Other Public Comments

- (vii) as for the public concerns on use of government land for private development, the District Lands Officer/Hong Kong East, Lands Department had advised that the applicant still needed to apply for a land exchange for implementation of the development proposal if planning approval from the Board was given. The proposed land exchange would be subject to such terms and conditions including payment of premium, and there was no guarantee that such application would be approved; and
- (viii) regarding the public comments on developing the existing bus terminus into a park. It should be noted that on 5.7.2013, MPC rejected the application to rezone the Chai Wan Road Bus

Terminus and a section of Sheung On Street from “CDA(1)” to “O”. At the meeting, the planning intention of the subject “CDA(1)” zone was re-confirmed.

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

46. With the aid of a Powerpoint presentation, Mr Ian Brownlee made the following main points:

Background

- (a) the application site was originally zoned “T” and “G/IC” in 2000. At that time, the “T” site could be redeveloped into an industrial building at least with a PR of 13 without the need for a lease modification;
- (b) an application (No. Z/H20/1) to rezone the application site from “T” and “G/IC” to “CDA(1)” and “O” was agreed by MPC in 2001 mainly on the considerations that the rezoning could help resolve the industrial/residential interface problems and facilitate the implementation of a POS;
- (c) the OZP was then amended by imposing a maximum PR of 8 (i.e. GFA 86,268m²) for the subject “CDA(1)” zone;
- (d) an application (No. A/H20/119) for a comprehensive residential development with retail shops, a PTT and a POS at the application site was approved by MPC in 2002. The proposed development had a total GFA of 86,268m² and a BH of 192mPD. The validity period of the planning permission was extended twice until 2011 and lapsed;
- (e) another application (No. A/H20/159) for a comprehensive residential development with the same proposed uses and similar development parameters at the application site was rejected by the Board upon review

in 2009. An appeal was lodged but deferred three times until late 2013;

- (f) in early 2012, the draft Chai Wan OZP No. S/H20/20, incorporating amendments relating to the impositions of BH restrictions for various zones, was gazetted. A BH restriction of 140mPD was imposed on the “CDA(1)” zone while the permitted GFA remained as 86,268m²;
- (g) the Sustainable Building Design (SBD) Guidelines were also promulgated and as such the proposed development at the application site should also take into account the requirements in relation to the podium design, provision of underground car park and separation between residential towers;
- (h) on 17.8.2012, the applicant submitted the subject application for a comprehensive residential development providing 780 flats with the same proposed uses but a reduced PR of 6 (the GFA was reduced by about 22,000m²) and a reduced BH of 140mPD at the application site. Although the proposed development parameters did not exceed the OZP restrictions, the application was rejected by MPC;

Responses to MPC's Rejection Reasons

Traffic, Pedestrian Access and Safety Concerns

- (i) a revised TIA and subsequent additional information to address TD's concerns had been submitted. It was proposed to make the easternmost south-bound lane of Sheung On Street a dedicated left turn lane; and to extend its length for waiting vehicles, by realigning the curb line of the adjoining footpath whilst maintaining its 2.5m width. An additional pedestrian crossing at Sheung On Street/Fung Yip Street junction and the use of barriers at appropriate locations were also proposed. This would provide suitable and safe access to the proposed PTT and across Sheung On Street and Fung Yip Street from various directions. In this regard, TD had no further adverse comments on the proposals;

Single Aspect Design of Tower 1

- (j) alternative designs and layouts for the site were prepared, including different tower shapes and forms, lengths of buildings, gaps between buildings, podium designs as well as forms of mitigation for traffic noise impact and visual impact. These included alternative layouts and orientations for Tower 1 to improve the visual impact of the development from Chai Wan Road. However, the alternatives were not pursued as they were unacceptable in terms of traffic noise impact;

- (k) there was an inherent conflict between the need to mitigate road traffic noise impact and urban design and SBD Guidelines requirements. The single aspect design was considered, on balance, a better design than other measures such as a larger podium, which the Board had previously considered unacceptable. In addition, DEP commented that a single aspect block design in Tower 1 was an effective way to increase traffic noise compliance rate;

- (l) some design elements would be proposed to minimize the visual impact of the proposed development at the detailed design stage, such as modulation of the building façade, arrangement of glass and solid components, incorporation of greenery where practicable and design and landscaping measures at ground level and on the podium. In this regard, CTP/UD&L, PlanD had no objection to the proposed mitigation measures and advised that the actual facade treatment of Tower 1 facing Chai Wan Road were subject to the detailed design of the development;

Provision and Maintenance of the POS

- (m) some MPC Members were concerned that the POS might not be realised. There was no way that the POS would not be implemented by the applicant as it would be subject to an approval condition and the land exchange process. The applicant proposed that the implementation cost of the Linear Park would be met by the applicant and the applicant also agreed to take up the management and maintenance of the park for no longer than two years. Given that it would likely take five years or

longer before the open space was available for public use, there should be sufficient time for LCSD to arrange for recurrent funding to cover the cost of managing the POS;

Flat Production

- (n) the proposed development would provide 780 flats, which was in line with the Chief Executive's 2012 Policy Address in increasing the housing supply;

Comments on Approval Condition (f)

- (o) as the concern was on the single aspect design of Tower 1, it was suggested that the approval condition on the design and implementation of the façade treatment should be confined to Tower 1 rather than the entire development; and
- (p) the Board was respectfully requested to approve the subject application with approval condition (f) amended as suggested.

47. As the applicants' representatives had finished the presentation, the Vice-chairman invited questions from Members.

Design of Tower 1

48. Noting that the façade of Tower 1 was relatively long, a Member asked whether it was possible to split Tower 1 into two blocks and whether the adoption of a single block design was due to a consideration of construction cost. Mr Ian Brownlee said that Tower 1 was proposed with a 60m long façade which complied with the SBD Guidelines. After exploring various alternatives including the option of having two blocks, it was revealed that other design options could not meet the noise compliance rate and hence they were not pursued. The adoption of a single block design was not related to the construction cost.

49. A Member asked how the visual impact in respect of the single aspect building design had been addressed. Ms Ginger Kiang said that a visual impact assessment (VIA)

was undertaken by the applicant at the s.16 application stage. The results of the VIA revealed that the proposed development was not incompatible with the surrounding areas and the proposed development would not result in adverse visual impact. In terms of the length of the building façade, the SBD Guidelines of a maximum of 60m long façade had been followed in order not to adversely affect the air ventilation performance. In addition, the form of Tower 1 was not a straight linear form but bended at both ends with a view to reducing the visual impact of the building from most viewpoints. Such a design had the visual effect of a shorter and slimmer building. Mr Ian Brownlee reiterated that the single aspect building design was an effective way to mitigate the traffic noise impact on the future residents of Tower 1. If two towers were proposed on the western part of the site, the traffic noise would pass through the gap between the two towers and more units would be affected. To minimise the possible visual impact, Tower 1 had been specially designed to break the visual impact. This was the best option that could be achieved after balancing all the relevant considerations.

50. The same Member was concerned that the single aspect building design might generate a higher noise level to the residents in the other residential developments on the southern side of Chai Wan Road and enquired if such traffic noise impact had been assessed. Mr Ian Brownlee said that according to the established practice, the noise impact assessment was to assess the traffic noise impact on the future residents of the proposed development. There was no requirement to assess the traffic noise impact on the surrounding developments. Ms Ginger Kiang said that in the planning application process, the applicant had to demonstrate that the proposed development would not bring about adverse impacts on the environment, traffic, drainage and sewerage, etc. The noise impact assessment was mainly to assess the traffic noise impact on the future residents of the subject development. During the construction stage, the developer would also need to ensure that the noise generated from the construction works to the surrounding areas was acceptable.

[Dr W.K. Yau returned to join the meeting at this point.]

51. In response to a Member's question, Mr Ian Brownlee referred to the proposed block layout on the Powerpoint slide and said that a corridor was designed at the side facing Chai Wan Road, with none of the living rooms and bedrooms facing the road.

Some glass panels could be put up there and it would just look like a normal wall with windows but could shield the building from the traffic noise. The single aspect building design was the only way to achieve the traffic noise compliance rate required by EPD. The previous application No. A/H20/159 was rejected, inter alia, for the reason that the proposed development schemes were subject to adverse traffic noise impact and the applicant had failed to demonstrate that all practical measures including layout and design of the buildings had been applied to mitigate the impact. As compared with the previously approved scheme (Application No. A/H20/119), the current scheme could increase the traffic noise compliance rate from about 50% to 68%.

52. Mr C.W. Tse supplemented that a single aspect building design meant that all windows and balconies of the residential units would be inward facing so as to minimise the noise impact on the bedrooms and living rooms. That was a common design in mitigating noise. Concerning whether one single building was more effective in blocking noise than two or more buildings, it would depend on the detailed design taking into account specific circumstances and site constraints.

53. A Member asked whether MPC's rejection reason relating to the long façade had been addressed under the current proposal. In response, Ms Ginger Kiang said that MPC Members were concerned more about the single aspect building design than the length of Tower 1. To address MPC's concern, PlanD suggested that a condition on the façade treatment for the entire development could be imposed should the application be approved. Mr Ian Brownlee clarified that the proposed façade length of Tower 1 of 60m remained unchanged at both the s.16 application and s.17 review stages.

Air Ventilation Assessment

54. In response to a Member's question on the air ventilation assessment (AVA) conducted by the applicant, Ms Ginger Kiang said that according to the results of the AVA, the current proposal would in general be better than the previously approved scheme in air ventilation performance. The same Member further asked whether the AVA confirmed that the proposed development was acceptable. Ms Kiang said that the AVA was conducted for the proposed development in accordance with the relevant Technical Circular and the air ventilation performance of the area was in compliance with the

requirements. Under the current scheme, the towers were positioned in a row parallel to the prevailing easterly wind direction, thus minimising wind blockage, and were separated with gaps which would allow penetration of southwesterly and southeasterly winds. The proposed development was acceptable in terms of air ventilation. Mr Ian Brownlee said that the application site and its surroundings were not identified with air ventilation problem as there were public roads and a number of open spaces in the vicinity which would serve as wind corridors.

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

Implementation of the POS

55. Two Members raised the following questions in relation to the implementation of the POS, i.e. the proposed Linear Park:

- (a) while the applicant agreed to take up the construction cost of the POS, what if LCSD could not get the recurrent expenses for the management and maintenance of the POS and;
- (b) would the POS be implemented eventually, be it the applicant or LCSD (subject to obtaining necessary funding approval).

56. In response, Ms Ginger Kiang said that POS sites reserved under the OZP would normally be designed and constructed by LCSD, but there was no implementation programme for the subject POS yet. As the applicant proposed to take up the construction cost of the POS, it could ensure the implementation of the POS. Given that the POS would only be implemented at the later stage of the project, there would also be enough time for LCSD to secure the required funding for recurrent cost for the management and maintenance of the POS. Besides, as the proposed development would involve land exchange, the detailed arrangements for the implementation of the POS could be sorted out at the land exchange process.

57. Mr Ian Brownlee pointed out that the applicant's lot was previously zoned "T" and could be redeveloped into an industrial building and the provision of a POS was not

required. At the time when the site was proposed to be rezoned to “CDA”, MPC decided that the “O” site in question be not included in the “CDA(1)” zone. The same Member further asked about the ‘planning gain’ in relation to an early implementation of the POS. Mr Brownlee said that the “O” zone fell on private lots. If the subject application was not approved, the POS could not be realised. Only through the planning application, the POS could be put in place and the timing of implementing the POS hinged on the construction of the PTT. The POS site would be used for reprovisioning of the bus terminus so as to enable the construction of Tower 1. Construction of the POS could therefore only commence after the bus terminus was relocated back to the permanent PTT under Tower 1. The POS was scheduled for completion by five years and the applicant proposed to take up the recurrent cost for management and maintenance for another two years so that there would be sufficient time for LCSD to secure the funding. The current proposal was the best offer from the applicant. The Vice-chairman said that there would be about seven years’ time for sorting out the funding matter.

58. Ms Bernadette H.H. Linn, Director of Lands, said that detailed arrangements for the management and maintenance of the POS needed not be sorted out at this stage and could be resolved at a later stage when the Administration finished the terms and conditions of the land exchange, covering amongst others the obligations of the lessee towards the POS. She asked whether the provision of the POS was required to meet the planning standard or it was just a “nice-to-have” proposal put forth by the applicant. In reply, Ms Ginger Kiang said that the concerned area was zoned “O” on the OZP and thus a POS was a planned facility to meet the community need. It was considered as a ‘planning gain’ if the implementation of the POS could be realised and advanced through the planning application.

59. Noting that a number of sites were zoned “O” in the vicinity of the application site, a Member asked whether there was any surplus in the provision of POS in the area. Ms Ginger Kiang said that the “O” site located to the north of the site was being used as a temporary petrol filling station and a temporary workshop of Water Supplies Department. The “O” zone to the northwest of the site had already been developed as football fields and children’s playground. The “O” to the south of the site was a vacant site which was not yet developed. The zonings on the OZP including the “O” zone would be subject to review from time to time, taking into account the changing circumstances.

Imposition of Approval Conditions

60. Two Members raised the following questions on imposition of approval conditions:

- (a) did PlanD receive the applicant's suggestion to amend approval condition (f) on the design and implementation of the façade treatment for Tower 1 before the meeting?
- (b) how strong was the applicant's views that approval condition (f) on the façade treatment should be confined to Tower 1; and
- (c) what were the consequences if the applicant failed to comply with approval conditions (b) and (f) on the implementation of the POS and submission of façade treatment for the entire development respectively.

61. In response to questions (a) and (c), Ms Ginger Kiang said that PlanD had not received any comment from the applicant regarding approval condition (f) before the meeting. To ensure that the visual impact of the proposed development could be properly and comprehensively addressed, it was considered more appropriate to impose an approval condition on façade treatment for the entire development rather than Tower 1 only. The applicant would be required to comply with the relevant approval conditions at different stages of the development process. If the applicant failed to discharge all the approval conditions, the Occupation Permit or Certificate of Compliance might not be issued.

62. In response to question (b), Mr Ian Brownlee said that under normal circumstances, the Board would not impose an approval condition on the façade treatment of a proposed development, unless there was a particular reason to do so. In general, most of the buildings in Hong Kong were rather typical. In the subject application, the two buildings on the eastern portion of the application site were standard designs and should not be visually intrusive. There should be no need to submit their façade treatment to the Board for approval.

63. As the applicant's representatives had no further comment to make and Members had no further question, the Vice-chairman informed them that the hearing procedure 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 applicant's representatives and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

64. The Secretary said that a letter was submitted by Green Sense objecting to the subject application mainly on the concerns about the single aspect building design of Tower 1, which was tabled at the meeting for Members' information.

Design of Tower 1

65. A Member noted that the subject application was rejected by MPC for three reasons. While the traffic issue and implementation of POS had been addressed, the remaining issue was related to the single aspect building design of Tower 1 with a long continuous façade. The Member doubted whether MPC's concern had been properly addressed as there was no change to the form and length of the building. The Vice-chairman pointed out that MPC Members were not so much concerned about the length of the façade for Tower 1 but on the visual impact of the single aspect building design. The applicant had explained that the single aspect building design was the most effective option to resolve the traffic noise problem and the visual impact could be mitigated by the implementation of various design elements.

66. The Secretary supplemented that MPC Members were concerned about the possible visual impact of the single aspect building design, in particular, the view from Chai Wan Road. As such, the applicant was requested to explore other alternative options. In the review application, the applicant submitted that the alternatives were not pursued as they would not be effective in addressing the traffic noise problem. The applicant had proposed various mitigation measures including setbacks and modulations to create a staggering effect, vertical greening, modern finishes together with variation of

building materials and colours to address the visual impact of the proposed elevation of Tower 1 facing Chai Wan Road. PlanD had suggested that an approval condition should be imposed to require the design and implementation of the façade treatment for the entire development.

67. A Member commented that the 60m long façade of Tower 1 was rather long and the applicant should explore other better alternatives to minimise the visual impact. Another Member shared the same view and queried if the applicant had already made the greatest effort to address the visual impact, even though the 60m long façade did not exceed the requirement of SBD Guidelines.

68. A Member held a different view and said that in considering a review application, the Board should concern itself on whether the applicant had adequately addressed the concerns of MPC. The rejection reasons on traffic and POS had been addressed while the rejection reason on the single aspect building design was mainly related to the visual impact. At the s.16 application stage, the applicant did not submit any elevation of Tower 1. At the s.17 review stage, the applicant had addressed the issue by proposing various mitigation measures to address the visual impact which included various setbacks and modulations facing Chai Wan Road; further refine the layout of the core and corridors of Tower 1 to provide breaks with windows, planters and vertical greening where practicable; and explore opportunities to further adjust the footprint of the tower to enhance the visual amenity. This Member opined that the proposed mitigation measures should be considered acceptable.

69. Another Member concurred and said that the proposed development would be better than the existing physical condition of the vacated bus depot. While there was always room to further improve the building design, there should be a reasonable limit in asking the applicant to work on the design aspect. This Member considered that the proposed design and visual impact of Tower 1 was acceptable as Chai Wan Road was actually quite wide. As the rejection reasons had been properly addressed, the subject application could be approved.

70. A Member said that given the various site constraints and planning restrictions/requirements including the reprovision of a PTT within the development, there

was in fact not much room for the applicant to explore other alternatives. The applicant could consider further improving the elevation of the buildings and agreed that an approval condition on the design and the implementation of the façade treatment for the entire development should be imposed. This Member also considered that the subject application could be approved.

Implementation of the POS

71. The Secretary said that in view of the concern raised by the Eastern District Council, MPC Members had requested PlanD to liaise with the applicant on the implementation of the POS. As a result, the applicant had proposed, in addition to the design and construction of the POS, funding the maintenance of the POS for two years. This was considered to be a reasonable and practical solution as LCSD could take the time to secure the required recurrent expenses, and the issue could be further dealt with in processing the land exchange application. Members generally agreed that the applicant had addressed the POS implementation issue.

Conclusion

72. The Vice-chairman concluded Members' views that the issues included in the rejection reasons at the s.16 application stage had been addressed. On traffic aspect, the applicant mainly proposed to make the easternmost south-bound lane of Sheung On Street a dedicated left turn lane and to provide an additional pedestrian crossing at Sheung On Street/Fung Yip Street junction to ensure pedestrian safety, which were acceptable to C for T. To address the possible visual impact of Tower 1, various measures to mitigate the visual impact had been proposed. The proposed mitigation measures were considered acceptable in principle and an approval condition could be imposed on the design and implementation of the façade treatment for the entire development to ensure a comprehensive and coherent façade treatment for the whole development. For the POS, the applicant undertook to implement the Linear Park including its management and maintenance for two years. The proposed implementation arrangements for the POS were considered reasonable and acceptable. Members agreed that the subject application should be approved.

73. After deliberation, the Board decided to approve the application on review, on the terms of the application as submitted to the Board. The planning permission should be valid until 23.8.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Members then went through the approval conditions and advisory clauses as stated in paragraph 9.2 of the Paper and considered that they were appropriate. The permission was subject to the following conditions:

- (a) the submission and implementation of a revised Master Layout Plan (MLP) to incorporate, where appropriate, the approval conditions as stated in paragraphs (b) to (i) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the design and provision of a public open space (POS) and the subsequent maintenance for 2 years, at no cost to the Government as proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services or of the Town Planning Board;
- (c) the design and provision of a public transport terminus (PTT) within the “Comprehensive Development Area (1)” (“CDA(1)”) site including the temporary relocation arrangement to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the design and provision of car parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the setting back by 3 metres along Chai Wan Road for pedestrian footpath widening and landscaping to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (f) the design and implementation of the façade treatment for the entire development to the satisfaction of the Director of Planning or of the Town Planning Board;

- (g) the design and implementation of the footbridge over Sheung On Street to the satisfaction of the Director of Highways or of the Town Planning Board;
- (h) the designation of drainage and/or water main reserve within the “CDA(1)” site to the satisfaction of the Director of Drainage Services and/or Director of Water Supplies or of the Town Planning Board;
- (i) the submission and implementation of a revised Landscape Master Plan including revised tree preservation proposal, and the submission of quarterly tree monitoring reports to the satisfaction of the Director of Planning or of the Town Planning Board;
- (j) the submission of a revised Traffic Impact Assessment and implementation of the mitigation measures identified therein to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (k) the implementation of the mitigation measures identified in the Environmental Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (l) the implementation of mitigation measures identified in the revised Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (m) the submission of a land contamination assessment and remedial plan and implementation of the agreed remedial actions prior to commencement of construction for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (n) the submission of a comprehensive quantitative risk assessment and

implementation of mitigation measures identified therein to the satisfaction of the Director of Electrical and Mechanical Services or of the Town Planning Board; and

- (o) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

74. The Board also agreed to advise the applicant on the following:

- (a) the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the Town Planning Board and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as possible;
- (b) the approval of the application did not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority. The applicant should approach the Buildings Department and the Lands Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the Building Authority and the Lands Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (c) apply to the District Lands Officer/Hong Kong East, Lands Department for land exchange. However, there was no guarantee that such application would be approved. If it was approved by the Lands Department acting in its capacity as the landlord at its absolute discretion, it would be subject to such terms and conditions, including, among

others, payment of premium, as might be imposed by the Lands Department;

- (d) to note the comments of the District Lands Officer/Hong Kong East, Lands Department that individual flat owners should not be held responsible for the future maintenance and management of public facilities, and seeking comments from relevant Government departments on the affected portion of Sheung On Street. The construction cost of the proposed public facilities including the proposed covered PTT and the POS would not be premium deductible;
- (e) to note the comments of the Commissioner for Transport and the Chief Highway Engineer/Hong Kong, Highways Department on the issues related to the PTT, the need to consult the Eastern District Council on the PTT proposal, and to liaise with the Commissioner for Transport and the Chief Highway Engineer/Hong Kong, Highways Department to work out the details related to funding, design, construction, maintenance and management of the PTT;
- (f) to note the comments of the Director of Leisure and Cultural Services on the issues related to the POS, and to liaise with the Director of Leisure and Cultural Services to work out the details related to funding, design, construction, maintenance and management of the POS;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department regarding the proposed public and private open spaces and green coverage;
- (h) to note the comments of the Chief Building Surveyor/Hong Kong East and Heritage Section, Buildings Department that Sheung On Street had to be excluded from the site area calculation; any floor space that was constructed or intended for use as PTT to be provided within the applicant's site should be included in the GFA calculation; there should be no transfer of plot ratio between the two sites along Sheung On Street;

and exemption might not be granted to permit the proposed footbridge to be built over Sheung On Street. If the proposed footbridge was not approved by the Building Authority, a fresh planning application to the Board might be required;

- (i) to liaise with Hong Kong and China Gas Co. Ltd. regarding the exact location of existing or planned gas pipes routes/gas installations in the vicinity;
- (j) to note the comment of the Director of Electrical and Mechanical Services regarding the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes" and the gas safety during the construction and operation of the proposed development;
- (k) to note the comment of the Director of Fire Services that the arrangement of emergency vehicular access should comply with the *Code of Practice for Fire Safety in Buildings 2011*;
- (l) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the existing water mains might be affected and if diversion was required, the cost should be borne by the applicant; and
- (m) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department that for all the proposed sewerage upgrading works, the cost should be borne by the applicant.

[Mr Ivan C.S. Fu, Mr Laurence L.J. Li, Mr Clarence W.C. Leung, Mr Rock C.N. Chen, Mr Stephen H.B. Yau, Ms Janice W.M. Lai, Professor K.C. Chau, Dr W.K. Yau and Mr C.W. Tse left the meeting at this point.]

Agenda Item 5

[Open Meeting]

Request for Deferment of Review of Application No. A/H1/95

Proposed Hotel at 10 – 12 Yat Fu Lane, Shek Tong Tsui, Hong Kong

(TPB Paper No. 9405)

[The meeting was conducted in Cantonese.]

75. The Secretary said that Mr Patrick H.T. Lau had declared interest in this item as he had business dealings with Lanbase Surveyors, the consultant of the subject application. Members noted that Mr Lau had tendered an apology for being unable to attend the meeting.

76. The Secretary said that a petition letter dated 23.8.2013 was submitted by Mr Yeung Ho Yin. Members noted that the item was to consider a deferral request of the subject application.

77. The Secretary reported that on 31.7.2013, the applicant wrote to the Secretary of the Town Planning Board (the Board) requesting the Board to defer making a decision on the review application for a period of two months in order to allow more time for the applicant to improve the layout design with more planning merits to justify the hotel development. This was the first request for deferral by the applicant for the review application.

78. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33) in that the applicant needed more time to improve the layout design to justify the hotel development, the deferment period was not indefinite and the deferment would not affect the right or interest of other parties.

79. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant pending the submission of further information by the applicant. The Board also agreed that the review application should be submitted for

its consideration within three months upon receipt of the further submission from the applicant. The applicant should be advised that the Board had allowed a period of two months for preparation of submission of further information and no further deferment would be granted unless under very special circumstances.

Sha Tin, Tai Po and North District

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TP/530

Proposed House (Redevelopment) in “Green Belt” zone,
Lot 2087 in D.D. 6, Pun Chun Yuen Road, Tai Po
(TPB Paper No. 9401)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

80. The Vice-chairman had declared interest in this item as he co-owned with his spouse a flat and two car parking spaces in Deerhill Bay, Tai Po. Members noted that the properties were remote from the subject site and agreed that the Vice-chairman should continue to chair the meeting out of necessity.

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

| | |
|-------------------|--|
| Ms Maggie Chin | - District Planning District/Shan Tin, Tai Po and North (DPO/STN), PlanD |
| Mr Leung Tin Che | - Applicant |
| Mr Eric Chih |] |
| Mr Wong Yun Hong |] |
| Mr Leung Man Lung |] Applicant’s Representatives |

Ms Leung Po Ki]
Mr Tang Tak Hong]
Mr Ng Hau Cheung]

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

83. With the aid of a Powerpoint presentation, Ms Maggie Chin presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to rebuild two existing 3-storey houses into a 2-storey house at the application site which fell within an area zoned “Green Belt” (“GB”) on the draft Tai Po Outline Zoning Plan (OZP) No. S/TP/23;
- (b) on 3.5.2013, the application was rejected by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) and the reasons were:
 - (i) the application did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone’ in that the proposed development intensity would exceed that of the existing development; and
 - (ii) approval of the application would set an undesirable precedent for similar developments within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment in the area;
- (c) the application site, with an area of about 2,280m², was formed and partly fenced. It was occupied by two 3-storey houses and a swimming pool. The site was accessible via Pun Chun Yuen Road. To the east and north of the site were village houses and temporary structures among trees and vegetation. To the south of the site was a natural slope with

lush trees and shrubs. To the west of the site was a private lot (Lot No. 1061 R.P) where construction and landscaping works were being undertaken;

- (d) the applicant proposed to redevelop the two existing 3-storey houses into a 2-storey house of 8m high with a total gross floor area (GFA) of 398m² (including E&M plant room), a plot ratio of 0.175 and a site coverage of 11.8%. Two car parking spaces would be provided;
- (e) the applicant had not submitted any written representation in support of the review application;
- (f) the planning intention of the “GB” zone 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;
- (g) the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) was relevant to the subject application, and the relevant assessment criteria for development within “GB” site included:
 - (i) an application for new development in a “GB” zone would only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas. With the exception of New Territories Exempted Houses, a plot ratio up to 0.4 for residential development might be permitted; and
 - (ii) redevelopment of existing residential development would generally be permitted up to the intensity of the existing development;

- (h) previous applications – two previous s.16 applications for house redevelopment at the application site were received. Application No. A/TP/516 was approved with conditions by RNTPC on 4.5.2012 on consideration of compliance with TPB-PG No. 10. Application No. A/TP/523 was deferred by RNTPC on 19.10.2012 pending submission of further information by the applicant to justify the increase in site coverage. The application was subsequently withdrawn by the applicant on 28.12.2012. On 27.5.2013, the applicant submitted an application for Class B amendments to the previously approved scheme (Application No. A/TP/516-1) involving a reduction in number of units from two to one, an increase in unit size from 199m² to 398m² and changes in disposition of building, which was rejected by RNTPC on 19.7.2013 for the reasons that the proposed changes were considered not minor and beyond the scope of Class B amendments;

[Dr C.P. Lau left the meeting at this point.]

- (i) similar application – no similar application in the vicinity of the application site was received;
- (j) the departmental comments were detailed in paragraph 4 of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) had no objection to the review application but advised that the proposed development parameters were in breach of the lease conditions. Should the application be approved, lease modification would be required. The reflective pool on G/F and the flat roofs on 1/F might be GFA countable under the lease. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had no in-principle objection to the review application but advised that landscape proposal should be revised to provide more greening and planting area. Fence wall around the application site was extensive. Vertical greening should be provided, in particular on the side abutting Pun Chun Yuen Road;
- (k) public comments – five public comments (submitted by the Designing

Hong Kong Limited, a representative of Shek Uk Tsai and three local residents) objecting to the review application were received; and

(l) PlanD's views – PlanD did not support the review application based on the planning considerations and 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 “GB” zone;
- (ii) the proposed development was not in line with the TPB-PG No. 10 in that the proposed development intensity would exceed that of the existing development (i.e. an increase in GFA by 8.7% from 366m² to 398m²);
- (iii) as compared with the existing development, the proposed development would involve an increase in site coverage from 5.8% to 11.8% (i.e. an increase of 103%);
- (iv) the proposed development would exceed the entitlement of maximum GFA of 366m² and maximum roofed-over-area of 122m² under the lease; and
- (v) there were no strong justifications for a departure from the TPB-PG No. 10 and the RNTPC's decision.

84. The Vice-chairman then invited the applicant and the applicant's representatives to elaborate on the review application.

85. With the aid of a Powerpoint presentation, Mr Eric Chih, the applicant's representative, made the following main points:

- (a) the application was rejected by RNTPC mainly for the reason that the proposed development intensity would exceed that of the existing

development;

- (b) in all their communication and correspondence with PlanD between 20.12.2011 and 3.5.2013, there was no indication that the proposed GFA of 398m² had exceeded the intensity of the existing development;
- (c) the existing development had a total GFA of 398m² (i.e. 366m² + 32m² of balcony/canopy) which was the same as that of the proposed development;
- (d) when Application No. A/TP/523 was considered by RNTPC on 19.10.2012, PlanD had no objection to the application and confirmed that the existing development on the subject site had a total GFA of 398m² which was in compliance with TPB-PG No. 10 in that the redevelopment of existing residential development would generally be permitted up to the intensity of the existing development, which was recorded in the relevant minutes of RNTPC meeting;
- (e) the design of the current scheme was very similar to that proposed under Application No. A/TP/523 which was subsequently withdrawn. The only difference was that the E&M room was included in GFA calculation under the current scheme. As such, the actual GFA of the proposed development was 375m²;
- (f) according to their understanding, the proposed development intensity did not exceed that of the existing development;
- (g) the proposed house was intended for the use of the applicant and his family; and

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

- (h) the increase in site coverage was mainly related to the E/M plant room, a covered carport and an outdoor related amenity area (i.e. parlour and

verandah). The reasons for the increase were to satisfy the needs of the applicant's family by redeveloping the two existing 3-storey houses into one 2-storey house; and the proposed parlour and verandah were to cater for more outdoor activities for the applicant, and for a more visually compatible design with the surroundings.

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

87. In response to a Member's question on the GFA calculation, Mr Eric Chih said that the GFA of 398m² had included the covered carport, verandah, parlour and plant room.

88. The Vice-chairman asked PlanD to clarify the difference in GFA between the existing development and the proposed development. Ms Maggie Chin said that the existing development had a total GFA of 366m² together with 32m² of balconies and canopies which were exempted under the lease. In other words, the maximum GFA was 366m² under the lease. The proposed development had a total GFA was 398m² which had exceeded that of the existing development by 32m². In addition, a significant increase in site coverage of 103% was also involved. Mr Eric Chih said that at the RNTPC meeting on 19.10.2012, PlanD had confirmed that a GFA of 398m² at the application site was in compliance with TPB-PG No. 10. According to his understanding, the 32m² of balcony/canopy should be included in GFA calculation under the prevailing Building (Planning) Regulations (B(P)R).

89. In response to a Member's enquiry, Ms Maggie Chin said that the swimming pool was not included in GFA calculation. However, the District Lands Officer/Tai Po advised that the proposed reflective pool on G/F, which was 3-sided enclosed, might be GFA accountable under the lease. Mr Eric Chih said that the reflective pool on G/F near the entrance was only 300mm deep and intended to be a fish pool. It would help enhance the design of the proposed development. The fish pool should not be GFA accountable under B(P)R.

[Professor Eddie C.M. Hui left the meeting at this point.]

90. As the applicant's representative had no further comment to make and Members had no further question, the Vice-chairman informed the applicant and the applicant's representatives that the hearing procedure 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 applicant, the applicant's representatives and DPO/STN for attending the meeting. They all left the meeting at this point.

Deliberation Session

TPB-PG No. 10

91. A Member said that according to TPB-PG No. 10, the redevelopment of existing development should not exceed the intensity of the existing development. In the subject application, the proposed development would result in a reduction in building height from three to two storeys but a significant increase in site coverage by over 100%. The major consideration was whether the proposed development with a reduced building height but an increase in plot ratio and site coverage as compared with the existing development was acceptable. This Member pointed out that consideration of the subject application would set a precedent for other similar applications.

92. A Member said that according to TPB-PG No. 10, an application for new development in a "GB" zone would only be considered in exceptional circumstances and had to be justified with very strong planning grounds, while redevelopment of existing residential development would generally be permitted up to the intensity of the existing development. This Member enquired about the criteria in determining the relative importance of plot ratio, site coverage and building height in assessing the application.

93. In response, the Secretary said that since the subject application involved redevelopment, the development intensity of the proposed development as compared with that of existing development was a relevant planning consideration. It should be noted that there was a presumption against development within the "GB" zone. Taking into account the existing development right, the redevelopment would be permitted up to the

development intensity of the existing development. For the subject application, the proposed development with a GFA of 398m² had exceeded that of the existing development by 32m² having regard to the maximum GFA of 366m² permitted under the lease. In determining whether the subject application should be approved, the major consideration was whether the 32m² increase in GFA was acceptable and whether TPB-PG No. 10 had been complied with. Should the proposed development involve an increase in GFA as compared with the existing development, strong justifications should be given.

94. A Member was of the view that the redevelopment under application exceeded the existing development intensity and did not comply with TPB-PG No. 10 should not be approved. Otherwise, it would set an undesirable precedent for other similar applications.

95. Members noted that the proposed increase in GFA in the proposed development was mainly to meet the applicant's personal design preference, and was not sufficient justification for an increase in development intensity.

Increase in Site Coverage

96. The Vice-chairman said that an increase in site coverage was also a relevant planning consideration in the subject application. The proposed development which involved a significant increase of 103% in site coverage as compared with the existing development warranted prudent consideration, given its wider implication on taking up more land zoned "GB". A Member did not support the subject application taking into account the significant increase in site coverage. Even if the proposed development was redeveloped to 2-storey and up to the existing intensity but involved an increase in site coverage, there was no justification to support the application.

97. Members generally considered that the proposed increase in site coverage was significant and favourable consideration could not be given to the application.

Other Planning Considerations

98. The Secretary said that in considering whether the application could be approved, the Board might also consider whether there were any planning and design merits. Members generally considered that the architectural and building design of the

proposed development under the subject application was only to meet the applicant's personal needs and preference and there were no particular planning and design merits that would justify the approval of the application.

Conclusion

99. The Vice-chairman concluded Members' views that the review application should be rejected as the application did not comply with TPB-PG No. 10 and approval of the application would set an undesirable precedent for other similar applications.

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 agreed that they should be suitably amended to reflect Members' views as expressed at the meeting. The reasons were:

- (a) the application did not comply with the Town Planning Board Guidelines No. 10 for 'Application for Development within "Green Belt" ("GB") zone' in that the proposed development intensity would exceed that of the existing development. There were no particular planning and design merits to justify the increase in development intensity in the proposed development; and
- (b) approval of the application would set an undesirable precedent for similar developments within the "GB" zone. The cumulative effect of approving such applications would result in a general degradation of the environment in the area.

Procedural Matters

Agenda Item 7

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Cheung Sha Wan Outline Zoning Plan No. S/K5/34 (TPB Paper No. 9440)

[The meeting was conducted in Cantonese.]

101. As the representations and related comments were concerned with a proposed public rental housing (PRH) development by the Housing Department (HD), which was the executive arm of 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 and Vice-chairman of the Subsidised Housing Committee of HKHA |
| Ms Julia M.K. Lau | - being a member of the Commercial Properties Committee and Tender Committee of HKHA and had business dealings with HKHA |
| Mr Dominic K.K. Lam |] had business dealings with HKHA |
| Mr H.F. Leung | |
| Ms Janice W.M. Lai | |
| Mr K.K. Ling (as Director of Planning) | - being a member of the Strategic Planning Committee (SPC) and the Building Committee of HKHA |
| Ms Bernadette H.H. Linn (as Director of Lands) | - being a member of HKHA |
| Miss Winnie M.W. Wong (as Principal Assistant Secretary (Transport), Transport and Housing Bureau) | - being the representative of the Secretary for Transport and Housing who was a member of SPC of HKHA |
| Mr Eric K.S. Hui (as Assistant Director (2), Home Affairs Department) | - being an alternate member of the Director of Home Affairs who was a member of SPC and Subsidised Housing |

Committee of HKHA

102. As the item was procedural in nature and no deliberation was required, Members agreed that the above Members could stay in the meeting. Members noted that Ms Lau, Ms Lai and Mr Hui had already left the meeting.

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

103. The Secretary briefly introduced the Paper. On 19.4.2013, the draft Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/34 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the two-month exhibition period, a total of 698 representations were received. On 5.7.2013, the representations were published for three weeks for public comments, and 170 comments were received.

104. The Secretary continued and said that the representations mainly objected to Amendment Item A (i.e. rezoning of a site at Lai Chi Kok Road/Tonkin Street from “O” to “R(A)” and/or Amendment Item B (i.e. rezoning of a site at Lai Chi Kok Road/Hing Wah Street from “Residential (Group A)” (“R(A)”) to “Open Space” (“O”)). As all the representations and comments were related to the site swap arrangement under the two amendment items and the proposed amendments had attracted wide public interest, it was recommended that the representations and related comments should be heard by the full Town Planning Board (the Board) collectively in one group. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. Consideration of the representations and related comments was tentatively scheduled for October 2013.

105. After deliberation, the Board agreed that the representations and comments should be heard by the Board in the manner as proposed in paragraphs 3.1 and 3.2 of the Paper.

[Professor S.C. Wong returned to join the meeting at this point.]

Agenda Item 8

[Confidential Item. Closed Meeting.]

106. The item was recorded under confidential cover.

Agenda Item 9

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

107. There being no other business, the meeting was closed at 1:20 p.m.