

**Minutes of 1079th Meeting of the  
Town Planning Board held on 13.2.2015**

**Present**

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

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Ms Anita W.T. Ma

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr Stephen H.B. Yau

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Director of Lands

Ms Bernadette H.H. Linn

Principal Environmental Protection Officer (Metro Assessment)

Environmental Protection Department

Mr Ken Y.K. Wong

Chief Engineer (Works), Home Affairs Department

Mr Martin W.C. Kwan

Director of Planning

Mr K.K. Ling

Deputy Director of Planning/District

Secretary

Mr Raymond K.W. Lee

### **Absent with Apologies**

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Dr W.K. Yau

Mr H.F. Leung

Mr F.C. Chan

Mr Frankie W.C. Yeung

Principal Assistant Secretary (Transport)3

Transport and Housing Bureau

Miss Winnie M.W. Wong

**In Attendance**

Assistant Director of Planning/Board  
Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board  
Mr Louis K.H. Kau (a.m.)  
Mr J.J. Austin (p.m.)

Senior Town Planner/Town Planning Board  
Ms Doris S.Y. Ting (a.m.)  
Mr T.C. Cheng (p.m.)

## **Agenda Item 1**

[Open Meeting]

### Confirmation of Minutes of the 1078<sup>th</sup> Meeting held on 23.1.2015

[The item was conducted in Cantonese.]

1. The minutes of the 1078<sup>th</sup> meeting held on 23.1.2015 were confirmed without amendments.

## **Agenda Item 2**

[Open Meeting]

### Matters Arising

[The item was conducted in Cantonese.]

- (i) Two Judicial Review Applications against the Decision of the Town Planning Board in respect of a Planning Application at the West Rail Yuen Long Station and Associated Public Transport Interchange (HCAL 168/2014 & 171/2014 )

### Declaration of Interests

2. The two Judicial Reviews (JRs) were related to a section 16 planning application submitted by Kowloon-Canton Railway Corporation represented by MTR Corporation Limited (MTRCL). Environ Hong Kong Limited (Environ), ADI Limited (ADI), Ove Arup & Partners Hong Kong Limited (OAP) and J. Roger Preston Limited (RPL) were the consultants of the applicant. The following Members had declared interests on this item:

Mr Ivan C.S. Fu	-	having current business dealings with MTRCL, Environ, ADI, OAP and RPL
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Ms Janice W.M. Lai	-	having current business dealings with MTRCL
Mr Dominic K. K. Lam	-	having current business dealings with Environ, ADI, OAP and RPL
Mr Patrick H.T. Lau	-	having current business dealings with OAP and RPL
Ms Julia M.K. Lau	-	having current business dealings with Environ

3. As this item was to report the receipt of the JR applications, Members agreed that the above Members should be allowed to stay at the meeting. Members noted that Ms Julia M.K. Lau had not yet arrived to join the meeting.

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

#### The JR Applications

4. The Secretary reported that on 19.12.2014 and 24.12.2014, two JRs were lodged by two members of the public (*HCAL 168/2014* - Tam Hoi Pong and *HCAL 171/2014* - Hui Sin Hang) respectively against the decision of the Town Planning Board (the Board) on 26.9.2014 to approve a planning application (No. A/YL/209) for proposed comprehensive residential and commercial development with government, institution or community (GIC) facilities and public transport facilities on government land currently occupied by the West Rail Yuen Long Station and the associated public transport interchange in an area mainly zoned “Comprehensive Development Area” and partly zoned “Open Space” and “Village Type Development” and shown as ‘Road’ on the approved Yuen Long Outline Zoning Plan No. S/YL/21.

5. The applicants sought relief from the Court to quash the Board’s decision to approve the planning application and to order the Board to improve its meeting procedure

for planning applications but they did not provide any grounds for the JR applications.

6. The two applicants had applied for legal aid on 26.1.2015 and 12.1.2015 respectively. The applications were being processed by the Legal Aid Department and the Court had not yet granted leave to the JR applications.

7. Members noted the JRs and agreed that the Secretary would represent the Board in all matters relating to the JRs in the usual manner.

(ii) Judicial Review Application against the Town Planning Board and the Lands Department in respect of the Draft Tuen Mun Outline Zoning Plan No. S/TM/32  
(HCAL 23/2015)

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Declaration of Interests

8. The following Members had declared interests on this item for having business dealings/affiliation with the Hong Kong Housing Authority (HKHA) since four representation sites in Tuen Mun North were to facilitate public housing developments by HKHA; and/or MTR Corporation Limited (MTRCL); and/or Henderson Land Development Company Limited (Henderson) which was the mother company of the Hong Kong and China Gas Company Limited; and/or Wheelock Properties Limited (Wheelock) which was the mother company of Wascott Property Limited; and/or Sun Hung Kai Properties Limited (Sun Hung Kai) which was the mother company of Pacific Good Investment Limited and Main Channel Limited and Fill Year Limited, or owning a property in Tuen Mun:

Mr Stanley Y.F. Wong - being a member of the HKHA and Chairman of the Subsidised Housing Committee of HKHA

Professor P.P. Ho - being a member of the Building Committee of HKHA; and being an

employee of the Chinese University of Hong Kong (CUHK) which had received donation from a family member of the Chairman of Henderson; and Wheelock had financially sponsored the School of Architecture of the CUHK, of which he was the Director of the MSc Programme in Architectural Conservation and Design

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| Mr H.F. Leung<br><br><i>as Director of Planning</i>                                    | - being a member of the Tender Committee of HKHA and having business dealings with HKHA; and being employee of the University of Hong Kong (HKU) which had received donation from a family member of the Chairman of Henderson |
| Mr K.K. Ling<br><br><i>as Director of Planning</i>                                     | - being a member of the Strategic Planning Committee and Building Committee of HKHA  |
| Ms Bernadette H.H. Linn<br><br><i>as Director of Lands</i>                             | - being a member of HKHA   |
| Mr Martin W.C. Kwan<br><br><i>as Chief Engineer (Works) of Home Affairs Department</i> | - being an alternate member for the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA   |

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|---------------------|---|
| Ms Julia M.K. Lau   | - being a member of HKHA, the Commercial Properties Committee and Tender Committee of HKHA and having business dealings with Sun Hung Kai           |
| Ms Janice W.M. Lai  | - having current business dealings with HKHA, MTRCL, Henderson and Sun Hung Kai   |
| Mr Dominic K.K. Lam | - having current business dealings with HKHA, MTRCL, Henderson, Sun Hung Kai, Wheelock and its consultants  |
| Mr Ivan C.S. Fu     | - having current business dealings with HKHA, MTRCL, Henderson, Sun Hung Kai, Wheelock and its consultants  |
| Mr Patrick H.T. Lau | - having current business dealings with Henderson, Sun Hung Kai, Wheelock and its consultants   |
| Ms Christina M. Lee | - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from Henderson and Sun Hung Kai |
| Professor S.C. Wong | ] being employees of the HKU which  |
| Dr Wilton W.T. Fok  | ] had received donation from a family member of the Chairman of Henderson   |

Mr Roger K.H. Luk	]	being a Member of Council (Mr Luk)
Professor K.C. Chau	]	or employee (Professor Chau) of the CUHK which had received donation from a family member of the Chairman of Henderson
Mr Clarence W.C. Leung	]	being directors of non-government organisations that had received a private donation from a family member of the Chairman of Henderson
Dr W.K. Yau	]	
Dr C.P. Lau	-	owning a flat at Kwun Tsing Road, So Kwun Wat

9. As this item was to report the receipt of the Judicial Review (JR) applications, Members agreed that the above Members should be allowed to stay at the meeting. Members noted that Mr H.F. Leung, Mr Clarence W.C. Leung and Dr W.K. Yau had tendered apologies for not being able to attend the meeting and Professor P.P. Ho, Ms Julia M.K. Lau, Dr Wilton W.T. Fok, and Ms Bernadette H.H. Linn had not yet arrived to join the meeting.

#### The JR Application

10. The Secretary reported that on 6.2.2015, a JR was lodged by a member of the public (*HCAL 23/2015 - Hon Lai Ying*) against the Town Planning Board (the Board) and the Lands Department (LandsD) in respect of (i) the decision of the Board on 7.11.2014 regarding the draft Tuen Mun OZP No. S/TM/32, and (ii) the validity of LandsD's Practice Note No. 7/2007 on 'Tree Preservation and Tree Removal Application for Building Development in Private Projects'.

11. The applicant sought relief from the Court (i) to quash the Board's decision in respect of the draft Tuen Mun OZP, (ii) to order the Board to improve the meeting procedure; and (iii) to order the Government to amend the said Practice Note 7/2007.

The applicant did not provide any grounds for the JR application. The Court had not yet granted leave to the JR application.

12. Members noted the JR and agreed that the Secretary would represent the Board in all matters relating to the JR in the usual manner.

(iii) New Town Planning Appeals Received

(a) Town Planning Appeal No. 1 of 2015

Proposed Three Houses (New Territories Exempted Houses – Small Houses) in “Green Belt” Zone, Lots 416 A1, 416 B, 416 C1, 416 C RP, 416 RP, 417 A RP, 417 A1, 417 A2A, 417 A2 RP and 417 B in D.D. 238 and Adjoining Government Land, Ng Fai Tin, Clear Water Bay, Sai Kung  
(Application No. A/SK-CWBN/25)

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13. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) on 16.1.2015 against the decision of the Town Planning Board (the Board) on 7.11.2014 to reject on review an application for three proposed houses (New Territories Exempted Houses (NTEHs) – Small Houses) at a site zoned “Green Belt” (“GB”) on the draft Clear Water Bay Peninsula North Outline Zoning Plan (OZP) No. S/SK-CWBN/5 at the time of the application and the approved OZP No. S/SK-CWBN/6 currently in force. The application was rejected by the Board for the following reasons:

- (a) the proposed development was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. The applicant failed to provide strong justification in the submission for a departure from the planning intention of the “GB” zone;
- (b) the proposed development was not in line with the Town Planning Board Guidelines No. 10 and the ‘Interim Criteria for consideration of application

for NTEH/Small House in New Territories' in that the planning intention of the "GB" zone would be jeopardized; and

- (c) approval of the application would set an undesirable precedent for similar application within the "GB" zone on the OZP. The cumulative effect of approving such similar application would result in a general degradation of the environment of the area.

14. The hearing date of the appeal case 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.

(b) Town Planning Appeal No. 2 of 2015

Proposed House (New Territories Exempted House (NTEH) - Small House) in "Green Belt" Zone, Government Land in D.D. 20, Yuen Tun Ha, Tai Po  
(Application No. A/TP/557)

(c) Town Planning Appeal No. 3 of 2015

Proposed House (New Territories Exempted House (NTEH) - Small House) in "Green Belt" Zone, Government Land in D.D. 20, Yuen Tun Ha, Tai Po  
(Application No. A/TP/558)

15. The Secretary reported that two appeals were received by the Appeal Board Panel (Town Planning) on 20.1.2015 against the decision of the Town Planning Board (the Board) on 7.11.2014 to reject on review the applications for two proposed houses (New Territories Exempted House (NTEH)-Small House) at two sites zoned "Green Belt" ("GB") on the draft Tai Po Outline Zoning Plan (OZP) No. S/TP/25. The applications were rejected by the Board for the same reasons as follows:

- (a) the proposed development was not in line with the planning intention of the "GB" zoning for the area which was to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There was a general

presumption against development within this zone. There was no strong planning justification in the submission for a departure from the planning intention;

- (b) the proposed development did not comply with the Interim Criteria for Assessing Planning Applications for New Territories Exempted House/Small House Development in the New Territories in that the proposed development fell within the Water Gathering Grounds and was not able to be connected to the existing or planned sewerage system in the area and that the proposed development would affect the existing landscape character of the surrounding areas. The applicant failed to demonstrate that the proposed development would not cause adverse impacts on the water quality and landscape character of the area;
- (c) the application did not comply with the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve extensive clearance of vegetation that would affect the existing natural landscape in the surrounding environment; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the natural environment in the area.

16. The hearing dates of the appeal cases were yet to be fixed. Members agreed that the Secretary would act on behalf of the Board in dealing with the two appeals in the usual manner.

(d) Town Planning Appeal No. 4 of 2015

Proposed House (New Territories Exempted House (NTEH) - Small House) in  
“Agriculture” Zone, Lots 672 S.H, 673 RP & 674 S.A in D.D. 15, Shan Liu,

Tai Po

(Application No. A/NE-TK/509)

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17. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) on 20.1.2015 against the decision of the Town Planning Board (the Board) on 7.11.2014 to reject on review an application for proposed house (New Territories Exempted House (NTEH) - Small House) at a site zoned “Agriculture” (“AGR”) on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17. The application was rejected by the Board for the reason that the proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New Territories in that less than 50% of the proposed Small House footprint fell within the village ‘environs’.

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

(iv) Town Planning Appeal Decision Received

Town Planning Appeal No. 11 of 2013 (11/13)

Temporary Retail of Second-Hand Private Cars for a Period of 1 Year in  
“Village Type Development” Zone, Lots 125 S.C RP (Part), 220 RP (Part), 231  
RP (Part) and 306 RP (Part) in D.D. 102 and Adjoining Government Land, San  
Tin, Yuen Long

(Application No. A/YL-ST/431)

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19. The Secretary reported that an appeal decision was received from the Appeal Board Panel (Town Planning). The appeal lodged by the Appellant against the decision of the Town Planning Board (the Board) to reject on review an application for temporary retail of second-hand private cars for a period of one year. The Appeal Site was zoned

“Village Type Development” (“V”) on the approved San Tin Outline Zoning Plan No. S/YL-ST/8.

20. The appeal was heard by the Appeal Board Panel (Town Planning) on 22.10.2014 and dismissed on 30.1.2015 mainly for the following reasons:

- (a) the use of temporary retail of second-hand private cars at the Appeal Site was not in line with the planning intention of the “V” zone and that the development was incompatible with the surrounding land uses, as the surrounding area comprised mainly residential dwellings, open space, temple and school, and was of rural character;
- (b) the application did not comply the Town Planning Board Guidelines No. 13E for Application for Open Space and Port Back-up Uses;
- (c) the Appeal Site was the subject of a previously approved application (No. A/YL-ST/385) for the same use to allow two years’ time for the Appellant to relocate the use to a suitable site. The Appellant had not provided any information to demonstrate that he, during that and the subsequent period, strived to identify a suitable site to relocate the second-hand private car trade business and there was no plan to relocate the business from the Appeal Site.

21. A copy each of the Summary of Appeal and the decision would be sent to Members for reference.

(v) Abandonment of Town Planning Appeal

Town Planning Appeal No. 14 of 2010 (14/10)  
Proposed Houses (Four New Territories Exempted Houses) in  
“Undetermined”Zone, Lot 757 in D.D. 115, Tung Shing Lei, Nam Sang Wai,  
Yuen Long  
(Application No. A/YL-NSW/188)

22. The Secretary reported that an appeal had been abandoned by the appellant of his own accord. Town Planning Appeal No. 14/2010 was received by the Appeal Board Panel (Town Planning) on 7.9.2010 against the decision of the Town Planning Board on 18.6.2010 to reject on review an application for proposed houses (four New Territories Exempted Houses) on a site zoned “Undetermined” on the approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8. It was abandoned by the Appellant on 2.2.2015 and on 4.2.2015, the Appeal Board Panel (Town Planning) formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations of the Town Planning Ordinance.

(vi) Appeal Statistics

23. The Secretary reported that as at 13.2.2015, 19 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	32
Dismissed	:	136
Abandoned/Withdrawn/Invalid	:	186
Yet to be Heard	:	19
Decision Outstanding	:	0
Total	:	373

(vii) Approval of Draft Plans

24. The Secretary reported that on 3.2.2015 and 10.2.2015, the Chief Executive in Council approved the following draft plans under section 9(1)(a) of the Town Planning Ordinance. The approval of the plans was notified in the Gazette on 13.2.2015:

- (a) Hoi Ha Outline Zoning Plan (OZP) (renumbered as S/NE-HH/2) (approved on 3.2.2015);
- (b) So Lo Pun OZP (renumbered as S/NE-SLP/2) (approved on 3.2.2015);

- (c) Pak Lap OZP (renumbered as S/SK-PL/2) (approved on 3.2.2015); and
- (d) Tuen Mun OZP (renumbered as S/TM/33) (approved on 10.2.2015).

(viii) Reference Back of Approved Plan

25. The Secretary reported that on 3.2.2015, the Chief Executive in Council referred the approved Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/20 to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the OZP was notified in the Gazette on 13.2.2015.

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

(ix) [Closed Meeting]

26. This item was recorded under confidential cover.

[Mr Peter K.T. Yuen, Dr Wilton W.T. Fok and Ms Bonnie J.Y. Chan arrived to join the meeting during the discussion of this item, and Ms Julia M.K. Lau arrived to join the meeting after discussion of this item.]

**Sai Kung and Islands District**

**Agenda Item 3**

[Open Meeting]

The Draft Po Toi Islands Outline Zoning Plan No. S/I-PTI/D –

Further consideration of a new plan

(TPB Paper No. 9845)

[The item was conducted in Cantonese]

27. Mr Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands, Planning Department (DPO/SKIs, PlanD) was invited to the meeting at this point.

28. The Chairman extended a welcome and invited DPO/SKIs to brief Members on the Paper. With the aid of a Powerpoint presentation, Mr Ivan M.K. Chung briefed Members on the draft Po Toi Outline Zoning Plan (OZP) No. S/I-PTI/D as detailed in the Paper and covered the following points:

Background

- (a) on 5.12.2014, the Town Planning Board (the Board) gave preliminary consideration to the draft Po Toi Islands OZP No. S/I-PTI/C (TPB Paper No. 9800) and agreed that the draft OZP was suitable for consultation with the Island District Council (IsDC) and the Lamma Island (South) Rural Committee (RC);
- (b) RC and IsDC were consulted on the draft OZP at their meetings on 12.12.2014 and 15.12.2014 respectively. Another meeting with RC and a meeting with the local residents of Po Toi were also held on 23.1.2015 and 30.1.2015 respectively;
- (c) separately, some green/concern groups, namely the Hong Kong Bird Watching Society, Designing Hong Kong, Green Power, World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation, Association for Geoconservation Hong Kong and Columbarium Concern Group, made a submission in the form of a joint letter on 19.12.2014 expressing their concerns on the draft OZP. A meeting with the green/concern groups was held on 5.1.2015. Subsequently, several green groups made submissions providing further views on the draft OZP;

Comments of IsDC, RC and local residents

- (d) major views expressed by the IsDC, RC and local residents during the consultation were summarised in paragraph 3.1 of the Paper and highlighted as below:

*Expansion of the “Village Type Development” (“V”) zone*

- (i) RC considered that the current “V” zone boundary, which only reflected the existing village cluster of Po Toi Islands (the Area), should also take into account the Small House (SH) demand of the indigenous villagers in southern Lamma Island which were under the same “Heung”. The local residents had no adverse comment on the expansion of “V” zone as long as it would not affect the existing domestic structures;
- (ii) some IsDC and RC Members were concerned about the northward expansion of the “V” zone. The steep terrain and presence of mature trees in this area made it difficult for SH development. They suggested extending the “V” zone to the relatively flat area in the southeast of Tai Wan, Po Toi;

*Planning control on private land and existing houses*

- (iii) some IsDC and RC members considered that private land should not be subject to planning control. In particular, they considered that private land should not be included in conservation zones such as “Green Belt” (“GB”) and “Conservation Area” (“CA”) which were subject to more stringent planning control. Some proposed that compensation/resumption of private land affected should be provided/carried out by the Government if those land were zoned for conservation purpose;
- (iv) the local residents were concerned that the redevelopment of existing houses/domestic structures held under Government Land

Licence or squatters would be affected by the draft OZP, in particular for those not falling within the “V” zone. The designation of “Residential (Group D)” (“R(D)”) zoning would encourage speculation by the private sector to purchase the land for new residential developments;

*Enforcement of the proposed “Coastal Protection Area” (“CPA”) zone*

- (v) RC and local residents were concerned that the areas zoned “CPA” would be subject to enforcement of the Marine Park and Marine Reserves Regulation (Cap. 476A), in which activities related to the livelihood of the fishermen/villagers at Po Toi would be prohibited. The designation of “CPA” zoning would give way to the designation of Marine Reserves under Cap. 476A prohibiting all activities that the villagers/fishermen were currently doing for their livelihood;

*Objection to columbarium/memorial garden development in Po Toi*

- (vi) in end 2011/early 2012, laying of concrete slabs were found at Wan Tsai, Po Toi. The local residents were concerned that such activities would give way to columbarium/memorial garden development at Po Toi. They stated clear objection to any columbarium/memorial garden development at Po Toi and supported zoning the concerned areas as “CA” to conserve the natural and rural environment of Po Toi;

*Locations of burial grounds*

- (vii) the local residents considered that one of the permitted burial grounds at Ngong Chong, Po Toi was not suitable for provision of graves. They requested enlarging the other permitted burial ground at Tai Wan, which was close to saturation, instead of

zoning the site at Nam Kok Tsui as “GB” to facilitate burial grounds use;

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

*Provision of infrastructure and community facilities*

(viii) the population on Po Toi was low. The Area had little or no infrastructure on water supply, electricity, drainage and sewerage, and was also in lack of community facilities. Planning for provision of such infrastructure/facilities should be provided in the draft OZP to support SH development, improvement/upgrading of domestic structures and tourism development on Po Toi;

Comments of Green/Concern Groups

(e) major views expressed by the green/concern groups during the consultation were summarised in paragraph 3.2 of the Paper and highlighted as below:

*Impact on the “V” zone expansion*

(i) there were concerns about the northward expansion of the “V” zone boundaries that SH development in that area might involve extensive tree felling which would impose adverse ecological impact on the surroundings as this area was known to be an important breeding site for migratory birds;

*Ecological and conservation values of the “R(D)” zone*

(ii) the proposed “R(D)” zone where mature trees were found was an important habitat for migratory birds. Any new residential

development/redevelopment within this zone might impose adverse ecological impact. Given a large portion of the area in the proposed “R(D)” zone was government land and the area was mainly occupied by ruins with few building lots, the development pressure for this area was low. These areas should therefore be rezoned to “CA”;

- (iii) the need for house development/redevelopment within the proposed “R(D)” zone was doubtful as it was outside the village ‘environ’ (‘VE’) in that SH development applications could not be granted under the prevailing SH policy;

*Measures for preservation of trees in “V” and “R(D)” zones*

- (iv) possible measures on tree preservation should be explored for incorporation into the areas within or around the proposed “V” and “R(D)” zones on the draft OZP as they were important habitats for migratory birds and butterflies;

*Fung Shui, geological and cultural heritage values of the Area*

- (v) studies/surveys revealed that the biodiversity (in terms of number of birds species) at woodlands around the Po Toi Village and Tai Wan Pier of Po Toi comprising fung shui tree, woodland scurb habitats was double to what was recorded at the bush scrub and grassland habitat in the rest of Po Toi. The fung shui woodlands should be designated with a “Site of Special Scientific Interest” (“SSSI”) zoning;

- (vi) the green/concern groups also considered that the Area had high geological value with a large assembly of granitic landforms. Po Toi also possessed attractive cultural heritage including the Rock Craving which was a declared monument;

*Proposed designation of Site of Special Scientific Interest / Country Park*

- (vii) in view of the unique and invaluable geological, landscape, ecological and cultural significance of the Area, especially in Po Toi, the green/concern groups considered that the Area was eligible to be designated as Site of Special Scientific Interest (SSSI) and ultimately as Country Park (CP);

[Mr David Y.T. Lui arrived to join the meeting at this point.]

PlanD's Responses

- (f) PlanD's responses to the above comments/proposals were summarised in paragraph 4 of the Paper and highlighted as follows:

*Expansion of the "V" zone and impact on the "V" zone expansion*

- (i) the boundary of the "V" zone had been drawn up taking account of various factors and SH demand was only one of them. No adverse comment on the "V" zone boundary had been received from relevant government departments;
- (ii) taking into account the concerns raised by both the locals and the green groups about the proposed northward expansion of the "V" zone, it was proposed that the boundary of the "V" zone be rationalised by slightly moving the boundary southward to exclude the slopes and mature trees (about 0.12 ha). To maintain the land originally reserved for SH development, it was proposed that the boundary of the "V" zone be expanded eastward to the vacant land along the stream originally proposed to be zoned as "GB" (about 0.15 ha) on the draft OZP. The "O" zone (0.04 ha) being used by the local villagers as a stage for Chinese opera performances during festive celebration and an emergency helicopter landing pad

adjacent to the “V” zone would also be incorporated into the “V” zone to properly reflect the existing use of this area. Such area would not be used for SH development;

- (iii) although the additional “V” zone area was close to the stream, any septic tank and soakaway system in support of SH development would be required to comply with relevant standards and requirements;
- (iv) the area of the proposed “V” zone would be increased from 0.71 ha to 0.74 ha but the rationalisation would increase the total developable land reserved for SH developments from 0.23 ha (about 9 SH sites) to 0.25 ha (about 10 SH sites). This could satisfy about 50% of the total 10-year forecast of SH demand in the Area (i.e. 10 out of 20);
- (v) regarding the RC’s suggestion to expand the “V” zone to the southeast of Tai Wan, Po Toi, the concerned area was outside the ‘VE’ and not suitable for SH development as it had a difficult terrain or was separated by the river stream;
- (vi) as for RC’s request that the SH demand at southern Lamma Island should be taken into account in delineating the “V” zone boundary at Po Toi, sufficient land had been reserved for SH development in southern Lamma Island. Besides, under the prevailing land policy, the indigenous inhabitants’ representative in southern Lamma Island could apply and build SH at Po Toi only if they had obtained suitable private land and the proposed SH must be built within the boundaries of the lot under application. Such application would be handled by LandsD under the SH policy;

*Planning control on private land and existing houses*

- (vii) it was the Government's policy to put areas not covered by statutory plans under statutory planning control. Under the directive of the Secretary for Development, the Board prepared the draft OZP for providing a statutory planning framework to guide the long-term development of the Area;
- (viii) all uses/building that existed before the publication of the draft Po Toi Islands Development Permission Area Plan No. DPA/I-PTI/1 (including minor additions, alterations and/or modification to the existing uses or buildings) were always permitted under the covering Notes of the OZP unless there was a material change to the existing uses/buildings. Besides, provisions had been made in the draft OZP for redevelopment of existing domestic structures as an always permitted use in the "R(D)" zone or as a use that required planning application to the Board in the "GB", "CA" and "CPA" zones. The Board would consider the merits of individual cases when considering applications for redevelopment of existing houses;

*Ecological and conservation values of the "R(D)" zone*

- (ix) various factors including the land status, conservation of the ecological value in the Area and the locations of existing domestic structures/squatters had been considered in the delineation of the "R(D)" zone. Relevant government departments including the Agriculture, Fisheries and Conservation Department (AFCD) and the Environmental Protection Department (EPD) had been further consulted and they had no objection to the proposed boundary of the "R(D)" zone;

- (x) the Board would consider various factors including the ecological implications of the application when deciding whether to grant permission for an application for low-rise, low-density residential developments within the “R(D)” zone;

*Measures for preservation of trees in “V” and “R(D)” zones*

- (xi) there were existing mechanisms to control felling of trees on government land (e.g. Development Bureau Technical Circular (Works) No. 10/2013) and private land (e.g. via land lease conditions), as appropriate. Relevant government departments including AFCD and the Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD had been further consulted on this aspect and they had no adverse comments on the zonings;

*Fung shui, geological and cultural heritage values of the Area*

- (xii) the Government was not in a position to comment on the fung shui value of an Area. The geological and cultural heritage values of the Area had been duly reflected in the Explanatory Statement ( ES) of the draft OZP;

*Proposed designation of SSSI / CP*

- (xiii) whilst the majority of Po Toi had been designated as “CA” to duly reflect its planning intention for conservation of rural and natural landscape, designation of most of the Po Toi as SSSI was subject to detailed study on its boundaries. The designation of CP/Marine Park was outside the purview of the Board. Whether the Area was suitable for incorporation into a CP should be assessed against the established principles and criteria as well as other relevant considerations;

*Enforcement of the proposed “CPA” zone*

- (xiv) the designation of “CPA” zoning had no implication on the enforcement under the Marine Park and Marine Reserves Regulation (Cap. 476A) which was under the jurisdiction of AFCD. The draft OZP only regulated the land uses of the Area and any persons conducting activities like fishing and laver harvesting should comply with other government laws and regulations;

*Objection to columbarium/memorial garden development in Po Toi*

- (xv) the concerned areas with laying of concrete slabs were proposed to be zoned as “CA” in order to protect the valuable natural resources in these areas. ‘Columbarium’ use was neither a column 1 nor column 2 use in this zone. Any development in the concerned areas might involve large scale vegetation clearance and construction activities that would affect the natural environment, rural character and the unique ecological and landscape resources of the Area and should be avoided;

*Locations of burial grounds*

- (xvi) the designation of “GB” zoning on the draft OZP was mainly to recognise the permitted burial grounds at Po Toi so that provision of graves by eligible persons within the permitted burial grounds would be undisturbed. The management of burial grounds was under the purview of the Islands District Office, Home Affairs Department, which had no objection to the proposed “GB” zoning for the burial grounds; and

*Provision of Infrastructure and Community Facilities*

- (xvii) while provision of infrastructure and facilities was generally

regarded as works coordinated or implemented by the Government which were always permitted on the draft OZP, the appropriateness to provide such facilities in the Area required detailed consideration and assessments. The current provision of infrastructure and community facilities in the Area had taken into account the relevant provision standards and requirements including the Hong Kong Planning Standards and Guidelines;

Amendments to the draft OZP

- (g) under the draft OZP, there were some private lots with building entitlements being zoned as “CA”. Whilst redevelopment of existing house might be permitted on application to the Board in the “CA” zone, new house developments were not permitted. In this connection, it should be noted that the concerned land was held under new grant lease and was vacant land with no building erected therein. Nevertheless, the draft OZP had been formulated based on a detailed planning report and consultation with relevant government bureaux and departments. As advised by AFCD, areas to be zoned as “CA” were of high ecological value and should be preserved in a holistic manner;
- (h) as compared with the previous draft OZP No. S/I-PTI/C, the current draft OZP No. S/I-PTI/D had proposed the following amendments to the land use proposals:
  - (i) to increase the area of the proposed “V” zone from 0.71 ha to 0.74 ha;
  - (ii) corresponding reduction in the area of the proposed “O” zone from 0.1 ha to 0.06 ha, and the proposed “GB” zone from 150.47 ha to 150.2 ha; and
  - (iii) to increase the area of the proposed “CA” zone from 367.17 ha to

367.45 ha;

- (i) the proposed amendments had been incorporated into the draft Po Toi Islands OZP No. S/I-PTI/D. Opportunities were also taken to revise the Notes and ES of the draft OZP to reflect the latest planning situation of the Area and rectify the typographical errors;

Consultation

- (j) after the Board's agreement to the publication of the draft Po Toi Islands OZP No. S/I-PTI/D under section 5 of the Town Planning Ordinance (the Ordinance), the IsDC and RC would be consulted, during the exhibition period of the OZP.

29. In response to a Member's question, Mr Ivan M.K. Chung clarified that the small triangular area adjoining to the south-eastern corner of the proposed "V" zone was the water area not falling within the boundary of the draft OZP.

30. The same Member asked whether there was any measure to ensure that the area currently used as the Chinese opera performance venue during festival celebration by local villagers and the emergency helicopter landing pad, which was proposed to be rezoned from "O" to "V", would not be used for Small House development as no such restriction was incorporated in the Notes or ES of the draft OZP.

31. In reply, Mr Ivan M.K. Chung said that the proposed "V" zone was a broad zoning which might include various uses such as open space and other supporting community services that were always permitted within the zone. As the concerned area was government land, the Lands Department could exercise proper control during the processing of Small House applications.

32. This Member continued to ask why the concerned area had to be rezoned to "V" if the area was not intended for Small House development. Mr Chung said that

the OZP was a small-scale plan indicating the broad land uses for the Area. The delineation of the “V” zone boundary would normally take into account the existing land uses in the adjacent areas of the existing villages. As the open space adjacent to the village was mainly used by the local villagers as a Chinese opera performance venue during festival celebration, it was not unreasonable to include this area into the “V” zone. Such practice in delineating the “V” zone boundary was not uncommon and was consistent with that adopted for other OZPs covering the islands and rural areas.

33. After deliberation, Members agreed to note the comments from and responses to IsDC, RC and others on the draft Po Toi Islands OZP No. S/I-PTI/C. Members also agreed that:

- (a) the draft Po Toi Islands OZP No. S/I-PTI/D (to be renumbered as S/I-PTI/1 upon gazetting) and its Notes at Attachments I and II of the Paper respectively were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) the ES at Attachment III of the Paper be adopted as an expression of the planning intention and objectives of the Board for various land use zonings of the draft Po Toi Islands OZP No. S/I-PTI/D; and
- (c) the ES was suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

34. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before its publication under the Ordinance. Any major revision would be submitted for the Board’s consideration.

**Agenda Item 4**

[Closed Meeting]

35. This item was recorded under confidential cover.
36. The meeting was adjourned at 10:30 a.m. and resumed after the lunch break.

37. The meeting was resumed at 2:45 p.m.
38. The following Members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow	Chairman
Mr Stanley Y.F. Wong	Vice-chairman
Mr Roger K.H. Luk	
Professor S.C. Wong	
Professor P.P. Ho	
Professor K.C. Chau	
Mr H.W. Cheung	
Mr Ivan C.S. Fu	
Mr Sunny L.K. Ho	
Mr Dominic K.K. Lam	
Mr Stephen H.B. Yau	
Mr Peter K.T. Yuen	
Principal Environmental Protection Officer (Metro Assessment) Environmental Protection Department	
Mr Ken Y.K. Wong	
Director of Lands Ms Bernadette H.H. Linn	
Director of Planning Mr K.K. Ling	

## Agenda Item 5

[Open meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in respect of the Draft Kwun Tong (South) Outline Zoning Plan No. S/K14S/19  
(TPB Paper No. 9844)

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[The meeting was conducted in Cantonese]

39. As the draft Kwun Tong (South) Outline Zoning Plan (OZP) had incorporated amendments to facilitate 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 Chairman of the Subsidised Housing Committee of HKHA       |
| Professor P.P. Ho                         | - being a member of the Building Committee of HKHA                                      |
| Ms Julia M.K. Lau                         | - being a member of HKHA and its Commercial Properties Committee and Tender Committee   |
| Ms Janice W.M. Lai                        | ]   |
| Mr Dominic K.K. Lam                       | ] having current business dealings with HKHA  |
| Mr Patrick H.T. Lau                       | ]   |
| Mr H.F. Leung                             | - being a member of the Tender Committee of HKHA and having business dealings with HKHA |
| Mr K.K. Ling<br>(as Director of Planning) | - being a member of the Strategic Planning Committee and Building Committee of HKHA     |

Ms Bernadette H.H. Linn (as Director of Lands)	- being a member of HKHA
Mr Martin W.C. Kwan (as Chief Engineer (Works), Home Affairs Department)	- being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee of HKHA

40. As the interests of the above Members were direct and substantial, Members agreed that they should withdraw from the meeting. Members noted that Mr H.F. Leung had tendered their apologies for not attending the meeting, Ms Julia M.K. Lau, Ms Janice W.M. Lai, Mr Patrick H.T. Lau and Mr Martin W.C. Kwan had already left the meeting and Ms Bernadette H.H. Linn had not yet returned to join the meeting.

[Mr Stanley Y.F. Wong, Professor P.P. Ho, Mr Dominic K.K. Lam and Mr K.K. Ling left the meeting temporarily at this point.]

#### Presentation and Question Sessions

41. The Chairman said that reasonable notice had been given to the representers and commenter to invite them to attend the meeting. Members agreed to proceed with the hearing of the representations in the absence of the other representers and commenter who had indicated that they would not attend or made no reply to the invitation to the hearing.

42. The following government representatives, the representers and their representatives were invited to the meeting at this point:

Mr Tom C.K. Yip	-	District Planning Officer/Kowloon (DPO/K), Planning Department (PlanD)
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Ms Elaine Y.L. Wong	-	Senior Planning Officer/8 (SPO/8), HD
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Mr Alan B.C. Hui - Senior Architect/18 (SA/18), HD

Mr Anson K.S. Lee - Geotechnical Engineer/25 (GE/25), HD

R3 – Cheng King Yeung

Mr Cheng King Yeung - Representer

R32 – Ip Shun Tak

Mr Andy Ip Shun Tak - Representer

R51 – Yu Wing Cheung

Mr Yu Wing Cheung - Representer

Mr Fung Yun Lam ) Representer's representatives

Ms Tam Hi Lin )

R57 – Leung Tin Ming

Dr Timothy Leung Tin - Representer

Ming

R58 – Jason Chan

Dr Jason Chan - Representer

R1076 – Kwong Kin Yam

Mr Kwong Kin Yam - Representer

R1253 – Cammy Ngo

Ms Cammy Ngo - Representer

43. The Chairman extended a welcome and explained the procedure of the hearing. He then invited the representatives of PlanD to brief Members on the background of the representations.

44. With the aid of a PowerPoint presentation, Mr Tom C.K. Yip (DPO/K) made the following main points as detailed in the Paper :

Background

- (a) on 18.7.2014, the draft Kwun Tong (South) OZP No. S/K14S/19 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments were mainly to rezone a piece of government land between Hiu Ming Street and Hiu Kwong Street for PRH development (Item A);
- (b) during the two-month exhibition period, a total of 1,473 representations were received and one representation (R818) was subsequently withdrawn. On 28.10.2014, the representations were published for public comments and, in the first 3 weeks of the publication period, one comment was received;

The Zoning Amendment

- (c) as stated in the 2015 Policy Address, the Government would ensure that there would be an adequate supply of land to achieve the target of providing 480,000 housing units in the coming 10 years. In this regard, a piece of government land of about 1.14 ha in upper Kwun Tong (the Site) had been identified for PRH development. The Site comprised two platforms abutting Hiu Ming Street and Hiu Kwong Street respectively, with a level difference of 30m and a slope in between. It was currently occupied by three tennis courts on the Hiu Ming Street platform, and a basketball court and a landscaped sitting-out area on the Hiu Kwong Street Park platform;
- (d) the Site was rezoned from “Open Space” (“O”) and “Green Belt” (“GB”) to “Residential (Group A)” (“R(A)”), subject to a maximum plot ratio (PR) of 7.5 for a domestic building and a total PR of 9.0 for a composite

development, as well as a building height restriction (BHR) of 80mPD for the upper platform and its adjoining slopes and 150mPD for the lower platform;

- (e) a high-rise PRH block was proposed (with shops on the lowest floor) on the lower platform at Hiu Ming Street while a low-rise block was proposed on the upper platform at Hiu Kwong Street to accommodate car parking spaces and social welfare facilities. The two blocks would be connected by an internal footbridge in the form of a landscape deck running across the slope. About 1,100 PRH flats could be provided;
- (f) the affected tennis courts and basketball court at the Site would be reprovisioned at the existing Hiu Ming Street Playground to the south and integrated with the adjoining basketball court to form a node for active sports. A roof garden with a children playground would be provided at the low-rise block that would be connected with the adjoining Hiu Kwong Street Park;

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

- (g) the existing tennis courts at the lower platform and basketball court at the upper platform would continue to be in service until the new ball courts were available. During the construction of the new ball courts, the original basketball court at Hiu Ming Street Playground would be suspended for use while the children playground would be permanently closed and replaced with the new ball courts;
- (h) the Site was located within a built-up area, surrounded by medium to high-rise buildings on three sides including Tsui Ping (North) Estate to the west, Sau Mau Ping Estate to the east, and Fu Wah Court and Hiu Wah Building to the north. Four schools (i.e. the Church of Christ in China Mong Man Wai College (MMW College), the Mission Covenant Church Holm Glad College (MCCHG College), SKH Leung Kwai Yee

Secondary School and the Hong Kong Institute of Vocational Education (Kwun Tong)) were located to the south of the Site along Hiu Ming Street;

Public Consultation

- (i) prior to the exhibition of the draft OZP, the Kwun Tong District Council (KTDC) was consulted on the proposed zoning amendment on 18.3.2014. It had no in-principle objection to the proposed development but expressed concerns on the adequacy of traffic infrastructure, community facilities, reprovisioning arrangement of the affected recreational facilities and impacts on the nearby schools and residential developments. Incorporation of more community/social welfare facilities was also requested. Schools along Hiu Ming Street also raised concerns via KTDC mainly on the traffic impact and land use compatibility of the proposed PRH development;
- (j) after the exhibition of the draft OZP, the Housing Committee (HC) of KTDC was consulted on 24.7.2014. KTDC members supported the rezoning proposal in general but raised concerns on the inadequate car parking provision in the proposed PRH development and the traffic and pedestrian network along Hiu Ming Street;
- (k) HD and PlanD also held several consultation meetings with residents of Fu Wah Court and Hiu Wah Building (private residential buildings to the immediate north of the Site) as well as the affected schools along Hiu Ming Street to exchange views on the proposed PRH development;

The Representations

*Supportive Representation*

- (l) R1 supported the PRH proposal in that it would provide opportunity to

improve the pedestrian connectivity of the area;

*Adverse Representations*

- (m) R2 to R817 and R819 to R1474 opposed the proposed PRH development on the following major grounds as detailed in the Paper :

*Housing Land Supply*

- (i) the Government had not fully utilized the existing land resources. Vacant rural land, G/IC sites and under-utilized buildings/sites should be developed/redeveloped for housing;
- (ii) the in-fill type of PRH development was not cost-effective and sustainable. PRH development at this small site could not alleviate the shortage of public housing but would affect the quality of life of the locals;
- (iii) speeding up the PRH project without comprehensive planning and at the expense of the social needs of the community was unacceptable. The well being of the local residents and the students of the nearby schools should be safeguarded;
- (iv) the interests of all parties should be balanced and HD should re-assess the appropriateness of the public housing project;

*Open Space and Landscape*

- (v) the provision of green belt and open space in the urban area was already very limited. The rezoning of the Site would reduce the open space available for the students and nearby residents, destroy the green environment, and reduce outdoor active and passive recreational area;

- (vi) the green belt area, the Hiu Ming Street Playground and the tennis courts should be retained for the enjoyment of the Kwun Tong residents. Rezoning the Site for residential use was contrary to public sentiments;
- (vii) the rezoning for residential development would involve massive clearance of large trees, which was not in line with the principles of sustainable development;

*Land Use Compatibility*

- (viii) the PRH development was not compatible with the cluster of schools and the open spaces in the area;
- (ix) conflicts between schools and the future residents might increase as future residents might complain about the noise generated by the schools' daily operations (including school bells, student activities etc.) while the schools might be affected by noise generated by the future residents. There would also be privacy problems as the proposed PRH development would overlook the schools;
- (x) the increase in population would result in more strangers wandering around the schools, causing security and hygiene issues;

*Lack of Public Consultation*

- (xi) the relevant stakeholders within the affected areas had not been consulted prior to rezoning;
- (xii) there was inadequate information on the proposed PRH

development and the consultation period was inadequate. There was no proper/direct response to the opposing views;

*Insufficient Community, Recreational and Commercial Facilities*

- (xiii) as the problem of insufficient community and recreational facilities in the area had been in existence for many years, the reduction of existing recreational facilities/venues would affect the local population and students. Moreover, the facilities to be provided in the proposed PRH development were limited to a few retail shops and one social welfare facility, which failed to meet the students' need for eating places;
- (xiv) though the affected ball courts would be reprovisioned, the increase in population would generate additional demand, aggravating the shortage of recreational and retail facilities. The Government should enhance the overall environment and provide the community with sufficient supporting facilities;

*Visual and Air Ventilation Aspects*

- (xv) the proposed PRH development would create a wall effect, which would adversely affect air ventilation and the air quality in the area. The health of students, teachers and residents would be adversely affected;
- (xvi) the proposed high-rise PRH block would affect the visual openness and cause visual intrusion to the surrounding areas;

*Traffic Impact and Pedestrian Circulation*

- (xvii) the existing public transport services were already insufficient to meet the local demand. Additional demand arising from the

increase in population in the proposed PRH development would aggravate the problem;

- (xviii) besides being narrow and congested, the roads nearby were affected by the illegal parking of heavy/light goods vehicles along Hiu Ming Street. During the construction phase and upon completion of the PRH development, the traffic and pedestrian flows would increase, resulting in serious traffic congestion and severe vehicle-pedestrian conflicts;
- (xix) except for the provision of lifts and a footbridge to connect Hiu Ming Street and Hiu Kwong Street to facilitate pedestrian flow, no other corresponding transport infrastructures/facilities would be provided;

*Environmental Impact on School During Construction*

- (xx) noise nuisance during the construction period would adversely affect the quiet learning environment of the adjacent schools. The dust generated during construction would cause serious air pollution and pose health hazard to the locals. The psychological and physical well being of the students, teachers and the nearby residents would be affected;
- (xxi) given the close proximity of the schools, construction works at the Site might pose a safety hazard to the students;
- (xxii) as the existing classrooms were not provided with acoustic windows, the need for air conditioning or other acoustic devices as a result of the proposed PRH development would be a heavy financial burden to the schools and parents of the students;

Slope Safety and Maintenance

- (xxiii) a number of landslide incidents had occurred at the slopes adjacent to the Site in the past 40 years. The vibration brought about by the construction works might affect the surrounding topography and building structure of neighbouring schools and increase the risk of landslides;
- (xxiv) substantial slope stabilization works would be required, incurring a high development cost. Due to the small number of flats produced, the development of the Site was not cost-effective. Besides, the management fee required would be higher than other housing estates;

Alternative Site

- (xxv) the proposal to relocate the proposed PRH development to another site to the south, away from MMW College and the private residential developments had been ignored by HD and PlanD;

*Representers' Proposals*

- (n) the representers' proposals were set out in paragraphs 3.2.2 of the Paper and summarised as follows :
  - (i) the proposed PRH development should be relocated to the public open space to the immediate south at a site between MMW College and MCCHG College;
  - (ii) the PRH proposal should be abandoned and the original planned land uses and existing facilities should be retained;

- (iii) the proposed PRH development should be developed at other locations such as in older districts, vacant rural land or G/IC sites. Vacant flats of existing public housing estates should be better utilised and existing public housing estates should be redeveloped;
- (iv) the bus terminus at Tsui Ping Road should be improved by adding new bus routes to alleviate the pressure on public transport services should be studied;
- (v) escalators to connect Hiu Kwong Street and Tsui Ping Estate should be added;

Comments on Representations

- (o) comment C1 which was related to R2, considered that the traffic condition of the area should be well thought-out in view of the existing traffic congestion in the area;

Responses to Grounds of Adverse Representations

- (p) the responses to the adverse representations were set out in paragraphs 5.5.2 to 5.5.29 of the Paper and summarised as follows :

Housing Land Supply

- (i) to ensure adequate supply of housing land to achieve the housing unit production target, the Government had adopted a multi-pronged approach to boost land supply in the short, medium and long terms. There was a need to optimize the use of developable land in the existing urban areas where infrastructural facilities were available. As the Site had a developable area of about 0.66 ha after excluding the slope, it would produce about

1,100 PRH units. The proposal represented a cost-effective and sustainable form of development which did not undermine the continued public enjoyment of the existing recreational facilities;

- (ii) relevant government departments were consulted on the rezoning. The planned provision of GIC facilities and open space in the area was sufficient in general. The affected recreational facilities would be reprovisioned at the adjoining open space to ensure continued use by the local residents. Except for the temporary suspension of a basketball court at Hiu Ming Street Playground during the construction period, the public enjoyment of ball courts would not be undermined by the rezoning;
- (iii) the proposed PRH development was considered technically feasible after balancing relevant factors including GIC and open space provision in the area, compatibility with the surrounding environment, reprovisioning arrangement for the affected recreational facilities, and the technical assessments on various aspects including the visual, landscape, air ventilation, open space provision, traffic and infrastructural aspects;

*Open Space and Landscape*

- (iv) there was an overall surplus of 27.33 ha of planned open space in the OZP area. The affected ball courts would be reprovisioned at the adjoining open space to ensure continued use by the local residents while the children playground at Hiu Ming Street would be reprovisioned on the roof garden of the lower block of the proposed PRH;
- (v) the two semi-mature Ficus microcarpa trees at the northern fringe of the upper platform would unlikely be affected by the proposed PRH development as there would be no construction and site

formation works at the concerned location. The other trees in the “GB” portion of the Site were mainly common plant species. A Planning Brief (PB) setting out the requirements to carry out tree survey and appropriate mitigation measures, including preservation or relocation of mature trees or trees with good landscape value, would be prepared;

*Land Use Compatibility*

- (vi) the proposed PRH development at the Site was considered compatible with the adjacent schools and the surrounding residential neighbourhood as it was common for schools to be located near public housing estates. Both residential developments and schools were not considered as sources of noise nuisance. Besides, any noise nuisance would be subject to the control of the Noise Control Ordinance (Cap 400);
- (vii) the proposed PRH development should not be of any security concern to the nearby schools. The block disposition and orientation of the proposed PRH development would be optimized to avoid overlooking the schools. Proper and adequate estate management and security measures would be adopted by the future PRH development to minimise any conflict;

*Lack of Public Consultation*

- (viii) prior to the submission of the proposed OZP amendments to MPC for consideration, KTDC had been consulted on the proposed amendment and local consultation meetings with participants from the nearby private residential buildings, MMW College, a LegCo Member and the representatives from nearby schools had been held. The views collected and the

Government's responses had been incorporated into MPC Paper No. 14/14 considered by MPC on 27.6.2014;

- (ix) the OZP was exhibited for public inspection in accordance with the provisions of the Ordinance on 18.7.2014. HC of KTDC was consulted during the public exhibition period. HD also held meetings with the affected schools to exchange views on the proposed PRH development and how the design of the PRH development could be refined to address their concerns;
- (x) the exhibition of OZP for public inspection and the provisions for submission of representations/comments formed part of the statutory public consultation process under the Ordinance. The statutory and administrative procedures on public consultation had been duly followed in the process;

*Insufficient Community, Recreational and Commercial Facilities*

- (xi) the planned provision of major GIC facilities in the district was generally sufficient, with a surplus provision of open space in the OZP area. Besides, HD was liaising with the Director of Social Welfare (DSW) on the appropriate welfare facility to be incorporated in the proposed development to serve the local community;
- (xii) there were major commercial centres in the vicinity such as Sau Mau Ping Shopping Centre and Tsui Ping Shopping Circuit to meet the needs of the local residents. According to HD's proposal, retail shops would be provided on the ground level of the proposed PRH block to meet the needs of the students of the nearby schools and local residents;

Visual and Air Ventilation Aspects

- (xiii) the proposed building height was compatible with the surrounding buildings in Sau Mau Ping Estate, Tsui Ping (North) Estate, Fu Wah Court and Hiu Wah Building;
- (xiv) according to the visual appraisal conducted by HD, the proposed PRH development would not impose significant visual impact on the existing character of the locality. The PRH block at the lower platform would be located away from the nearest Fu Wah Court as far as practicable to provide a wider visual buffer. Besides, the PB to be prepared for the development would require HD to explore more design measures including optimal block disposition and orientation to reduce the visual impact on the surrounding area;
- (xv) according to the Air Ventilation Assessment (AVA) conducted by HD, with design features such as a separation distance and provision of a large void at appropriate levels of the PRH block to allow penetration of winds, the proposed PRH development would not have significant adverse impact on the existing wind environment in the surrounding area. The PB would set out the design requirements recommended in the AVA and require the exploration of further measures to improve the air ventilation performance of the scheme;

Traffic Impact and Pedestrian Circulation

- (xvi) the Site was located in a well-developed district with well connected road network served by public transport. The MTR Kwun Tong Station was about 550m away. There were a number of bus/minibus routes along Hiu Kwong Street and Tsui Ping Road, providing services to various railway stations and

transport nodes while a red mini-bus route ran along Hiu Ming Street providing services to MTR Kwun Tong Station during school hours. Transport Department (TD) would closely monitor the public transport demand with the transport operators and strengthen/enhance their services when required;

- (xvii) according to the Traffic Impact Assessment (TIA) conducted by HD, the existing and future traffic circulation at all adjacent road junctions would operate with acceptable reserved capacities, and the proposed PRH development would not induce insurmountable traffic and transport problems to the locality;
- (xviii) a public walkway system comprising footpath, footbridge and lift towers was proposed by the Civil Engineering and Development Department (CEDD) to the north of the Site as part of the comprehensive network to enhance the connectivity between uphill areas of Sau Mau Ping and low land areas around MTR Kwun Tong Station. In addition, the landscaped deck connecting the two platforms within the proposed PRH development would also facilitate pedestrian connection between Hiu Ming Street and Hiu Kwong Street;

*Environmental Impact on School During Construction*

- (xix) the dust problem during construction would be subject to statutory control under the Air Pollution Control (Construction Dust) Regulation while construction noise would be subject to standard noise control measures to be implemented to the satisfaction of the Director of Environmental Protection (DEP);
- (xx) HD would implement stringent site management measures and traffic control measures on construction vehicles to minimize the

nuisance caused to the schools nearby and to reduce the disturbance to road users;

Slope Safety and Maintenance

- (xxi) the Head of the Geotechnical Engineering Office (GEO) of CEDD had been conducting studies and stabilization works to reduce the landslide risk in the area under the Landslip Prevention and Mitigation Programme to ensure public safety. The Government would conduct stability review of the concerned slopes and carry out slope stabilization or upgrading works as necessary;
- (xxii) HD would assess the cost of the potential slope stabilization or upgrading works and optimize the design with a view to achieving a cost-effective development;

Alternative Site

- (xxiii) the alternative site proposed was considered less desirable as it would be difficult to reprovision the sitting out area, the basketball court and the football field affected. If the football field was to be retained, the development of a PRH block in the middle of the open space would segregate the recreational facilities along Hiu Ming Street into two portions, which was undesirable from the public enjoyment and management perspective;
- (xxiv) the alternative site was abutting a natural slope and stream leading to a drainage culvert. A 5m wide drainage reserve (DR) running beneath the football field would impose technically constraints on the proposed PRH development. Moreover, the site formation works at the alternative site would incur a higher cost and require

a longer development time and might affect the nearby schools and residents for a longer period of time;

(xxv) the vehicular ingress/egress of the alternative site would need to be relocated at Hiu Ming Street which was a dead-end road with busy traffic;

(xxvi) the alternative site was closer to other schools to the south along Hiu Ming Street. During previous local consultation exercises, S.K.H. Leung Kwai Yee Secondary School expressed objection to the PRH development at the alternative site;

Responses to Representers' Proposals

(q) the responses to the representers' proposals were set out in paragraphs 5.5.30 to 5.5.34 of the Paper and summarised as follows :

*Alternative Site*

(i) the alternative site proposed was considered less desirable;

*Retain Original Land Uses*

(ii) as it was the Government's top priority to increase housing land supply, the rezoning of the Site for residential use could optimize the use of limited land resources to help meet the imminent housing needs of the community;

*Development at Other Locations or Means*

(iii) the suggestion to make use of other areas for housing development was noted. The Government would continue to

adopt a multi-pronged approach and step up its efforts to meet the housing need;

*Improve Public Transport Services*

(iv) TD would closely monitor the demand for public transport services with the transport operators and strengthen/enhance their services when required;

*Addition of Escalators to Connect Hiu Kwong Street and Tsui Ping Estate*

(v) a public walkway system was proposed by CEDD to the north of the Site to enhance the connectivity between Sau Mau Ping and MTR Kwun Tong Station. The landscaped deck connecting the two platforms within the Site could also facilitate pedestrian connection between Hiu Kwong Street and Tsui Ping Estate at Hiu Ming Street. The need for more escalators to connect Hiu Kwong Street and Tsui Ping Estate would be reviewed by concerned departments separately taking into account various factors including anticipated pedestrian flow;

Responses to Grounds of Comment

(r) the TIA conducted by HD confirmed that the proposed PRH development would not induce insurmountable traffic and transport problems to the locality; and

PlanD's Views

(s) the support of R1 was noted, while the adverse representations of R2 to R817 and R819 to R1474 should not be upheld.

45. The Chairman then invited the representers and representer's representatives to elaborate on their representations. The Chairman reminded the attendees that the presentation should be related to the amendments to the OZP and related to the points made in the written representations already submitted.

R3 – Cheng King Yeung

46. Mr Cheng King Yeung, a Community Officer of the Democratic Party, made the following main points :

- (a) together with the Hon Wu Chi Wai, he had attended the consultation meetings held by government departments with the schools and nearby buildings on the proposed PRH development. He hoped that a compromise could be reached by the parties concerned;
- (b) the alternative site located to the south was a better site for the proposed PRH development as it might cause less public concern. The technical constraint of a PRH development at the alternative site was not insurmountable;
- (c) it was estimated that the proposed PRH development would accommodate 3,000 additional residents. The existing pedestrian footpaths were narrow. Noting that the proposed pedestrian connection improvement would involve private land and implementation of the improvement measures could not be confirmed, there was concern that the pedestrian connection to the public transport node would not be adequate; and
- (d) there was also concern that the future residents would need to bear very high management fees as they would need to be responsible for the maintenance of the adjacent slope.

[Actual speaking time of R3 : 4 minutes]

R32 – Ip Shun Tak

47. With the aid of a Powerpoint presentation, Mr Ip Shun Tak, the Principal of MMW College, made the following main points :

- (a) MMW College was very concerned about the proposed PRH development opposite to the school which was less than 20m away from the school entrance. He regretted that except for meetings with HD requested by MMW College, they had not been invited to any other meetings, including the DC meeting to express their views, even though the school was a major stakeholder;
- (b) while the school had no objection to PRH development in the area, there was concern on the location of the 2 PRH blocks in close vicinity to the school which would generate a number of problems;
- (c) the alternative site presented in the TPB Paper was not the same proposal suggested by the school. The alternative site proposed by the school comprised the northern portion of Hiu Ming Street Playground but did not include the football field at the southern end of the playground. As the football field was excluded, the MCCHG College did not raise any objection to the alternative site. PRH development at the alternative site would also have less impact on Fu Wah Court and Hiu Wah Building as the proposed PRH blocks would be farther away from these buildings. An escalator was also proposed to connect the PRH development at the alternative site along Hiu Ming Street with the upper platform at Hiu Kwong Street. The pedestrian footpath at Hiu Ming Street near MCCHG College should be widened;
- (d) the quiet environment of Hiu Ming Street would be disrupted during the construction of the PRH development. As Hiu Ming Street was already congested and illegal parking was observed, the undesirable traffic

situation would be aggravated by the proposed PRH development. The adverse impact on the general environment would affect the attractiveness of MMW College to parents and would have a negative impact on the quality of student intake;

- (e) even though MMW College was currently separated from the adjacent Tsui Ping Estate by about 30m, complaints from residents on the noise generated from the school activities were still received. More complaints and conflicts were envisaged as the future residents in the PRH development would only be 15m away from the school; and
- (f) the 2 high-rise PRH blocks in close proximity to the school would have adverse physical and psychological impact on the students and staff of the school.

[Actual speaking time of R32 : 10 minutes]

R51 – Yu Wing Cheung

48. In response to Mr Yu Wing Cheung's request to allow Mr Fung Yun Lam, who was not a representer, to make an oral submission, the Chairman said that a representer or his authorised representative would make an oral submission at the hearing. Mr. Yu said that Mr Fung was not his authorised representative, but a student of MMW College who would like to express his views from the students' perspective. Noting the exceptional circumstance, the Chairman allowed both Mr Yu and Mr Fung to make an oral submission.

49. Mr Yu Wing Cheung, a teacher representing the teachers in MMW College, made the following main points :

- (a) he had been teaching in the school for over 35 years and was well aware of the changes in the surrounding area;

- (b) as Tsui To House of Tsui Ping Estate was only located about 30m to the west of the MMW College, students were currently affected by noise from radio and television broadcasts from the residential flats. It was fortunate that the classrooms facing Tsui To House were mainly laboratories so that the problem was less severe. The proposed PRH development across Hiu Ming Street to the east of the school would cause a more severe problem as the PRH building would be much closer (only 15m away) and the residential flats would be directly facing the classrooms;
- (c) there had been complaints from residents of Tsui To House about noise from the school's activities. The proposed PRH development to the east of the school and at a much shorter distance would generate similar noise complaints and give rise to conflicts between the school and the future residents;
- (d) the alternative site proposed by MMW College was based on a dual platform development excluding the football field at the southern-most tip of Hiu Ming Street playground, the location of which was different from that shown in Plan H-8 of the Paper. In this regard, the football field, the 5m wide drainage reserve (DR) beneath the football field and the natural slope and stream would not be affected by the proposed development and there would be no vehicular access at Hiu Ming Street; and
- (e) contrary to HD's claim that the alternative site would cause management problems for the recreational facilities, it was understood from LCSD that they had no objection to manage ball courts on both ends of the future PRH development at the alternative site. LCSD indicated that having recreational facilities along Hiu Ming Street into two portions would not have significant impact on public enjoyment of the facilities as the tennis courts, basketball court and football fields were targeted for different users.

[Actual speaking time of R51 : 11 minutes]

[Professor K.C. Chau left the meeting at this point.]

50. Mr Fung Yun Lam, the Chairman of the Student Council of MMW College, made the following main points :

- (a) Hiu Ming Street was a 2-lane single carriageway used mainly by minibuses, taxis and private cars. Since illegal parking was quite common along Hiu Ming Street, he queried whether the capacity of Hiu Ming Street could cope with the additional traffic generated by the proposed PRH development;
- (b) the Student Council of MMW College had liaised with the minibus operator on improving the minibus service along Hiu Ming Street but was advised that the frequency of minibus services could not be increased any further as doing so would aggravate the traffic congestion problem;
- (c) with about 3,000 students going to the schools at Hiu Ming Street in the morning peak hour, he doubted whether the road capacity could cope with the additional population of the proposed PRH development. He was concerned about road safety;
- (d) while the proposed PRH development would improve the pedestrian network between Hiu Ming Street and the Sau Mau Ping area, there was also a demand for pedestrian connection improvement between Hiu Ming Street and the MTR Kwun Tong Station which could not be addressed as the existing pavement could not be widened;
- (e) no practical mitigation measures had been proposed to address the problem of dust and noise during construction which would be serious given that the proposed PRH was located close to the school;

- (f) there would be a conflict between the school and the future residents of the PRH development on noise and privacy, especially during major school functions; and
- (g) while there was a need for the Government to construct PRH to meet the housing demand, consideration should be given to the location and infrastructural support of the proposed PRH sites. The alternative site proposed by the school should be given due consideration as it was a better site for PRH development.

[Actual speaking time of Mr Fung : 7 minutes]

51. On the request of Dr Leung Tin Ming (R57), the Chairman agreed to let Dr Jason Chan (R58) make his oral submission first.

R58 – Jason Chan

52. Dr Jason Chan, a member of the Board of Governor of MMW College, made the following main points :

- (a) the Government did not provide any substantive information to justify the rejection of the alternative site proposed by the school. Although the high costs and longer development time for carrying out the protection measures for the natural terrain and the site formation works were mentioned, there was no information on the actual cost involved or the additional time required;
- (b) he considered that there was maladministration on the part of HD and that he might make a complaint to the Ombudsman;
- (c) the alternative site proposed by MMW College did not cover the football field at the southern end of Hiu Ming Street Playground or the adjacent

natural slope and that a dual platform development was proposed with vehicular access retained at Hiu Kwong Street. This alternative proposal was not the same as that described in the Paper; and

- (d) the Paper was biased in that only the objecting views of SKH Leung Kwai Yee Secondary School to the alternative site were mentioned while the supportive views of MCCHG College, which was situated closer to the alternative site, were left out.

[Actual speaking time of R58 : 3 minutes]

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

R57 – Leung Tin Ming

53. Dr Leung Tin Ming, the Acting Supervisor of MMW College, made the following main points :

- (a) as the housing shortage problem was an issue that concerned the well-being of Hong Kong citizens, he had no objection to the Government's proposal to develop public housing. However, if the proposed PRH development would give rise to other problems that would affect the well-being of local residents, such proposal should not be approved, particularly given that the decision was based on inaccurate and misleading information; and
- (b) the consultation process was not carried out properly and was disappointing. While HD advised MMW College that LCSD objected to the alternative site on the grounds that there would be problems in managing the sports facilities located at either end of the alternative site, it was later found out that LCSD had in fact no concern on the matter.

[Actual speaking time of R57 : 2 minutes]

R1253 – Cammy Ngo

54. Ms Cammy Ngo, the parent of a student studying in MMW College, made the following main points :

- (a) while she had no objection to more PRH developments, the issue was finding an appropriate site for the proposed PRH development;
- (b) her daughter had previous experience of suffering from disturbance caused by a construction site near her primary school a few years ago. The dust and noise pollution were serious and all the mitigation measures implemented failed to address the problem. In the end, all the windows had to be closed. The adverse impact in the current case would be much greater as the proposed PRH development was in close proximity to the school;
- (c) conflicts between the school and the future residents would arise due to the noise problem, the narrow footpath shared by the three existing schools, the Hong Kong Institute of Vocational Education and the future residents of the proposed PRH development, and the competing demand for public transport services;
- (d) the narrow footpath would cause a safety issue as students would be forced to walk on the road which was heavily used by traffic and construction vehicles;
- (e) the parents had not been consulted on the proposed PRH development. They were only aware of the proposal through the school; and
- (f) the alternative site proposed by MMW College was located further away from the adjacent residential buildings and the schools and was a better option.

[Actual speaking time of R1253 : 5 minutes]

R1076 – Kwong Kin Yam

55. Mr Kwong Kin Yam, the parent of a student studying in MMW College, made the following main points :

- (a) the proposed PRH development was very near MMW College. The operation of construction vehicles and heavy machinery during construction of the proposed PRH development would place the students nearby under stress; and
- (b) the noise and dust problem would adversely affect their school life and their learning environment. It was unfair to the students studying in MMW College as they had no choice but to stay at the school. The Government should consider the impact on education and the learning environment of existing students.

[Actual speaking time of R1076 : 3 minutes]

56. As the representers had completed their presentation, the Chairman invited questions from Members.

57. As it was very common in Hong Kong for schools to be located within PRH estates, the Chairman enquired how the proposed PRH would adversely affect the school. In response, Mr Ip Shun Tak (R32) said that in most cases where schools were located within housing estates, the schools would only be built after the housing estates had been completed, although he did not have any statistics on the number of cases where the schools were built before the housing blocks. In any case, he did not know of any example where residential developments were built in such close proximity to the school, as the current case. As the noise generated by the school would be a nuisance to residents who worked on shifts and

needed to rest in the daytime, such potential conflicts should be avoided as far as possible. An alternative site for the proposed PRH development should be identified.

58. In response to the Chairman's enquiry, Mr Fung Yun Lam (R51) said that the normal school hours were from 8:15 am to 3:40 pm, with a lunch break from 12:35 pm to 1:35 pm. Students who stayed behind for after-school activities would normally leave the school by 5:30 pm.

59. In response to the Chairman's enquiry on the proposed alternative site, Mr Tom C.K. Yip (DPO/K) said that Plan H-8 showing the alternative site proposal was based on the representer's written submission received during the 2-month OZP exhibition period. The exact boundaries of the alternative site was not provided in the representation which only mentioned that the site was currently used for recreational purposes to the south of Item A. The representers might have proposed other configurations for the alternative site during their discussions with HD. As the children's playground, basketball court and football field at Hiu Ming Street Playground were serving the local community, these facilities would need to be reprovisioned locally if the alternative site was used for the proposed PRH development. It would be difficult, however, to find a suitable site for their reprovisioning. Even if the football field was excluded from the site boundary, the geotechnical and traffic problems of the alternative site were yet to be addressed. Besides, the alternative site was inferior to the original proposal from recreational facility management's perspective as the ball courts would be segregated from each other.

60. The Chairman then enquired about the traffic condition during the morning and evening peak hours. In response, Mr Tom C.K. Yip said that according to the TIA submitted by HD, the morning peak was from 7:30 am to 8:30 am and the evening peak was from 6:30 pm to 7:30 pm. During the morning peak hours, residents would mainly travel downhill to go to work while students would go uphill to go to school. As the traffic flow generated by the residents and the students were not the same during the respective peak hours, the TIA concluded that no significant adverse traffic impact would arise from the proposed PRH development. The TIA also concluded that the pedestrian flow was acceptable taking into account the width of the existing footpaths.

61. Mr Alan B.C. Hui (SA/18, HD) supplemented that throughout the discussions with the representers on the alternative site, various site configurations had been proposed for the alternative site including a proposal that included the football field, and a proposal to include the Hiu Kwong Street Park as the upper platform for the alternative site. If the football field was excluded from the site area, the developable land would be significantly reduced. As the upper platform of the alternative site was narrower than the original platform, it would not be cost effective to locate the carpark on the upper platform and the vehicular access would need to be provided at Hiu Ming Street, which was undesirable from the traffic point of view. Besides, the alternative site was located at the far end of Hiu Ming Street and traffic to and from the proposed PRH development would need to travel a longer distance in and out of Hiu Ming Street, which was undesirable. Mr Hui also said that the rock strata in the alternative site was located deeper underground, which would prolong the piling period and cause more nuisance to the nearby residents and schools. The overall construction period would be extended by at least one and a half years, with additional construction costs incurred. Although the proposed PRH development at the Site would be close to MMW College, the AVA concluded that the air ventilation was acceptable.

62. In response to the Chairman's enquiry on LCSD's views on the management of the facilities, Mr Hui said that LCSD had no objection to the reprovisioning of the affected facilities locally. From the management point of view, an integrated design based on the original scheme would enable better management of the recreational facilities.

63. In response to the further enquiry of the Chairman, Mr Hui said that if the PRH was located at the far end of Hiu Ming Street, vehicles would need to travel a longer distance along Hiu Ming Street, increasing the traffic along the upper section of the street. Mr Tom C.K. Yip (DPO/K, PlanD) said that according to HD's proposal, the car park would be provided at the upper platform and vehicular access to the Site would be provided at Hiu Kwong Street instead of at Hiu Ming Street.

64. Mr Anson K.S. Lee (GE/25, HD) added that the upper platform of the alternative site was elongated and narrow in shape and was located on top of a rock hill. The site formation works would involve cutting down the rock face generating a greater noise nuisance and requiring a longer works period. The rock strata at the lower platform of the

alternative site was located much deeper underground and, as a result, the piling works required and the noise nuisance generated would be worse. In comparison, the rock strata at the lower platform of the original site was relatively shallow so that shorter piles would be required, generating much less nuisance in terms of noise and dust. Besides, the alternative site would be very close to a natural slope which would require slope protection works to be conducted. This might affect the developable area of the alternative site and would incur additional cost and time for development.

65. In response to the Chairman's query on the access for construction vehicles, Mr Hui said that for the alternative site, construction vehicles would need to use Hiu Ming Street as the main access, whereas for the PRH development at the original site, construction vehicles would use both Hiu Ming Street and Hiu Kwong Street to access the lower and upper platforms of the site respectively.

66. On the claim that the information provided by HD was misleading, Mr Hui said that HD had met with MMW College on several occasions and various proposals for the alternative site had been discussed. The schools on the opposite side of the alternative site had also been consulted and HD had mainly reflected the views that had been gathered.

67. Noting that the large scale redevelopment of Tsui Ping Estate several years ago should have caused greater disturbance to the school than the currently proposed PRH development, a Member enquired the reason why the school reacted so strongly to the current proposal. In response, Mr Yu Wing Cheung (R51) said that although the redevelopment of Tsui Ping Estate had caused much nuisance to the school, the situation was different as the construction activities were located further away from the school (the nearest building (Tsui To House) being 30m away from the school), whereas the currently proposed PRH development would be less than 20m away. In addition, Tsui To House faced the west wing of the school where the laboratories were located, which helped reduce the level of disturbance to the students. However, the proposed PRH development would face the classrooms directly and would cause much greater disturbance to the students. In response to the Chairman's enquiry, Mr Yu said that the school would only accept the proposed PRH development if there was no other alternative. However, since an alternative site causing fewer problems had been identified, the option should be explored. Although the

alternative site might be subject to constraints, these were technical issues that could be overcome. In response to the Chairman's further enquiry, Mr Yu said that when Tsui Ping Estate was being redeveloped, the construction vehicles at that time did not use Hiu Ming Street for access.

68. In response to a Member's enquiry, Mr Yu (R51) said that the proposed PRH development would be directly facing the classrooms of MMW College and would directly affect the school and vice versa. By shifting the location of the proposed PRH development to the alternative site, not only would the building separation between the school and the PRH development be increased, the PRH block would no longer be facing the school directly. Although the housing blocks of Tsui Ping Estate were located some distance away from the school, complaints from Tsui Ping Estate residents about noise generated from the school activities were still received.

69. A Member enquired whether HD had considered slightly shifting the proposed PRH development to the south so that part of the proposed PRH would be located on the tennis court at the southernmost portion of the original site and part of the PRH would be on the northern portion of the alternative site. The Member also suggested that car parking and vehicular access could be provided at the upper platform in view of the traffic issue at Hiu Ming Street. In response, Mr Alan B.C. Hui (SA/18, HD) said that the suggested option would be faced with similar traffic and geotechnical constraints as the alternative site. Moreover, the upper platform of the alternative site was not wide enough for the provision of a car park block, and the vehicular access for the alternative site could not be provided at Hiu Kwong Street.

70. The Chairman asked whether a hybrid solution had been considered, i.e. developing a car park at the original upper platform and locating the PRH development at the lower platform of the alternative site with pedestrian connection in between. In response, Mr Hui said that as slope stabilisation works would be required for both the car park at the upper platform of the original site and for the PRH development at the lower platform of the alternative site, a much larger slope would be affected, increasing the construction cost, the time required for carrying out the works and the environmental impacts. Mr Anson Lee (GE/25, HD) supplemented that piling would be required for the PRH development at the

alternative site and the slope stabilisation works would involve cutting into a rock face, which would cause noise nuisance for a longer period.

71. A Member noted that the upper platform of the alternative site was over 20m wide, which should be adequate to accommodate a 16m wide car park block. He asked whether HD could provide any data to demonstrate that the provision of a car park block at that location was not practical. He also asked for the geotechnical data on the rock strata at the lower platform within the original site and the alternative site.

[Mr Stephen H.B. Yau left the meeting at this point.]

72. In response, Mr Alan B.C. Hui (SA/18, HD) said that though the width of the upper platform at the alternative site was about 20m, not the entire width of the platform was available for car park development as access ramp would take up part of the site. He continued to say that if the upper and lower platforms were not aligned with each other, the resultant slope stabilisation works would need to cover a much larger area. Regarding the geotechnical data, Mr Anson Lee (GE/25, HD) explained that according to the records from the GEO, the rock strata at the alternative site was about 10m below ground so that piling works would have to reach a depth of about 13m to 15m. Excavation and pile cap installation would also be required. Hence, a longer construction period would be required compared with the PRH development at the original site where the rock strata was only at 1m to 3m below ground, requiring only shallow piling works and saving costs and time.

73. The Chairman enquired about the cost and time implications between PRH development at the original site and the alternative site. In response, Mr Anson Lee (GE/25, HD) said that HD did not have any information on the cost implications as the proposed PRH development was only at a preliminary stage. As for the time implications, it was estimated that it would take about one and a half year longer for a PRH development at the alternative site as it would involve a more complicated development process.

74. In response to a Member's enquiry on the mitigation measures to be implemented during the construction period, Mr Tom C.K. Yip (DPO/K) said that mitigation measures in accordance with the Air Pollution Control Ordinance would be implemented,

including all construction material would need to be covered and sprayed with water periodically; construction vehicles leaving the site would be hosed down to eliminate dust emission; noise barrier and suitable noise buffers would be set up to reduce the noise emitted from construction machineries and piling works; and explosive operations would not be carried out during night time and holidays. Moreover, HD would closely liaise with the schools to avoid any noisy operations being conducted during the examination periods.

75. A Member asked whether the slope between the upper and lower platforms of the original site and the alternative sites was a natural slope or man-made slope. In response, Mr Anson K.S. Lee (GE/25, HD) said that the slope within the original site and the slope in between the upper and lower platforms at the alternative site were man-made slopes. However, there was a natural slope of considerable size on the southeastern side of the alternative site, extending to the Hong Kong Taoist Association Ching Chung Secondary School. According to the guidelines of the GEO, all natural slope should be protected to avoid landslide. Regarding the difficulties of developing the alternative site, Mr Lee said that the 5m drainage reserve located in the central part of the site would pose constraints to the PRH development as no buildings could be built on top of the drainage reserve and some buffer area on both sides of the drainage reserve would be required.

76. Referring to the alternative site shown in the Powerpoint presentation of Mr Ip Shun Tak (R32), the Chairman asked for an estimate on the additional cost and time involved for developing PRH at that site. In response, Mr Alan B.C. Hui (SA/18, HD) said that a PRH development at the alternative site would incur an additional construction time of about one and a half to two years. In view of the rising construction cost, he was unable to provide an estimate on the additional construction costs. He said that the additional cost would likely be substantial as the development would require additional piling works.

77. As Members did not have any further questions and the representers and their representatives had nothing to add, the Chairman said that the hearing procedure had been completed and that the Board would deliberate on the representations and comment in the absence of the representers, and would inform them of the Board's decision in due course. The Chairman thanked the representers and their representatives and the government representatives for attending the hearing. They all left the meeting at this point.

Deliberation

78. A Member considered that PRH development at the alternative site, i.e. car park at the upper platform and PRH at the lower platform which excluded the football field and the drainage reserve could be a possible alternative which should be given due consideration. HD should explore in greater detail the feasibility of developing the PRH at the alternative site. The Member noted that MMW College was not objecting to the PRH development per se, but was only asking for the PRH development to be located at an alternative site. As the alternative site was at an adjoining location where significant difference in the geology might be unlikely, the alternative site should not be ruled out too hastily.

79. A Member considered that even though the construction cost at the alternative site might be increased, it would be worth the while to consider the option if it could reduce the long term potential conflicts between the PRH residents and the school. A Member considered that the natural slope was outside the boundary of the alternative site and should be covered by slope stability works programme carried out by the Government as in the case of slopes falling within Government land. The Chairman considered that without information on the additional cost and construction time incurred for the proposed alternative site, it would be difficult for the Board to make a decision on whether the alternative site should be considered.

80. The Chairman proposed and Members agreed that the Board should defer making a decision on the representations to the OZP, pending further assessment by HD on the cost, timing and the technical details for developing the alternative site. HD should also examine whether a car park block could be accommodated at the upper platform of the alternative site.

81. The meeting was adjourned for a short break of 5 minutes.

[Mr Stanley Y.F. Wong, Professor P.P. Ho, Mr Dominic K.K. Lam, Mr K.K. Ling and Ms Bernadette H.H. Linn returned to join the meeting at this point.]

## **Agenda Item 6**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comment in respect of the Draft Tsing Yi Outline Zoning Plan No. S/TY/25  
(TPB Paper No. 9842)

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[The meeting was conducted in Cantonese.]

### **Hearing for Group 1**

**(Representations R1 (Part), R2, R3 (Part), R4 (Part), R5 to R642, R650 (Part) and C1 (Part))**

#### **Presentation and Question Session**

82. The Chairman said that reasonable notice had been given to the representers and commenters to invite them to attend the meeting. Members agreed to proceed with the hearing of the representations in the absence of the other representers and commenters who had indicated that they would not attend or made no reply to the invitation to the hearing.

83. The following government representatives, and the representers and their representatives were invited to the meeting at this point:

Mr Lawrence Y.C. Chau - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Planning Department  
(PlanD)

Ms Fannie F.L. Hung - Senior Town Planner/Kwai Tsing (STP/KT),  
PlanD

Mr Honson H.S. Yuen - Chief Transport Officer/New Territories South West (CTO/NT South West), Transport Department (TD)

Ms K.S. Cheung - Engineer/Tsing Yi (E/TY), TD  
Dr Fiona K.Y. Wong - Nature Conservation Officer (Tsuen Wan)  
(NCO/TW), Agriculture, Fisheries and  
Conservation Department (AFCD)

R3 – Green Sense

Mr Roy Tam - Representer's representative

<u>R17 – 許炳昌</u>	<u>R19 – 黎帶娣</u>	<u>R35 – Lam Lap Chi</u>
<u>R39 – 黃依雯</u>	<u>R48 – 胡詠詩</u>	<u>R88 – 吳信華</u>
<u>R90 – 陳小姐</u>	<u>R188 – 梁樹偉</u>	<u>R211 – 蘇泉</u>
<u>R394 – 姚流養</u>	<u>R458 – 蘇小燕</u>	<u>R532 – 陳潔薇</u>
<u>R533 – 邱蘭仙</u>	<u>R547 – 林珠妹</u>	<u>R570 – 陳群娣</u>
<u>R581 – 王鳴遜</u>	<u>R640 – 曾南順</u>	

Lam Lap Chi (Kwai Tsing - Representer and Representers' representative  
District Council member)

R75 – Wong Chung Chu

Mr Wong Chung Chu - Representer

84. The Secretary reported that as MTR Corporation Limited (MTRC) had submitted a representation (R2), the following Members had declared interests in this item:

Mr Ivan C.S. Fu	]
Ms Janice W.M. Lai	] having current business dealings with
Mr Dominic K.K. Lam	] MTRC (R2)
Mr Patrick H.T. Lau	]

85. Members noted that the interests of Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Mr Dominic K.K. Lam and Mr Patrick H.T. Lau were direct, they should be invited to withdraw

from the meeting. Members noted that Ms Janice W.M. Lai and Mr Patrick H.T. Lau had already left the meeting.

[Mr Ivan C.S. Fu and Mr Dominic K.K. Lam left the meeting temporarily at this point.]

86. The Chairman extended a welcome and explained the procedure of the hearing. He said that a 10-minute speaking time was allotted to each representer. However, he noted that the authorized representer of R3 (Green Sense) had indicated that he would need a presentation time of 1 hour and enquired the reason for the requested speaking time.

87. In response, Mr Roy Tam (R3) said that he had prepared a lot of information concerning the representation and needed the time as requested. He also complained about the hearing arrangements in that inadequate time had been reserved for the consideration of the previous agenda items, causing an overrun. His right to make a proper oral submission to the Board should be respected and that he should not be required to shorten his oral presentation due to the lack of time.

88. The Chairman said that the time scheduled for each agenda item was only indicative as the Board would need to consider each case individually and thoroughly. Since the content of Mr Tam's oral submission was not known, the Chairman agreed to his request for an extended presentation time, provided that the presentation was directly relevant to the amendment items of the subject OZP and not repetitive. However, in order that other representatives would not be held up at the meeting, they would be invited to make their oral submissions first. Mr Tam agreed with this arrangement.

89. The Chairman then invited the representatives of PlanD to brief Members on the background of the representations.

90. With the aid of a Powerpoint presentation, Ms Fannie F.L. Hung, STP/KT, made the following main points as detailed in the Paper :

### Background

- (a) on 13.6.2014, the draft Tsing Yi Outline Zoning Plan (OZP) No. S/TY/25 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments were mainly related to the rezoning of two pieces of land near Cheung Wang Estate from “Green Belt” (“GB”) and “Residential (Group A)” (“R(A)”) to “Residential (Group A) 3” (“R(A)3”) (Items A1 and A2) and the rezoning of a site near Mayfair Garden from “GB” to “Residential (Group A) 4” (“R(A)4”) (Item B) for private residential developments;
- (b) during the two-month exhibition period, a total of 706 representations were received. On 5.9.2014, the representations were published for public comment and, in the first 3 weeks of the publication period, one comment was received;
- (c) on 5.12.2014, the Town Planning Board (the Board) agreed to consider the representations and comment by the Board itself collectively in two groups. Group 1 (representations R1 (Part), R2, R3 (Part), R4 (Part), R5 to R642 and R650 (Part) and Comment C1 (Part)) was related to Items A1 and A2, i.e. the rezoning of two pieces of land near Cheung Wang Estate from “GB” and “R(A)” to “R(A)3”;

### The Zoning Amendment

- (d) the rezoned site (the Site) had an area of about 0.14 ha and was subject to a maximum domestic plot ratio (PR) of 6 or a maximum non-domestic PR of 9.5 or the composite formula of 6/9.5 for mixed residential and commercial developments and a maximum building height restriction (BHR) of 200mPD. There was a requirement for the provision of a public transport terminus within the Site. It was estimated that about 153 flats would be provided;

- (e) the Site was bounded by Liu To Road and Hang Mei Street. It was accessible from Hang Mei Street/Liu To Road and served by various modes of public transport. The majority of the Site was formed, paved and currently occupied by a Green Mini Bus (GMB) terminus for Route Nos. 409 and 409K. There was a 7m-wide drainage reserve underneath the Site;
- (f) the rezoning was in line with the 2013 and 2014 Policy Addresses where the Government announced that it would adopt a multi-pronged approach to build up land reserve with a view to meeting housing and other development needs. In the first stage “GB” review, the focus was on sites which were devegetated, deserted or formed. The second stage “GB” review would consider the rezoning of those vegetated “GB” sites with a relatively lower buffer or conservation value and adjacent to existing transport and infrastructure facilities for housing development. The rezoning was also in line with the 2015 Policy Address to meet the housing target of 480,000 public and private residential units in the next decade;

#### Public Consultation

- (g) prior to the submission of the proposed amendments to Metro Planning Committee (MPC) of the Board for consideration, the Kwai Tsing District Council (K&TDC) was consulted on the rezoning proposal of the Site on 13.3.2014 and 8.5.2014. The K&TDC strongly objected to the rezoning proposal on the grounds that the proposed development was piecemeal. They considered that there was no comprehensive planning for the Kwai Tsing District as a whole on the improvement to community facilities and transport enhancement, hence they objected to the rezoning of 13 sites within Kwai Tsing for residential use. There was a general concern on the inadequate provision of transport facilities and services to meet the demand of local residents in Tsing Yi as well as the future residents of the proposed housing developments. Relocating the GMB

terminus to the nearby Cheung Wang Estate public transport interchange (PTI) would worsen the traffic condition of the PTI and the nearby road network. They also considered that there should be a corresponding increase in the provision of GIC facilities and open space. K&TDC members' views on the rezoning of the Site had been incorporated into the MPC Paper No. 12/14 considered by the MPC;

- (h) K&TDC was further consulted on the amendments to the OZP during the public exhibition period on 3.7.2014. K&TDC members considered that the proposed amendments to the OZP had been discussed in the previous two K&TDC meetings and decided to terminate the discussion. Some K&TDC members subsequently submitted representations during the 2-month public inspection period;

#### The Representations

- (i) there were 643 valid representations in Group 1, including one supportive representation (R1 (Part)), one expressing views on noise impact (R2) and 641 adverse representations (R3 (Part), R4 (Part), R5 to R642 and R650 (Part)). Details of the representations were set out in paragraphs 4.2.1 to 4.2.3 of the Paper and summarised below :

#### *Supportive Representation*

- (j) R1 (Part) supported Items A1 and A2 on the grounds that land resources for residential development in Tsing Yi was scarce. More housing units were necessary for expanding families in Tsing Yi and for people from other areas. New housing development could inject new energy to the community in Tsing Yi. It could also provide a balanced development intensity by adopting an appropriate density, PR and urban design guideline. R1 (Part) proposed that a lower PR for the future residential development at the Site would be more coherent and in harmony with the environment;

*Representation Providing Views*

- (k) R2 considered that due to the proximity of the proposed development to the underground railway alignment, ground-borne noise could be of concern. The proposed development could also be sensitive to air-borne noise from the Tsing Yi Portal and the open section of the railway. The project proponent should be required to carry out a railway noise impact assessment and to provide appropriate mitigation measures through a planning approval condition and/or relevant lease conditions;

*Adverse Representations*

- (l) R4 (Part) opposed to Item A1 while R3 (Part), R5 to R642 and R650 (Part) opposed to both Items A1 and A2 :

*Lack of Public Consultation*

- (i) large scale rezoning of 70 “GB” sites for residential development was a drastic change in land use planning policy in Hong Kong. A full picture of all the affected “GB” sites in the territory should be provided to the public for consultation instead of piecemeal consultation on individual sites. Justifications for rezoning the “GB” sites for residential development should be provided and an overriding public need should be demonstrated;

*Government Policy and Housing Supply*

- (ii) small scale infill residential sites without comprehensive land use planning could not help meet the housing need. It was unreasonable for the Board to approve applications for hotel developments in areas zoned for residential use while, on the other hand to rezone “GB” sites for residential development;

- (iii) the Site should be reserved for public housing development instead of private housing use. Brownfield sites and military sites should be developed first before rezoning “GB” sites for residential development;

Planning Intention

- (iv) areas zoned “GB” played an important role as a buffer area for sustainable urban planning. Rezoning “GB” sites would accelerate urban sprawl which would contravene the planning intention of “GB” zone. The landscape and social value of existing “GB” zones should not be neglected. The approval of the plan would be a threat to all the “GB” areas, and for all areas zoned for conservation purpose;

Lack of Technical Assessments and Adverse Impacts

General

- (v) assessments on environment, traffic, noise, air ventilation, landscape and geotechnical impacts should be carried out for any site proposed for development, and ample alternative sites should be put forward for consideration and selection;

[Mr Ivan C.S. Fu returned to join the meeting at this point.]

Traffic Impact and Public Transport Services

- (vi) the proposed development and the possible housing development next to Mount Haven (an area that had been identified as having potential for housing development) would seriously affect the road capacity and public transportation services/facilities. The

additional traffic generated by the future residential development at the Site would result in traffic congestion along Liu To Road and illegal parking problems;

- (vii) the temporary relocation of the GMB terminus to the Cheung Wang Estate PTI during the construction of the Site was not feasible as the existing Cheung Wang Estate PTI was already congested and the proposed arrangement would affect the operation of mini-buses and the safety of passengers;
- (viii) the existing GMB terminus should be retained and public convenience should be provided next to it;

#### Landscape, Visual and Air Ventilation Impacts

- (ix) the proposed residential development would cause adverse air ventilation and visual impact on its surroundings. Approval should not be granted unless thorough assessments had been conducted;
- (x) tree preservation proposals should be submitted to the Board before approval of any work for the Site;
- (xi) a big Banyan tree next to Hang Yip House was in danger of collapsing. Reinforcement works should be carried out by the relevant parties;

#### Environmental and Ecological Impacts

- (xii) there were various plant species within the “GB” sites which were important to the micro climate. Some “GB” areas were also covered with natural vegetation. No ecological assessment had

been conducted for the rezoning. The ecological value of “GB” sites should not be underestimated;

- (xiii) noise impact and air pollution during the construction period would affect the primary schools and kindergartens nearby;

*Insufficient Supporting GIC and Commercial Facilities*

- (xiv) there were insufficient community and commercial facilities such as banks and restaurants to serve the existing and future population. The increase in population would increase the burden on the existing facilities;

*Representers' Proposals*

- (xv) the proposed rezoning at the Site as well as the possible housing development near Mount Haven should be abandoned;
- (xvi) ‘Flat’, ‘House’ and ‘Residential Institution’ should be moved from Column 1 of the Notes of the “R(A)” zone to Column 2 to ensure that the Board could assess the proposed development through the planning permission system;

*Comment on Representations*

- (m) one comment (C1 (Part)) supported representations R3 to R34 raising objection to Items A1 and A2 on the ground that the Government should review the existing housing policy before considering the rezoning of land for housing development;

*Responses to Grounds of Supportive Representations*

- (n) the support of R1 (Part) on Items A1 and A2 was noted. The proposed

BHR and PR had taken into account the existing developments in the surroundings. On the development intensity of the Site, it was considered appropriate to increase the domestic PR of the Site to 6 in order to help meet the pressing need for housing. Concerned government departments advised that there would be no insurmountable problem for residential development at the Site from the land use compatibility, traffic, infrastructure, environmental, ecological, visual, landscape and air ventilation points of view;

Responses to Grounds of Adverse Representations/Comments

- (o) the responses to the adverse representations/comments were set out in paragraphs 6.4.3 to 6.4.30, and 6.5 of the Paper and summarised as follows:

Lack of Public Consultation

- (i) K&TDC was consulted on 8.5.2014 on the 13 potential housing sites within the Kwai Tsing District. Prior to the submission of the proposed amendments for the Site to MPC for consideration, the K&TDC was consulted twice and the views collected had been incorporated into the MPC Paper No. 12/14 for MPC's consideration. Public consultation on the amendments to the OZP was carried out in accordance with the established procedures. The exhibition of OZP for public inspection and the provision for the submission of representations and comments on representations formed part of the statutory public consultation process under the Ordinance;

Government Policy and Housing Supply

- (ii) the Government had stepped up its efforts to increase land supply and build up a land reserve by adopting a multi-pronged strategy

to meet short-, medium- and long-term demand with a view to achieving the housing target of 480 000 public and private residential units in the next decade. Rezoning of suitable “GB” site for residential development was one of the multi-pronged measures and the zoning amendment would contribute to achieving the housing target;

- (iii) in general, applications for non-residential uses including hotels in a predominantly residential area would not be supported unless there were very strong justifications and the concerned site was very conducive to hotel development;
- (iv) given the relatively small size of the Site (about 0.14ha), it was more suitable for private housing development as public housing developments generally required larger sites. As there was demand for different types of housing, there was a need to strike a balance in land supply to meet different housing needs;
- (v) “Brownfield sites” had been included in various feasibility studies for potential new development areas. Military sites in Hong Kong were currently used for defense purposes and there was no plan to change their land use;

Planning Intention

- (vi) the majority of the Site had been formed, paved and was being used as a GMB terminus. Although some common tree species were found on the roadside slope, the original “GB” was no longer green and had no landscape and visual value. The rezoning of the “GB” site for residential development was considered appropriate and would not result in urban sprawl;

Lack of Technical Assessments and Adverse Impacts

General

- (vii) relevant government departments advised that no insurmountable technical problems would arise from the rezoning of the Site for private residential development;

Traffic Impact and Public Transport Services

- (viii) the Commissioner for Transport (C for T) commented that the additional traffic generated by the proposed residential development would only slightly increase the utilization of the most critical junction nearby from 83% to 84% and the traffic impact on the nearby road network would be low. Car parking spaces would also be provided at the Site in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) to accommodate the additional private cars generated by the proposed residential development;
- (ix) C for T also advised that the demand for public transport services in the vicinity would be closely monitored. Transport Department (TD), together with the franchised bus companies, would formulate a Bus Route Development Programme (BRDP) to enhance efficient use of resources and to better meet passengers' demand;
- (x) in the 2014-15 BRDP, Kowloon Motor Bus Co Ltd (KMB) proposed to rationalize the services in Kwai Tsing district by reducing the service for some relatively low demand routes and enhancing the service in other relatively high demand routes. The K&TDC had been consulted about the BRDP and the plan had been modified in response to comments received. C for T

and the franchised bus companies would review the increase in passenger demand generated by the residential development at the Site and would consider strengthening the public transport services accordingly;

- (xi) the existing GMB terminus would be reprovided within the Site. To facilitate the temporary relocation of the existing GMB terminus, Cheung Wang Estate PTI would be modified to provide additional bays for GMB Route 409 and its supplementary Route 409K. The passenger queuing platforms at the Cheung Wang Estate PTI would also be modified to cater for the additional passengers for the GMB routes and the pedestrian crossings would be improved;
- (xii) the Director of Food and Environmental Hygiene (DFEH) advised that the proposed provision of a public toilet at the Site was unnecessary as toilet facilities were available nearby;

#### Landscape, Visual and Air Ventilation Impacts

- (xiii) the Site was currently formed and paved with roadside vegetation of common secondary woodland tree species growing on the slope. The landscape quality of the Site was not high and it had relatively less buffering effect and low conservation value. It was considered suitable for residential development to meet the pressing need for housing. The future development would be required to submit tree preservation and compensatory planting proposals in accordance with Development Bureau Technical Circular (Works) No. 10/2013 for Government projects and Lands Department LAO Practice Note No. 7/2007 for private projects. The requirement for the submission of tree preservation proposals and landscaping proposals/landscape master plan, where appropriate, would be included in the lease

conditions;

- (xiv) photomontages had been prepared to assess the possible visual impact of the proposed residential development at the Site. The proposed BHR of 200mPD for the Site was considered congruous with the overall BH profile of Cheung Wang Estate and Cheung Hang Estate, which ranged from about 156mPD to 196mPD (25 to 39 storeys), and was compatible with its visual context, despite a slight reduction in the visual openness of the area;
- (xv) the Site did not lie within any major air path. The annual prevailing northeasterly wind would blow along Hang Mei Street to Cheung Wang Estate. The future development at the Site might cause slight adverse air ventilation impact on the existing Cheung Wang Estate minibus and bus terminus (88.1mPD) located to the immediate southwest of the Site. There would not be any adverse impact on air ventilation during summer with mainly southeasterly to southerly winds as no sensitive receivers were located downstream of the proposed development;
- (xvi) the proposed reinforcement work for the Banyan tree next to Hang Yip House was not related to the proposed amendments. Nevertheless, the case had been relayed to the Tree Management Office of Development Bureau;

#### Environmental and Ecological Impacts

- (xvii) the Site was located adjacent to the existing residential developments at the urban fringe and was currently formed and paved. Although some roadside vegetation including common tree species was found on the slope, the development of the Site was unlikely to have significant ecological impact;

- (xviii) the open section of the Tung Chung Line and Airport Express Link was about 500m away from the Site and the tunnel section of the two railway lines was located underneath the hill to the immediate north of the Site. Noise concern arising from the operation of the railway was not expected;
- (xix) the noise and air pollution impacts during the construction stage of the proposed development would be subject to control under the relevant pollution control ordinances;
- (xx) the requirement for submission of Noise Impact Assessment (NIA) and the implementation of any necessary noise mitigation measures identified could be incorporated into the relevant land sale/lease conditions;

*Insufficient Supporting GIC and Commercial facilities*

- (xi) based on a planned population of about 200,350 persons for the Tsing Yi area, the planned provision of major GIC facilities in the district was generally sufficient, except for hospital beds. As the provision of hospital beds was assessed on a regional basis, there was no need to use the Site to meet the shortfall in hospital beds;
- (xii) the planned provision of open space could generally meet the demand of the future population as well as the additional demand from other new housing sites. Although there was a slight shortfall in district open space provision in the Tsing Yi district (about -0.44 ha), the shortfall was considered minor in scale and could be absorbed by the surplus provision of local open space (+30.75ha) in the area;
- (xiii) with a proposed increase of about 893 flats (i.e. 153 flats at the Site and 740 flats at another site under Item B) in total, the

proposed rezoning would not have significant adverse impact on the overall planned provision of GIC facilities and open space in the area;

- (xxiv) there was a supermarket in Cheung Wang Estate and a shopping centre with banks and restaurants in Cheung Hang Estate, which was about 290 m to the south of the Site to serve the commercial needs of the future residents. Besides, commercial uses were always permitted on the lowest three floors of a building within the proposed “R(A)3” zone;

#### Responses to Representers' Proposals

- (p) as the Site was formed and adjacent to existing transport facilities and residential developments, it was suitable for residential use and compatible with the surrounding development. It was the Government's top priority to provide adequate housing flats to meet the strong public demand;
- (q) as ‘Flat’, ‘House’ and ‘Residential Institution’ uses were in line with the planning intention of the proposed “R(A)3” zone, it was considered appropriate to include these uses under Column 1 of the Notes of the OZP. The relevant government departments had reviewed and examined the proposed development and its possible impacts and considered that no insurmountable problems would arise;

#### Responses to Grounds of Comment

- (r) as comment C1 was in support of the adverse representations on Items A1 and A2, the responses contained in paragraphs 6.4.3 to 6.4.30 of the Paper and summarised above were relevant.

91. The Chairman then invited the representers and representers' representatives to elaborate on their representations. The Chairman reminded the attendees that the presentation should be based on the points made in the representations already submitted.

R17 – 許炳昌

R19 – 黎帶娣

R35 – Lam Lap Chi

R39 – 黃依雯

R48 – 胡詠詩

R88 – 吳信華

R90 – 陳小姐

R188 – 梁樹偉

R211 – 蘇泉

R394 – 姚流養

R458 – 蘇小燕

R532 – 陳潔薇

R533 – 邱蘭仙

R547 – 林珠妹

R570 – 陳群娣

R581 – 王鳴逖

R640 – 曾南順

92. Mr Lam Lap Chi (R35), a member of the Kwai Tsing District Council (K&TDC) and both a representer and representers' representative, made the following main points :

- (a) the K&TDC had received 553 letters from local residents expressing their views on the zoning amendment. A subsequent questionnaire survey was carried out with over 200 returns. Most of them objected to the proposed private residential development, or any type of residential development on the Site;
- (b) the site was being used as a GMB terminus for No. 409 and 409K. Traffic in the vicinity of the terminus was already very busy. Although a piece of land adjacent to the GMB terminus had been identified for motorcycle parking purpose, the proposal was rejected by TD in view of the risk of traffic accidents;
- (c) there was an average of about 950 GMB trips going to and from the terminus every day, serving the residents of Cheung Hang Estate, Cheung Wang Estate and Mount Haven. Passengers waiting for the GMB during the morning peak hour would form a very long queue, tailing back to the roadside. The current provision of public transport services was already inadequate;

- (d) although the GMB terminus would only be relocated temporarily and would eventually be reprovisioned at the site upon completion of the residential development, the GMB service would be disrupted during the construction period. As the existing PTI at Cheung Wang Estate was also very busy, he doubted whether the temporary relocation of the GMB terminus to the PTI would not overload the PTI;
- (e) the traffic in the surrounding road was heavy and illegal parking was frequently observed. He doubted whether the road network could cope with the additional traffic generated by the proposed private residential development;
- (f) it was estimated that upon completion of the proposed private residential development, the flats would be sold at an average price of \$10,000 per square foot. This type of luxury housing development would not be of any benefit to the local residents;
- (g) the existing retail facilities provided in Cheung Wang Estate and Cheung Hang Estate were inadequate, with only a limited amount of eating places and other shops, serving over 10,000 residents. Rental price was already high with many shops left vacant. He worried that the proposed private residential development would further push up the rental price of commercial premises;
- (h) the provision of local open space and school places in Kwai Tsing District was already in shortfall. The proposed residential development would increase the population and hence the demand for local open space. In addition, there were inadequate school places and a lack of local job opportunities. Students and workers had to travel outside Kwai Tsing District to go to school and to work, placing a heavy burden on public transport services. The proposed increase in population would only worsen the situation;

- (i) amongst the 13 pieces of land in Kwai Tsing District proposed to be rezoned for residential development, a strange phenomenon was noted in that sites within a cluster of public housing estates were proposed for private residential development while sites in the midst of private housing developments were proposed for public housing use. It would unnecessarily create conflict between residents in public and private housing developments;
- (j) bus services in Kwai Tsing District was inadequate and the frequency was unreliable. Even though bus routes had been trimmed and combined in accordance with the 2014 BRDP, those measures did not result in any improvement in bus services. The addition in population due to the proposed residential development would increase the demand for public transport services that were already inadequate; and
- (k) the rezoning of such a small site for private residential development use would not help to address the acute housing demand, but would only aggravate the existing traffic problem, and the shortfall in open space, retail facilities and public transport services.

[Actual speaking time of R35 : 15 minutes]

R75 – Wong Chung Chu

93. Mr Wong Chung Chu, a local resident of Cheung Wang Estate, made the following main points :

- (a) the inadequacy of GMB services was a serious problem;
- (b) there was also an inadequate provision of eating places and shopping facilities in the area. The proposed private residential development

would push up rental price further, driving the local shops out of business. In the end, the local residents would suffer;

- (c) the air quality of the area would be adversely affected during construction. Construction activities would also be a noise nuisance to local residents. The increase in construction vehicles to the site would also adversely affect the traffic situation; and
- (d) while the local residents had to bear with the inconvenience and nuisance during construction, they would not reap any benefits from the private residential development nor receive any compensation.

[Actual speaking time of R75 : 1 minute]

### R3 – Green Sense

94. Mr Roy Tam complained that while he had prepared his oral submission on the OZP as one presentation, he was only informed at a very late stage that the representations would be considered in 2 Groups. The grouping of representations had disrupted his presentation, but he would try to focus his presentation on the Group 1 site first. He made the following main points :

- (a) as the Site was one of the devegetated “GB” sites under the Stage 1 “GB” review, he had no objection to the proposal which would make better use of the site; and
- (b) he disagreed however with the proposed use of the Site for private residential development. As the site commanded an unobstructed view over the Rambler Channel, it would certainly be developed into a high-class luxurious residential building which would hardly be affordable to the general public. The rezoning of the Site would not benefit the people who needed housing most. He would only support

the zoning amendment if the Site was designated for the development of subsidised or public housing.

[Actual speaking time of R3 : 3 minutes]

95. As the representers and their representatives had completed their presentation, the Chairman invited questions from Members.

96. In response to the Chairman's enquiry on the public transport services provided, Mr Honson Yuen, (CTO/NTSW, TD) said that the demand for GMB Routes No. 409 and 409K was high. During the morning peak, the number of passengers waiting for Routes No. 409 and 409K exceeded 500 passengers. The frequency of GMB was about 40 buses per hour and the service provided was able to meet the demand. The average waiting time was about 1-2 minutes for Route No. 409 and about 4 minutes for Route No. 409K. Regarding the problem of KMB services being unreliable, as the BRDP would be reviewed every year to cater for any changes in demand, the actual demand arising from the future residents of the proposed private residential development would be taken into account. It was necessary to ascertain a genuine need for additional public transport services before TD could request the operators to provide additional services.

97. The Chairman enquired about the provision of open space and school places and the distribution between public housing and private housing in the area. In response, Mr Lawrence Chau (DPO/TWK) referred to Annex VII of the TPB Paper on the provision of major community facilities in Tsing Yi and said that based on a population of 190,000, there was a slight deficit of 0.44 ha of district open space and a surplus provision of 30.75 ha of local open space. The local open space provision included those provided within public housing estates, public parks and gardens.

98. On the distribution between public housing and private housing, Mr Chau said that there was a good balance between the two types of housing in Tsing Yi. With the aid of the visualiser, he indicated the location of the various public and private residential developments in the area. Given the small size of the Site (about 0.14 ha), he considered that the Site was more suitable for private residential development.

99. Mr Lam Lap Chi (R35) said that the average waiting time for the GMB was much longer than the time claimed. Due to the limited seating capacity of GMBs, it was not possible for passengers to board the GMB along the route as they were already full on leaving the terminus. As a result, residents from Cheung Hang Estate Phases 1 and 2 had to walk uphill and queue at the terminus if they wished to take the GMB. The situation was the same for buses. There was problem of buses not adhering to their schedule. Residents also had difficulty in boarding the buses as they were very crowded on both the out-going and return journeys. He continued to say that the car parking facilities in Tsing Yi were inadequate, the future residents of the proposed private residential development and their visitors would have problem finding parking spaces nearby. This would give rise to illegal parking problems which would aggravate the traffic congestion problem. In this regard, residential development at the site should not be considered.

100. In response to the Chairman's enquiry on how the traffic problem could be resolved, Mr Honson Yuen (CTO/NTSW, TD) said that operators could enhance the bus and GMB services by recruiting more drivers and increasing the number of buses/GMB serving the routes. Additional bays at the Cheung Wang Estate terminus would be provided to accommodate the temporary relocation of GMB Routes No. 409 and 409K. The capacity of the terminus would be improved when the GMB terminus was reprovisioned at the Site after completion of the proposed residential development. The BRDP would be revised having regard to the actual passenger demand generated from the future development.

101. A Member asked DPO/TWK to identify the private and public residential developments in the area. With the aid of the visualiser, Mr Lawrence Chau showed the location of the private residential developments in the area, including Mount Haven at Liu To Road, Villa Esplanada and Tierra Verde at the northeastern corner of Tsing Yi, and Mayfair Gardens and Rambler Crest on the eastern side of Tsing Yi. On the other hand, the public housing estates included Cheung Wang Estate and Cheung Hang Estate to the east and west of the rezoning site respectively, Cheung On Estate in the northern part of Tsing Yi, and Tsing Yi Estate, Cheung Hong Estate and Cheung Ching Estate in the central part of Tsing Yi.

102. A Member asked whether there would be any special traffic arrangements during the construction period of the private residential development. In response, Mr Honson Yuen (CTO/NTNW, TD) said that the GMB terminus for Routes No. 409 and 409K would be relocated temporarily to the bus terminus at Cheung Wang Estate, which already accommodated 4 bus routes and 2 GMB routes (including 1 GMB route operating during peak hours only). One of the bus bays would be modified to provide additional space for the reprovisioned GMB Routes No. 409 and 409K.

103. As Members did not have any further questions to raise, the Chairman said that the hearing procedure for Group 1 had been completed and that the Board would deliberate on the representations and comment in the absence of the representers, and would inform them of the Board's decision in due course. The Chairman thanked the representer and the representatives of PlanD for attending the hearing. Mr Roy Tam (the representative of R3) raised objection to this arrangement as he considered that he should be allowed to continue immediate his presentation on the Group 2 representations before the Board's deliberation on Group 1's representations. The Chairman noted the views of Mr Tam and said that the Board would accordingly discuss whether the deliberation of the Group 1 representations should be held after the completion of the oral presentation for the Group 2 representations. He asked the representers to leave the conference room first such that Members could consider Mr Tam's request. Mr Tam reiterated that he disagreed with the arrangement. The representers and their representatives and the Government's representatives all left the meeting at this point with Mr Tam shouting out his disagreement to having to leave the conference room.

#### Deliberation

104. The Chairman asked whether it was appropriate to defer consideration of the representations of Group 1 until after the presentation and question session for the representations of Group 2 had been completed. After deliberation, Members agreed to defer consideration of the representations of Group 1 as requested by Mr Tam.

[Mr Ivan C.S. Fu and Mr Dominic K.K. Lam returned to join the meeting at this point.]

## Hearing for Group 2

**(Representations R1 (Part), R3 (Part), R4 (Part) and R643 to R649, R650 (Part), R651 to R706 and C1 (Part))**

(TPB Paper No. 9843)

### Presentation and Question Session

105. The Chairman informed Mr Tam that his request had been acceded to by Members following discussion. He said that reasonable notice had been given to the representers and commenter to invite them to attend the meeting. Members agreed to proceed with the hearing of the representations in the absence of the other representers and commenters who had indicated that they would not attend the meeting or made no reply to the invitation to the hearing.

106. The following Government representatives, the representer and the representer's representative were invited to the meeting at this point:

Mr Lawrence Y.C. Chau - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Planning Department  
(PlanD)

Ms Fannie F.L. Hung - Senior Town Planner/Kwai Tsing (STP/KT),  
PlanD

Mr Honson H.S. Yuen - Chief Transport Officer/New Territories South West (CTO/NT South West), Transport Department (TD)

Ms K.S. Cheung - Engineer/Tsing Yi (E/TY), TD

Dr Fiona K.Y. Wong - Nature Conservation Officer (Tsuen Wan)  
(NCO/TW), Agriculture, Fisheries and  
Conservation Department (AFCD)

R3 – Green Sense

Mr Roy Tam - Representer's representative

107. The Chairman extended a welcome and explained the procedure of the hearing. He then invited the representatives of PlanD to brief Members on the background of the Group 2 representations.

108. With the aid of a Powerpoint presentation, Ms Fonnie F.L. Hung (STP/KT) made the following main points as detailed in the Paper :

Background

- (a) on 13.6.2014, the draft Tsing Yi Outline Zoning Plan (OZP) No. S/TY/25 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments were mainly to rezone two pieces of land near Cheung Wang Estate from “GB” and “R(A)” to “R(A)3” (Items A1 and A2) and a site near Mayfair Garden from “GB” to “R(A)4” (Item B) for private residential developments;
- (b) during the two-month exhibition period, a total of 706 representations were received. On 5.9.2014, the representations were published for three weeks for public comment and, in the first 3 weeks of the publication period, one comment was received;
- (c) on 5.12.2014, the Town Planning Board (the Board) agreed to consider the representations and comment by the Board itself collectively in two groups. Group 2 (Representations R1 (Part), R3 (Part), R4 (Part), R643

to R649, R650 (Part), R651 to R706 and Comment C1 (Part)) was related to Item B;

The Zoning Amendment

- (d) a vegetated slope at the toe of a hill (the Site) with a land area of about 0.62 ha was proposed to be rezoned from “Green Belt” (“GB”) to “Residential (Group A)4” (“R(A)4”), subject to a maximum domestic plot ratio (PR) of 6 or a maximum non-domestic PR of 9.5 or the composite formula of 6/9.5 for mixed residential and commercial developments and the maximum building height restriction (BHR) of 140mPD. It was estimated that about 740 flats would be provided;
- (e) to the immediate east of the Site was Mayfair Gardens which was a high-rise, high-density residential development under the “R(A)” zoning, with residential blocks up to 122mPD to 136mPD (29 to 33 storeys). To its immediate south was the Tsing Yi Institute of Vocational Education (IVE) under “G/IC” zoning which comprised low to medium-rise buildings of up to 53.3mPD to 80.1mPD (2 to 11 storeys). The Site was accessible via Sai Shan Road;
- (f) the rezoning was in line with the 2013 and 2014 Policy Addresses that the Government would adopt a multi-pronged approach to build up land reserve with a view to meeting housing and other development needs. In the first stage “GB” review, the focus was on sites which were devegetated, deserted or formed. The second stage “GB” review would consider the rezoning of those vegetated “GB” sites with a relatively lower buffer or conservation value and adjacent to existing transport and infrastructure facilities for housing development. The rezoning was also in line with the 2015 Policy Address to meet the housing target of 480,000 public and private residential units in the next decade;

Public Consultation

- (g) prior to the submission of the proposed amendments to the Metro Planning Committee (MPC) of the Board for consideration, the Kwai Tsing District Council (K&TDC) was consulted on the rezoning proposal of the Site on 13.3.2014 and 8.5.2014. The K&TDC objected to the rezoning proposal on the grounds that the proposed development was piecemeal and did not take into account the traffic capacity as well as the provision of community facilities. The K&TDC raised the following concerns :
- (i) there was inadequate provision of transport facilities and services to support the proposed housing developments. The proposed residential development would generate extra traffic flow which would bring negative traffic impact on Sai Shan Road and Tsing Hong Road;
- (ii) a corresponding increase in the provision of Government, Institution or Community (GIC) facilities and open space should also be provided;
- (iii) the Site was not suitable for residential development as it would be exposed to possible noise and glare impacts from Container Terminal No. 9 (CT-9);
- (iv) the proposed residential development would require the felling of about 300 trees and would seriously affect the landscape and the natural environment in the locality;
- (h) K&TDC members' views had been incorporated into the MPC Paper No. 12/14 considered by the MPC. When K&TDC was consulted on the gazetted amendments at its meeting on 3.7.2014, it considered that the proposed amendments to the draft OZP had been discussed in the

previous two K&TDC meetings and decided to terminate the discussion. Some K&TDC members had submitted representations during the 2-month public inspection period which formed part of the statutory public consultation process under the Ordinance;

The Representations

- (i) 67 valid representations were related to the rezoning of the Site near Mayfair Garden from “GB” to “R(A)4” (Item B), including one supportive representation (R1 (Part)) and 66 adverse representations (R3 (Part), R4 (Part), R643 to R649, R650 (Part) and R651 to R706);

*Supportive Representation*

- (j) R1 (Part) supported the proposed zoning amendment on the grounds that land resources for residential development in Tsing Yi was scarce. More housing units were necessary for expanding families in Tsing Yi and for people from other areas. New housing development could inject new energy to the community in Tsing Yi. It could also provide a balanced development intensity by adopting an appropriate density, PR and urban design guideline. R1 (Part) proposed that a lower PR for the future residential development at the Site would be more coherent and in harmony with the environment;

*Adverse Representations*

- (k) R3(Part), R4 (Part), R643 to R649, R650 (Part) and R651 to R706 opposed to the zoning amendment and the major grounds of the adverse representations were set out in paragraph 4.2.2 of the Paper and summarized below:

Lack of Public Consultation

- (i) the large scale rezoning of 70 “GB” sites for residential development was a drastic change in land use planning policy in Hong Kong. A full picture of all the affected “GB” sites in the territory should be provided to the public for consultation instead of the piecemeal consultation on individual sites. Justifications for rezoning the “GB” sites for residential development should be provided and an overriding public need should be demonstrated;

Government Policy and Housing Supply

- (ii) Small scale infill residential sites without comprehensive land use planning could not help meet the housing need. It was inappropriate for the Board to approve applications for hotel developments in residential areas and on the other hand to rezone “GB” sites for residential development;
- (iii) in the 2014 Policy Address, the Government announced that “GB” sites which were devegetated, deserted or formed would be considered for rezoning. As the Site was covered by lush vegetation, the rezoning proposal deviated from what was announced;
- (iv) golf course sites, which were land extensive and only enjoyed by a very small group of people, should be considered for development into residential use;
- (v) brownfield sites and military sites should be developed before the rezoning of “GB” sites for residential development;

Planning Intention

- (vi) areas zoned “GB” played an important role as a buffer area for sustainable urban planning. The rezoning of “GB” sites would accelerate urban sprawl which contravened the planning intention of “GB” zone. The landscape and social value of existing “GB” sites should not be neglected. Approval of the plan was a threat to all “GB” areas, and all areas zoned for conservation purposes;
- (vii) the planning intention of the “GB” zone was to provide additional outlets for passive recreational activities. There were pavilions and a hiking trail within the Site which were the only leisure space for the local residents nearby. The existing recreational use was compatible with the “GB” zoning and its surrounding environment. It was unreasonable to remove the existing recreational facilities and trees which served the local population;

Lack of Technical Assessments and Adverse Impacts

General

- (viii) assessments on environmental, traffic, noise, air ventilation, landscape and geotechnical impacts should be carried out for any development, and ample alternative sites should be put forward for consideration and selection;

Traffic Impact and Public Transport Services

- (ix) the bus stop and pavement near Mayfair Gardens was already congested and could not accommodate additional population. Due to the road capacity, bus services could not be further enhanced to serve the additional population;

- (x) the Site should not be rezoned before the provision of road facilities and enhanced bus services;

Environmental, Ecological, Landscape, Visual and Air Ventilation Impacts

- (xi) there were various tree species within the “GB” sites which were important to the micro climate. Some “GB” areas were covered with natural vegetation. The Site was covered with native woodland plants and had high potential to become mature woodland through natural succession. They could not be compensated or restored once they were removed for housing developments. Destroying the natural environment would have adverse environmental impact such as global warming which would be a social cost to be borne by the whole community. The ecological value of the “GB” zone should not be underestimated. There was no ecological assessment conducted for the rezoning. Detailed ecological assessment and tree survey were not available for public inspection;
- (xii) a natural stream flowed through the central part of the Site. Any encroachment onto the stream should be avoided;
- (xiii) only two vantage points from Sai Shan and the pedestrian crossing on Sai Shan Road were selected for visual impact assessment. If the vantage points were viewed from the burial ground in Sai Shan and from a point near the Tsing Yi IVE, significant visual impact would be observed. More vantage points should be selected to assess the visual impact of the proposed development at the Site;
- (xiv) the Site was not suitable for residential development as the proposed residential development would result in adverse air

quality impact. The future development would be subject to the noise impact from the container terminal;

- (xv) no approval should be granted without thorough assessments;
- (xvi) tree preservation proposals should be submitted to the Board before approval of any works at the Site;

*Contravene K&TDC's Decision made in May 2014*

- (xvii) as K&TDC had expressed objection to the proposed zoning amendment, it should not be submitted to the Board for consideration;

*Insufficient Supporting GIC and Commercial Facilities*

- (xviii) increase in population would increase the burden on community facilities;
- (xix) the Site should not be rezoned before the provision of community facilities by the Government;

*Representers' Proposal*

- (xx) 'Flat', 'House' and 'Residential Institution' uses should be moved from Column 1 to Column 2 to ensure that the Board had the right to inspect whether or not the development projects fulfilled all the requirements through the planning permission system;

*Comment on Representations*

- (1) one comment (C1 (Part)) supported R3 and R4 who raised objection to the zoning amendment on the ground that the Government should review

the existing housing policy first before considering the rezoning of land for housing development;

Responses to Grounds of Supportive Representations

(m) the supportive view of R1 was noted. The proposed BHR and PR had taken into account the existing developments in the surroundings. Regarding the proposals to lower the proposed PR, it was considered feasible to increase the domestic PR of the Site to 6 in order to help meet the pressing need for housing. Concerned government departments advised that there would be no insurmountable problem for the rezoning of the Site from the land use compatibility, traffic, infrastructure, environmental, ecological, visual, landscape and air ventilation points of view;

Responses to Grounds of Adverse Representations

(n) the responses to the adverse representations were set out in paragraphs 6.4.3 to 6.4.30 of the Paper and summarised as follows:

Lack of Public Consultation

(i) K&TDC was consulted on 8.5.2014 on the 13 potential housing sites for Kwai Tsing District. Prior to the submission of the proposed amendments for the Site to MPC for consideration, the K&TDC was consulted twice on the proposed amendments and the views collected had been incorporated into the MPC Paper No. 12/14 for MPC's consideration. Public consultation on the amendments to the OZP was carried out in accordance with the established procedures. The exhibition of OZP for public inspection and the provisions for submission of representations and comments on representations formed part of the statutory public consultation process under the Ordinance;

Government Policy and Housing Supply

- (ii) the Government had stepped up its efforts to increase land supply and build up a land reserve by adopting a multi-pronged strategy to meet the short-, medium- and long-term demand with a view to achieving the housing target of 480 000 public and private residential units in the next decade. Rezoning of suitable “GB” sites for residential development was one of the multi-pronged measures and the zoning amendment would contribute to achieving the housing target;
- (iii) in general, applications for non-residential uses including hotels in a predominantly residential area would not be supported unless there were very strong justifications and the concerned site was very conducive for hotel development;
- (iv) “Brownfield sites” had been included in various feasibility studies for potential new development areas. Military sites in Hong Kong were currently used for defense purposes and there was no plan to change their land uses;
- (v) regarding the comments on developing golf course sites, it should be noted that the development opportunities and constraints of some recreational uses such as the Fanling Golf Course and Fanling Lodge were being examined under the ‘Preliminary Feasibility Study on Development the New Territories North’ (NTN Study), which commenced in January 2014. The development of these sites for housing development had not yet been confirmed. In fact, after the completion of the feasibility study, the formation and development of land often needed a long period of time. In this regard, these sites could not replace any readily available housing site such as the subject Site. Since

planning was an on-going process, the Government would adopt a multi-pronged approach to build up land reserve and would continue to review various land uses and rezone sites for residential use as appropriate;

- (vi) “GB” review comprised two stages. The second stage “GB” review would consider those vegetated “GB” sites with a relatively lower buffer or conservation value and adjacent to existing transport and infrastructure facilities. Considering that the Site did not have high conservation value and was adjoining an existing road, the proposed development was in line with the government policy;

*Planning Intention*

- (vii) although the Site was vegetated, it had relatively lower conservation value, with vehicular access and was located in proximity to existing urbanized developments and infrastructure. It was considered suitable for residential development to meet the pressing need for housing. Out of a total area of 423 ha of “GB” zone on the Tsing Yi OZP, the Site only had an area of 0.62 ha or 0.15%;
- (viii) hiking facilities including a pavilion, a rain shelter and some footpaths within the Site were currently under DO(K&T)’s management. DO(K&T) was exploring suitable sites in the vicinity for their reprovisioning. The removal of the existing hiking facilities would not affect the hiking trail leading to Sai Shan;

Lack of Technical Assessments and Adverse Impacts

General

- (ix) relevant government departments advised that there would be no insurmountable technical problem from the rezoning of the Site for private residential development;

Traffic Impact and Public Transport Services

- (x) TD commented that the proposed development would be connected to Sai Shan Road, which was a 2-way single carriageway with a capacity of 2000 pcu/hr, leading to Tsing Yi Road. The additional traffic flow from the proposed development would be about 84 pcu/hr during peak hours. The trip generation and attraction would have an insignificant impact on the existing road network, and road improvement works/traffic arrangement would not be necessary;
- (xi) in terms of public transport services, TD advised that the passenger demand in the vicinity would be closely monitored. TD, together with the franchised bus companies, would formulate a BRDP each year to take account the changes in passenger demand. The BRDP aimed to enhance efficient use of resources and to better meet passengers' demand;
- (xii) in the 2014-2015 BRDP, Kowloon Motor Bus Co Ltd (KMB) proposed to rationalize the services in Kwai Tsing district by reducing services in some relatively low demand routes and enhancing services in other relatively high demand routes. The K&TDC had been consulted about the BRDP and the plan had been modified in response to comments received;

- (xiii) residents of Mayfair Gardens could take Green Minibus (GMB) Route No. 88C and KMB Route No. 243M, which ran from Mayfair Gardens/Sai Shan Road to Kwai Fong Railway Station and Tsuen Wan respectively. In addition, residents of Mayfair Gardens and the future housing development at Sai Shan Road could take by-passing KMB Routes No. 41, 42, 43, 43A, 43C, 43M, 242X, 249M, 249X, 948, 948P, A31, N241 (total 13 routes), and GMB Routes No. 88A, 88D and 88F on Ching Hong Road to various destinations, including Tsing Yi Railway Station, Kwai Fong, Shek Lei, Tsuen Wan, Kowloon City, Shun Lee, Tai Kok Tsui, Yau Tsim Mong, Sha Tin and Causeway Bay. With sufficient frequency of the various public transport services and the adequate space on the footpaths at Sai Shan Road and Ching Hong Road, the impact due to queuing passengers at the bus and GMB stops would be low;
- (xiv) in view of the comprehensive public transport services in the vicinity, it was considered that the impact on public transport services and traffic facilities caused by the Site would be minimal. TD would closely monitor the demand on the above-mentioned services and facilities and strengthen/improve them if found necessary;

#### Environmental Impact

- (xv) the Director of Environmental Protection (DEP) advised that the requirement for the submission of an Noise Impact Assessment (NIA) and the implementation of any necessary noise mitigation measures identified could be incorporated into the relevant land sale/lease conditions.

## Landscape and Conservation

- (xvi) the District Lands Officer/Tsuen Wan and Kwai Tsing (DLO/TW&KT)'s consultant had conducted a pre-land sale tree survey and some 300 trees were found within the Site. The dominant tree species were *Acacia confusa* (台灣相思) and *Dimocarpus longan* (龍眼). There were no Old and Valuable Trees (OVT) and no existing trees identified were of particular value for preservation;
- (xvii) the Site was well-wooded with ornamental trees, fruit trees, native and exotic tree species. However, since the Site was located at the urban fringe and tree removal could be regulated and adequately compensated at a later stage, Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L of PlanD) had no strong views on the proposed rezoning from the landscape planning perspective. Inevitably, the existing trees would be affected by the proposed development and tree felling would be necessary. The tree preservation and compensatory planting requirements for the future housing developments would be in accordance with Development Bureau Technical Circular (Works) No. 10/2013 for Government projects and Lands Department LAO Practice Note No. 7/2007 for private projects. Requirements for submission of tree preservation proposals and landscaping proposals/landscape master plan, where appropriate, would be included in the lease conditions;
- (xviii) A small natural stream traversed the middle of the Site. Part of the stream was natural while part of it had been modified with concrete structure. It was not included in the list of Ecologically Important Streams/Rivers identified by the Director of Agriculture, Fisheries and Conservation (DAFC). No particular

ecological value was observed during a site visit conducted by DAFC on 25.9.2013.

#### Visual and Air Ventilation Considerations

- (xix) the juxtaposition of the high-rise Mayfair Gardens and the medium-rise Tsing Yi IVE demonstrated a building height profile stepping down from the north to the south, against a mountainous ridgeline and the clear sky in the background. A proposed housing development of up to 140mPD at the Site would screen off a certain portion of the skyline and affect the visual openness currently offered by the pedestrian road crossing near Mayfair Gardens. Nevertheless, in terms of building height, it was in harmony with the Mayfair Gardens and would facilitate a smooth visual transition to Tsing Yi IVE. It would also add to the variation of heights without appearing out of place when seen in the context of existing tall residential buildings;.
- (xx) in selecting viewing points for assessing the visual impacts of the proposed development, references were made to Chapter 11 on Urban Design Guidelines in the HKPSG and the Town Planning Board Guidelines No. 41 on ‘Submission of Visual Impact Assessment for Planning Applications to the Town Planning Board’. Two original viewing points (one at the hiking trail in Sai Shan and the other at a local access road next to Mayfair Gardens) were selected;
- (xi) Regarding the comments on selecting more vantage points to assess the visual impact of the proposed development, CTP/UD&L of PlanD considered that the additional vantage points proposed were located at the slope near the Tsing Yi IVE and at the burial ground at Sai Shan. They might not be representative in terms of public accessibility and/or popularity.

Nevertheless, the relevant photomontages relating to the original selected viewing points had demonstrated that while there would be some inevitable loss of visual amenity, the proposed development adjacent to Mayfair Gardens would not be incompatible with the surrounding development context;

- (xxii) the Site did not lie within any major air path for both prevailing annual and summer winds and hence would not create any adverse air ventilation impacts on nearby developments. The prevailing summer wind from the southeast to south would be able to travel along Sai Shan Road and over the existing open space to reach the Site;

*Contravene K&TDC's Decision made in May 2014*

- (xxiii) K&TDC's views had been incorporated into the MPC Paper 12/14 on the proposed amendments to the Tsing Yi OZP. Some K&TDC members had submitted representations during the 2-month public inspection period and their representations were incorporated in the paper. In considering the proposed zoning amendments, the Board had taken into account factors including K&TDC's views, the pressing need for housing sites, possible impacts on visual, air ventilation, traffic, infrastructure, environmental and ecological aspects, etc;

*Insufficient Community and Commercial Facility*

- (xxiv) based on a planned population of 200,350 persons for the Tsing Yi area (including population of the proposed residential developments under the amendment Items A1, A2 and B), the planned provision of major GIC facilities in the district was generally sufficient. Although there would be a deficit of 1,102 hospital beds, the provision of hospital beds was on a regional

basis and there was no need to provide such facilities at the Site;

- (xxv) it was estimated that the planned provision of open space could generally meet the demand of the future population as well as additional demand from new housing sites. Although there was a slight shortfall in district open space in Tsing Yi district by 0.44 ha, it was considered minor in scale and could be absorbed by the surplus local open space provision of 30.75 ha in Tsing Yi district. PlanD would closely monitor the additional demand and ensure adequate overall open space provision to meet the population need;
- (xxvi) with a proposed increase of about 893 flats (i.e. 740 flats at the Site and 153 flats at another site under Item A) in total, the proposed rezoning would not have significant adverse impact on the overall planned provision of GIC facilities and open space in the area.

Representers' Proposals

- (xxvii) regarding the proposal to move ‘Flat’, ‘House’ and ‘Residential Institution’ from Column 1 to Column 2 of the Notes on the “R(A)4” zone, the said uses were in line with the planning intention of the proposed “R(A)4” zone and it was considered appropriate to include the said uses under Column 1 of the Notes of the OZP. Relevant technical requirements, if necessary, would be incorporated into the land sale/lease conditions of the Site where appropriate;

Responses to Grounds of Comment

- (o) as comment C1 was in support of the adverse representations on Item B, the responses contained in paragraphs 6.4.3 to 6.4.30 of the Paper and

summarised above were relevant.

109. The Chairman took the opportunity to explain to Mr Roy Tam (R3) that the Board needed to invite the representatives of government departments, the representers and their representatives to leave the meeting before Members could consider Mr Tam's request to deliberate the representations of the two groups together after the oral presentation for both groups had been completed. He informed Mr Tam that the Board had discussed and agreed to accede to his request.

110. The Chairman then invited the representers and representers' representatives to elaborate on their representations. The Chairman reminded the attendee that the presentation should be related to the amendments to the OZP and related to the points made in the written representations already submitted.

#### R3 – Green Sense

111. Mr Roy Tam complained about the overrun of previous agenda items, causing one of the representers in Group 1 (R22) to leave the meeting without waiting for his turn to make his presentation. With the aid of a Powerpoint presentation, Mr Tam made the following main points :

- (a) the rezoning of "GB" sites for development of luxurious flats was inappropriate. The large scale rezoning of "GB" sites was a major change in planning policy, for which extensive public consultation should be carried out. As about 70 "GB" sites in Tuen Mun, Tai Po, Kwai Tsing, Sham Shui Po and the Southern District etc. would be rezoned for residential development. It was procedurally improper for the Government to tone down the issue by consulting the public on individual sites only. Information on the technical assessment of these 70 "GB" sites had not been provided and the affected parties (i.e. the local residents and respective District Council) were only consulted after the sites had already been selected. Alternative sites proposed by the

representers were normally not accepted by the Government without providing any substantive reasons;

- (b) it would be difficult for the Board to make a decision on the rezoning of “GB” sites if there were no publicly accepted criteria on site selection. While the first stage “GB” review was confined to sites that had been devegetated, deserted or formed, the Stage two “GB” review included sites that were covered with dense vegetation. The rezoning of these sites were not acceptable. No comprehensive tree survey had been made for the sites proposed for rezoning, and the cumulative environmental impact had not been assessed;

[Mr Peter K.T. Yuen left the meeting temporarily at this point.]

- (c) LandsD’s Practice Note No. 7/2007 on “Tree Preservation and Tree Removal Application for Building Development in Private Project” was not adequate to protect the trees as developers would come up with all kinds of reasons to fell the trees within the site in order to maximise site utilisation. The sale site at Sheung Shing Street in Ho Man Tin, where over 450 trees were felled and only three trees were transplanted was a typical example showing that the Practice Note could not protect trees in development sites owned by the private sector;

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

- (d) as the “GB” zone served to improve the air quality, maintain the natural environment and ecology, reduce the heat island effect and provide a buffer between Country Park, it was inappropriate to rezone “GB” sites that were serving these functions;
- (e) it was inappropriate to permit hotel developments on land zoned for residential use on the one hand and to rezone “GB” sites for housing development on the other;

- (f) in-fill sites that were originally zoned “G/IC” and “GB” should not be developed into high-class housing but should be reserved for the development of subsidised housing or housing for the ‘Sandwich Class’. At present, there was no measure to prevent these rezoned sites from being developed into flats that would not genuinely help the people in need;

[Mr Roger K.H.Luk and Mr Peter K.T. Yuen returned to join the meeting at this point.]

- (g) the rezoned “GB” site near Mayfair Garden was covered with dense vegetation. As LandsD’s Practice Note No. 7/2007 on tree preservation was the only measure available to the Government, it was likely that all trees on the site would be felled at the end;

[Professor P.P. Ho left the meeting temporarily at this point.]

- (h) even though the stream that passed through the Site was of low ecological value, it did not mean that it could be filled. The existing trees and the stream provided a pleasant environment for the elderly people to do morning exercises. Members should visit the Site to appreciate the existing pleasant environment before making their decision on the zoning amendment. Although there was a need to meet housing demand, “GB” sites should be retained unless there was an overriding public need to develop these sites;

- (i) the rezoning of “GB” sites would have an adverse cumulative impact which should be carefully considered. The Government should engage the public proactively to find a mutually acceptable approach in order to reduce public discontent;

[Professor P.P. Ho returned to join the meeting at this point.]

- (j) the Government should suspend the Stage 2 “GB” review which involved vegetated sites and extensively consult the public on the need to rezone “GB” sites and to agree on the site selection criteria. The Government should liaise with green groups and academics on the acceptability of the sites identified for housing development; and
- (k) a policy on population should be formulated to ease the pressure on housing demand.

[Actual speaking time of R3 : 30 minutes]

112. As the representer had completed his presentation, the Chairman invited questions from Members.

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

113. In response to the Vice-chairman’s enquiry on the odd configuration of the Site, Mr Lawrence Chau (DPO/TWK) said that the site boundary generally followed the contour and avoided the steep slopes. The Vice-chairman further enquired the reason for selecting the Site for rezoning. In response, Mr Chau said that the Site was selected because the buffer value of the Site was relatively low. Dr Fiona K.Y. Wong, AFCD elaborated on the buffer value of the site and pointed out that according to a site visit conducted by AFCD and a preliminary tree survey prepared by the consultants of LandsD, most of the trees within the site were exotic species which were not worthy of preservation. As for the stream, no ecologically valuable species were found and part of the stream had already been channelised. The stream was not a registered ‘Ecologically Important Stream (EIS)’. As the stream traversed the central part of the site, it was not practical technically to preserve the stream.

[Mr. Roger K.H. Luk returned to join the meeting at this point.]

114. Noting the representer’s concern that the Site would be developed in luxury housing, the Vice-chairman enquired whether any measures could be suggested to prevent such a scenario. In response, Mr Roy Tam (R3) said that instead of selling the site to the

highest bidder, the site should be granted to the bidder who was willing to sell the completed flats at the lowest selling price. He considered that the site characteristics and location of the Site were major considerations for developers in deciding whether to develop the Site into luxury housing. The subject site should be designated for subsidised housing or ‘Sandwich Class’ housing development.

115. As Members did not have any further questions and the representer had nothing to add, the Chairman said that the hearing procedure had been completed and that the Board would deliberate on the representations and comment in the absence of the representer. The representatives and commenter would be informed of the Board’s decision in due course. The Chairman thanked the representer and the Government representatives for attending the hearing. They all left the meeting at this point.

116. The Chairman said that as the discussions on previous agenda items had overrun and the applicant in respect of the next item had arrived and had been waiting for a long time, he suggested and Members agreed to consider the next item first before making a deliberation on the Tsing Yi OZP.

### **Agenda Item 7**

[Open meeting (Presentation and Question Session only)]

Review of Application No. A/K3/561

Proposed Hotel in “Residential (Group A)” Zone, Nos 11-25 Tai Nan Street, Mong Kok  
(TPB Paper No. 9848)

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[The meeting was conducted in Cantonese]

### **Presentation and Question Sessions**

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

Mr Dominic K.K. Lam	]	having current business dealings with Ove
Mr Patrick H.T. Lau	]	Arup & Partners Hong Kong Limited (Arup),
Mr Ivan C.S. Fu	]	the consultant of the applicant
Ms Christina M. Lee	-	owning a property at Nathan Road, Mong Kok
Ms Bonnie J.Y. Chan	-	her father co-owned properties at Ash Street, Tai Kok Tsui
Ms Janice W.M. Lai	-	her spouse owned a shop in Tai Kok Tsui

118. As Mr Dominic K.K. Lam and Mr Ivan C.S. Fu indicated that they were not involved in the application, Members agreed that they should be allowed to stay in the meeting. As the properties owned by Ms Christina M. Lee, Ms Bonnie J.Y. Chan's father and Ms Janice W.M. Lai's spouse were not in the vicinity of the application site, they should also be allowed to stay in the meeting. Members noted that Ms Christina M. Lee had tendered her apology for not being able to attend the meeting, and Mr Patrick H.T. Lau, Ms Bonnie J.Y. Chan and Ms Janice W.M Lai had already left the meeting.

119. The following representatives from the Planning Department (PlanD), the applicant and his representatives were invited to the meeting at this point :

Mr Lawrence Y.C. Chau	-	District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), PlanD
Ms Michelle Yuen	-	Senior Town Planner/Yau Tsim Mong (STP/YTM), PlanD
Ms Theresa Yeung	)	
Mr Leung Yeuk-kuk	)	Applicant's representatives
Mr Aries Cheng	)	
Ms Apple Lau	)	

120. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited the representatives of PlanD to brief Members on the background to the review application.

121. With the aid of a PowerPoint presentation, Ms Michelle Yuen (STP/YTM) presented the application and covered the following main points as detailed in the Paper:

The application

- (a) the applicant sought planning permission for a proposed hotel development at Nos. 11-25 Tai Nan Street, Mong Kok (the Site);
- (b) on 26.9.2014, the Metro Planning Committee (MPC) of the Town Planning Board (the Board) rejected the application and the reasons were :
  - (i) the application site was located in a prominent residential neighbourhood. Given the current shortfall in housing supply, the Site should be developed for its zoned use. The proposed hotel development would result in reduction of sites for residential developments, which would affect the supply of housing land in meeting the pressing housing demand over the territory; and
  - (ii) approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would aggravate the shortfall in the supply of housing land;

Background

- (c) part of the Site (Nos. 11-21 Tai Nan Street) was the subject of an approved 20-storey hotel development with a plot ratio (PR) of 9

(4,696.86m<sup>2</sup>), site coverage (SC) of 60% and building height (BH) of 78.73mPD accommodating 123 guest rooms. The application (No. A/K3/544) was approved by the MPC on 21.12.2012. The current application was to incorporate Nos. 23-25 Tai Nan Street into the Site for hotel development with a PR of 9, SC of 53.49% and BH of 21 storeys (82.73mPD) accommodating 190 guest rooms;

The Site and the Surrounding Areas

- (d) the eastern part of the Site (Nos. 11-21 Tai Nan Street) was currently under construction while the western portion (Nos. 23-25 Tai Nan Street) was currently occupied by a 9-storey building completed in 1965. The ground floor of the building was being used for a restaurant while the upper floors were used for residential purpose;
- (e) the Site was located within a residential neighbourhood intermixed with some commercial and hotel developments. The building located immediately to the northwest of the Site was a 28-storey residential development (Fortune Court) completed in 2009 with commercial uses at lower floors. A commercial building (56-58 Lai Chi Kok Road) was located immediately to the southwest of the Site;
- (f) to the further southeast across Princess Edward Road West was Metropark Hotel Mongkok and to the northwest across Cedar Street was C2 Hotel (G/F – 4/F of the building). The Oriental Lander Hotel was located to the west of the Site at Tong Mi Road. The area was well-served by public transport including MTR, buses, minibuses and taxis. MTR Prince Edward Station was less than 200m to the east;

Planning Intention

- (g) the planning intention of the “Residential (Group A)” (“R(A)”) zone was intended primarily for high-density residential developments.

Commercial uses were always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. There had been no change in planning intention for the concerned “R(A)” zone on the draft Mong Kok OZP No. S/K3/30 since the application was rejected;

Justifications from the Applicant

- (h) the applicant had provided written submission in the review application and the main points were :
  - (i) the proposed hotel development at Nos. 11-21 Tai Nan Street had been approved by the MPC on 21.12.2012. The additional area included in the current application (i.e. Nos. 23-25 Tai Nan Street) was only 189.622m<sup>2</sup>. Since Nos. 23-25 Tai Nan Street was a Class A site under the Buildings Ordinance (BO), it could only achieve a maximum permitted SC of 33.33% for domestic uses. As a result, only 18 residential units of very small size, approximately 19m<sup>2</sup> each, with low building efficiency and market incentive could be produced upon redevelopment. In this regard, it was likely that the Site would not be redeveloped for residential use;
  - (ii) the Statistics on Private Housing Supply in Primary Market published on 30.9.2014 indicated that some 74,000 private housing units would be available in the coming three to four years. This would ease the demand for housing supply;
  - (iii) the existing residential building at Nos. 23-25 Tai Nan Street was ripe for redevelopment. However, it was sandwiched between the approved hotel development and a new 28-storey residential building completed in 2009. It would become an obsolete ‘left over’ building unlikely to be redeveloped as a single development

in the near future. The inclusion of this site into the adjoining approved hotel development would optimize site efficiency and improve land utilization;

- (iv) it had been demonstrated in the previously submitted Traffic Impact Assessment (TIA) that the Site would not be subject to nor bring about adverse traffic impact on the area. Also, it would not be subject to adverse environmental impacts caused by the surrounding areas. In this regard, the proposed development would not set an undesirable precedent;

#### Departmental Comments

- (i) while the District Lands Officer/Kowloon West, Lands Department had no objection to the application, he advised that the applicant should apply to remove the lease restrictions regarding an offensive trade clause prohibiting hotel use, and the right of ways for staircases erected at the Site should be released. The Director of Environmental Protection advised that a Sewage Impact Assessment (SIA) had to be submitted to his satisfaction and the implementation of any local sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services. Other relevant government departments had no objection to/no comments on the application;

#### Public Comments

- (j) 3 public comments were received during the public inspection period. One comment submitted by an individual supported the proposed development for reasons that it could improve the overall environment and trading potential along Tai Nan Street and could bring in tourists and create job opportunities. Two comments submitted by the Tsim Sha Tsui Residents Concern Group and Designing Hong Kong Limited objected to the application mainly on the grounds of adverse impacts on

the supply of residential land and possible adverse impact on pedestrian safety and traffic;

- (k) during the public inspection period in respect of the further information submitted by the applicant, 3 comments were received. One comment raised concern on the adverse impact of the construction works at the Site on their building, and 2 comments from the Tsim Sha Tsui Residents Concern Group and Designing Hong Kong Limited maintained their previous objections;

PlanD's View

- (l) PlanD did not support the review applications based on the planning consideration and assessments in paragraph 7 of the Paper, which were summarised below :
- (i) there had been no material change in the planning circumstances of the case since the application was rejected by the MPC on 26.9.2014. The Site was located within a predominantly residential neighbourhood with commercial uses on the ground floor level of the residential buildings, and some commercial and hotel developments. Whilst the proposed hotel development was considered not incompatible with the surrounding developments in landuse terms and there were existing hotel developments in the area, the prevailing shortage of land for housing development should be an important factor in considering the application. Applications for non-residential uses including hotel and office in a predominantly residential area would not in general be supported unless the site was very conducive for hotel development and with very strong justifications;

- (ii) while it was agreed that Nos. 23-25 Tai Nan Street would have a low site efficiency to be redeveloped into a stand-alone residential building, it was noted that there were proposed residential developments in the Yau Tsim Mong District with a site area of less than 200m<sup>2</sup> that could achieve a reasonable intensity, producing residential units with a reasonable flat size. In this regard, Nos. 23-25 Tai Nan Street could be redeveloped on its own for residential use, providing 18 residential units; and
- (iii) given that development sites with less than 200m<sup>2</sup> were not uncommon, the cumulative effect of approving such applications for hotel uses in “R(A)” zones would aggravate the shortfall in the supply of housing land. While hotel development on part of the Site had been approved under Application No. A/K3/544, the current application should be assessed with reference to the latest planning circumstances and the prevailing needs of the community for housing land.

122. The Chairman then invited the applicant’s representatives to elaborate on the review application. With the aid of a Powerpoint presentation, Ms Theresa Yeung made the following main points:

- (a) the Site comprised Nos. 11-25 Tai Nan Street. A proposed hotel development at Nos. 11-21 Tai Nan Street on the eastern portion of the Site had been approved by the MPC in 2012. Building plans were approved by the Building Authority in 2014 and foundation works was now in progress. The current proposal was to incorporate Nos. 23-25 Tai Nan Street into the hotel development; and
- (b) Nos. 23-25 Tai Nan Street was a 9-storey, 50-year old residential building containing 16 units. It was sandwiched between the approved hotel and a 28-storey residential development completed in 2009. If planning approval could not be obtained to incorporate Nos. 23-25 Tai Nan Street

into the hotel development, it would have to be redeveloped on its own. There was still an opportunity to merge this building with the hotel scheme.

123. With the aid of a Powerpoint presentation, Mr Leung Yeuk-kuk, an architect representing the applicant, made the following main points :

- (a) Nos. 23-25 Tai Nan Street had a site area of 189m<sup>2</sup>. Under the Buildings Ordinance, the maximum SC of a residential building would be 33.33%, i.e. about 63m<sup>2</sup>. As the core and circulation space (i.e. lift, staircases and corridor) would take up about 44m<sup>2</sup>, only 19m<sup>2</sup> would be left for the residential unit on each floor. There would only be room for a single bed after discounting floorspace for a small kitchen and toilet. A total of 18 flats could be provided. The efficiency rate would be about 30% and had no market attraction;
- (b) regarding the similar case at Nos. 16-18 Shanghai Street mentioned in the Paper, the development had a building efficiency of about 52.7% which was still acceptable by the developer and the market. However, the building plans for that site were approved by the Building Authority in 2011, before the promulgation of the “Code of Practice for Fire Safety in Buildings 2011” (the Code), which required that the staircases would need to be interconnected. Under the Code, an extra corridor would be required and the building efficiency of that development would drop to about 35%, which would be similar to the Site at Nos. 23-25 Tai Nan Street if it was to be redeveloped on its own. Hence, under the Code, standalone residential development on site with a land area under 200m<sup>2</sup> could not be achieved in practice;
- (c) as for the second case mentioned in the Paper (i.e. Nos. 37-39 Shanghai Street), even though building plans for a residential development were approved in 2011, this site was still vacant and used as a temporary car park as the development proposal was impractical. The developer was

waiting for the opportunity to amalgamate the site with the adjacent building at No. 41 Shanghai Street before redevelopment; and

- (d) as Nos. 23-25 Tai Nan Street was sandwiched between a hotel development under construction and a recently completed building, the best option was not to pursue redevelopment on its own but to amalgamate with the adjoining hotel development.

124. Ms Theresa Yeung then continued to make the following main points :

- (a) if Nos. 23-25 Tai Nan Street could not be amalgamated with the adjoining site, redevelopment would not take place and the site would become a planning blight;
- (b) the current application which had incorporated Nos. 23-25 Tai Nan Street into the previously approved hotel development would enable a better scheme for the hotel, increasing the number of hotel rooms from 123 to 190 (an increase of 67 rooms);
- (c) the proposed hotel under the current application was not incompatible with the surrounding developments and the relevant government departments had no objection to the proposed hotel development. In particular, the Commissioner for Tourism supported the application;
- (d) according to the “Assessment Report on Hong Kong’s Capacity to Received Tourists” issued by the Commerce and Economic Development Bureau in 2013, an estimate of 100 million visitors would visit Hong Kong by 2023. Also, it was stated in the 2013-14 Budget that increasing the supply of hotels would help enhance Hong Kong’s receiving capacity and service quality;
- (e) there were 4 existing hotels in the vicinity of the Site, including the C2 Hotel and Metropark Hotel Mongkok at Lai Chi Kok Road, the Oriental

Lander Hotel at Tong Mi Road and Hotel Thirty Six at Boundary Street. Moreover, planning permission had been granted for 5 proposed hotel developments in the vicinity of the Site, including Nos. 11-21 Tai Nan Street which formed part of the Site, and 28 applications for hotel development within the “R(A)” zone on the Mong Kok OZP. Also, a total of 26 applications for hotel development within “R(A)” zone were approved in Hong Kong and Kowloon in the past 2 years; and

- (f) the Board was requested to consider the application favourably, taking into consideration that the building at Nos. 23-25 Tai Nan Street was ripe for redevelopment; the proposed hotel would provide an opportunity for a holistic redevelopment scheme; the proposal would avoid planning blight for Nos. 23-25 Tai Nan Street; no adverse comment was received from government departments; and hotels were commonly found in the area and there were precedents cases for hotel development.

125. As the presentation of the applicant’s representatives was completed, the Chairman invited questions from Members.

126. Noting from the site photos that the building at Nos. 23-25 Tai Nan Street did not appear to be too dilapidated, the Vice-chairman asked whether there was any information on the internal conditions of the building. In response, Mr Leung Yeuk-kuk said that he had inspected the building while monitoring the foundation works at the adjacent construction site and noted that the building had leaking problems and the internal conditions of the building were not good. In response to the enquiry from Mr K.K. Ling, the Director of Planning, Mr Leung said that the building was not provided with lifts.

127. The Chairman asked about the number of flats in the existing building at Nos. 23-25 Tai Nan Street and the net gain in terms of number of flats upon redevelopment on its own. In response, Mr Leung Yeun-kuk advised that there were 16 flats in the existing building and a total of 18 flats could be provided upon redevelopment, i.e. a net gain of 2 flats. In response to the Chairman’s further enquiry, Mr Leung said that the introduction of the Code in 2012 imposed constraints on the redevelopment of small sites and any site

similar in size to Nos. 23-25 Tai Nan Street would face the same problem upon redevelopment.

128. In response to the Chairman's enquiry on the ownership of the site at Nos. 23-25 Tai Nan Street, Mr Leung said that all the flats in the building except one had been acquired by the developer of the adjacent hotel development.

129. In response to a question raised by the Chairman, Mr Lawrence Chau, DPO/TWK, said that the scheme presented by the applicant's representative had assumed a high-rise development built to the maximum PR permissible. However, if a development of 10 to 12 storeys was proposed, a larger SC with a better building efficiency could be achieved, producing a total number of 20 flats, although the resultant PR would not be maximised. In response to the Chairman's further enquiry, Mr Chau said that even if the current application for hotel development was approved by the Board, the applicant still had the option to redevelop the site at Nos. 23-25 Tai Nan Street for residential use as such use was always permitted under the "R(A)" zone.

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

#### Deliberation

131. The Vice-chairman considered that this was a unique case in view of the small size of the site at Nos. 23-25 Tai Nan Street. As it was sandwiched between a construction site for hotel development and a residential building completed in 2009, it was quite unlikely that the lot would be redeveloped on its own. Besides, the net gain in the number of residential units (i.e. 18 to 20 flats) that could be provided upon redevelopment was limited. As the existing building was already 50 years old and was ripe for redevelopment, the proposed amalgamation of the site with the adjacent hotel development was a practical

solution which would improve the general environment of the area and avoid planning blight. From the macro perspective, granting planning permission to the current application would increase the supply of hotel rooms and reduce the need for hotel developments in other parts of Hong Kong. In a way, approving the application might not adversely affect the overall supply of housing units as the lot would unlikely be redeveloped for residential development on its own.

132. A Member had reservation on approving the application. Although the current application was unique, the Board should be consistent in considering applications for hotel development in residential zone. It would be difficult for the Board to justify the need to rezone “GB” sites for residential purpose when the Board continued to approve applications for non-residential uses on land zoned “R(A)”. As there was a policy to increase housing supply, priority should be given to residential development in the “R(A)” zone.

133. A Member considered that there would be no incentive to redevelop Nos. 23-25 Tai Nan Street on its own. If Nos. 23-25 Tai Nan Street could not be amalgamated with the adjacent hotel development, redevelopment would unlikely proceed and the site would become a planning blight. In this regard, rejecting the application would not help in any way to increase housing supply. As the application was unique, approving the application would not contradict the Board’s decision of giving priority to residential development in the “R(A)” zone.

134. A Member said that each application should be considered on its individual merit. If planning approval had not been granted for the hotel scheme on the eastern portion of the site, the Site should be retained for residential use. Since construction works for the approved hotel had already commenced and there would be little incentive for Nos. 23-25 Tai Nan Street to be redeveloped on its own, favourable consideration should be given to the application allowing amalgamation of the site with the adjacent hotel development. As the application would improve the efficiency of the hotel development and enable the redevelopment of Nos. 23-25 Tai Nan Street, there was more benefit to approve the application than to reject it.

135. A Member considered that while there were technical merits to approve the application, more weight should be given to the policy consideration in view of the shortage of housing land supply and the difficulties in rezoning “GB” sites for residential development.

136. A Member concurred with the view that each case should be considered on its individual merits. Given the small size of Nos. 23-25 Tai Nan Street, the flat production was limited and with a very low building efficiency, and the residential flats would be too small, the amalgamation of the site with the adjoining hotel development would result in a more efficient use of land. In this regard, sympathetic consideration should be given to the application.

137. The Chairman concluded the discussion and said that as planning approval for hotel development had already been granted to part of the Site, and the remaining part of the Site would unlikely be redeveloped on its own, it would be beneficial from an urban renewal point of view to approve the application and allow Nos. 23-25 Tai Nan Street to be amalgamated with the hotel development. As the applicant had not yet acquired all the flats in Nos. 23-25 Tai Nan Street, the combined hotel scheme might not go ahead even if planning permission was granted and the existing building might continue to be used for residential purposes. While there was a policy to give priority to residential development in the “R(A)” zone, each application would be considered on its individual merits. The special circumstances of the case should be considered including the planning blight that might result if the application was rejected. There would also only be a marginal net gain of 2 residential units if the building was redeveloped for residential use, as compared with an overall improvement to the hotel scheme and the local environment if planning permission was granted. On balance, Members agreed to approve the application on review.

138. After further deliberation, the Board decided to approve the application on review on the terms of the application as submitted to the Board. Members then went through the approval conditions as suggested in paragraph 8.2 of the Papers and considered that they were appropriate. The approval conditions were :

- “(a) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA in planning condition (a) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (d) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.”

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

- “(a) the approval of the application does not imply that the proposed hotel concession/Gross Floor Area (GFA) exemption for Back of House (BOH) facilities will be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approvals. In addition, if the proposed hotel concession/GFA exemption for BOH facilities is not granted by the Building Authority, resulting in a non-domestic plot ratio exceeding 9 or major changes to the current scheme, a fresh planning application to the Board may be required;
- (b) the approval of the application does not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development will be

approved/granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the Building Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;

- (c) to note District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD)'s comments that the user of the lots is subject to non-offensive trades restriction. Right of ways for staircases erected on KILs 2441RP and 2656RP were reserved for the Government. In the event of redevelopment, the lots owner(s) should apply to LandsD for release of such right of ways. The applicant should check if the proposed development would contravene any lease conditions. Given there is a proposed cafeteria within the hotel development, the applicant should apply to his office for removing the non-offensive trade restriction by way of a licence. Any application to LandsD to seek compliance with the lease conditions, if required and submitted by the applicant, will be processed by LandsD acting in the capacity as landlord at his discretion. If it is approved, it will be subject to the terms and conditions including, among others, charging of premium and fee, as imposed by LandsD. Also, minor discrepancy on the site area is noted. The applicant is required to verify the site area at the stage of building plan submission;
- (d) to note Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD)'s comments that:
  - (i) All building works are subject to compliance with the Buildings Ordinance.
  - (ii) In accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements

(including building separation, building setback and site coverage of greenery) should be included, where possible, in the conditions of the planning approvals.

- (iii) The applicant is required to appoint an Authorized Person to submit building plans to demonstrate compliance with the Buildings Ordinance, including (but not limited to): PNAP APP-151 on Building Design to Foster a Quality and Sustainable Built Environment and PNAP APP-152 on Sustainable Building Design Guidelines are applicable to the development on the subject site; granting of hotel concession under Building (Planning) Regulation (B(P)R) 23A will be considered at building plan submission stage subject to the compliance with the requirements as stated in Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP 40; a 3m wide service lane should be provided at the rear or side of the proposed hotel development under B(P)R 28. Furthermore, such lane should not be included in the site area for the purpose of PR and site coverage calculations under B(P)R 23(2)(a); provision of natural lighting and ventilation to the guestrooms in accordance with B(P)Rs 30 and 31; provision of access and facilities for persons with a disability in accordance with B(P)R 72; and the Code of Practice for Fire Safety in Buildings 2011 should be complied with.
- (iv) The proposed operation of the hotel will be subject to the licensing requirements under the Hotel and Guesthouse Accommodation Ordinance, Cap. 349.
- (v) Detailed comments under the Buildings Ordinance will be given at the building plan submission stage.

- (e) to note the Commissioner for Transport (C for T)'s comments that Transport Department (TD) has the rights to impose, alter or cancel any parking, loading/unloading facilities, stopping restrictions, on all local roads to cope with the changing traffic conditions and needs. The frontage road space of the Site would not be reserved for any exclusive uses of the subject development;
- (f) to note the Director of Environmental Protection (DEP)'s comments that hotel developments are normally provided with central air conditioning system and the Applicant/Authorized Persons should select a proper location for fresh-air intake during detailed design stage to avoid exposing future occupants under unacceptable environmental nuisances/impact. The applicant should also prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works;
- (g) to note the Director of Fire Services (D of FS)'s comments that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans and the arrangement of emergency vehicular access shall comply with the Code of Practice for Fire Safety in Building which is administered by the Buildings Department;
- (h) to note the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD)'s comments that the applicant should maximise the provision of greening at 2/F and 4/F and consider providing at-grade landscape planting at G/F to enhance the landscape and visual amenity of the hotel development;
- (i) to note the Chief Officer/Licensing Authority, Home Affairs Department (CO(LA), HAD)'s comments that:

- (i) the applicant should submit a copy of the occupation permit for the proposed hotel when making an application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO);
- (ii) the proposed licensed area should be physically connected;
- (iii) the fire service installation provisions should comply with paragraph 4.28 of Codes of Practice for Minimum Fire Services Installation and Equipment; and
- (iv) the licensing requirements will be formulated after inspections by his Building Safety Unit and Fire Safety Unit upon receipt of a licence application under HAGAO.”

**Agenda Item 6 (cont'd)**

[Closed meeting]

Consideration of Representations and Comments in respect of the Draft Tsing Yi Outline Zoning Plan No. S/TY/25  
(TPB Papers No. 9842 and 9843)

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[The hearing was conducted in Cantonese.]

[Mr Ivan C.S. Fu and Mr Dominic K.K. Lam left the meeting temporarily at this point.]

**Deliberation**

**Group 1**

140. Members agreed to note the supportive representation R1. Regarding R1's proposal to adopt a lower plot ratio (PR) for residential development at the Site, Members considered that the proposed PR of 6 for the Site would fully utilise scarce land resources.

Members also noted that the relevant government departments had assessed the development intensity and accepted the assessments that there would not be any significant adverse impacts/insurmountable problems in terms of traffic, infrastructure, environmental protection, ecology, visual, landscape and air ventilation aspects. Mr K.K. Ling, the Director of Planning, added that the proposed development intensity was compatible with the existing built environment in the area.

141. On the issue of lack of public consultation, Members noted that consultations with District Councils had been carried out. Besides, the total land area of the 70 “GB” sites represented only 1% of all land zoned “GB” in Hong Kong. Members noted that K&TDC had been consulted on the rezoning of the Site three times and agreed that the consultation process was in line with the established practice and the requirements under the Ordinance.

142. On the point that the size of the Site was too small, Members noted that there was great demand for housing land supply and every site that was available counted. Regarding the suggestion that the Site should be used for public housing development, Members considered that as the majority of residential developments in the area was public housing, the proposed development of the Site into private housing would help maintain a more balanced housing mix in the area.

143. On the issue that brownfield sites and military sites should be considered for residential development before considering the rezoning of “GB” sites, Members noted that assessments were already underway to review the use of brownfield sites. However, as the development of brownfield sites would depend on the availability of infrastructure, Members agreed that the development of these sites would require a much longer time frame. Members also considered it impractical to examine the use of military sites as these sites were used by the People’s Liberation Army Hong Kong Garrison and there was no plan for change.

144. Members agreed that the buffer value of the Site was low as the Site was already devegetated and paved, and with the technical assessments that demonstrated that rezoning of the Site would not give rise to any insurmountable technical problems.

145. On the issue of traffic impact, Members accepted the TIA that concluded that there would not be any significant problem on infrastructure provision. As for the GMB and bus services, Members noted that TD would monitor the level of service provided by the GMB operator and by KMB and would make adjustment in the review of BRDP, taking into account the actual demand arising from the additional population. Members also noted the reprovisioning arrangements of the GMB terminus (both temporary and long-term) and considered the arrangements acceptable.

146. Members noted that as the Site was formed, paved and devegetated, and agreed that the development of the Site would not cause any adverse landscape impact. Mr K.K. Ling said that some representers concerned that the proposed housing development may lead to spiralling housing prices and rental price for local shops. He could not consider how these were related and such concerns were not justifiable planning considerations. Members also agreed that different classes of private housing were required by the community.

147. Noting that the Site was paved and formed, a Member enquired whether the Site should be considered as a brownfield site. In response, the Chairman said that brownfield site normally referred to sites with no infrastructural provision. Members considered that the price of flats to be sold upon completion of the development would be determined by the market. Mr K.K. Ling added that as the Site was located near the existing PRH estates, it would likely be developed into small- to medium-sized flats.

148. Members also noted that the provision of G/IC facilities in Kwai Tsing District was generally adequate and agreed that the concern on the nuisance caused during the construction period should be adequately addressed by requirements in the relevant pollution control ordinances.

149. In concluding the discussion, Members decided to note the supportive views of R1 (Part) and the views raised by R2 and not to uphold the adverse representations of R3 (Part), R4 (Part), R5 to R642 and R650 (Part).

R1 (Part) and R2

150. After deliberation, the Board decided to note the supporting view of R1 (Part) and the views raised by R2, taking into account that the views made by R2 would be addressed through lease condition.

R3 (Part), R4 (Part), R5 to R642 and R650 (Part)

151. After deliberation, the Board decided not to uphold the adverse representations of R3 (Part), R4 (Part), R5 to R642 and R650 (Part) and that the Plan should not be amended. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 8.2 of the TPB Paper and considered that those related to the above representations should be suitably refined. The reasons were :

- “(a) Land suitable for housing development in Hong Kong is scarce and there is a need for optimizing the use of land available to meet the pressing demand for housing land. Rezoning of suitable “Green Belt” (“GB”) sites for residential development is one of the multi-pronged approaches to meet housing and other development needs. Planning is an on-going process and the Government will continue to review various land uses and rezone sites as appropriate for residential use. **[R3, R4, R5 to R642 and R650]**
- (b) The Site is located in an urbanized and accessible setting. A majority part of the Site has been formed and paved and is currently used as a Green Mini Bus (GMB) terminus. The Site is considered suitable for residential developments and compatible with the surrounding developments. The zoning amendments of the Site will contribute to the Government’s effort in meeting the pressing need for housing land supply. **[R3, R4, R5 to R642 and R650]**
- (c) The zoning amendments will not generate unacceptable impacts. Relevant technical requirements, if considered necessary by concerned government departments, will be included in the lease conditions to ensure that there will be not any adverse impacts in terms of traffic,

environment, ecology, landscape, infrastructure, air ventilation and visual on the surroundings arising from the proposed developments. [R3, R4, R5 to R642 and R650]

- (d) There are only some common tree species growing on the roadside slope. The Site is paved and has no buffer and conservation value. Tree preservation and compensatory planting proposals will be provided for the future housing development. Requirements for submission of tree preservation proposals and landscaping proposals/landscape master plan, where appropriate, will be included in the lease conditions of the Site.  
[R3 and R4]
- (e) The affected GMB terminus will be re-provided within the Site to serve the locals. Appropriate temporary reprovisioning arrangement for the GMB terminus has been worked out. The demand for public transport services will be monitored by Transport Department (TD) and adjustments made as necessary. [R3, R4, and R5 to R642]
- (f) The planned provision of major Government, Institution or Community (GIC) facilities and open space in the district is generally sufficient to meet the demand of the future population as well as additional demand from new housing sites. [R5 to R23 and R560 to R642]
- (g) The statutory and administrative procedures in consulting the public on the proposed zoning amendments have been duly followed. The exhibition of Outline Zoning Plan (OZP) for public inspection and the provisions for submission of representations and comments form part of the statutory consultation process under the Town Planning Ordinance.  
[R3 to R13]"

[Mr Ivan C.S. Fu and Mr Dominic K.K. Lam returned to the meeting at this point.]

## Group 2

152. For the Group 2 representations, Members agreed to note the supportive views of representation R1. Regarding the proposal to adopt a lower PR for the residential development at the Site, Members considered that a PR of 6 was in line with the intention to fully utilise the Site and was compatible with the existing developments in the vicinity.

153. On the issue of lack of public consultation, Members noted that the relevant district councils had been consulted on the overall planning of potential housing sites and that the K&TDC had been consulted three times on the rezoning of the Site. Members agreed that the consultation process was conducted in accordance with the established practice and the requirements under the Ordinance.

154. Members considered that notwithstanding the small size of the Site, it would contribute to increase in housing supply. Members also noted that the Site was one of the sites under the Stage 2 “GB” review where vegetated “GB” sites with relatively low buffer and greening value located near road and infrastructure, or sites readily available for development would be examined. As for the representer’s suggestion to control the sale price of the flats upon completion of the development, Members noted that control on property price was outside the scope of the Board. Members considered that although the subject was outside the purview of the Board, the provision of various classes of private residential developments would facilitate a more balanced supply of various types of housing. Besides, the community required different classes of housing.

155. On the issue of public and private housing mix in Tsing Yi, Members considered that as the majority of residential developments in the area were public housing, the proposed private residential development at the Site would help achieve a better balanced housing mix.

156. Members noted that assessments were underway to review the use of brownfield sites and the development of these sites would depend on the availability of supporting infrastructure. Members considered the proposal that military sites should be developed was not practical as these sites were being used by the People’s Liberation Army Hong Kong Garrison and there was no plan for change.

157. Members noted that technical assessments on the rezoning of the Site had been carried out and accepted that the results of these technical assessments indicated that the technical issues concerned had been addressed.

158. On the issue of public transport services, Members noted that TD would monitor the level of service provided by the GMB operator and KMB and would make adjustment in the review of BRDP, taking into account the actual demand from the additional population generated.

159. A Member noted that the Site was covered with vegetation and the environment was very pleasant with a natural stream, popular walking trails and a pavilion. Another Member was also concerned about the trees at the Site. The Chairman said that although the sites under the Stage 2 “GB” review were vegetated, only those sites that did not have high ecological value would be considered for rezoning. A Member considered that it would be inevitable that trees would be felled for development for sites under the Stage 2 “GB” review. The planning consideration should be on how to preserve as many trees as possible within the non-building area of these sites.

160. While a Member noted that there was strong objection from the K&TDC, the Chairman said that the Board should take into account all relevant planning considerations when deciding on the proposed zoning amendment. The Chairman noted that the Site was located at the foot of a slope and the buffer value of the Site was relatively low.

161. A Member noted that the walking trails were already paved with concrete and the general environment had been disturbed and part of the Site was used as a recreational area. Since the Site was located at the urban fringe with road and infrastructural services, the Site was suitable for development. The preservation of trees within the Site could be considered separately.

162. The Vice-chairman said that in considering the rezoning of “GB” sites under the Stage 2 “GB” review, the main concern should be whether the site had a relatively low buffer value and whether the site was served by public transport. The buffer value of the subject

site was low as the area to the south and to the east was already developed and a large piece of vegetated land to the north and west of the Site would remain to be zoned “GB”, and would provide the same buffer effect. To address the concern on the impact on the popular walking trails and the pavilion, consideration could be given to reprovision these facilities. Members agreed that the Board should suggest to Home Affairs Department that the existing walking trail and pavilion should be reprovisioned.

163. Mr K.K. Ling, the Director of Planning said that it was natural for the local community to object to the rezoning of “GB” sites in their vicinity. The consideration of the Board should focus on whether the local community’s concern could be addressed and to balance the needs of the local community with Hong Kong’s needs as a whole.

164. The Chairman said that the prevailing Government policy was also one of the valid planning considerations. In this regard, there was a need to increase housing land supply to improve the living condition of those residents in sub-standard housing. The need for tree preservation could be addressed by the existing administration measures such as LandsD’s Practice Note 7/2007. Mr K.K. Ling said that sites with high buffer value would not be selected in the “GB” review for rezoning. He pointed out that only 1% of land zoned “GB” had been selected for rezoning. Members agreed that the balance between tree preservation and the community’s housing needs had to be struck.

165. On the issue of procedural fairness, Members noted that consultation with K&TDC had been conducted and agreed that all the procedures required under the Ordinance for plan making had been followed.

166. Ms Bernadette H.H. Linn, Director of Lands, advised that LandsD Practice Note No. 7/2007 was prepared based on the Development Bureau’s tree preservation policy. The main concern was to preserve trees within the development site that were worthy of preservation. If the developer could prove that none of the trees was worthy of preservation, they could apply for the trees to be felled. Contrary to the representer’s claim that LandsD had failed to fence-off the developers in preserving trees within development sites, Ms Linn said that she had often received complaints from developers that LandsD was being too stringent on the tree preservation requirements. Ms Linn considered that the concerted

efforts by the government departments in tree preservation was required, and an appropriate balance would have to be struck between development need and tree preservation.

167. As the planning intention of the “R(A)” zone was to facilitate residential development, Members considered that it was not appropriate to place ‘Flat’, ‘House’ and ‘Residential Institution’ uses in Column 2 of the Notes for the “R(A)” zone.

168. In concluding the discussion, Members decided to note the supportive views of R1 (Part) and not to uphold the adverse representations of R3 (Part), R4 (Part) and R643 to R649, R650 (Part) and R651 to R706.

#### R1 (Part)

169. After deliberation, the Board decided to note the supporting view of R1 (Part).

#### R3 (Part), R4 (Part) and R643 to R649, R650 (Part) and R651 to R706

170. After deliberation, the Board decided not to uphold the adverse representations of R3 (Part), R4 (Part) and R643 to R649, R650 (Part) and R651 to R706 and that the Plan should not be amended. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 8.2 of the TPB Paper and considered that they should be suitably amended. The reasons were :

“(a) Land suitable for housing development in Hong Kong is scarce and there is a need for optimizing the use of land available to meet the pressing demand for housing land. Rezoning of suitable “Green Belt” (“GB”) sites for residential development is one of the multi-pronged approaches to meet housing and other development needs. Planning is an on-going process and the Government will continue to review various land uses and rezone sites as appropriate for residential use. [R3, R4, R643 to R706]

(b) The Site is located at the fringe of developed area and is easily accessible. It is considered suitable for residential developments and compatible with the surrounding developments. The zoning amendment of the Site will

contribute to the Government's effort in meeting the pressing need for housing land supply. [R3, R4, R643 to R706]

- (c) The zoning amendment will not generate unacceptable impacts and relevant technical requirements, if considered necessary by concerned government departments, will be included in the lease conditions to ensure that there will not be any adverse impacts in terms of traffic, environment, ecology, landscape, infrastructure, etc., on the surroundings arising from the proposed developments. [R3, R4, R643 to R706]
- (d) According to the tree survey report, there are no trees on the Register of Old and Valuable Trees within the Site. Tree preservation and compensatory planting proposals will be provided for the future housing development. Requirements for submission of tree preservation proposals and landscaping proposals/landscape master plan, where appropriate, will be included in the lease conditions of the Site. [R3, R4, R643 to R700]
- (e) The natural stream traversed in the middle of the Site is not included in the list of Ecologically Important Streams/Rivers, and has no particular ecological value. [R643]
- (f) The planned provision of major Government, Institution or Community (GIC) facilities and open space in the district is generally sufficient to meet the demand of the future population as well as additional demand from new housing sites. [R3 and R704]
- (g) Whilst the removal of the existing hiking facilities will not affect the hiking trail leading to Sai Shan, suitable sites for the reprovisioning of the affected pavilion, rain shelter and footpath are being explored. [R4, R643 to R700 and R704 to R706]

- (h) The statutory and administrative procedures in consulting the public on the proposed zoning amendments have been duly followed. The exhibition of Outline Zoning Plan (OZP) for public inspection and the provisions for submission of representations and comments form part of the statutory consultation process under the Town Planning Ordinance.

**[R3, R4, R643 to R701]**

- (i) A right balance should be struck between the community's housing need and the need to preserve valuable trees, and the current proposal meets this requirement. **[R3, R4, R643 to R700]**"

[Professor P.P. Ho left the meeting at this point.]

### **Agenda Item 8**

[Open meeting]

Request for Deferment of Review of Application No. A/YL-ST/453

Proposed Temporary Place of Recreation, Sports or Culture (Cable Wakeboarding Training Centre) for a Period of 3 years in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Enhancement Area" zone, Lot 768 RP (Part) in D.D. 99, San Tin, Yuen Long

(TPB Paper No. 9847)

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[The meeting was conducted in Cantonese]

171. The Secretary said that on 4.2.2015, the applicant wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for 2 months so as to allow time to prepare further information in support of the review application. This was the first request from the applicant for deferment of the review application.

172. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines No. 33 (TPB PG-No. 33) on

Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance in that the applicant needed more time to prepare further information in support of the review application, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

173. A Member noted that the reason for requesting the deferral was to allow more time to gather support from other organizations rather than the need to address departmental comments and enquired whether this was a valid reason for requesting deferment of consideration. The Secretary said that according to TPB PG-No. 33, the Board would consider whether reasonable grounds were provided, whether the right or interest of other concerned parties would be affected and whether the deferral was indefinite.

174. After deliberation, the Board agreed to defer consideration of the review application as requested by the applicant. The Board also agreed that the review application should be submitted for its consideration within 3 months upon receipt of further submission from the applicant. If the further information was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Board's consideration. The applicant should be advised that the Board had allowed 2 months for preparation of submission of further information and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 9**

[Open meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments in respect of the Draft Luk Wu and Keung Shan Outline Zoning Plan No. S/I-LWKS/1

(TPB Paper No. 9849)

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[The meeting was conducted in Cantonese]

175. The Secretary reported that on 22.8.2014, the draft Luk Wu and Keung Shan Outline Zoning Plan (OZP) No. S/I-LWKS/1 (the OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance).

176. During the two-month exhibition period, a total of 173 representations were received. On 28.11.2014, the representations were published and, in the first three weeks of the publication period, a total of 16 comments were received.

177. Amongst the 173 representations received, 146 representations (R1-R146) submitted by temple operators, religious groups and individuals supported the OZP but raised concerns on the measures to conserve the special religious and tranquil character of the area. Another 8 representations (R147-R154) submitted by an Islands District Council member and individuals opposed the inclusion of commercial, recreational and other uses not related to religious uses under the “Green Belt” (“GB”) zone and the size of the “Village Type Development” (“V”) zone. 18 representations (R155-R172) expressed views on the permitted uses under “Government, Institution or Community (1)” (“G/IC(1)”), “GB” and “Agriculture” (“AGR”) zones, the cultural conservation measures for the Luk Wu area and the conservation of woodlands, streams and their riparian zones. One representer (R173) did not give any view.

178. The 16 comments submitted by a green group and individuals mainly concurred with the columbarium use, the conservation of woodlands, streams and their riparian zones, the planning control on Small House development, and the burial ground uses.

179. Since the representations and comments were mostly related to the preservation of religious uses and the conservation of the natural environment of Luk Wu and Keung Shan area, it was considered more efficient for the full Board to hear the representations and comments collectively in one group. In addition, in view of the large number of representations received and to ensure the efficient operation of the hearing, it was recommended that a maximum presentation time of 10 minutes be allotted to each representer/commenter in the hearing session if indeed a large number of presenters and commenters would be attending the hearing session. The consideration of the representations and comments by the full Board was tentatively scheduled for March 2015.

180. The Chairman considered that it would be too early to limit the oral presentation time to 10 minutes when the total number of representations and commenters attending the hearing was not yet available. The Chairman suggested and Members agreed that a decision on the time limit for oral presentation would be made after the number of representers and commenters attending the hearing was confirmed and the Secretary be delegated the authority to make the arrangement.

181. After deliberation, the Board agreed that :

- (a) the representations and comments should be considered by the Board itself; and
- (b) the Chairman would, in liaison with the Secretary, decide on the need to impose a 10-minutes presentation time for each representer and commenter, taking into account the number of representers and commenters attending the hearing.

#### **Agenda Item 10**

[Open meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments in respect of the Draft Tung A and Pak A Outline Zoning Plan No. S/SK-TA/1

(TPB Paper No. 9851)

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[The meeting was conducted in Cantonese]

182. The Secretary reported that on 8.8.2014, the draft Tung A and Pak A Outline Zonign Plan (OZP) No. S/SK-TA/1 (the OZP), was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance).

183. During the two-month exhibition period, a total of five representations were received. On 24.10.2014, the representations were published for public comments and in the first three weeks of the publication period, a total of three comments were received.

184. Three representations (R1, R2 and R4) submitted by green groups welcomed the introduction of planning control to the Area and supported the conservation zonings. One representation (R3) objected to the draft OZP on the grounds that the OZP should be conservation-based and that an incremental approach in designating the “Village Type Development” (“V”) zones should be followed. R5 submitted by an individual considered that the designation of “V” zone on the OZP contravened the Block Government Lease.

185. Two comments submitted by individuals (C1 and C2) held the view that Small House development should not be restricted, while comments C3 submitted by Sai Kung Rural Committee objected to the designation of “Green Belt” (“GB”) and “Coastal Protection Area” (“CPA”) zones on private land without any compensation.

186. Since the representations and comments were mainly related to the extent of the “V” zone, and the overall conservation of the Area, it was recommended that the representations and comments should be considered by the full Board collectively in one group. The consideration of the representations and comments by the Board was tentatively scheduled for March 2015.

187. The Chairman suggested and Members agreed that a decision on the time limit for oral presentation would be made after the number of representers and commenters attending the hearing was confirmed.

188. After deliberation, the Board agreed that :

- (a) the representations and comments should be considered by the Board itself; and
- (b) the Chairman would, in liaison with the Secretary, decide on the need to impose a 10-minutes presentation time for each representer and

commenter, taking into account the number of representers and commenters attending the hearing.

### **Agenda Item 11**

[Open meeting]

Submission of the Draft Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan No. S/K11/26A to the Chief Executive in Council for Approval Under Section 8 of the Town Planning Ordinance

(TPB Paper No. 9852)

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[The meeting was conducted in Cantonese]

189. The Secretary reported that the Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (OZP) had incorporated an amendment item to take forward an approved application for zoning amendment under s.12A of the Town Planning Ordinance (the Ordinance) submitted by the Tung Wah Group of Hospitals (TWGHs). TWGHs had also submitted a comment (C1) on the representations on the draft OZP. In this regard, the following Members had declared interests in this item :

Ms Bonnie J.Y. Chan

- a member of her family was a member on the TWGHs Advisory Board

Ms Christina M. Lee

- being the Secretary General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from TWGHs

Mr. Stephen H.B. Yau

- the employer of his spouse was the authorised representative of Commenter C1

Dr C.P. Lau

- being the cultural history consultant for  
TWGHS

190. As the item was procedural in nature and no discussion was required, the Board agreed that the above Members should be allowed to stay in the meeting. Members also noted that Ms Christina M. Lee had tendered apologies for being unable to attend the meeting and Ms Bonnie J.Y. Chan had already left the meeting.

191. On 30.5.2014, the draft Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (OZP) Plan No. S/K11/26 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of six representations were received. On 8.8.2014, the representations were published for public comment and in the first three weeks of the publication period, one comment was received. After giving consideration to all the representations and comments on 9.1.2015, the Board decided not to propose any amendment to the draft OZP to meet the representations.

192. Since the representation consideration process had been completed, the Tsz Wan Shan, Diamond Hill and San Po Kong OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

193. After deliberation, the Board agreed :

- (a) that the Draft Tsz Wan Shan, Diamond Hill and San Po Kong OZP No. S/K11/26A and its Notes were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the Draft Tsz Wan Shan, Diamond Hill and San Po Kong OZP Plan No. S/K11/26A as an expression of the planning intention and objectives of the Board for the draft OZP and issued under the name of the Board; and

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

**Agenda Item 12**

[Closed meeting]

194. This item was recorded under confidential cover.

**Agenda Item 13**

[Open Meeting][The meeting was conducted in Cantonese.]

195. There being no other business, the meeting was closed at 8:16 p.m.