

**Minutes of 1088<sup>th</sup> Meeting of the  
Town Planning Board held on 26.6.2015**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
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 Eddie C.M. Hui

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Ms Anita W.T. Ma

Dr W.K. Yau

Ms Bonnie J.Y. Chan

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

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Miss Winnie M.W. Wong

Deputy Director (1), Environmental Protection Department

Mr C.W. Tse

Deputy Director of Lands (General)

Mr Jeff Y.T. Lam

Chief Engineer (Works), Home Affairs Department

Mr Martin W.C. Kwan

Director of Planning

Mr K.K. Ling

Deputy Director of Planning/District

Mr Raymond K.W. Lee

Secretary

**Absent with Apologies**

Dr C.P. Lau

Mr Laurence L.J. Li

Professor K.C. Chau

Ms Christina M. Lee

Mr David Y.T. Lui

**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.)  
Ms Karen F.Y. Wong (p.m.)

Senior Town Planner/Town Planning Board  
Mr Raymond H.F. Au (a.m.)  
Mr Chesterfield K.K. Lee (p.m.)

1. As the Chairman had not yet arrived at the meeting, the Vice-chairman took over the chairmanship of the meeting.

**Agenda Item 1**

[Open Meeting]

Confirmation of Minutes of the 1087<sup>th</sup> Meeting held on 12.6.2015

[The meeting was conducted in Cantonese.]

2. The minutes of the 1087<sup>th</sup> meeting held on 12.6.2015 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[The meeting was conducted in Cantonese.]

(i) The Court of Appeal's Judgment on the Appeal in respect of the Judicial Review Application Lodged by Town Planning Board against the Town Planning Appeal Board's Decision on Fulfillment of Approval Conditions in relation to a section 16 Application for Proposed Golf Course and Residential Development in Nam Sang Wai, Yuen Long (HCAL 26/2013)

[Open Meeting]

3. Nam Sang Wai Development Co. Ltd. and Kleener Investment Ltd. were Interested Parties (the Developers) of the judicial review (JR) application lodged by the Town Planning Board (TPB). As the Developers were subsidiaries of Henderson Land Development Co. Ltd. (HLD), the following Members had declared interests in the item:

Mr Dominic K.K. Lam	]	having business dealings with HLD
Ms Janice W.M. Lai	]	
Mr Patrick H.T. Lau	]	
Mr Ivan C.S. Fu	]	

Professor P.P. Ho ] being employees of the Chinese  
Professor K.C. Chau ] University of Hong Kong (CUHK)  
which had received a donation  
before from a family member of the  
Chairman of HLD

Mr Roger K.H. Luk - being a Member of Council of  
CUHK which had received a  
donation before from a family  
member of the Chairman of HLD

Professor S.C. Wong ] being employees of the University of  
Mr H.F. Leung ] Hong Kong which had received a  
Dr Wilton W.T. Fok ] donation before from a family  
member of the Chairman of HLD

Mr Clarence W.C. Leung ] being Directors of non-government  
Dr W.K. Yau ] organisations which had received a  
donation before from a family  
member of the Chairman of HLD

Ms Christina M. Lee - being the Secretary-General of the  
Hong Kong Metropolitan Sports  
Event Association which had  
obtained sponsorship from HLD

Mr Peter K.T. Yuen - being a member of the Board of  
Governors of the Hong Kong Arts  
Centre which had received a  
donation before from a family  
member of the Chairman of HLD

4. As the item was to report the Court of Appeal's (CA) judgment (the Judgment)

on the appeal in respect of the JR application, the meeting agreed that the above Members should be allowed to stay at the meeting. The meeting noted that Ms Janice W.M. Lai, Mr Patrick H.T. Lau, Mr Ivan C.S. Fu, Professor P.P. Ho, Professor S.C. Wong, Mr H.F. Leung, Dr Wilton W.T. Fok, Dr W.K. Yau, Mr Clarence W.C. Leung and Mr Peter K.T. Yuen had not yet arrived at the meeting, and Professor K.C. Chau and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting.

5. The Secretary said that the JR was related to the decision of the Town Planning Appeal Board (TPAB) regarding the TPB's decision on fulfillment of approval conditions imposed upon the planning permission for a proposed golf course and residential development in Nam Sang Wai (Application No. A/DPA/YL-NSW/12).

[Ms Anita W.T Ma, Ms Janice W.M. Lai and Mr Ivan C.S. Fu arrived to join the meeting at this point.]

#### Background

6. The background to the JR was as follows:

- (a) on 20.9.2010, the Developers (i.e. applicants of the approved application) submitted a modified Master Layout Plan (MLP), Landscape Master Plan (LMP) and technical reports for fulfilling the relevant approval conditions of the application;
- (b) on 1.12.2010, the Director of Planning (D of Plan) informed the Developers that the submitted modified MLP deviated substantially from the approved scheme and therefore could not be considered in the context of fulfillment of conditions. The LMP and the technical reports, which were all based on the modified MLP, also could not be considered in the context of fulfillment of the conditions. The Developers disagreed with D of Plan and sought to refer the dispute to TPB for consideration;
- (c) on 17.12.2010, TPB decided that the relevant approval conditions in relation to the said application were not satisfactorily complied with by the

Developers. The Developers requested for a review of the TPB's decision under section 17 of the Town Planning Ordinance (TPO);

- (d) on 8.4.2011, TPB considered that there was no provision under section 17 of TPO for the Developers to apply for a review of the TPB's decision on fulfillment of approval conditions. TPB decided that it had no power to do so because the decision did not involve the exercise of the TPB's power under s.16 of TPO. The Developers lodged an appeal with TPAB against the TPB's decision;
- (e) the appeal was allowed by TPAB on 30.10.2012, with written decision handed down on 11.12.2012. The TPAB held that:
  - (i) the decision of TPB in determining whether conditions were fulfilled was a decision reviewable under section 17(1) of TPO;
  - (ii) the TPB's decision that it had no jurisdiction to review the determination was a decision made under section 17(1) and hence an appeal to TPAB was permissible under section 17B(1) of TPO; and
  - (iii) TPB had the power to review its own decision about the fulfillment of the approval conditions and TPB should hence proceed to review the case under section 17(1) of TPO; and
- (f) on 4.1.2013, TPB decided to apply for JR against the TPAB's decision. On 29.1.2013, TPB applied for leave for JR and leave was granted by the court on 27.5.2013.

[Mr Peter K.T. Yuen and Mr C.W. Tse arrived to join the meeting at this point.]

7. The JR was heard by the Court of First Instance (CFI) on 6.11.2013. On 16.1.2014, the CFI handed down its judgment allowing the JR application and quashing the decision of TPAB. The CFI ruled that on a true construction of the TPO, the TPB's decision on fulfillment of conditions was not a "decision of the Board under section 16"

within the meaning of section 17(1); and TPB therefore had no power to review that decision under section 17. Members were briefed on the CFI's judgment on 24.1.2014.

8. On 12.4.2014, the Developers appealed to the CA against the CFI's judgment. The appeal was heard by the CA on 19.5.2015. On 18.6.2015, the CA dismissed the appeal of the Developers with costs to the TPB. A copy of the Judgment had been circulated to Members prior to the meeting.

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

#### Gist of the Judgment

9. The discussion before the CA mainly focused on whether the TPB's decision of 17.12.2010 was a "decision of the Board under section 16 of TPO" within the meaning of section 17(1) of TPO. That turned on a question of the proper interpretation of sections 16 and 17 of TPO. In this regard, the CA considered that a brief survey of the legislature history of the TPO was informative.

10. The CA considered that for the purpose of section 17(1), "a decision made by the Board under section 16" embraced a 'primary decision' only, i.e. a refusal or granting the permission with conditions. It did not include any incidental decision that the TPB might make in the discharge of its function under section 16, irrespective of whether the underlying power to do so was derived from any statutory provision, be it section 16(5) of the TPO or section 40 of the Interpretation and General Clauses Ordinance (Cap.1), or from the common law. On the facts of the case, a primary decision did not include any incidental decision made in the discharge of the TPB's function under section 16(5) to determine if a planning condition imposed was satisfied.

11. Members noted the Judgment and that the Developers could apply to the CA for leave to appeal to the Court of Final Appeal within 28 days from the Judgment, i.e. on or before 16.7.2015. Members agreed that the Secretary should represent TPB in all matters relating to the JR and the subsequent appeal (if any) in the usual manner.

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

(ii) [Closed Meeting]

12. The item was recorded under confidential cover.

[Mr Dominic K.K. Lam, Ms Janice W.M. Lai and Mr Ivan C.S. Fu left the meeting temporarily before the discussion of the item.]

[The Chairman, Professor P.P. Ho, Dr W.K. Yau, Mr H.F. Leung and Mr Lincoln L.H. Huang arrived to join the meeting during discussion of the item.]

[Mr Patrick H.T Lau arrived to join the meeting, and Mr Dominic K.K. Lam, Ms Janice W.M. Lai and Mr Ivan C.S. Fu returned to join the meeting at this point.]

13. The Chairman resumed the chairmanship of the meeting.

(iii) Judicial Review Application in relation to a section 16 Application for Proposed Comprehensive Residential Development with Wetland Nature Reserve, Filling of Pond and Excavation of Bund in Fung Lok Wai, Lau Fau Shan, Yuen Long (HCAL 20/2014 )

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[Open Meeting]

14. The judicial review (JR) application was related to a section 16 application submitted by a subsidiary of Cheung Kong (Holdings) Ltd. (CKH), Sun Hung Kai & Co. Ltd. and Far East Consortium International Ltd. Besides, ADI Ltd., Environ Hong Kong Ltd. (Environ) and MVA Hong Kong Ltd. (MVA) were the consultants of the applicant. The following Members had declared interests in the item:

Professor P.P. Ho - having current business dealings with CKH

Mr Ivan C.S. Fu - having current business dealings with CKH, ADI Ltd., Environ and MVA

- Mr Dominic K.K. Lam - having current business dealings with ADI Ltd., Environ and MVA
- Ms Julia M.K. Lau - having current business dealings with Environ and MVA
- Mr Patrick H.T. Lau - having current business dealings with CKH and MVA
- Ms Janice W.M. Lai - having current business dealings with ADI Ltd. and Environ

15. As the item was to report on the granting of leave for the JR, the meeting agreed that the above Members should be allowed to stay at the meeting. The meeting noted that Ms Julia M.K. Lau had not yet arrived at the meeting.

16. The Secretary said that on 22.11.2013, the Rural and New Town Planning Committee of the Town Planning Board (the Board) approved with conditions a section 16 application (No. A/YL-LFS/224) for proposed comprehensive residential development with wetland nature reserve, filling of pond and excavation of bund in “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” zone in Fung Lok Wai, Lau Fau Shan, Yuen Long.

17. On 20.2.2014 and 21.2.2014, two JRs were lodged by two members of the public (HCAL 19/2014 - Mak Chi Kit, and HCAL 20/2014 - Tam Hoi Pong) respectively against the decision of the Board on 22.11.2013 to approve the application. Both applicants sought relief from the Court to quash the Board’s decision. Members were briefed on the JR applications on 2.5.2014.

18. On 18.6.2015, the Court of First Instance granted leave to the JR application lodged by Tam Hoi Pong (HCAL 20/2014).

19. Members noted that leave had been granted to the JR application (HCAL

20/2014) and that court hearing dates had yet been fixed. Members agreed that the Secretary should represent the Board in all matters relating to the JR in the usual manner.

(iv) Approval of Draft Plans

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[Open Meeting]

20. The Secretary reported that on 16.6.2015, the Chief Executive in Council approved the following draft plans:

- (a) Kwu Tung North Outline Zoning Plan (OZP) (renumbered as S/KTN/2);
- (b) Fanling North OZP (renumbered as S/FLN/2);
- (c) Fanling/Sheung Shui OZP (renumbered as S/FSS/20);
- (d) Fu Tei Au and Sha Ling OZP (renumbered as S/NE-FTA/14);
- (e) Hung Lung Hang OZP (renumbered as S/NE-HLH/9); and
- (f) Ma Tso Lung and Hoo Hok Wai OZP (renumbered as S/NE-MTL/3).

21. Approval of the draft plans was notified in the Gazette on 19.6.2015.

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

**General**

**Agenda Item 3**

[Open Meeting]

Hung Shui Kiu New Development Area Planning and Engineering Study – Recommended Outline Development Plan and Stage Three Community Engagement  
(TPB Paper No. 9954)

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[The item was conducted in English.]

22. Professor Eddie C.M. Hui had declared interest in the item as he had been invited by the Director of Planning to serve as a member of the Expert Panel for the Hung Shui Kiu New Development Area Planning and Engineering Study (the Study) to provide independent advice on the Study. The following Members had also declared interests in the item as AECOM Asia Co. Ltd. (AECOM) and Urbis Ltd. (Urbis) were consultants of the Study:

Professor S.C. Wong	-	having current business dealings with AECOM and being the Chair Professor and Head of the Department of Civil Engineering of the University of Hong Kong which had obtained sponsorship before from AECOM
Mr Dominic K.K. Lam	]	having business dealings with AECOM
Ms Janice W.M. Lai	]	and Urbis
Mr Ivan C.S. Fu	]	
Mr Patrick H.T. Lau	]	having business dealings with AECOM
Professor P.P. Ho	]	
Ms Julia M.K. Lau	]	

23. As the item was a briefing to Members as part of the Community Engagement (CE) exercise of the Study, the meeting agreed that the above Members should be allowed to stay at the meeting and participate in the discussion.

24. The following government representatives and consultants of the Study were invited to the meeting at this point:

Ms Amy Y.M. Cheung	-	Assistant Director of Planning/Territorial, Planning Department (AD/T, PlanD)
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- Ms April K.Y. Kun - Chief Town Planner/Studies and Research (CTP/SR), PlanD
- Mr Michael H.S. Fong - Chief Engineer/New Territories West 3, Civil Engineering and Development Department (CE/NTW3, CEDD)
- Mr Edward C.W. Chan - Senior Engineer/New Territories West 5, (SE/NTW5), CEDD
- Mr Igor Ho - AECOM
- Mr Alan Macdonald - Urbis

#### Presentation Session

25. The Chairman extended a welcome and invited the study team to brief Members on the Study.

26. Ms Amy Y.M. Cheung, AD/T, said that Stage 3 CE of the Study commenced on 17.6.2015 and the purpose of the briefing was to solicit Members' views on the draft Recommended Outline Development Plan (RODP) formulated for the Hung Shui Kiu (HSK) New Development Area (NDA).

27. With the aid of a Powerpoint presentation, Mr Alan Macdonald made the following main points on the background of the Study and land use proposals of the RODP as detailed in the Paper:

#### Background

- (a) the HSK NDA was identified under the 'Hong Kong 2030: Planning Vision and Strategy' and the NDA was one of the ten major infrastructure projects announced in the 2007-08 Policy Address;

- (b) the Study aimed at formulating a feasible land use framework for the NDA to meet the long-term housing and other land use needs of Hong Kong. A three-stage CE programme was adopted to foster consensus building. The Stage 1 CE of the Study was carried out in two rounds. The first round was held prior to the commencement of the Study in November 2011 to initiate early public discussion on the key relevant issues, and the second round took place between December 2011 and February 2012 to facilitate further discussion on the major topics relating to the strategic roles of the NDA, building people-oriented communities, and promoting a green living and working environment;
- (c) the Stage 2 CE of the Study commenced on 15.7.2013 to seek public views on the Preliminary Outline Development Plan (PODP) formulated for the NDA. A series of CE activities including a public forum, briefing sessions, focus group meetings and roving exhibitions were conducted and various statutory and advisory bodies were consulted. Taking into consideration the public views and aspirations expressed, the impacts on the existing residents and business operators, the land use proposals had been further revised in formulating the RODP;
- (d) the three-month Stage 3 CE of the Study commenced on 17.6.2015. Apart from the Board, other relevant committees including the Legislative Council Panel on Development, Tuen Mun and Yuen Long District Councils and the relevant Rural Committees, Heung Yee Kuk, Advisory Council on the Environment, and major local concern groups would be consulted. Briefing sessions would be arranged for the affected villagers, port back-up/open storage operators, professional bodies, green groups and other organisations. A public forum would also be arranged in August 2015;
- (e) the NDA was situated at a strategic location adjoining Tin Shui Wai (TSW), Tuen Mun and Yuen Long New Towns, and in proximity to the existing and planned major transport links connecting the urban area and

the Hong Kong International Airport in the south, and Shenzhen in the north. Moreover, a new railway station along the MTR West Rail had been proposed at HSK. The HSK area therefore offered tremendous opportunities for future development;

- (f) the NDA would be the next generation new town for Hong Kong. Being strategically located in the NWNT, it was positioned as a “Regional Economic and Civic Hub” for the NWNT apart from being a major source of housing land supply in Hong Kong in the medium to long term. It was also one of the visions of the Study to turn the existing vast extent of brownfield sites to more optimal uses for better land utilisation and environmental improvement;

RODP

- (g) in formulating the RODP, various technical assessments had been undertaken, and the preliminary findings confirmed that the proposed development was broadly feasible without causing insurmountable planning and engineering problems;
- (h) key development parameters of the NDA were summarised as follows:

Total NDA Area (ha)	714 (including new development area of 442 ha)
Total Population	215,000 (including population from existing and committed developments of 42,000 and new population of 173,000)
No. of New Flats	About 60,100
Housing Mix	Public 51% : Private 49% Public 69% : Private 31% (together with TSW)
Employment Opportunities	About 150,000
Plot Ratio (PR)	Maximum domestic PR : 6 Maximum non-domestic PR : 9.5

- (i) major proposals of the RODP were highlighted as follows:

*Positioning of the NDA*

- (i) according to the land use proposals under the RODP, about 150,000 employment opportunities would be provided through a mix of commercial, business, industrial, community and government uses. This would help address the over-concentration of commercial activities and employment opportunities in the main urban areas, boost the vibrancy of local communities, meet the shortfall of jobs in TSW, as well as ease congestion at the commuting corridors between the New Territories and the urban areas;

*Increasing Housing Land supply*

- (ii) about 87 ha of land in the HSK NDA would be planned for housing purpose, providing some 60,100 new housing units for accommodation of about 173,000 new population. The public/private housing mix in the NDA would be at a ratio of about 51:49. The proposed housing mix would help to redress the existing imbalance of public/private housing in the TSW New Town. Including the TSW New Town, the public/private housing mix would be at a ratio of about 69:31. The housing development would be implemented in phases and the first batch of the housing units was anticipated to be in place in 2024;

*Fostering Economic Vibrancy*

- (iii) new development spaces would be provided to accommodate economic uses including offices, retail, hotels and various industrial uses, including modern logistics, innovation & technology, and testing & certification. A total GFA of 5,600,000m<sup>2</sup> would be provided, creating about 150,000 new employment opportunities;

*Creating a Balanced and Harmonious Community*

- (iv) the planning for the NDA was people-oriented. The requirements of the surrounding areas including TSW had been taken into account in the planning of government, institution and community facilities. About 56 ha of land would be reserved for development of different types of GIC facilities, including a hospital, clinics, schools, residential care homes for the elderly, sports centres and sports ground. The NDA would provide a regional civic hub, with government offices, a community hall and a magistracy serving the NDA and the northwest New Territories (NWNT) sub-region. Moreover, some 62 ha of open spaces, including the Regional Town Park and district and local open spaces, would be provided in the NDA;

*Enhancing the Transport Network to Improve Accessibility*

- (v) for sustainable development of the NDA, one of the key planning concepts was to minimise traffic generation. The provision of diversified employment opportunities within the NDA would facilitate local employment, thus helping to reduce demand of external traffic;
- (vi) the proposed HSK Railway Station would help to enhance the accessibility of the NDA. The progressive enhancement of the West Rail service through enhancement of the signalling system and addition of train compartments in the years ahead would generally be able to meet the demand of NDA and other new developments in the NWNT sub-region;
- (vii) new strategic highways connecting the NDA with the Tuen Mun New Town and the urban area would be planned to cope with the anticipated traffic growth in the NWNT sub-region in the long term;

- (viii) a grade-separated Green Transit Corridor (GTC) would be introduced in the NDA to provide rapid intra-district transport service. The GTC would include rail-based or road-based environmentally friendly transport services, pedestrian walkways and cycle tracks to provide feeder services to connect the residential clusters with the “Logistics, Enterprise and Technology Quarter”, rail stations and key community facilities;
- (ix) new primary and district distributors to facilitate east-west and north-south movements within the NDA would be provided to enhance the internal connectivity of the NDA. A comprehensive local road network, cycle tracks, pedestrian walkways and pedestrian streets would also be provided to facilitate internal vehicular and pedestrian movements;

*Creating a Green City*

- (x) the NDA would become a place that fostered healthy, wellness and human-nature integration. It would be a green city adopting a sustainable and energy saving strategy in respect of town planning, urban design, transportation and green infrastructure to achieve efficiency, carbon emission reduction and sustainable living;
- (xi) a compact and rail-based city form would be adopted with major population, economic activities and community facilities concentrated within walking distance of mass transit and public transport nodes. Green mobility was promoted within the NDA through the introduction of the GTC and a comprehensive cycling and pedestrian network;
- (xii) green infrastructures to enhance water/drainage/waste management and energy efficiency and the promotion of green neighbourhoods/buildings within the NDA would be explored; and

- (xiii) the establishment of an information and communication technology platform to coordinate different city functions for enhancing city management and convenience of residents and businesses would be examined;

28. With the aid of a Powerpoint presentation, Ms April K.Y. Kun, CTP/SR, made the following main points on the implementation arrangement and approach of the NDA development as detailed in the Paper:

*Compensation and Rehousing*

- (i) while the planning of the NDA had minimised the impacts on the existing residents as far as possible, it was unavoidable that some existing structures would have to be cleared to make way for implementation of the NDA. It was estimated that some 1,500 existing domestic structures, comprising mainly temporary structures and squatters, would be affected;
- (ii) suitable arrangement for all those affected by the NDA development would be devised. In that connection, local rehousing would be provided to eligible affected households and a public rental housing site had been reserved for such purpose on the RODP according to current planning. Special compensation and rehousing arrangements would be considered for the affected clearerees of the NDA by making reference to the compensation and rehousing package for the Kwu Tung North and Fanling North (KTN/FLN) NDAs;

*Arrangement for Brownfield Operations and Industrial Areas*

- (iii) some of the existing brownfield operations in HSK were still economically active and contributing to local employment. However, their proliferation had created considerable environmental,

traffic, visual, flooding and other problems. One of the planning objectives of the NDA was to make these brownfield sites available for more optimal uses and improvement of the overall environment. The feasibility of providing alternative accommodation for some of the brownfield operations affected by the NDA project through development of multi-storey industrial compounds or other land-efficient means at suitable locations would be examined. In that connection, about 24 ha of land at the northern fringe of the NDA were reserved for port back-up uses, storage and workshop uses. Suitable arrangements to address the impacts on existing industrial buildings would also be explored;

#### *Assistance to Affected Farmers*

- (iv) about 7.6 ha of active agriculture land would be affected by the NDA project. To proactively assist the farmers affected, the special agricultural rehabilitation scheme as announced for the KTN/FLN NDAs would be adopted to provide proactive and priority assistance in matching farmers with agricultural landowners;

#### *Implementation Approach*

- (v) to ensure timely and orderly development of the NDA project, the “Enhanced Conventional New Town” approach would be considered as the implementation mode, drawing reference to that adopted for the KTN/FLN NDAs. Under that approach, the Government would resume land required for the NDA while allowing the processing of land owner’s applications for land exchange over individual sites planned for private developments subject to meeting specified criteria and conditions;
- (vi) taking into account the views and suggestions collected in the Stage 3 CE, further details of the implementation arrangement for the NDA project would be worked out in the next stage; and

*Tentative Implementation Programme*

- (vii) the public views received during Stage 3 CE would also be taken into account in refining the recommended development proposals before finalizing the Study. CEDD would then undertake a detailed engineering design consultancy for the required site formation and engineering infrastructure. Subject to completion of the required statutory and funding approval procedures, the first phase of the site formation and engineering infrastructure works was planned to commence in 2020 with the first population intake targeted in 2024. Full development of the NDA was targeted at 2037.

Question and Discussion Sessions

29. The Chairman invited Members' views on the Study. Members had the following questions and comments:

Planning Concept

- (a) how the planned population and employment for the NDA were derived?
- (b) the NDA would offer opportunities to help address the current imbalances in housing type and population/employment in TSW New Town. Integrated transport linkages between the NDA and TSW should be provided;
- (c) as a large part of the Study Area was currently occupied by brownfield operations and scattered with existing domestic structures, creating a green town for the NDA would be challenging. The planning tools for implementing the green town concept should be carefully considered, and reference could be made to the experience of Singapore in implementing the 'Garden City' and 'City in a Garden' concepts. Besides, planning

guidelines should be formulated for each residential land parcel in order to provide more green spaces therein;

- (d) in formulating the land use proposals, due respect should be given to the existing historic and heritage features within the existing village settlements including the ancestral halls of Ping Shan Heung. Interfaces between the existing village settlements and the new residential developments in the NDA should be carefully planned;
- (e) given the strategic location of the HSK NDA in proximity to the Tuen Mun, Yuen Long and TSW New Towns, the NDA should be planned as a future commercial, cultural and civic centre of the NWNT sub-region. The design of the NDA should be oriented towards that objective;
- (f) high density commercial and residential developments in the NDA should be planned around the train stations;
- (g) the town park should be planned at a location easily accessible to the residential neighbourhoods;
- (h) the existing brownfield operations in the area were the 'warehouse' of Hong Kong's construction industry for storage of construction machines, construction materials and pre-fabricated building parts. Displacement and/or relocation of the brownfield operations would have far-reaching implications on the construction industry and would affect the livelihood of people engaged in the field. Any displacement and/or relocation of the operations should be carefully planned and implemented;
- (i) apart from the construction industry, the brownfield operations also played an important role in the logistics industry. An assessment on the contribution of the brownfield operations to Hong Kong's economy would be useful. Multi-storey buildings might not be a solution for accommodating certain logistics facilities such as container depots and replacement sites might be required;

- (j) the NDA would become a model for the new generation of new towns. It could be developed into a self-sustainable town without imposing additional burdens on the existing infrastructures of Hong Kong. Green initiatives including self-supporting waste management and water supply systems, measures to monitor heat island effect and carbon emissions, and innovative planning and design to integrate the water channels into a wider ecological corridor to connect the wetland and ecologically important areas in the vicinity should be considered;
- (k) consideration might be given to providing smaller localised open spaces in lieu of the proposed town park to improve their accessibility to residents;
- (l) local industries and businesses should be encouraged in the NDA with a view to minimising outward trips and the social impacts on the existing and future residents; and
- (m) the proposed green transport system within the NDA should be further explained.

30. In response, Ms Amy Y.M. Cheung, Mr Alan Macdonald and Mr Michael H.S. Fong made the following main points:

- (a) apart from being a major source of housing land supply in the medium to long term, the HSK NDA was also positioned as a “Regional Economic and Civic Hub” for the NWNT sub-region. Thus, a proper balance between the supply of housing land and employment opportunities had to be struck. Creation of sufficient job opportunities in the NDA had been one of the key planning objectives of the Study as it would reduce outward travels and hence the traffic impact on the transportation systems. To enhance the self-sustainability of the NDA, a variety of jobs would be provided to match with the types and skills of the existing and future populations in the NDA and in the surrounding areas;

- (b) while displacement and/or relocation of some existing domestic structures was inevitable, major clusters of existing developments and settlements had been avoided as far as possible in formulating the RODP. In that connection, the area to the south of Castle Peak Road had been excluded from the NDA boundary. As for those existing domestic structures that would be affected by the NDA development, suitable arrangement would be devised. In this regard, local rehousing would be provided to eligible affected households and a site for such purpose had been designated on the RODP. Moreover, special compensation and rehousing arrangements would be considered for the affected clearers of the NDA, making reference to the compensation and rehousing package for the KTN/FLN NDAs;

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

- (c) as compared with the PODP, 24 ha of land had been specifically reserved for port back-up, storage and workshop uses under the RODP which could accommodate some of the existing brownfield operations affected by the NDA project. To optimise the use of land resources and minimise adverse environmental impacts, the Government would explore development of multi-storey compounds to accommodate some of the displaced brownfield operations. The reserved land should also allow for open storage to accommodate those operations which might not be feasible to be housed in multi-storey buildings. Besides, the Government would conduct a study on land requirements for the construction industry on a territorial basis and the HSK NDA development would take into account findings of this study;
- (d) the connectivity between the HSK NDA and TSW New Town had been one of the major topics of the Study. Under the RODP, a comprehensive transport network including environmentally friendly transportation system, pedestrian-ways and cycle paths had been proposed to connect the HSK NDA with the TSW New Town, thus creating two cohesive communities that could benefit each other;

- (e) the linkages of open spaces and green areas within the HSK NDA had been carefully considered under the RODP. The river channel would become the backbone of green spaces within the NDA. Apart from conventional design features such as the provision of promenades alongside the river channel, consideration would also be given to integrating the channel with ecological features and linking it up with the Wetland Park;
- (f) detailed ecological assessments had been undertaken to identify the ecologically important features in the area including bird flight paths and forging grounds. While it was important to preserve the existing green belt areas, additional green corridors and green areas had been proposed under RODP to promote a green town concept and to enhance the ecological value of the area;
- (g) all heritage and historic sites within the NDA had been examined and duly taken into account in the Study. 'Feng shui' lanes had also been purposively preserved in formulating the RODP;
- (h) apart from the existing West Rail TSW Station, the NDA would be served by the proposed HSK Station. From the new station, a comprehensive transportation network, including those environmentally friendly transportation services in the GTC, had been proposed to serve the NDA and to connect it with TSW New Town;
- (i) interfaces between the existing villages and new developments in the HSK NDA had been carefully considered under the Study. Buffer zones would be allowed around the existing villages to soften the development interface, while building heights of the new developments would be in keeping with the height profile of village settlements;
- (j) a series of green initiatives had been proposed to achieve efficiency, carbon emission reduction and sustainable living. A comprehensive list of green measures and proposals for the NDA was set out in the Stage 3 CE Digest

of the Study annexed to the TPB Paper. The use of environmentally friendly systems and services, such as green neighbourhood and carbon audit system as suggested by some Members, would be further explored under the Study; and

- (k) in terms of green transport, a comprehensive cycle path system had been proposed in the NDA, linking up residential neighbourhoods with the employment areas. Cycle parking areas would be provided in the major transport nodes such as the MTR and/or GTC stations.

31. The Chairman thanked the study team for the briefing and hoped that they would take into account the views expressed by Members at the next stage of the Study. The Chairman thanked the government representatives and the consultants for attending the meeting. They all left the meeting at this point.

[Mr Roger K.H. Luk, Mr H.W. Cheung, Dr W.K. Yau and Mr Ivan C.S Fu left the meeting temporarily at this point.]

### **Kowloon District**

#### **Agenda Item 4**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/22  
(TPB Papers No. 9952 and 9953)

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[The meeting was conducted in Cantonese.]

#### **Presentation and Question Sessions**

32. Mr Laurence L.J. Li had declared interest in the item as his spouse's relatives owned a factory in Yau Tong. As Amendment Item B under the Group 1 hearing involved a site for subsidised housing development, the following Members had declared interests for having affiliation and/or business dealings with the Hong Kong Housing

Authority (HKHA) and/or the Hong Kong Housing Society (HKHS):

- Mr Stanley Y.F. Wong - being a member of HKHA and its Strategic Planning Committee and Chairman of its Subsidised Housing Committee, and a non-official member of HKHS
  
- Ms Julia M.K. Lau - being a member of HKHA and its Commercial Properties Committee and Tender Committee
  
- Professor P.P. Ho - being a member of the Building Committee of HKHA
  
- Mr H.F. Leung - being a member of the Tender Committee of HKHA
  
- Mr H.W. Cheung - being a member of the Task Force on Construction of HKHS
  
- Mr K.K. Ling  
*as Director of Planning* - being a member of the Strategic Planning Committee and the Building Committee of HKHA and an Ex-officio member of HKHS Supervisory Board
  
- Mr Jeff Y.T. Ho  
*as Deputy Director of Lands (General)* - being the representative of the Director of Lands who was a member of HKHA and an Ex-officio member of HKHS Supervisory Board
  
- Mr Martin W.C. Kwan  
*as Chief Engineer (Works), Home Affairs Department* - being the representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and the

Subsidised Housing Committee of HKHA

- Dr Lawrence W.C. Poon - his wife being an employee of the Housing Department but was not involved in planning work
- Ms Janice W.M. Lai ] having current business dealings with  
Mr Patrick H.T. Lau ] HKHA  
Mr Ivan C.S. Fu ]
- Mr Dominic K.K. Lam - having current business dealings with HKHA and HKHS

33. Members noted that as Amendment Item B was only concerned with the zoning and development restrictions of the sites and no specific housing project on the sites had yet been taken up by either HKHA or HKHS, a direct conflict of interest did not arise. The meeting agreed that the above Members should be allowed to stay at the meeting and participate in the discussion. The meeting noted that Mr Laurence L.J. Li had tendered apologies for being unable to attend the meeting.

34. The Chairman briefly explained the meeting arrangement and said that the representations and comments would be heard in two groups, i.e. Group 1 for collective hearing of the representations and comments mainly relating to the rezoning of the ex-Cha Kwo Ling Kaolin Mine Site (the KM site), and Group 2 for collective hearing of representations and comments mainly relating to the rezoning of Cha Kwo Ling (CKL) Tsuen.

**Group 1**

***Representations No. R1 (part), R2 (part) to R1100, R1102 to R1562, R1564 to R4251***

***Comments No. C1 to C43***

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

- Mr Tom C.K. Yip - District Planning Officer/Kowloon,  
Planning Department (DPO/K, PlanD)
- Ms Joyce Y.S. So - Senior Town Planner/Kowloon(5)  
(STP/K5), PlanD
- Mr Lai Chiu Fung - Senior Engineer/8 (Kowloon), Civil  
Engineering and Development Department  
(SE/8(K), CEDD)
- Mr Tai Seung Kan - Engineer/Housing & Planning (1)  
(Kowloon), Transport Department  
(E/H&P1(K), TD)

R4 - 梁家傑立法會議員辦事處公民黨地區發展主任譚文豪

R11 - Edwin Cheung

R25 - Poon Lai King, Alise

R85 - 陳章浩

R223 - Law Lok Wai

R224 - Alex Law

R226 - Law Lok Yin

R229 - Lo Wai Yuk

R250 - Chan Ying Kit

R382 - Lau Chi Fat, Gilbert

R383 - Ling Sau Lai

R432 - 鄒窩立

R496 - 卓富香

R565 - 趙小文

R800 - Chan Ho Tat

R1046 - Tsang Wai Yan

R1159 - Eddie Chan

R1543 - 程大雄

R2198 - 周潔珊

Mr Tam Man Ho, Jeremy - Representer and Representers' representative

R6 鄧詠駿等14位立法會議員/區議員 and other 146 Representers

*(The list of representers who had authorised Mr Tang Wing Chun as their representative was at Appendix A)*

Mr Tang Wing Chun - Representer and Representers' representative

R8 - 麗港城(第3期)第十一屆業主委員會主席顧建德

Mr Kau Kin Tak - Representer

R9 - 麗港城(第1、2及4期)第十二屆業主委員會主席郭桂明

Mr Kwok Kwai Ming - Representer

R13 - 張順華

Mr Cheung Shun Wah - Representer

R14 - Lo Tze Shut

Mr Lo Tze Shut - Representer

R23 - 梁燕芬

Ms Leung Yin Fun - Representer

R33 - Yuen Kin Ning

Mr Yuen Kin Ning - Representer

R734 - 黃瑞儀

Ms Wong Shui Yi - Representer

R862 - Samuel

Mr Samuel Wong - Representer

R1544 – David Wu

Mr David Wu - Representer

R2257 – Ms Lee Lai Lan

Ms Lee Lai Lan - Representer

36. The Chairman extended a welcome and explained the procedures of the hearing. As a large number of representers and commenters had indicated that they would attend the hearing, it was necessary to limit the time for making oral submissions. The Board agreed that each representer/commenter or their representatives should be allotted 10 minutes for their oral presentation. The representers and commenters had been informed about the arrangement before the meeting. There was a timer device to alert the representers/commenters and their representatives 2 minutes before the allotted 10-minute time was to expire and when the allotted 10-minute time limit was up. He reminded the attendees that the oral submission was to supplement rather than repeat the contents of the written submissions which had been copied to Members before the meeting. After the oral submission, there would be a question and answer session. If needed, there would be a short break in the morning session. The Board would deliberate on the representations after completion of the presentation and question and answer sessions.

37. As sufficient 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 had made no reply. The Chairman then invited the representatives of PlanD to brief Members on the representations and comments.

38. With the aid of a Powerpoint presentation, Mr Tom C.K. Yip, DPO/K, made the following main points as detailed in TPB Paper No. 9952:

Introduction

- (a) on 19.12.2014, the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/22 was exhibited for public inspection under section 5 of the Town Planning Ordinance. A total

of 4,851 valid representations and 53 comments were received;

- (b) on 15.5.2015, the Town Planning Board (the Board) agreed to consider the representations and comments collectively in two groups. Group 1 was on the collective hearing of R1, R2 and 4,247 representations (R3-R1100, R1102-R1562 and R1564-R4251) and 43 comments (C1-C43) in respect of Items B, F2 and G, relating mainly to the rezoning of the KM site;

#### Group 1 Representations

- (c) R1 and R2, which were submitted by a Kwun Tong District Council (KTDC) Member and an individual, opposed the draft OZP without indicating the related amendment item. A total of 4,247 representations (R3-R1100, R1102-R1562 and R1564-R4251) opposed Item B, including three submitted by Legislative Council (LegCo) and/or KTDC Members, two by the Estate Owners' Committees (EOCs) of Laguna City and 4,242 by local residents and individuals. R3 also opposed Items F2 and G;

#### Background

- (d) CKL was located at the waterfront of East Kowloon. It covered a large piece of land to the east of CKL Road (the Area). The Area comprised two parts. The part at a lower level abutting CKL Road and the harbourfront was CKL Tsuen. To its immediate north-east was the KM site, which was previously used for mining activities and comprised varied landforms including formed platforms, rock and vegetated slopes ranging from 18mPD to 54mPD. The mining operation ceased in 1990s;
- (e) the Area was first covered by statutory plan in 1959. Since then, the zoning of the Area had been revised several times to take into account the latest planning intention and changing circumstances. In late 1980s,

the upper hill part of the Area was zoned “Open Space” (“O”), while the lower part was zoned “Industrial” and “Government, Institution or Community” (“G/IC”) on OZP for development of marine-related industries and a container freight station;

- (f) under the Central and East Kowloon Development Statement promulgated in 1997, the Area was proposed for high-density residential use with a view to boosting housing supply. Based on a subsequent architectural feasibility study by the Housing Department, the Area was rezoned to “Residential (Group A)4” (“R(A)4”) and “G/IC” on OZP No. S/K15/9 in 1998 for high-density public housing development comprising 27 high-rise residential blocks with about 8,640 flats and a maximum domestic gross floor area (GFA) of about 610,000m<sup>2</sup> as well as four primary schools and two secondary schools. A maximum non-domestic GFA of 13,890m<sup>2</sup> was imposed for the “R(A)4” zone in 2008. The zoning and development restrictions had been maintained until the exhibition of OZP No. S/K15/22 on 19.12.2014;
- (g) due to the changes in planning circumstances particularly the rising public aspirations for better harbourfront planning, the originally proposed large-scale public housing development was considered incompatible with the surrounding environment. The Area was situated at a prominent waterfront location, with its green knoll forming a natural backdrop when viewed from Victoria Harbour and the eastern part of Hong Kong Island. There was a need to review the land use and the scale of development for the Area to respect the natural setting and comply with the harbour planning guidelines promulgated by the then Harbour-front Enhancement Committee in 2007;
- (h) in 2011, PlanD commissioned a “Planning Review on Development of ex-Cha Kwo Ling Kaolin Mine Site” (Planning Review) with an aim to reviewing the land uses of the area to facilitate early release of sites for housing development. The Planning Review was completed in mid 2014. Taking into account the local character, existing development

intensity, public aspirations for better harbourfront planning and preservation of natural landscape, and possible traffic, environmental, visual and air ventilation impacts, the Planning Review recommended the use of the platforms previously formed by mining activities at the KM site for medium-density housing development, while keeping the existing green knoll and natural slopes surrounding the platforms intact under “Green Belt” (“GB”) zone;

- (i) CEDD subsequently undertook a “Feasibility Study for Development at ex-Cha Kwo Ling Kaolin Mine Site” (Engineering Study) to ascertain the engineering feasibility of the development proposals recommended in the Planning Review. Based on the preliminary traffic assessment carried out in the Planning Review and the subsequent traffic impact assessment (TIA) in the Engineering Study, a number of road improvement works at the nearby road junctions as well as strengthening of public transport services were recommended. With these improvement measures, the proposed development would not cause insurmountable traffic impacts on the surrounding areas and was considered feasible from traffic engineering point of view;

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

#### OZP Amendments

- (j) the current OZP amendments were to take forward the recommendations of the Planning Review and set out in paragraph 2.6 of TPB Paper No. 9952;

#### Public Consultation

##### *KTDC*

- (k) on 8.1.2013, KTDC was consulted on the preliminary recommendations of the Planning Review. KTDC members generally supported the

proposal and requested concerned departments to further liaise with local residents to address their concerns on traffic impacts and GIC provision;

- (l) on 2.9.2014, KTDC was consulted on the major rezoning proposals of the Planning Review. KTDC members had no in-principle objection to the proposed development at the KM site but raised concerns on the community facilities provision and traffic impacts. The views of KTDC and written submissions, together with the proposed OZP amendments, were considered by the Metro Planning Committee of the Board on 28.11.2014;
- (m) during the exhibition period of the draft OZP, KTDC was further consulted on 6.1.2015. KTDC members were generally in support of the OZP amendments, but maintained their concerns on the cumulative traffic impacts generated from new developments in Kwun Tong district and requested the Government to continue to liaise with local residents. For the KM site, a member expressed the concern of the EOC of Laguna City (Phases 1, 2 and 4) on the lack of additional access road;
- (n) the Traffic and Transport Committee (T&TC) of KTDC was consulted on the proposed site formation and infrastructural works for the KM site on 27.11.2014 and 29.1.2015. Some T&TC members were worried that the TIA underestimated the traffic congestion at Sin Fat Road and the proposed traffic improvement measures were not adequate. They proposed to construct a new pedestrian walkway linking up the KM site and Exit D1 of MTR Lam Tin Station and improve the facilities at the exit;
- (o) the relevant extract of minutes of the above meetings and the written submissions had been annexed to TPB Paper No. 9952;

*Harbourfront Commission*

- (p) during the Planning Review, the Task Force on Harbourfront

Developments in Kowloon, Tsuen Wan and Kwai Tsing of the Harbourfront Commission (Task Force) was consulted on 22.1.2013. On 19.1.2015, the Task Force was consulted on the OZP amendments and had no particular comment on the amendments relating to CKL Tsuen and the KM site;

*Consultation with Locals*

- (q) on 17.9.2014, a meeting was held among the concerned KTDC Members, the EOCs and Management Offices of Laguna City, and representatives of CEDD, TD and PlanD regarding the road and infrastructure works for the KM site. The consultees considered that an additional road should be provided to serve the proposed housing developments so as to avoid adverse traffic impacts on the surrounding areas, in particular Laguna City;
- (r) representatives of CEDD and TD met with KTDC Members and residents of Laguna City at various meetings including a site meeting on 21.11.2014 to discuss the proposed improvement works at the concerned road junctions;
- (s) on 30.12.2014, a consultation meeting was held among a LegCo Member, four KTDC Members, EOCs and residents of Laguna City and concerned government departments. The EOCs and residents of Laguna City maintained their concerns on the traffic impacts and request for an additional road. They also requested improving the MTR Lam Tin Station Exit D1 at Sin Fat Road to cope with the anticipated increasing pedestrian flow;

Major Grounds of Representations and Representers' Proposals

- (t) R1 and R2 opposed the OZP on the ground that housing land should be developed and not be wasted in view of shortage of land supply in Hong Kong;

- (u) the major grounds of the 4,247 representations against Item B (R3-R1100, R1102-R1562 and R1564-R4251) were summarised below. R3 also opposed Items F2 and G but no specific grounds related to these items were raised;

*Traffic Impact and Additional Road*

- (i) Sin Fat Road and CKL Road were subject to serious traffic congestion. With a planned total population of about 6,000, the proposed development at the KM site would pose adverse traffic impacts on the surrounding road network and overload the existing transport facilities, in particular those serving Laguna City. It was doubtful whether the TIA conducted had accurately examined the related traffic impact;
- (ii) the KM site would only be served by a dead-end road connecting Sin Fat Road. It would pose hazards in case of fire and traffic accidents. An additional access road should be provided to connect the KM site with CKL Road to avoid overloading the traffic condition of the area. Without such road or comprehensive planning, the Government should not change the status quo and should shelve the proposal;
- (iii) the domestic GFA for the proposed residential development at the KM site had been substantially reduced from 610,000m<sup>2</sup> under the previous “R(A)4” zone (covering the KM site and CKL Tsuen) to about 130,000m<sup>2</sup> (the KM site only). If an additional road was provided, the development potential of the KM site could be enhanced;

*Public Transport*

- (iv) there should be supporting transport facilities for the proposed

development at the KM site. New bus routes to Kowloon Bay, Mong Kok and Tai Kok Tsui could be explored;

*Pedestrian Connectivity*

- (v) the existing footpath along Sin Fat Road was very narrow with a width of only 1 to 2m. It could not cope with the additional population at the KM site, and should be widened;

*MTR Lam Tin Station Exit D1*

- (vi) MTR Lam Tin Station Exit D1 was currently very congested during peak hours (7:45 a.m. to 8:45 a.m. and 6:30 p.m. to 7:30 p.m.). It would be further overloaded by the proposed development at the KM Site. The exit had only one pair of escalators and there was no provision for alternative staircase in case of emergency. It was dangerous to passengers particularly children and elderly. A new exit with barrier-free facilities should be provided and appropriate measures should be adopted to relieve the congestion at Exit D1;

*Carparking Provision*

- (vii) the carparking provision for the proposed development at the KM site, i.e. 226 spaces, was not sufficient to serve 6,100 people and 2,200 flats. The provision should be increased and could be placed in podium. A total of 750 carparking spaces should be provided to support the proposed population;

*Air Ventilation and Building Height (BH)*

- (viii) the assumptions adopted in the Air Ventilation Assessment (AVA) report were incorrect. The assumption of north-easterly wind as the prevailing wind was not realistic since the topography of the

KM site and the surrounding areas would change the wind direction to south-easterly. Moreover, the prevailing wind of the Kowloon area was easterly to south-easterly. There was a wind corridor between Phases 2 and 3 of Laguna City (the gaps between Blocks 31 and 33, and Blocks 33 and 34) reaching the KM site but it was not included for examination under the AVA. The AVA should be re-examined;

- (ix) the KM site was situated at the upper part of a hill. The proposed BHs of 87 to 108mPD were higher than that of Laguna City. The proposed BH profile was not compatible with that of Laguna City;

#### *Housing Land Supply*

- (x) KTDC members and residents of Laguna City generally agreed with the Government on actively increasing housing land supply to meet the community's acute housing needs. However, rezoning proposals should be sustainable in various aspects including traffic, environment and provision of community facilities;
- (xi) the KM site was of high quality and alternative uses, such as hotel, sanatorium, school and houses might also be included. Consideration should be given to increasing the commercial GFA to serve the future residents;
- (xii) there was strong objection to public housing/subsidised housing at the KM site since 80% of the population in Kwun Tong district were living in public housing estates. The inclusion of two Home Ownership Scheme (HOS) blocks at the southern part with the best view towards the harbour would affect land premium. The mere insertion of two blocks in the KM site might not help much on HOS provision;

#### *GIC and Retail Facilities*

- (xiii) the proposed development at the KM site would impose pressure on the existing facilities within Laguna City, such as the shopping arcade, restaurants, kindergartens and tutorial agents. More parks, recreational facilities, ball courts and retail facilities should be provided to cope with the increasing population in the area;
- (xiv) the need for a new primary school at the KM site was in doubt. The high demand for primary schools was mainly due to the additional 200,000 'doubly non-permanent resident' children which would be at the high peak during 2007-2012. By 2018 when the primary school was built, they would already be studying in secondary schools, and the provision of primary school would become excessive. The Education Bureau (EDB) should re-assess the need for the primary school;

*Preservation of Woodland*

- (xv) the existing woodland at the KM site should be maintained. It was the home for bird species like *urocissa erythrorhyncha*, *centropus sinensis* and *halcyon smyrnensis*. The woodland also helped enhance air quality, regulating temperature, as well as maintaining slope safety; and

*Local Concerns Disregarded*

- (xvi) the Government had disregarded the local residents' concerns on the adverse traffic impacts and GIC provision as well as the requests for an additional road and improving the MTR Lam Tin Station Exit D1, which were raised during the consultation process in the past two years;
- (v) the representers' proposals relating to Amendment Item B were summarised as follows:

*Additional Road*

(R8-R12, R15, R20-R1100, R1102-R1562 and R1564-R4142)

- (i) to serve the planned population at the KM site, an additional road should be provided to connect the proposed development with CKL Road at the waterfront, or Wai Yip Street, Kwun Tong Road, or Yau Tong and Kwun Tong area without passing through Laguna City. The Government should use part of CKL Tsuen for constructing the additional road;

*Pedestrian Connectivity*

(R3, R4, R8, R10-R12, R15, R20-R1100, R1102-R1562, R1564-R4142 and R4150-R4151)

- (ii) the existing footpath along Sin Fat Road should be widened to cope with the additional population at the KM site and to meet safety and capacity requirements. A new pedestrian route to MTR Lam Tin Station should be provided for Phase 1 of Laguna City;
- (iii) a new pedestrian passageway/footbridge connecting the KM site and Yau Tong should be provided to avoid overloading the existing pedestrian network;

*MTR Lam Tin Station Exit D1*

(R3, R8, R10, R15, R20-R1100, R1102-R1562, R1564-R2879 and R2881-R4151)

- (iv) MTR Lam Tin Station Exit D1 should be widened or an additional station exit with barrier-free facilities should be provided. Consideration might be given to diverting passengers to MTR Yau Tong Station;

*Air Ventilation and BH*

- (v) to allow two south-east wind paths to tie in with the existing building gap between Blocks 33 and 34 as well as Blocks 31 and 33 of Laguna City and to revise the configuration of the “G/IC” site for school to avoid blocking the wind going through the gap between Blocks 33 and 34 (R12);
- (vi) to reduce the BH restrictions for the “Residential (Group B)1” (“R(B)1”)(110mPD) and “R(B)3” (95mPD) zones to 92mPD to align with the existing BH of Laguna City (R14);
- (vii) to reduce the BH restriction for the “R(B)1” zone from 110mPD to 94mPD and consider increasing the number of flats for each storey in order to maintain the flat supply (R13);

*Alternative Housing Site (R3)*

- (viii) housing land was available in the North East New Territories where new town would be developed. The urban area was congested with poor air ventilation. The Government’s proposal to build additional towers within the existing public housing estates was supported;

Comments on Representations

- (w) among the 43 comments (C1 to C43) in Group 1 , C2 and C3 were not related to specific representation but offered comments on Item B. C1 and C4 to C43 were related to R1, R2 and individual representations which opposed Item B, with C1 also opposing Items F2 and G. Major grounds of the comments (C1 to C43) were summarised as follows:

*Traffic Impact*

- (i) with the residential developments at Anderson Road Quarry and Tseung Kwan O, traffic in/out of Kwun Tong would be further congested. Kwun Tong and Lam Tin areas had to absorb more traffic from these areas. The future projects of Energizing Kowloon East Office (EKEO) would further aggravate the traffic condition in the Kwun Tong Business Area and the Kai Tak area if the supporting 'Environmental Friendly Linkage System', Central Kowloon Route and new MTR East Kowloon line were not materialised;

*Land Administration*

- (ii) the KM site development would potentially bring huge profit to the developer who owned the commercial centre of Laguna City. To avoid collusion, the proposed development should be scrapped or the concerned developer and its associated companies should be barred from taking part in the proposed development at the KM site;

*Air Ventilation and BH*

- (iii) the proposed development would impose adverse visual impact on Tak Tin Estate and its view to Black Hill (Ng Kwai Shan). It was proposed that a BH restriction of 92mPD be stipulated for the "R(B)" and "G/IC" zones to avoid future development to be taller than Laguna City. It was not clear whether the AVA had taken account of the future Kwun Tong Tsai Wan (Yau Tong Bay) development;

*Development of CKL Tsuen*

- (iv) as compared with the maximum domestic GFA of 610,000m<sup>2</sup> under the previous "R(A)4" zone (covering the KM site and CKL Tsuen) which might provide 12,000 flats, the current proposed

development at the KM site would provide about 2,000 flats. Such development, involving site formation, tree felling, and vegetation and grave clearance and might affect the ecosystem at the site, was not cost-effective. There was no reason not to develop CKL Tsuen as the villagers had been waiting for redevelopment for a long time;

*Public Recreational Facilities*

- (v) to provide public green/recreational facilities, such as park, grassland and barbecue facilities, to benefit the public; and

*Local Consultation*

- (vi) the Government should think from the perspective of the people and interact with them closely before proposing or implementing any future projects;
- (x) the location and characteristics of the representation site and its surroundings, as detailed in paragraph 6.1 of TPB Paper No. 9952, were summarised as follows:
  - (i) the KM site was situated at the waterfront of East Kowloon. It comprised a number of platforms formed by previous mining activities, green knoll and natural slopes on levels ranging from 18mPD to 54mPD. The site was government land currently partly used as temporary works areas;
  - (ii) the KM site was proposed for medium-density residential development under “R(B)” zones with plot ratio (PR) and BH ranging from 3.3 to 5 and 90mPD to 110mPD respectively. It was estimated that the development could provide about 2,200 flats with an estimated population of 6,100. A “G/IC” site at the northern part was reserved for a 30-classroom primary school. A

strip of land south of the proposed residential platforms was reserved for open space to serve the local residents, while the green knoll and slopes further behind the residential platforms were zoned “GB” to retain their natural landscape character;

- (iii) a single 2-lane vehicular access with 7.3m wide and about 600m long was proposed to link up with Sin Fat Road. Footpath of minimum 2m wide and passing bays would be provided on both sides of the proposed road. That vehicular access was up to emergency vehicular access (EVA) standard and could serve as an EVA for the proposed residential development. Two 20m-wide non-building areas (NBAs) in southwest- northeast direction were designated as view and ventilation corridors to facilitate air ventilation and help improve visual permeability. The site formation, road and infrastructure works were expected to be completed in two phases in 2018/19 and 2019/2020 for earliest population intake in 2022;
- (iv) to the immediate north of the KM site was the private residential development of Laguna City at a PR of about 5 and BHs of 80mPD to 92mPD. About 400m to its further northeast across Sai Tso Wan Recreation Ground was another private residential development of Sceneway Garden at a PR of about 7 and BHs of 124mPD to 153mPD;
- (v) to its immediate southwest was CKL Tsuen with low-rise houses, squatters and temporary structures. It was zoned “Undetermined” (“U”) subject to a further study on its long-term uses. To the further northwest across CKL Tsuen were a number of low-rise residential buildings at Fan Wa Street and CKL Road within the “R(A)” zone;
- (vi) the KM site was well served with public transport network where the MTR Lam Tin Station was located about 380m away to its

north. The Eastern Harbour Crossing (EHC) Toll Plaza was at its southeast. Part of Tseung Kwan O-Lam Tin Tunnel (TKO-LTT) would pass through the southern part of the site on underground level. Together with the proposed Trunk Road T2 in Kai Tak and Central Kowloon Route, it would form the Route 6 in the strategic trunk road network providing an east-west express link between Tseung Kwan O and West Kowloon;

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

#### Responses to Grounds of Representations and Representers' Proposals

- (y) the responses to grounds of representations and representers' proposals, as detailed in paragraphs 6.3 and 6.4 of TPB Paper No. 9952, were summarised as follows:
  - (i) regarding R1 and R2's general view on development of housing land, it was the Government's policy to optimise the use of housing land to meet the acute housing needs of the community. The OZP amendments were considered appropriate and would facilitate the appropriate use of land resources to meet the housing and other needs of the community;

#### *Traffic Impact and Additional Road*

- (ii) according to the traffic assessments under the Planning Review and the TIA in the Engineering Study, the vehicles generated by the proposed development at the KM site at peak hours were expected to be about 300 per hour. To mitigate the possible traffic impact, road improvement works for five adjacent road junctions were proposed. Upon their implementation, the reserve capacity of the critical junctions would be at an acceptable level. It was envisaged that the proposed residential development would not have adverse traffic impact on the

surrounding areas, and was sustainable from the traffic perspective. The Commissioner for Transport (C for T) had no objection to the proposed development;

- (iii) it was also proposed that the existing loading/unloading (L/UL) bays at Sin Fat Road near MTR Lam Tin Station Exit D1 be expanded to include green mini-bus (GMB) terminus/stop to facilitate the operation of a new GMB circular feeder services providing direct service between the KM site and MTR Lam Tin Station and that a section of the existing northern footpath of Sin Fat Road leading to MTR Lam Tin Station be widened to about 3m to 4m wide;
- (iv) the proposed access road serving the proposed residential developments was a 7.3m-wide two-lane single carriageway with footpaths and various lay-bys at both sides. As confirmed by the Director of Fire Services (D of FS), the proposed road could serve as an EVA for the proposed residential development. In case of traffic incident, the police would directly control traffic situation at the scene and the Highways Department (HyD) or concerned departments would arrange for urgent repair/clearance to facilitate the Fire Services Department's (FSD) rescue;

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

- (v) in view of the above traffic assessment, there was no traffic ground to provide an additional access road for the proposed residential development at the KM site. On technical feasibility, there was a substantial level difference of 27m between the residential platforms and CKL Road, and TKO-LTT would pass through the southern part of the site. According to CEDD, a road linking the KM site to CKL Road was not technically feasible due to the envisaged steep gradient of the road at about 16%, which would exceed the 8% design standard for a public

road. Other alignments in elevated or tunnel form would be subject to a number of constraints, such as road design standards, project interfaces with TKO-LTT and other planned uses, environmental and traffic impacts;

- (vi) notwithstanding the above, the Commissioner of Police (C of P) and C for T would closely monitor the traffic condition of the area and implement necessary traffic management/improvement measures such as enforcement actions against illegal parking and L/UL activities along Sin Fat Road and CKL Road and designation of 24-hour no stopping areas, if considered necessary;

*Public Transport*

- (vii) according to the TIA, the KM site development would be mainly served by GMB service. A new GMB circular feeder services providing direct service between the KM site and MTR Lam Tin Station would be provided, and was considered adequate to serve the proposed residential development. Additional bus service for the KM site was not proposed under the TIA;

[Dr Wilton W.T. Fok arrived to join the meeting at this point.]

*Pedestrian Connectivity*

- (viii) the existing footpath along Sin Fat Road would become a major pedestrian route for the future residents of the KM site. As recommended by the TIA, the critical footpath section at Sin Fat Road would be widened to meet the demand arising from the proposed residential development. Taking account of the proposed transport facilities along Sin Fat Road and the concern of Laguna City residents, a section of the northern footpath of Sin Fat Road leading from the point connecting with the footbridge of Laguna City to MTR Lam Tin Station would be widened to

about 3m to 4m wide;

- (ix) upon implementation of the proposed footpath widening, the footpath between Laguna City and MTR Lam Tin Station would be sufficient to meet the pedestrian flow arising from the proposed residential development and the population growth in the area, and there was no need for a footbridge or other pedestrian route to meet the additional pedestrian flow;

*MTR Lam Tin Station Exit D1*

- (x) according to the peak hours pedestrian survey conducted by TD this year, there was a total of about 5,300 persons/hour using Exit D1 in both up and down directions. By 2036, it was expected that the exit usage would increase to 8,000 persons per hour in both directions. As the planned capacity for that exit was about 12,000 persons per hour in both directions, there was sufficient capacity to cater for the anticipated pedestrian flow during peak hours upon population intake at the KM site;
- (xi) C for T advised that MTR Corporation Ltd. (MTRCL) should carry out regular maintenance for the escalators of the station to ensure their safe operation. In the event that one of the escalators was out of order, MTRCL would arrange for urgent repair and temporarily suspend the operation of other escalator to facilitate passengers to use the escalator for up or down movement. In case of emergency, MTRCL would deploy additional staff to help manage passenger flow and maintain order. Due to space constraints, there was no room to widen the existing Exit D1 to install an additional escalator or staircase;
- (xii) at present, there was at least one barrier-free access in every MTR station to facilitate the mobility of those physically impaired. The MTR Lam Tin Station had provided a ramp at Exit C for use

by passengers in need. Due to space constraints, the provision of supplementary barrier-free facilities or accesses near Exit D1 was inherently challenging;

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

#### *Carparking Provision*

- (xiii) the assumed carparking provision of the KM site (i.e. 226 spaces) in the TIA was based on the requirements in the Hong Kong Planning Standards and Guidelines (HKPSG), which had taken into account the size and number of flats, as well as accessibility to railway station and public transportation. The actual carparking provision would be adjusted subject to the number and size of flats of the future developments in compliance with the HKPSG and TD's requirements. In the light of the standards in HKPSG and the proposed GMB service between the proposed development and MTR Lam Tin Station, the proposed provision of 750 carparking spaces was considered excessive;

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

#### *Air Ventilation and BH*

- (xiv) the broad AVA in the Planning Review had identified the key wind corridors within the KM site and a preferred design option for better wind performance. According to the AVA, annual prevailing winds were mainly from the northeast quadrant, while the summer prevailing winds came from the southeast and southwest. As the natural topography descended from the high level at the northeast and east towards Victoria Harbour, winds coming from the northeast quadrant would skim over the existing developments in Lam Tin and then reattach to the sloped open spaces and Sai Tso Wan Recreation Ground. Given the open

nature of the Recreation Ground and its surroundings, it was unlikely that the northeast quadrant winds would be blocked from reaching the KM site. CKL Road and Wai Yip Street, supported by Sin Fat Road and Lei Yue Mun Road, would facilitate penetration of the prevailing south-easterly winds in summer. Two 20m-wide NBAs in southwest-northeast direction across the KM site were recommended to serve as wind corridors for prevailing winds and sea breeze to penetrate to the core of the site and the surrounding areas;

- (xv) the building separation between Laguna City Phases 2 and 3 as well as Sin Fat Road was roughly aligned in the northwest-southeast direction. As prevailing annual winds were not coming from the north direction and northwest quadrant, such building separation should not be considered as a wind corridor. With a proposed low-rise school of 8 storeys and a separation of about 28m between the proposed school site and Phase 3 of Laguna City, wind would be able to skim over the proposed school and reattach at the pedestrian level around the existing ball court on South Laguna Street and Sin Fat Road. Therefore, significant adverse impact on the pedestrian wind performance around Phases 2 and 3 of Laguna City was not anticipated. For annual wind conditions, Laguna City was located at the northwest of the KM site and would not be affected by the proposed development;

[Mr Frankie W.C. Yeung arrived to join the meeting at this point.]

- (xvi) a stepped BH profile had been adopted for the “R(B)” sites to respect the waterfront setting and to minimise potential visual impacts on the surroundings. In general, the maximum BH gradually increased from 90mPD at the waterfront to 110mPD in the inland area, and was compatible with Laguna City (80mPD to 92mPD) to its north/northwest and Sceneway Garden (124mPD

to 153mPD) to its further northeast. As demonstrated in the photomontages showing the overall view of the area from the Kai Tak Runway Park and Quarry Park, the BHs for the KM site were in keeping with the waterfront setting and the height profile of the surrounding developments, including Laguna City and Sceneway Garden;

- (xvii) the Chief Town Planner/Urban Design and Landscape of PlanD had no adverse comments on the rezoning from air ventilation and visual perspectives;

#### *Housing Land Supply*

- (xviii) the Government had adopted a multi-pronged approach to boost land supply in the short, medium and long terms. Notwithstanding other measures to increase housing land supply, the rezoning of the KM site would help optimise the use of developable land in the urban area, which was in line with the Government's housing land policy;

- (xix) as stated in the 2015 Policy Address, the Government had to ensure adequate supply of land to achieve the target to provide a total of 480,000 housing units in coming 10 years. To meet the pressing need for housing land supply, the KM site had been identified for residential development which would be a use compatible with the surrounding well-developed residential area. Taking into account the local character, existing development intensity, waterfront setting, natural landscape, and possible impacts on various aspects, the Planning Review recommended the use of the formed platforms at the site for medium-density housing development. The proposed development was sustainable in traffic, environment, visual and air ventilation terms;

- (xx) with a view to providing more subsidised home ownership opportunities, it was considered appropriate to set aside a portion of the KM site for subsidised housing which was not incompatible with the existing and proposal private housing in this locality. The “R(B)4” zone, with an area of 3,020m<sup>2</sup> (about 9% of the land under “R(B)” zones), was considered suitable for a subsidised housing development;

#### *GIC and Retail Facilities*

- (xxi) in rezoning the KM site, the adequacy of open space and GIC facilities in the OZP area had been assessed. The planned provision of open space and major GIC facilities in the area was generally sufficient except for the provision of primary and secondary schools, which were assessed on a wider district basis by EDB and the shortfall could be met by the provision in adjoining areas. Besides, to serve the daily needs of future residents, a non-domestic PR of 0.5 equivalent to a GFA of about 3,500m<sup>2</sup> was stipulated for the “R(B)3” zone for provision of selected commercial uses;

- (xxii) as confirmed by EDB, a 30-classroom primary school was required to be reserved at the KM site to meet the need of the district, and a host of factors had been taken into account, such as the latest projected demand for school places in the district in the medium and the longer term, the prevailing educational initiatives and the reprovisioning needs of existing schools not meeting prevailing standards, with a view to meeting long-term educational needs;

#### *Preservation of Woodland*

- (xxiii) the existing green knoll and natural slopes surrounding the residential platforms were mainly rezoned to “GB” to retain the

natural landscape character of the area. The Director of Agriculture, Fisheries and Conservation had advised that the bird species mentioned by the representers were common species widely found in Hong Kong. The woodland in the “GB” zone could continue to provide suitable habitats for wildlife including these birds. Consideration would also be given to preserving existing trees in future development as far as possible;

*Local Concerns Disregarded*

(xxiv) in taking forward the OZP amendments, the statutory and administrative procedures in consulting the public had been followed by PlanD and concerned government departments, including consulting KTDC twice on the OZP amendments and its T&TC twice on the traffic and infrastructure proposals, and various consultation meetings with the residents of Laguna City and KTDC members. The views and suggestions raised by the locals on road and pedestrian connections had been duly assessed and responded to by CEDD, TD and concerned departments at various meetings. The minutes of the concerned meetings and submissions from the stakeholders were relayed to MPC for consideration, and attached to the MPC Paper; and

(xxv) the local concerns on traffic issues were noted. Taking into account the findings of the TIA and the assessments of the concerned departments, it was concluded that with the implementation of the recommended traffic improvement proposals, the proposed residential development at the KM site would not have adverse traffic impacts on the surrounding areas, and there was no traffic ground to provide an additional road to serve the KM site as well as an additional exit for MTR Lam Tin Station;

- (z) as the views of the commenters were similar to those in the representations, the responses above on additional road, open space provision and local consultation were relevant. Detailed responses to the comments were at Annex XIII of TPB Paper No. 9952 and responses to other points raised by the commenters were as follows:

*Land Administration*

- (i) under the existing land policy, government land available for sale was sold by public auction/tender to the highest bidder. There was no ground to prohibit a particular party from taking part in the open auction or tender;

*Air Ventilation and BH*

- (ii) according to the TPB PG-No. 41 Guidelines on Submission of Visual Impact Assessment for Planning Application to the TPB (TPB PG-No. 41), in the highly developed context of Hong Kong, it was not practical to protect private views without stifling development opportunity and balancing other relevant considerations. In the interest of the public, it was far more important to protect public views, particularly those easily accessible and popular to the public or tourist. Tak Tin Estate was located at the foot of Black Hill (Ng Kwai Shan) with BH of about 210mPD and platform level at about 110mPD. As the KM site was located at the south-west of Tak Tin Estate at a distance of about 800m, it would unlikely affect the view of Black Hill and the proposed BHs from 90mPD to 110mPD were not likely to impose any adverse visual impact on Tak Tin Estate;
- (iii) the proposed comprehensive development at Yau Tong Bay had been taken into account in the AVA under the Planning Review; and

*Development of CKL Tsuen*

- (iv) the proposed residential development at the KM site was considered sustainable in planning and technical terms. For CKL Tsuen, as the previous “R(A)4” zoning was considered no longer appropriate, the site was rezoned to “U” to allow time for a further study on the long term uses; and

PlanD’s views

- (aa) R1 to R1100, R1102 to R1562 and R1564 to R4251 were not supported.

39. The Chairman then invited the representers and their representatives to elaborate on their representations.

R4 - 梁家傑立法會議員辦事處公民黨地區發展主任譚文豪

R11 - Edwin Cheung

R25 - Poon Lai King, Alise

R85 - 陳章浩

R223 - Law Lok Wai

R224 - Alex Law

R226 - Law Lok Yin

R229 - Lo Wai Yuk

R250 - Chan Ying Kit

R382 - Lau Chi Fat, Gilbert

R383 - Ling Sau Lai

R432 - 鄒窩立

R496 - 卓富香

R565 - 趙小文

R800 - Chan Ho Tat

R1046 - Tsang Wai Yan

R1159 - Eddie Chan

R1543 - 程大雄

R2198 - 周潔珊

40. With the aid of a Powerpoint presentation, Mr Tam Man Ho, Jeremy, made the following main points:

- (a) he objected to the OZP amendments in respect of the KM site;
- (b) he was a district development officer of the Civic Party. Given that the residents of Laguna City had expressed grave concerns on the planning of the KM site and its impacts on their quality of life, views of the residents had been collected through a questionnaire survey and were summarised in his presentation;

*Additional Road*

- (c) many residents had expressed concerns on the traffic impact of the proposed development at KM site. At present, Sin Fat Road and CKL Road were often subject to serious traffic congestion, in particular during the morning and afternoon peak hours. With a planned total population of about 6,000, the proposed development at the KM site would pose adverse traffic impacts on the surrounding road network and overload the existing transport facilities, in particular those serving Laguna City;
- (d) previously, an application for a proposed hotel development at Wing Fook Street was not supported by TD on traffic ground for busy traffic along CKL Road. As the KM site was also located in proximity to CKL Road, it was doubtful whether the proposed development at the site was sustainable in traffic terms;
- (e) the residents of Laguna City had been requesting the Government for to improve the roads and traffic in the area for years but to no avail. They cast doubts on the effectiveness of the proposed junction improvements

in relation to the KM site development;

- (f) to alleviate the traffic concern, an additional road connecting the access road to KM site and CKL Road should be considered. While the Government claimed that the additional road would not be technically feasible, given that the level difference between the residential platforms and CKL Road was only 27m, the envisaged steep gradient for such road might be acceptable and different alignments and curvatures of the road might be feasible and should be further examined. Many developments in Hong Kong were built on hills and valleys, and similar access arrangement had been provided in other developments such as The Leighton Hill. The provision of such additional road could be included as one of the land sale conditions to be implemented by future developers;
- (g) nevertheless, it was noted that the proposed additional road as well as the “U” zoning of CKL Tsuen were objected to by the residents of CKL Tsuen. Complaint on the issues had been lodged to the LegCo by the incumbent KTDC member. There were therefore opposing local views on the issue of additional road;

*New Exit for MTR Lam Tin Station*

- (h) MTR Lam Tin Station Exit D1 was currently very congested during peak hours. It would be further overloaded by the proposed development at the KM Site. A new MTR station exit at or near the KM site should be provided to ease the congestion problem. Again, the provision of a new MTR station exit could be included as one of the land sale conditions to be implemented by the future developers. There would therefore be no upfront cost to the Government. Similar arrangements had been made in the residential developments near MTR Lai Chi Kok Station;
- (i) there would be great incentive for future developers to provide such a new station exit as the much improved accessibility to the KM site

developments would enhance the value of the site as well as the future developments;

- (j) barrier-free facilities were only available at MTR Lam Tin Station Exit C, which was far away from the KM site and Laguna City and involved passing through Sai Fat Road which was an inclined road along the route. That was extremely inconvenient for people with disabilities. Such a problem could be overcome by providing a new MTR station exit with barrier-free facilities at or near the KM site;
- (k) the proposed new MTR station exit would benefit the residents of Laguna City and reduce the traffic generated by GMB services between the KM site/Laguna City and MTR Lam Tin Station Exit D1;
- (l) early planning and implementation of a new station exit would be better than fixing the problem after all future developments were in place and would also enhance sustainable growth of the CKL area in the longer term;

#### *Pedestrian Connectivity*

- (m) at present, there were kindergartens and elderly facilities along Sin Fat Road. However, the existing footpath along Sin Fat Road was very narrow with a width of only 1 to 2m for its narrowest section which was not up to traffic engineering standards. Residents of Laguna City had in the past requested the Government to widen the footpath but to no avail. The footpath should be widened irrespective of the proposed development at the KM site;

#### *Carparking Provision*

- (n) it was envisaged that future development at the KM site would comprise luxury housing. The provision of 226 carparking spaces for the proposed 2,200 flats at the site, i.e. at a ratio of about 1 space per 10 flats,

was unreasonable;

- (o) the guideline for adopting a lower carparking ratio for developments close to MTR stations was not realistic as revealed by the shortage of carparking spaces at MTR Kowloon Station and the high vacancy rate in the relatively remote areas in the New Territories. The provision of carparking spaces should be reviewed and justified taking into account the need of the future population and the need to provide an additional road to connect the KM site with CKL Road;
- (p) any inadequacy in carparking provision at the KM site would result in inflation of prices and rentals for the carparking spaces in Laguna City;

*Proportion of Subsidised Housing*

- (q) the inclusion of two HOS blocks at the southern part of the KM site with the best view towards the harbour was unjustified given that the other parts of the site would likely be developed for luxury housing in the future. On the one hand, that would adversely affect the premium of the land within the KM site. On the other hand, the mere presence of luxury housing in the proximity would push up the price of the HOS development, making them unaffordable to the public in need;
- (r) the needs of those residents living in HOS development and private housing development would be different and might not be taken care of in the current planning;
- (s) the mere insertion of two blocks might not help much on the HOS provision. If the Government's objective was to increase the land supply for subsidised housing, the proportion of HOS development within the site should be increased;
- (t) overall, the planning of HOS development within the KM site was unreasonable and the Government's policy of implementing in-fill HOS

developments should be re-examined;

*BH and Density*

- (u) while the development potential of land should be optimised, the potential adverse impacts of the BHs on the existing residents should be minimised. As the KM site was situated at the upper part of a hill and the proposed BHs of 87 to 108mPD were higher than that of Laguna City, the proposed BH profile was not compatible with that of Laguna City;
- (v) a consistent approach in keeping the maximum BH at 92mPD should be adopted throughout the KM site. Based on that approach, a stepped height profile could still be devised;
- (w) the KM site was located within a valley. Although about 1.11 ha of land within the KM site had been reserved for public open space, much of the open space was slope areas not directly accessible to the general public. Open spaces within the proposed developments were also limited. Consideration should be given to providing an open space or green space at the planned primary school site to serve as a buffer between the proposed developments and Laguna City Phase 3. That would reduce the overall density of developments and increase the provision of genuine open space within the KM site;

*AVA*

- (x) the assumption that north-easterly wind was the prevailing wind for the KM site was not correct. It was because the KM site was located in a valley and there were two relatively high grounds adjacent to the site, i.e. the Sai Cho Wan Recreation Ground in the northeast and a small knoll in the southwest. When north-easterly wind reached the KM site, the topography of the site and its surroundings would change the wind direction to south-easterly. The possible change in prevailing wind direction within the KM site had not been addressed in the TPB Paper;

- (y) he showed a video clip of the flags on a section of Sin Fat Road within Laguna City illustrating that the prevailing wind in May was from the southeast;
- (z) additional wind corridors should be allowed within the KM site to facilitate air ventilation. Such corridors were particular necessary during the hot summer season to improve penetration of south-easterly wind into the KM site and Laguna City;
- (aa) although a low-rise school of 8 storeys had been planned to the southeast of Laguna City Phase 3 to facilitate air ventilation, the south-easterly wind would be blocked by the high-rise buildings to the further southeast before reaching the school;
- (bb) detailed information on the breakdown of annual wind directions and the relative wind speeds obtained from on-site surveys should be provided;

[Dr W.K. Yau left the meeting at this point.]

*Need for a Primary School*

- (cc) the need for a new primary school at the KM site was in doubt. While there were deficits of primary school places in the Kwun Tong District, the high demand for primary schools was mainly from the additional 200,000 ‘doubly non-permanent resident’ children but not the natural population growth of Hong Kong. As the demand from ‘doubly non-permanent resident’ children would be at the high peak during 2007-2012, those children would already be studying at secondary schools. Thus, by 2018 when the new primary school was built, the provision of primary schools in the area would become excessive;

*Procedural Improprieties*

- (dd) the decision of the Chief Executive in Council (CE in C) to refer the OZP to the Board for amendment was made without consulting KTDC. The decision was made on 8.7.2014 before the KTDC was consulted on final development scheme for the KM site on 2.9.2014. It was procedurally unfair as KTDC was requested to give views on the proposed development after the decision to amend the OZP had already been determined by the CE in C;
- (ee) as recorded in the concerned minutes of meeting, during the meetings of KTDC on 2.9.2014 and 6.1.2015 and its T&TC on 27.11.2014 and 29.1.2015, the DC Members did not cast vote on the proposed development at the KM site. However, the respective chairman concluded that the proposed development was supported by KTDC and its T&TC. The 'supportive' decisions of KTDC and its T&TC were false impressions only;
- (ff) he had made enquiry in writing to the secretariat of KTDC about the above matters. The secretariat of KTDC replied and explained that PlanD did not ask for KTDC's approval but only sought views on the proposed development. He felt that the whole DC consultation process was chaotic;
- (gg) as the draft minutes of meeting had been circulated to the concerned KTDC and T&TC members for comment before confirmation, it did not understand why no amendments to the such an important decision on the proposed development were made;
- (hh) he noted that some representers did not explicitly state whether they supported or objected to the proposed development, while the chairman of T&TC supported the proposed development in the T&TC meeting but subsequently participated in the protest action against the development; and
- (ii) he maintained his objection to the concerned OZP amendments until a

revised scheme which was technically feasible and acceptable to the local people was formulated for the KM site. It would be unwise to give consent to the OZP amendments first hoping that the Government would revise the development scheme to address the local residents' concern later.

[Speaking time of R4: 52 minutes]

R6 鄧咏駿等14位立法會議員/區議員 and other 146 Representatives

*(The list of representers was at Appendix A)*

41. With the aid of a Powerpoint presentation, Mr Tang Wing Chun made the following main points:

- (a) he was expressing the views of a large number of representers who authorised him to speak on their behalf;
- (b) since December 2012, he had been actively taking part in the liaison with the concerned government departments, the EOCs of Laguna City, residents of Laguna City and other stakeholders in respect of the proposed development at the KM site. He had organised/participated in site visits, KTDC meetings, meetings with concerned departments and local residents, collection of signatures, demonstration, and petitions to the KTDC and the Board. Practical recommendations had been proposed to the concerned departments during the liaison process;

*Development Intensity*

- (c) the proposed development, comprising 13 private residential blocks and two HOS blocks, was not supported. In the previous development scheme, the proposed development was solely for private residential use. Since a grave was later identified in the southern part of the KM site, two HOS blocks were proposed in the current scheme to avoid legal challenge arising from resumption of the land occupied by the grave.

However, the proportion of subsidised housing in the proposed development was too low which could not help much on the HOS provision. It would also result in unreasonably high management fees for the future residents of the HOS blocks. Alternatively, the HOS site could be considered for the primary school or other GIC uses;

- (d) the KM site should be developed for low density development. The density of the proposed development should be suitably reduced;

#### *BH Restrictions*

- (e) the BH of the proposed development at the KM site should be reduced to below 90mPD to tally with that of Laguna City in order to minimise adverse visual impacts;

#### *Open Space and Woodland*

- (f) although about 1.11 ha of land within the KM site had been reserved for public open space, most of it was slope areas that could not be enjoyed by residents. Provision of open spaces and greening within the proposed development should be suitably increased;

#### *Air Ventilation*

- (g) Laguna City was currently enjoying open views to the harbour and good air ventilation. In order to enhance air ventilation and avoid adverse visual impacts on Laguna City, the density and BHs of the proposed development at the KM site should be lowered;

#### *Primary School*

- (h) the proposed provision for a primary school at the KM site was supported. In recent years, the demand for school places had increased sharply due to the completion of new residential developments and

closing down of several schools in Kwun Tong. In 2015, there was a deficit of over 1,000 school places in Kwun Tong District and the demand would continue to rise due to the envisaged population increase. It was anticipated that the population of Kwun Tong would reach 691,100 in nine years' time. The shortage of school places would be even worse by then;

- (i) while short-term schools had been provided by the Government to alleviate the shortage problem, such measure was short-sighted and could not attract renowned educational organisations to provide quality education services;
- (j) appropriate layout design should be incorporated into the proposed school in order to minimise nuisance to the residents of Laguna City. For example, the school playground should be located further away from the residents;

#### *Carparking Provision*

- (k) the assumed provision of 226 carparking spaces in the KM site in the TIA reflected a serious under-estimation of the demand for carparking spaces in the area. Given that the site would likely be developed for luxury housing and due to the topography of the site, more residents would use motor vehicles for travelling;
- (l) the problem of illegal parking in and near Laguna City had been subject to criticism and complaints. A lot of private cars and heavy vehicles were found illegally parked along Sin Fat Road, Wai Yip Street and CKL Road particularly during night-time. A video was shown to demonstrate the illegal parking problem along Sin Fat Road;
- (m) there were currently two temporary open public car parks at Shing Yip Street and Wai Yip Street respectively but there were plans to convert them for other uses. With the reduced supply of carparking spaces, the

illegal parking problem would be worsened;

- (n) illegal parking had posed serious safety concern to vehicular traffic and pedestrians. There had been written requests to the Government for improving the situation but the Police's enforcement action appeared to be ineffective;
- (o) the illegal parking problem mainly stemmed from the shortage of carparking spaces in the area. For Laguna City, only 1,300 carparking spaces were provided for the some 8,000 flats (i.e. a carparking space to number of flat ratio of about 16%). The provision of 226 carparking spaces for 2,100 flats at the KM site (i.e. a carparking space to number of flat ratio of about 10%) was even lower and was considered unreasonable. As the proposed provision would not meet the envisaged demand, the illegal parking problem would be further worsened;

[Mr Frankie W.C. Yeung left the meeting at this point.]

#### *Traffic Problem*

- (p) during construction of the proposed development, a number of heavy and construction vehicles would pass through Laguna City everyday causing adverse environmental impacts in terms of noise, air and dust;
- (q) the existing road network in Laguna City was planned to meet the needs of the estate only and was already saturated. The road space of CKL Road and Sin Fat Road had been further limited by buses, GMB, taxis and school buses undertaking pick up/drop off activities as well as refuse collection vehicles and lorries undertaking loading/unloading activities along the kerbside. As a result, the accesses to and from various phases of Laguna City had been blocked. There was therefore no spare capacity in the local road network to accommodate the additional traffic generated by the proposed development. Three time lapse videos on the traffic conditions along CKL Road, Sin Fat Road and the adjacent road

junctions were shown to demonstrate the traffic problems;

- (r) enforcement action by the Police was not effective in deterring illegal parking activities;
- (s) the EKEO projects had led to a transformation of the Kwun Tong Business Area to one with more shops, offices and restaurants. However, no corresponding traffic improvement measures had been proposed. The proposed development at the KM site would further aggravate the traffic condition there. A time lapse video on the traffic conditions at the junction of CKL Road/Wai Fat Road/Shing Yip Street was shown to demonstrate the traffic congestion problem;

*Additonal Road*

- (t) requests had been made to the Government for providing a new road to connect the KM site with CKL Road. However, the requests had been refused by government departments;
- (u) although the Government claimed that there would not be adverse traffic impact on the local road network after implementation of the proposed junction improvements and GMB service to the KM site, the proposed measures could only improve the current traffic condition of the Laguna City area but would not be adequate for the future traffic condition including the additional traffic brought about by the proposed development at the KM site. Moreover, the traffic problem was caused by the inadequacy in road capacity which could not be resolved by the traffic management measures as proposed under the TIA for the critical junctions;
- (v) there was a suggestion to include the proposed additional road into the land sale conditions. According to the Government's response at the KTDC meeting on 6.1.2014, there was no need to provide an additional public road according to the TIA, and if the implementation of a private

road was included into the land sale conditions, the construction cost of the road would be reflected in the land premium and hence in effect paid by the Government. Given that the proposed development would bring about significant land premium to Government, such a response was considered unreasonable and had totally ignored the residents' concerns. Neglecting the potential traffic impact of the proposed development would also be unfair to the future residents in the KM site;

*MTR Lam Tin Station Exit D1*

- (w) MTR Lam Tin Station Exit D1 was very busy during peak hours. It was frequently used by residents of Laguna City as well as passengers of school buses and shuttle services connecting the Kwun Tong Business Area. Apart from MTR Lam Tin Station Exit D1, the footpath along Sin Fat Road was heavily used by the users of kindergartens, rehabilitation centres and facilities for the elderly nearby. The footpath was therefore often congested with people, and the problem was even worse during bad weather;
- (x) the footpath was too narrow, posing difficulties to those travelling with young children, elderly people and people with disabilities. It was doubtful if the proposed footpath widening was sufficient to accommodate the additional pedestrian flow generated by the proposed development at the KM site and the provision of a new GMB terminus near MTR Lam Tin Station Exit D1. Two time lapse videos were shown to demonstrate the congestion on the footpath along Sin Fat Street;
- (y) previous requests for widening of the concerned section of footpath along Sin Fat Road had repeatedly been refused by the Government based on cost and technical reasons. The residents felt unjust as the Government now proposed to widen a section of the footpath to 4m wide to allow for the proposed development at the KM site;

- (z) the Government claimed that the planned capacity for the MTR Exit was sufficient to cater for the current and anticipated pedestrian flows during peak hours upon population intake at the KM site. However, as the pedestrian flows had been averaged out over an hour, the scale of the congestion problem could not be truly reflected by the figures. The feedback from the residents should also be considered;
- (aa) MTR Lam Tin Station was built by the New Hong Kong Tunnel Company Limited together with the EHC tunnel. In order to save costs, only one pair of escalators was built to connect the station concourse with Exit D and no alternative access such as staircase was provided. In case of emergency, it would be dangerous to passengers particularly for children and elderly. Such an arrangement was unsatisfactory and not up to current fire safety requirements;
- (bb) no barrier-free facilities had been provided at MTR Lam Tin Station Exit D1. A video was shown to demonstrate that wheelchair users could not access Exit D1 from Sin Fat Road and the station concourse;
- (cc) barrier-free facilities to and from MTR Lam Tin station were only provided at Exit C in form of a ramp connecting with Lei Yue Mun Road. However, Exit C was situated at a relatively remote location subject to security problem and air pollution. Moreover, there were no pedestrian facilities linking Lei Yue Mun Road to Laguna City;
- (dd) a video was shown to demonstrate the experience of a wheelchair user travelling from MTR Lam Tin Station Exit C to the KM site. The journey took over 30 minutes and was not a pleasant one as it required considerable physical strength from the wheelchair user to overcome the sloping roads, awkward turns and narrow footpaths. Moreover, there was no barrier-free facility at some crossings thus rendering it not feasible for wheelchair users to cross the road;
- (ee) insufficient barrier-free facilities at MTR Lam Tin Station had deprived

people in need of their right of access to the rehabilitation centres and facilities for the elderly nearby.

- (ff) the proposed development at the KM site represented a good opportunity to improve the provision of barrier-free facilities at the MTR station. It would be irresponsible if MTRCL did not improve the barrier-free facilities at the station to serve the future residents at the site. MTRCL might have contravened the Disabilities Discrimination Ordinance regarding the provision of barrier-free access; and
- (gg) in conclusion, the objection was supported by practical information and feasible solutions had been proposed to improve the planning and development of the KM site so as to enhance the living environment of both residents of Laguna City and the KM site as well as other stakeholders concerned. The Board were requested to carefully consider the proposed OZP amendments.

[Speaking time of R6: 55 minutes]

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

[Mr Martin W.C. Kwan left the meeting at this point.]

R8 - 麗港城(第3期)第十一屆業主委員會主席顧建德

42. Mr Kau Kin Tak made the following main points:

- (a) the major concerns of the residents of Laguna City had largely been covered by the presentation of the previous two speakers;
- (b) as it was envisaged that majority of the future residents at the KM site would use MTR as their main transport mode, a new MTR station exit should be built to provide direct connection from the station to the site. Otherwise, the proposed development would overload the road network

and transport facilities at Laguna City; and

- (c) the residents would maintain their objection to the proposed development if the Government could not come up with feasible solutions to resolve the traffic problem.

[Speaking time of R8: 3 minutes]

R9 - 麗港城(第1、2及4期)第十二屆業主委員會主席郭桂明

43. Mr Kwok Kwai Ming made the following main points:

- (a) in implementing government policies and planning proposals, local views had often been disregarded;
- (b) Laguna City was one of the biggest private housing estates in Kowloon East, providing some 8,300 flats and with a population of over 30,000 people. It was served by CKL Road and Sin Fat Road providing access to private cars, public transport facilities, school buses and service vehicles. In terms of external road link, traffic leaving/reaching Laguna City should pass through the junction of CKL Road/Wai Fat Road or CKL Road/Wai Yip Street. However, the capacity of both junctions had already been saturated which often resulted in traffic congestions;
- (c) the existing facilities at Laguna City were only sufficient for serving its own residents. If the proposed development at the KM site were not provided with any supporting facilities, the future residents would need to use the existing facilities at Laguna City and hence the living quality of the residents of Laguna City would be adversely affected;
- (d) during the liaison process with KTDC and the concerned government departments and bureaux, PlanD initially had listened to the views of the residents by providing some GIC uses and community facilities at the KM site. However, in respect of the impacts of site formation works at

the KM site and the traffic during construction and operational stages, the views of the residents had been neglected;

- (e) incorrect assumptions and methodologies had been employed in the TIA for the proposed development at the KM site. While emphasis had been put on the traffic generated by the Laguna City and the KM site, the number of vehicles entering Laguna City had not been taken into account in the TIA. The potential risk of traffic accidents caused by the increased traffic on the road users had also not been addressed;
- (f) the Board was requested to make reference to Annex VII of TPB Paper No. 9952 for the views of the residents of Laguna City (Phases 1, 2 and 4) on the TIA; and
- (g) it was proposed that a new road connecting the access road to the KM site with CKL Road be provided. The proposed additional road would alleviate the current and anticipated traffic problems, and ease the traffic and safety concerns of the residents of Laguna City. The proposed road was considered feasible and necessary, and would be worth the money spent in view that the estimated property value of the proposed development would exceed \$20 billion.

[Speaking time of R9: 9 minutes]

R13 – 張順華

44. Mr Cheung Shun Wah made the following main points:

- (a) he was a KTDC member and his constituency was King Tin, which included Sceneway Garden opposite to the KM site;
- (b) government officials often deployed ‘figure games’ when conducting local consultation that would harm the governance and create distrust;

- (c) according to the information presented by PlanD to KTDC, the proposed development at the KM site would have BHs similar to those of Laguna City. However, the actual height difference between the proposed development (with a maximum BH of 108mPD) and Laguna City (with maximum BH of 92mPD) turned out to be 16m, which was about 5 storeys or 20% more of the BH of Laguna City. The maximum BH of the proposed development should be restricted to 92-94mPD, similar to the BH of Laguna City;
  
- (d) for Sceneway Garden and Laguna City, the carparking space to number of flat ratio was about 15%. However, on-street illegal parking was common along Sin Fat Road during night-time and over 100 vehicles were parked there. If a ratio of 10% was applied in the proposed development at the KM site, it would be even more difficult to find carparking space in the area and the carparking cost in Sceneway Garden and Laguna City would inflate. In order to relieve the demand for carparking spaces in the area, he requested that a ratio of not less than 15% and preferably close to 20% should be adopted for the developments in the KM site;
  
- (e) according to paragraph 6.3.10 of the TPB Paper No. 9952, the planned capacity of MTR Lam Tin Station Exit D1 was 12,000 persons per hour, which was more than sufficient to meet the current and estimated 2036 pedestrian flow figures of 5,300 and 8,000 persons per hour during peak hours respectively. However, the escalators at Exit D1 were of two directions, i.e. up and down, and the split of pedestrian flows during peak hours would not be even in both directions. The figures quoted in the TPB Paper were therefore misleading;
  
- (f) based on the figure of 8,000 persons per hour in 2036, if the split between up and down directions was 8:2, there would be some 6,400 persons in one of the directions. Thus, the planned capacity of 6,000 persons per hour in one of the directions would be exceeded by 6.7%. In any case, the current pedestrian flow of 5,300 persons per hour was

already a high figure that had caused serious congestion. Given that the figure would rise by 51% to 8,000 persons per hour in 2036, an additional MTR exit should be provided to cater for the anticipated increase;

- (g) to build a primary school in the KM site was a waste of public money. He did not understand why a primary school was not provided in the area in the 1990s during the construction of Sceneway Garden and Laguna City which comprised a total of 12,000 units. However, after some 30 years when the population had grown old, a primary school was provided for an additional of only 2,200 units in the KM site. Although there were many Band One primary schools in Lam Tin, those schools might even face the problem of under-subscription in 2036. He worried that the planned primary school at the KM site had to be shelved then; and
- (h) the provision of a new primary school should be justified by figures rather than consultation with EDB or policy support. Relevant data including number of children at suitable age for primary education, number of primary school places in Kwun Tong and the deficit of primary school places should be provided by PlanD to justify the need for a new primary school. It was proposed to scrap the proposed primary school in the KM site and replace it by other community facilities in order to better utilise the land resources.

[Speaking time of R13: 10 minutes]

R14 – Lo Tze Shut

45. Mr Lo Tze Shut made the following main points:

- (a) the BH restrictions (BHRs) for the proposed development, i.e. 90mPD to 110mPD, should be adjusted to tally with the BH of Laguna City, i.e. not more than 94mPD, to alleviate the adverse air ventilation and visual

impacts; and

- (b) there was a number of housing estates to the north of the KM site including Sceneway Garden, Ping Tin Estate, Tak Tin Estate, Hong Nga Court. All housing units in those estates facing the harbour would have their views blocked by the proposed development at the KM site. Reducing the BHRs for the proposed development to tally with Laguna City would bring considerable benefits to the affected housing units without significantly increasing the development cost of the site. A proper balance between protection of private views and the public interest had to be struck.

[Speaking time of R14: 5 minutes]

R23 – 梁燕芬

46. Ms Leung Yin Fun made the following main points:

- (a) she was a resident of Laguna City;
- (b) she objected to the OZP amendments in respect of the KM site;
- (c) the provision of two HOS blocks amidst a luxury housing development at the KM site was unreasonable. To locate the two HOS blocks at the southern part with the best view towards the harbour would affect the income of the Government and was a waste of resources;
- (d) the KM site and CKL Tsuen should be planned comprehensively so as to improve the overall traffic arrangement and environmental conditions;
- (e) during construction of the proposed development at the KM site, there would be an increase in construction vehicles passing through Sin Fat Road which was a steep road. Such increase in traffic would pose additional risks to the residents of Laguna City and the kindergarten

students. A new road connecting the access road to the KM site directly with CKL Road should be provided as an alternative access for the construction vehicles; and

- (f) the KM site was located within a valley and on a higher platform than the surrounding developments. The proposed high-rise blocks at the site would adversely affect the air ventilation of Laguna City as well as Kwun Tong District as a whole. The BH of the proposed development should be lowered to tally with the BH of Laguna City.

[Speaking time of R23: 5 minutes]

R862 – Samuel Wong

47. Mr Wong Ming Wai, Samuel, made the following main points:

- (a) he was a resident of Laguna City;
- (b) as the access road to the KM site was very steep, most of the residents at the site would rely on vehicular transport for travelling. He doubted whether only one GMB service would be sufficient. This would generate additional traffic impact and overburden Sin Fat Road, which was a narrow and steep road;
- (c) there was only one pair of escalators linking up the concourse and Exit D of MTR Lam Tin Station, and no alternative access had been provided as emergency access. The escalators had about 100 steps and it would take about one minute to travel the whole length. During maintenance or repair of the escalators, significant inconvenience would already be caused to the existing residents of Laguna City. The situation would be worsened with the addition of some 2,000 units at the KM site. Moreover, barrier-free facilities were only provided at Exit C which was very far away from Laguna City. Thus, the practical needs of residents had not been properly considered;

- (d) the proposed road and junction improvements were mainly supported by figures but not actual road conditions. The proposed improvement measures such as the extension of double-yellow lines might not be effective in resolving the traffic congestion problem;
- (e) with the transformation of Kwun Tong Business Area, the traffic congestion problem of Kwun Tong was serious. However, other traffic problems in the district further away from Laguna City, including those near the Kwun Tong Wholesale Fish Market and the petrol filling station along Lei Yue Mun Road, had not been addressed in the TIA; and
- (f) although he did not object to the proposed development, sufficient supporting facilities should be provided.

[Speaking time of R862: 5 minutes]

R1544 – David Wu

48. Mr David Wu made the following main points:

- (a) he objected to the planning of the KM site and doubted whether sufficient risk management had been assessed;
- (b) MTR Lam Tin Station did not only serve the residents of Laguna City but also those of many other housing developments in the surrounding. As it was already very crowded inside the MTR station, the adequacy of the capacity of the MTR station should be assessed;
- (c) providing a single access road to the KM site would increase the noise and air pollutions along Sin Fat Road. This would adversely affect the current road users including children, the elderly people and people with disabilities;

- (d) the proposed tall building blocks within the KM site would adversely affect the air ventilation of Laguna City, thus subjecting its residents to increased health risk. Additional medical facilities and related community facilities should be provided to meet the needs of the increasing number of patients; and
- (e) as many issues had not been properly addressed in the TPB Paper, the Board was requested to consider the OZP amendments with cautious. Any unreasonable decision might be subject to judicial review which would delay the implementation of developments.

[Speaking time of R1544: 5 minutes]

49. As the presentations of representers and their representatives were completed, the Chairman invited questions from Members.

50. In response to the Vice-Chairman's question, Mr Tai Seung Kan, E/H&P1(K), TD, said that the traffic generated by the proposed development as estimated in the TIA, i.e. about 300 vehicles per hour during the morning peak, had included all types of vehicles such as private cars and GMBs. To mitigate the possible traffic impact, road improvement works for five road junctions near the KM site were proposed in the TIA. Upon implementation of those improvement works, the reserve capacity of the critical junctions would be at an acceptable level after taking into account the additional traffic generated from development at the KM site. Mr Tom C.K. Yip, DPO/K, supplemented that the relevant data on the critical junctions had been set out in Annex XI of TPB Paper No. 9952. It was demonstrated that with the proposed junction improvements, all the critical junctions would have positive reserve capacities in design years 2026, 2031 and 2036. Thus, it was envisaged that the proposed development would not have unacceptable adverse traffic impact on the surrounding areas.

51. The Vice-chairman further asked whether the capacity and usage figures of MTR Lam Tin Station Exit D1 as presented in TPB Paper No. 9952 were for both up and down directions and were supported by on-site surveys. Mr Tai said that all the figures related to MTR Lam Tin Station Exit D1 as quoted in the TPB Paper included both up and

down directions. According to the peak hour on-site pedestrian survey conducted by TD, there were about 5,300 persons per hour using Exit D1, comprising 2,200 and 3,100 persons per hour in the up and down directions respectively. By 2036, the usage of Exit D1 was anticipated to increase to 8,000 persons per hour, comprising 2,800 and 5,200 persons per hour in the up and down directions respectively. Mr Yip said that as the planned capacity for Exit D1 was about 12,000 persons per hour, i.e. 6,000 persons per hour in each direction, and the split between up and down directions was about 4:6, there was sufficient capacity to cater for the anticipated pedestrian flow during peak hours upon population intake at the KM site.

52. The Chairman asked DPO/K to elaborate on the need and location of the proposed primary school. Mr Yip said that in accordance with the standards stipulated in the HKPSG, there was a deficit in primary school classes within the concerned OZP area. As confirmed by EDB, a 30-classroom primary school was required to be reserved at the KM site to meet the need of the district, taken into account a series of factors including the latest projected demand for school places in the medium and the longer term, the prevailing educational initiatives and the reprovisioning of existing sub-standard schools. By referring to Plan H-4 of TPB Paper No. 9952, Mr Yip said that with a BH of 8 storeys, the school could serve as a visual buffer between the proposed development at the KM site and Phase 3 of Laguna City and also minimise the air ventilation impact on the latter. As the Sai Tso Wan Recreation Ground was a former landfill site, it was not a suitable replacement site for school development.

53. The Chairman then asked DPO/K to elaborate on the BHR for the proposed development at the KM site. By referring to Plan H-4 of TPB Paper No. 9952, Mr Yip said that Blocks 29 to 38 of Laguna City were closest to the KM site and had a BH of about 92 mPD. Developments within the “R(B)2” and “R(B)4” zones would be subject to BHRs lower than Laguna City, while developments within the “R(B)1” and “R(B)3” zones would be subject to BHRs of 110mPD and 95mPD respectively. A stepped BH profile had been adopted for the “R(B)” sites to respect the waterfront setting and to minimise potential visual impacts on the surroundings. Mr Yip continued to say that the BH profile of the Area should be assessed in a holistic manner and the visual impacts were assessed from major public view points. As demonstrated in the photomontages in Plan H-6a and 6b of TPB Paper No. 9952 showing the overall view of the area from the Kai Tak

Runway Park and Quarry Park, the BHs for the KM site were in keeping with the height profile of the surrounding areas, including Laguna City. Moreover, the proposed development at the KM site would not affect the view of Black Hill and impose any adverse visual impact on Tak Tin Estate.

54. A Member asked whether an additional road connecting the access road to the KM site with CKL Road was required to serve the future developments. Mr Yip said that according to the traffic assessments under the Planning Review and the TIA in the Engineering Study, with the implementation of the proposed junction improvements, the proposed development would not have unacceptable adverse traffic impact on the surrounding areas, and was sustainable from traffic perspective. On such basis, there was no traffic ground to provide an additional access road for the proposed development at the KM site. In terms of feasibility, there was a level difference of 27m between the residential platforms and CKL Road, and TKO-LTT would pass through the southern part of the KM site. Thus, an additional road linking the KM site to CKL Road was not technically feasible due to the envisaged steep gradient of the road, which was about 16% and exceeding the design standard of 8% for a public road. Moreover, any new road passing through CKL Tsuen would likely be subject to strong objections from the residents in CKL Tsuen.

55. A Member asked whether there was any future development proposal on the Sai Tso Wan Recreation Ground. By referring to Plan H-4 of TPB Paper No. 9952, Mr Yip said that the recreation ground was currently zoned "O" on the draft OZP and comprised mainly a sports ground. There was no plan to change the use and zoning of the recreation ground.

56. The same Member asked whether the planned population of about 6,000 would only be served by one GMB feeder line. Mr Tai said that according to the TIA, the proposed development would only be served by GMB service. A new GMB circular feeder service providing direct service between the KM site and MTR Lam Tin Station would be provided, which was considered adequate to serve the proposed residential developments. The GMB arrangement could be subject to review upon the completion of the tender process. Alternative GMB routes and additional stops would be considered if necessary.

57. The Member asked whether MTR Lam Tin Station Exit D1 was linked to the station concourse by a pair of escalators only. Mr Yip replied in the affirmative and said that the escalators were serving both Exits D1 and D2, with the former fronting onto Sin Fat Road and the latter connecting to Sceneway Garden. No stairways were provided to link up the station concourse with the exits.

58. Another Member asked whether the cul-de-sac design for the proposed access road serving the KM site was appropriate and sufficient to serve the proposed residential developments. Mr Yip said that examples of resident developments served by cul-de-sacs were commonly found in Hong Kong such as Wonderland Villas and Dynasty Heights. As confirmed by D of FS, the proposed access road to the KM site could serve as an EVA for the proposed residential developments. In case of traffic incident, the Police would directly control traffic situation at the scene and HyD or concerned departments would arrange for urgent repair/clearance to facilitate rescue. The design of the proposed access road was considered feasible.

59. The same Member asked whether the access road could be extended to connect with the Food and Environmental Hygiene Department (FEHD) vehicle depot to the southeast. By referring to Plan H-2a of TPB Paper No. 9952, Mr Yip said that the area between the access road and the FEHD vehicle depot site was mainly steep slopes. Extending the access road onto the vehicle depot site would be constrained by the alignment of TKO-LTT which had been gazetted under the Roads (Works, Use and Compensation) Ordinance. Another Member asked whether constructing a ramp cum tunnel structure connecting the end of the access road and CKL Road would be feasible. Mr Yip said that such a road connection had not been examined under the TIA as there was no traffic ground for provision of an additional vehicular access and it might involve substantial construction and maintenance costs.

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

60. A Member said that the carparking provision of 226 spaces for 2,100 flats in the KM site appeared to be on the low side and enquired about the carparking provisions of Laguna City and Sceneway Garden. Mr Yip said that the assumed carparking provision

for the KM site in the TIA was based on the requirements of the HKPSG, i.e. one carparking space per 6 to 9 flats, and taking into account other relevant factors including the flat size, as well as accessibility to railway station and public transportation. In the light of the requirements under HKPSG and the proposed GMB service between the proposed development and MTR Lam Tin Station, the proposed carparking provision was considered appropriate. The actual carparking provision would be adjusted subject to the number and size of flats of the future developments to comply with the HKPSG and TD's requirements. Mr Yip also said that he had no information on the carparking provision of Laguna City and Sceneway Garden at hand. However, since these two residential developments were completed in the early 1990s when the relevant requirements under the HKPSG were different, they might not be comparable to the proposed development at the KM site.

[Dr Wilton W.T. Fok and Mr Stephen H.B. Yau left the meeting at this point.]

61. Another Member asked DPO/K to elaborate on the air ventilation impact of the KM site development on Laguna City. Mr Yip said that according to the AVA report, annual prevailing winds were mainly from the northeast quadrant, while the summer prevailing winds came from the southeast and southwest. Given the open nature of the Sai Tso Wan Recreation Ground and its surroundings, it was unlikely that the northeast quadrant winds would be blocked from reaching the KM site. As for the prevailing south-easterly wind in summer, CKL Road, Wai Yip Street, Sin Fat Road and Lei Yue Mun Road would all facilitate the penetration of wind to the site and the surrounding areas. A section of the proposed access road was also aligned in the southeast-northwest direction to help facilitate air ventilation.

62. A Member asked whether subsidised housing developments were appropriate in the KM site. Mr Yip said that the KM site was mainly intended for private residential developments. Noting the increasing aspiration of the society for more provision of subsidised housing units, the "R(B)4" site had been identified as having potential for subsidised housing development with some 300 flats. Such scale of subsidised housing development was considered suitable on the "R(B)4" site as it could be developed separately from the private housing sites. Notwithstanding that, the "R(B)4" zoning did not confine the use of the site for subsidised housing development.

63. As Members had no further question to raise, the Chairman said that the hearing of Group 1 had been completed. The Chairman thanked the representers, the representers' representatives and the government representatives for attending the meeting. He said that the Board would deliberate on the representations in their absence and would inform the representers of the Board's decision in due course. They all left the meeting at this point.

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

#### Deliberation Session

64. The Chairman invited Members to consider the representations and comments of Group 1, taking into account the written submissions and the oral submissions.

#### *Representations No. R1 and R2*

65. Members considered that the amendments incorporated in the OZP were appropriate and would facilitate the appropriate use of land resources to meet the housing and other needs of the community.

#### *Representations No. R3 to R1100, R1102 to R1562, R1564 to R4251*

66. Members noted that land suitable for housing development in Hong Kong was scarce and there was a need for optimising the use of land available to meet the pressing demand for housing land. They considered that the proposed medium-density residential development at the KM site was compatible with the surrounding environment, and sustainable from traffic, environment, air ventilation and visual perspectives. In rezoning the KM site, due consideration had been given to the local character, existing development intensity, waterfront setting, natural landscape and possible impacts on various aspects. The "R(B)4" zoning did not confine the use of the site for subsidised housing development.

67. Members considered that upon implementation of the road improvement

proposals and enhancement of public transport service recommended in the TIA, the proposed residential development would not have adverse traffic impacts on the surrounding areas. The Commissioner of Police (C of P) and C for T would closely monitor the traffic condition of the area and implement necessary traffic management/improvement measures, e.g. enforcement actions against illegal parking and L/UL activities along Sin Fat Road and CKL Road, designation of 24-hour no stopping areas, if considered necessary.

68. Members generally agreed that there was no traffic ground for provision of an additional vehicular access to serve the proposed development. Members also noted that on technical feasibility, a road linking the KM site to CKL Road was not feasible due to the envisaged steep gradient of the road at about 16% exceeding the design standard of 8% for a public road, and other alignments in elevated or tunnel form would be subject to a number of design constraints, such as road design standards, project interfaces with TKO-LTT and other planned uses.

69. Members noted that a section of the northern footpath along Sin Fat Road leading to MTR Lam Tin Station would be widened to meet the pedestrian flow arising from the population growth in the area. There was no need for an additional footbridge or pedestrian passageway to connect with Yau Tong or other areas.

70. Members noted that there was spare capacity of MTR Lam Tin Station Exit D1 to serve the anticipated pedestrian flow at peak hours and a ramp had been provided at Exit C to facilitate passengers in need. A Member said that since at present only one pair of escalators was provided at Exit D1 for access, the MTRCL should be requested to consider improving the access arrangement at the exit and exploring the feasibility to provide barrier-free facilities at the exit. Another Member said that MTRCL should also be requested to carry out regular maintenance for the escalators of the station to ensure their safe operation. Other Members agreed to convey these suggestions to MTRCL but not as conditions related to the plan amendments.

71. A Member asked if the assumed carparking provision of 226 spaces for the KM site as adopted in the TIA would be subject to adjustment upon implementation of the proposed developments. Mr K.K. Ling, Director of Planning, said that the actual

carparking provision would be adjusted subject to the number and size of flats of the future developments in accordance with the HKPSG and TD's requirements.

72. On air ventilation, Members considered that given the open nature of the Sai Tso Wan Recreation Ground and its surroundings, it was unlikely that the northeast quadrant winds would be blocked from reaching the KM site. Members also noted that CKL Road and Wai Yip Street, supported by Sin Fat Road and Lei Yue Mun Road, would facilitate penetration of the prevailing southeast winds in summer, and a section of the proposed access road was also aligned in the southeast-northwest direction to help facilitate air ventilation. Moreover, two NBAs had been reserved within the KM site to facilitate the penetration of prevailing wind through the site and to its surrounding areas. Thus, significant adverse air ventilation impact on the surrounding areas was not anticipated.

73. Members considered that a stepped BH profile should be adopted for the "R(B)" sites to respect the waterfront setting and to minimise potential visual impacts on the surroundings. The BH restrictions of 90mPD to 110 mPD for the "R(B)1" to "R(B)4" zones are compatible with the existing developments in the surrounding areas, including Laguna City. Moreover, the proposed development at the KM site would not affect the view of Black Hill and impose any adverse visual impact on other housing developments to its north.

74. Members considered that the provision of open space and GIC facilities in the planning area was generally sufficient to meet the demand of the planned population based on the standards stipulated in the HKPSG. In particular, a "G/IC" site was reserved for a primary school to meet the needs of the district. Moreover, the green knoll and hill slopes around the residential platforms were zoned "GB" to retain their natural landscape character and provide suitable habitats for wildlife.

75. Members noted that the statutory and administrative procedures in consulting the public on the zoning amendments had been duly followed. The views and suggestions received were duly considered and responded to by the concerned government departments in the process.

76. As the views of the commenters were similar to those in the representations, Members considered that most of the responses to the representers' representations and proposals were relevant. Members also noted PlanD's responses to other points raised by the commenters set out in paragraph 6.5.1 of TPB Paper No. 9952.

77. After further deliberation, the Board decided not to uphold Representations No. R1(part), R2(part), R3 to R1100, R1102 to R1562 and R1564 to R4251 and considered that the OZP should not be amended to meet the representations. Members then went through the reasons for not upholding the representations in paragraph 8.1 of the TPB Paper No. 9952 and considered that they were appropriate. The reasons were:

- “(a) the amendments incorporated in the Outline Zoning Plan are considered appropriate and would facilitate the appropriate use of land resources to meet the housing and other needs of the community (R1 and R2);
- (b) 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. The proposed medium-density residential development at the ex-Cha Kwo Ling Kaolin Mine Site (the KM site) is compatible with the surrounding environment, and sustainable from traffic, environment, air ventilation and visual perspectives. The existing green knoll and natural slopes are rezoned to “Green Belt” (“GB”) to retain the natural landscape character of the area (all except R1 and R2);
- (c) in rezoning the KM site to “Residential (Group B)1” (“R(B)1”) to “R(B)4”, “Government, Institution or Community” (“G/IC”), “Open Space”, “GB” and ‘Road’, due consideration had been given to the local character, existing development intensity, waterfront setting, natural landscape and possible impacts on various aspects (all except R1 and R2);
- (d) upon implementation of the recommended road improvement proposals and enhancement of public transport service, the proposed residential

development would not have unacceptable adverse traffic impacts on the surrounding areas. There is no traffic ground for provision of an additional vehicular access to serve the proposed development. The concerned departments would monitor the traffic condition and implement further traffic management/improvement measures if necessary (R4 to R9, R11 to R12, R15 to R1100, R1102 to R1562 and R1564 to R4251);

- (e) a section of the northern footpath along Sin Fat Road leading to MTR Lam Tin Station will be widened to meet the pedestrian flow arising from the population growth in the area. There is no need for an additional footbridge or pedestrian passageway to connect with Yau Tong or other areas (R3 to R5, R8, R10 to 12, R15, R21 to R1100, R1102 to R1562, R1564 to R4142 and R4250 to R4251);
- (f) there is spare capacity of MTR Lam Tin Station Exit D1 to serve the anticipated pedestrian flow at peak hours. Due to the space constraints, there is limited scope for inclusion of additional escalator/staircase or barrier-free facilities for Exit D1 (R3, R6 to R8, R10, R12, R15, R21 to R1100, R1102 to R1562, R1564 to R2879 and R2881 to R4151);
- (g) the car parking spaces for the proposed residential development at the KM Site will be provided in accordance with the requirement of Hong Kong Planning Standards and Guidelines (R4 and R11);
- (h) two non-building areas have been reserved within the KM site to facilitate the penetration of prevailing wind through the site and to its surrounding areas. Significant adverse air ventilation impact on the surrounding areas is not anticipated (R3 to R5, R12 to R14, R18 and R23 to R30);
- (i) a stepped building height profile is adopted for the “R(B)” sites to respect the waterfront setting and to minimise potential visual impacts on the surroundings. The building height restrictions of 90mPD to 110 mPD

for the “R(B)1” to “R(B)4” zones are compatible with the existing developments in the surrounding areas, including Laguna City (R3 to R5, R12 to R14, R18 and R23 to R30);

- (j) the provision of open space and GIC facilities in the planning area is generally sufficient to meet the demand of the planned population. In particular, a “G/IC” site is reserved for a primary school to meet the needs of the district (R3 to R7, R12, R18 and R28);
- (k) the green knoll and hill slopes around the residential platforms are zoned “GB” to retain their natural landscape character and could provide suitable habitats for wildlife (R19); and
- (l) the statutory and administrative procedures in consulting the public on the zoning amendments have been duly followed. The views and suggestions received were duly considered and responded to by the concerned government departments in the process (R6 to R9).”

[The meeting was adjourned for lunch break at 2:30 p.m.]

78. The meeting was resumed at 3:15 p.m.

79. 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 Eddie C.M. Hui

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Mr Dominic K.K. Lam

Mr H.F. Leung

Mr F.C. Chan

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Director of Planning  
Mr K.K. Ling

**Kowloon District**

**Agenda Item 4 (cont'd)**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the  
Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan No. S/K15/22  
(TPB Paper No. 9953)

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[The meeting was conducted in Cantonese.]

**Group 2**

**Representations No. R1 (Part), R2 (Part) and R4253 to R 4854**

**Comments No. C1 (Part), C2(Part) and C44 to C53**

**Declaration of Interests**

80. The following Members had declared interests in the Group 2 hearing:

Professor S.C. Wong - being traffic consultant of Ove Arup & Partners  
Hong Kong Limited (ARUP) which was the  
representative of R4853

Mr Dominic K.K. Lam ] having current business dealings with Kenneth To  
Mr Patrick H.T. Lau ] & Associates Limited which was the representative  
of R4854 and ARUP

Professor P.P. Ho ] having current business dealings with ARUP  
Mr Ivan C.S. Fu ]

Mr Laurence L.J. Li - his spouse's relatives owning a factory in Yau Tong

81. As Professor S.C. Wong, Mr Dominic K.K. Lam, Professor P.P. Ho and Mr Ivan C.S. Fu had no direct involvement in this item, Members agreed that they could stay in the meeting. Members also noted that Mr Laurence L.J. Li had tendered apologies for not being able to attend the meeting and Mr Patrick H.T. Lau had left the meeting.

#### Presentation and Question Sessions

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

- |                  |  |
|------------------|--|
| Mr Tom C.K. Yip  | - District Planning Officer/Kowloon (DPO/K),<br>Planning Department (PlanD)              |
| Ms Joyce Y.S. So | - Senior Town Planner/Kowloon (5), PlanD   |
| Mr Lai Chiu Fung | - Senior Engineer/8 (Kowloon), Civil<br>Engineering and Development Department<br>(CEDD) |
| Mr Tai Seung Kan | - Engineer/Housing & Planning 1 (Kowloon),<br>Transport Department                       |

#### R2 – 林劉少珊 (Lam Lau Siu Shan)

Ms Lam Lau Siu Shan - Representer

R4253 – 觀塘區議員陳俊傑、陳耀雄、張琪騰、張順華、馮錦源、  
何啟明 (Ho Kai Ming, Jonathan)、徐海山、洪錦鉉、簡銘東、  
劉定安 (Lau Ting On)、呂東孩、馬軼超、麥富寧、柯創盛、  
蘇冠聰、姚柏良

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Mr Lau Ting On ] Representers

Mr Ho Kai Ming, Jonathan ]

R4255 – 呂東孩區議員 (Lui Tung Hai)

Mr Lui Tung Hai - Representer

R4259 – Yip Fook Wah, Raymond

Mr Yip Fook Wah, Raymond - Representer

R4258 – 茶果嶺原居民權益協進會

R4271 – 汪玉輝

R4272 – 關錫錚 (Kwan Sik Jung, Aron)

R4273 – 羅細銀

R4274 – 李詠珊

R4276 – 蘇志成

R4277 – 邱蘇 (Yau So)

Mr Yau So ] Representers

Mr 汪玉輝 ]

Ms 羅細銀 ]

Ms 李詠珊 ]

Mr 蘇志成 ]

Mr Kwan Sik Jung, Aron ]

R4853 – 茶果嶺村 (Cha Kwo Ling Tsuen)

ARUP:

Ms Mel Wong ] Representer's representatives

Ms Theresa Yeung ]

Ms Natalie Leung ]

Mr Feddy Leung ]

R4854 – Kwong Shook Ling

Kenneth To & Associates Limited:

Mr Kenneth To ] Representer's representatives

Ms Veronica Luk ]

Mr David Yu ]

83. The Chairman extended a welcome and explained the procedures of the hearing. As a large number of representers and commenters had indicated that they would attend the hearing, it was necessary to limit the time for making oral submissions. The Board agreed that each representer/commenter or their representatives should be allotted 10 minutes for their oral presentation. The representers and commenters had been informed about the arrangement before the meeting. There was a timer device to alert the representers/commenters and their representatives 2 minutes before the allotted 10-minute time was to expire and when the allotted 10-minute time limit was up. He reminded the attendees that the oral submission was to supplement rather than repeat the contents of the written submissions which had already been copied to Members before the meeting. After the oral submission, there would be a question and answer session. If needed, there would be a short break in the morning session. The Board would deliberate on the representations after completion of the presentation and question and answer sessions.

84. As sufficient 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 had made no reply. The Chairman then invited the representative of PlanD to brief Members on the representations and comments.

85. With the aid of a Powerpoint presentation, Mr Tom C.K. Yip, DPO/K, made the following main points as detailed in TPB Paper No. 9953:

#### Introduction

- (a) on 19.12.2014, the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/22 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 4,851 valid representations and 53 comments were received;
- (b) on 15.5.2015, the Board agreed to consider the representations and comments collectively in two groups. Group 2 was on the collective hearing of R1 (Part), R2 (Part) and 602 representations (R4253 to

R4854) and 12 comments (C1 (Part), C2 (Part) and C44 to C53) in respect of Item C relating to the rezoning of Cha Kwo Ling (CKL) Tsuen;

### Group 2 Representations and Comments

- (c) R1 and R2, which were submitted by a Kwun Tong District Council (KTDC) member and an individual respectively, opposed the draft OZP without indicating the related amendment item. A total of 602 representations oppose Item C, including four by KTDC Members, three by local groups, one by a land owner (Lots 622 S.A ss.4 RP and 841 in S.D. 3), 11 by private firms and 583 by villagers of CKL Tsuen/individuals;
- (d) 12 comments (C1, C2 and C44 to C53) were against Item C. C1 was related to R1 and R2. C2 and C44 did not relate to any specific representation. C45 to C53 were related to the representations opposing Item C;

### Background

- (e) CKL was located at the waterfront of East Kowloon. It covered a large piece of land to the east of CKL Road (the Area) which comprised two parts. The part at a lower level abutting CKL Road and the harbourfront was CKL Tsuen. To its immediate northeast was the ex-Cha Kwo Ling Kaolin Mine (KM) site, which comprised varied landforms including formed platforms, rock and vegetated slopes ranging from 18mPD to 54mPD;
- (f) the Area was first covered by statutory plan in 1959. Since then, the zoning of the Area had been revised several times to take into account the latest planning intention and changing circumstances. In late 1980s, the upper hill part of the Area was zoned "Open Space" ("O"), while the lower part was zoned "Industrial" and "Government,

Institution or Community” (“G/IC”) on the OZP for development of marine-related industries and a container freight station;

- (g) under the Central and East Kowloon Development Statement promulgated in 1997, the Area was proposed for high-density residential use with a view to boosting housing supply. Based on a subsequent architectural feasibility study by the Housing Department (HD), the Area was rezoned to “Residential (Group A)4” (“R(A)4”) and “G/IC” in 1998 for high-density public housing development comprising 27 high-rise residential blocks with about 8,640 flats and a maximum domestic gross floor area (GFA) of about 610,000m<sup>2</sup> as well as four primary schools and two secondary schools. A maximum non-domestic GFA of 13,890m<sup>2</sup> was imposed for the “R(A)4” zone in 2008. The zoning and development restrictions had been maintained until the exhibition of OZP No. S/K15/22 on 19.12.2014;
- (h) due to the changes in planning circumstances particularly the rising public aspirations for better harbourfront planning, the originally proposed large-scale public housing development was considered incompatible with the surrounding environment. The Area was situated at a prominent waterfront location, with its green knoll forming a natural backdrop when viewed from Victoria Harbour and the eastern part of Hong Kong Island. There was a need to review the land use and the scale of development for the Area to respect the natural setting and comply with the harbour planning guidelines promulgated by the then Harbour-front Enhancement Committee in 2007;
- (i) in 2011, PlanD commissioned a “Planning Review on Development of ex-Cha Kwo Ling Kaolin Mine Site” (Planning Review) with an aim to reviewing the land uses of the area to facilitate early release of sites for housing development, which was completed in mid 2014. CEDD subsequently undertook a “Feasibility Study for Development at ex-Cha Kwo Ling Kaolin Mine Site” (Engineering Study) to ascertain

the engineering feasibility of the development proposals recommended in the Planning Review;

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

- (j) taking into account the local character, existing development intensity, public aspiration for harbourfront planning and preservation of natural landscape, and possible traffic, environmental, visual and air ventilation impacts, the Planning Review recommended the use of the platforms previously formed by mining activities at the KM site for mainly medium-density housing development. It also recognised that the previous “R(A)4” zoning for the Area, which was intended for high-density development, might not be appropriate for CKL Tsuen. Since rezoning of CKL Tsuen would affect the interests of the villagers and detailed impact assessments were required before making recommendations on the rezoning, the Planning Review recommended that a further and separate study to be conducted to review the zoning of CKL Tsuen;

#### OZP Amendments

- (k) the current OZP amendments were to take forward the recommendations of the Planning Review. The CKL Tsuen area was rezoned from “R(A)4” to “Undetermined” (“U”) (under Item C) at the juncture pending a separate study on the appropriate use and development intensity for the area. Under the “U” zone, except those permitted under the covering Notes of the OZP, all uses or redevelopments required planning permission from the Board;

#### Voluntary Development Scheme (VDS)

- (l) during the Planning Review, a VDS entitled 「啟德郵輪碼頭毗鄰茶果嶺村改善發展建議」 was submitted to the Chief Secretary for Administration and the Development Bureau in February 2013 by the

Vice-chairman of Heung Yee Kuk (HYK) on behalf of CKL Tsuen. The proposal was referred to PlanD for reference. In December 2014, the same VDS was submitted to the District Officer/Kwun Tong (DO/KT) by Mr Yau So (R4277), representative of CKL Tsuen;

- (m) according to the VDS, a comprehensive residential, commercial and hotel development was proposed for the area previously covered by the “R(A)4” zone. It comprised 13 residential blocks of 30 to 65 storeys on a retail/commercial podium for about 6,650 flats with building height exceeding 200mPD near the waterfront, 4 village housing blocks of 20-storeys, a 63-storey hotel of 900 rooms and a 42-storey service apartments building. The whole development had a total GFA exceeding 630,000m<sup>2</sup>. The proponent suggested granting the government land to the developers allied with the villagers, and the affected villagers could be relocated to the proposed village housing blocks. The waterfront area on the opposite side of CKL Road was proposed for a series of tourist attractions;
  
- (n) a co-ordinated reply from concerned bureaux/departments was sent to Mr Yau So in May 2015. In response, the Government advised that the proposed large-scale development was incompatible with the waterfront setting and the harbourfront planning guidelines, the road proposal and traffic data assumed in the technical report were outdated, and the proposal might involve reclamation in the Victoria Harbour, which was subject to the Protection of the Harbour Ordinance;

### Public Consultation

#### *KTDC*

- (o) on 8.1.2013, KTDC was consulted on the preliminary recommendations of the Planning Review. KTDC members generally supported the proposal and requested concerned departments to further liaise with local residents to address their concerns on traffic impacts

and GIC provision;

- (p) on 2.9.2014, KTDC was consulted on the major rezoning proposals of the Planning Review, including the “U” zoning for CKL Tsuen. KTDC members had no in-principle objection to the proposed development at the KM site but raised concerns on the community facilities provision and traffic impacts. No particular comment was raised on the “U” zoning for CKL Tsuen. Two written submissions were received at the KTDC meeting. One was from Mr Lui Tung Hai (R4255), a KTDC member, who opposed the proposed provision of an emergency vehicular access (EVA) at CKL Tsuen to serve the KM site development. Another was from Laguna City Estate Owners’ Committee (EOC) requesting for an additional road connecting the KM site with CKL Road;
- (q) during the exhibition period of the draft OZP, KTDC was further consulted on 6.1.2015. KTDC members were generally in support of the OZP amendments, but maintained their concerns on the cumulative traffic impacts generated from new developments in Kwun Tong district. For CKL Tsuen, a member advised that the planning of the area should respect history of the village and the legitimate rights of the villagers;

*Harbourfront Commission*

- (r) during the Planning Review, the Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing of the Harbourfront Commission (Task Force) was consulted on 22.1.2013. On 19.1.2015, the Task Force was consulted on the OZP amendments, which had no particular comment on the amendments relating to CKL Tsuen and the KM site;

*Consultation with Locals*

- (s) on 23.9.2014, a meeting was held among Mr Lui Tung Hai, CKL Tsuen villagers and representatives of PlanD and CEDD to discuss the proposed KM site development. The villagers raised strong objection to the proposed EVA and other additional utilities pipelines/channels running through CKL Tsuen to serve the KM site. The Administration explained that no additional EVA was required for the KM site, and utilities pipelines would be re-diverted away from the village;
- (t) during the exhibition period of the OZP, a consultation meeting with Mr Lau Ting On (R4254), another KTDC member, villagers and representatives of PlanD and DO/KT was held on 9.2.2015 to discuss the rezoning of the village. The villagers raised objection to the “U” zoning on the grounds that the Government did not respect the long history of CKL Tsuen and the zoning would deprive them of development rights and impose unnecessary procedures which would hinder timely redevelopment to improve environment of the village. They requested for withdrawal of the zoning amendments or to rezone CKL Tsuen back to residential use;

*Legislative Council (LegCo) Case Conference*

- (u) on 10.4.2015, a LegCo Case Conference was held to discuss a complaint against the “U” zoning of CKL Tsuen lodged by 茶果嶺原居民權益組. The complainant considered that the “U” zone had deprived the villagers of their development rights; there was insufficient consultation with the villagers on the OZP amendments; and the site should be reverted to “R(A)4” zoning. The Case Conference noted the Administration’s explanation that the previous “R(A)4” zoning was no longer appropriate based on latest planning circumstances; the KTDC was consulted on the OZP amendments twice; and there was provision under the Ordinance for the villagers to

submit representations to the Board against the OZP amendments;

- (v) some LegCo Members considered that the “U” zoning might be perceived as a backward step impacting on the expectation of villagers. The Case Conference urged the Administration to independently consider the land development issues of the village with regard to the villagers’ aspirations for development, review the squatter policy to address the safety issue of squatters, and prioritise their works and resources to address the hygiene and infestation problems in the village;

#### The Representation Site

- (w) the “U” zone (the site) had an area of about 4.65 ha. It was located near the harbourfront abutting CKL Road and was mainly occupied by CKL Tsuen with low-rise houses, squatters, temporary structures, and some temporary uses. According to the Lands Department (LandsD), there were about 400 squatters within the site. About 5% of the site was private land under 31 old schedule building lots with no GFA or building height restriction under the Block Government Lease. The remaining 95% was government land. There were two Grade 3 historic buildings, i.e. Tin Hau Temple and Law Mansion at 50A, 51 and 51A CKL Road, within the site. Some sitting-out areas and public bathrooms/toilets were provided in the village. Part of Tseung Kwan O–Lam Tin Tunnel (TKO-LTT) would pass through the middle part of the site on underground level;

#### Major Grounds of Representations and Representers’ Proposals

- (x) R1 and R2 opposed the OZP on the ground that in view of shortage of land supply in Hong Kong, housing land should be developed and not be wasted;

- (y) the major grounds and proposals of the 602 representations (R4253 to R4854) against Item C were summarised below:

*Maintaining Existing Lifestyle of CKL Tsuen (R4257)*

- (i) a survey conducted by the villagers in 2012 revealed that 92% of the villagers of CKL Tsuen did not support clearance of the village for redevelopment. The villagers cherished the community relationship established over years, and any change in villagers' daily life would affect the established social network. Rezoning as a means to demolish CKL Tsuen was not a proper way to improve the living quality of villagers;
- (ii) if the Government could improve the hygienic condition, increase community facilities and enhance living condition of the villagers, more villagers would be willing to stay in the village. The wish of the villagers should be respected and the existing lifestyle of the village should be preserved;
- (iii) R4257 proposed to maintain the original planning of CKL Tsuen and put appropriate resources to improve the living environment, community facilities and villagers' living quality;

*Conservation of Cultural Heritages (R4257)*

- (iv) as one of the oldest villages in Kowloon and few villages in urban area, CKL Tsuen had a history of several hundreds of years. The village had a number of historical buildings/structures, such as Tin Hau Temple, Law Mansion, Communal Hall of Four Hills, ex-Si Shan Public School, Child-Giving Rocks, the "Hop Yee Lung" Dragon Boat, and activities for celebrating traditional festivals, which deserved the conservation on account of their special historical and cultural values;

*Inappropriate “U” Zoning*

- (v) the planning history of CKL Tsuen revealed that the Government had a clear planning intention to turn the village into housing development. With the KM site rezoned to “R(B)”, the CKL and Yau Tong Bay areas had become predominantly residential in nature. There was no change in the planning intention for the area over the years and a further land use review was considered unnecessary;
- (vi) the previous “R(A)4” zoning intended for high-density development was considered appropriate for CKL Tsuen. There was a lack of studies to support the rezoning of the village to “U”. There was also no review to suggest that the technical and environmental assessments supporting the residential use and development intensity under the 1998 OZP were no longer appropriate;
- (vii) the “U” zoning was not common in urban areas. None of the “U” zones in the urban areas covered privately-owned house/building lots. It was uncommon to down-zone sites with private housing lots from residential use to “U”. The “U” zone would pose uncertainties on land owners and villagers, requiring more investment in engaging consultant to conduct technical assessments;
- (viii) R4253 and R4260 to R4852 proposed to withdraw the “U” zoning for CKL Tsuen and revert the site to residential use or “R(A)4” zone;

*Development Rights and Implementation*

- (ix) CKL Tsuen had been zoned “R(A)4” for many years, and there were private building lots in the village. The Government had

given the villagers a legitimate expectation for development but the “U” zoning would undermine their development rights and complicate the development process. It was doubtful whether the Board would approve planning applications for development within the “U” zone in future;

- (x) there was no strong justification for the rezoning as there was no lack of implementation mechanism for the previous “R(A)4” zoning. The villagers had submitted a VDS to the Government with a set of technical assessments to ascertain that the proposal could be implemented;
- (xi) the failure to materialise the planning intention of the “R(A)4” zone was mainly due to land assembly problems, land resumption and resettlement of affected occupants, but not because the zoning was obsolete;
- (xii) while the government land at the KM site was proposed for development, the private land in the village was frozen under the “U” zoning. It was unfair to the land owners of CKL Tsuen;
- (xiii) R4854 considered that the “U” zoning would deprive him of his right for residential development at Lots 622 S.A ss.4 RP and 841 in S.D. 3 which were accessible building lots with all infrastructural facilities in existence. His building lots were located in private lot cluster and could be amalgamated with other private lots for housing development. It was in line with the purpose of the Planning Review to release housing sites to expedite housing supply. The rezoning of the concerned lots to “R(A)” would not affect the major part of the village nor undermine the cultural heritage of the village;
- (xiv) R4854 proposed to extend the boundary of the “R(A)” zone at

Fan Wa Street and CKL Road to include his Lot 841 in S.D. 3 and the adjoining government land and to rezone his Lot 622 S.A ss.4 RP in S.D. 3 from “U” to “R(A)”;

or to revert the zoning of CKL Tsuen from “U” to “R(A)4” with the original domestic plot ratio (PR) of 5.75 and delete the clause on the “U” zone in the covering Notes of the OZP;

*VDS*

- (xv) the representative of the villagers submitted to the Government a VDS in 2013 proposing a large-scale comprehensive development at CKL Tsuen and the KM site, which was supported with relevant technical assessments and was appended to the written submission of R4853. However, the VDS was ignored by the Government;
- (xvi) R4853 proposed to revert the zoning of CKL Tsuen from “U” to “R(A)4” and permit a maximum domestic and non-domestic GFA of about 471,132m<sup>2</sup> and 10,303m<sup>2</sup> respectively for the “R(A)4” zone (which were the remaining permissible GFA under the previous “R(A)4” zone after deducting the proposed GFA at the KM site);

[Mr F.C. Chan returned to join the meeting at this point.]

*Housing Land Supply*

- (xvii) the rezoning was against the Government’s policy to increase housing land supply. It removed a substantial number of potential residential units in the urban area, and prevented a private-initiated redevelopment proposal, wasting valuable housing land;

(xviii) being a brownfield site, CKL Tsuen was more suitable for residential development than those densely vegetated “Green Belt” (“GB”) sites. The previous “R(A)4” zone was compatible with the surrounding well-established residential communities;

*Poor Living Environment*

(xix) there were a large number of squatters in CKL Tsuen with serious infestation and hygienic problems. The current setting of the village was not compatible with the neighbouring developments. Redevelopment should commence immediately. The “U” zoning would freeze redevelopment and take away the hope for rehousing in public housing estates for better living condition; and

*Lack of Consultation*

(xx) the Government disregarded the villagers’ development proposal and their strong aspiration for development. CKL Tsuen was rezoned to “U” without strong justifications and communication;

Major Grounds of Comments

(z) the major grounds of the 12 comments (C1, C2 and C44 to C53) against Item C were summarised below:

(i) they supported the representations which opposed Item C for rezoning CKL Tsuen to “U” on grounds similar to the representations;

(ii) while the Government had built a world-class cruise terminal in Kai Tak, CKL Tsuen in its vicinity was occupied by squatters of

poor hygiene. CKL Tsuen should be redeveloped as a new residential neighbourhood to improve the living environment and integrate with the new developments of East Kowloon; and

- (iii) the Government had not discussed with the villagers on the rezoning which would affect their private land and did not respect land owners' development rights;

#### Responses to Grounds of Representations and Representers' Proposals

- (aa) Regarding R1 and R2's general view on development of housing land, it was the Government's policy to optimise the use of housing land to meet the acute housing needs of the community. The OZP amendments were considered appropriate and would facilitate the appropriate use of land resources to meet the housing and other needs of the community;
- (bb) the responses to the grounds of the 602 representations (R4253 to R4854) against Item C were summarised below:

#### *Maintaining Existing Lifestyle of CKL Tsuen*

- (i) the view of R4257 of maintaining the existing lifestyle and avoiding clearance of CKL Tsuen was noted. On the other hand, other representers generally considered that redevelopment would help improve the living condition and environment of the village. Nevertheless, the "U" zone was only an interim zoning for the village and a further study would be conducted to examine the appropriate zoning and development intensity for the area. The views of the villagers, the existing status and conditions of the village and other relevant considerations would be taken into account in the study;

- (ii) the aspirations of the villagers for a better living environment in CKL Tsuen were noted. The Government would continue to improve the environmental and hygienic conditions of the village;

*Conservation of Cultural Heritages*

- (iii) in the further study for the site, the existing historic and cultural buildings/structures in the village would be considered. Prior consultation with the Antiquities and Monuments Office of the Leisure and Cultural Services Department was required for any development proposal that might affect the two Grade 3 historic buildings (i.e. Tin Hau Temple and Law Mansion) in the area. Tin Hau Temple fell within a “G/IC” zone to the south of the “U” zone. There was no current development proposal which would affect the temple;

*Inappropriate “U” Zoning*

- (iv) the previous “R(A)4” zoning with a maximum domestic GFA of 610,000m<sup>2</sup> was incorporated into the OZP in 1998 to reflect the then large-scale public housing cum school village development. However, the proposal would necessitate substantial site formation work, massive clearance of natural vegetation and clearance of CKL Tsuen;
- (v) since the 1998 rezoning, there had been a major change in the public aspirations for better harbourfront planning. In response, the Board published in 1999 a vision statement for the harbour, and the then Harbourfront Enhancement Committee developed in 2007 a set of harbour planning principles and guidelines, which covered the principles of adopting a lower development density and avoid creating impermeable wall buildings at harbourfront area. To address the public

aspirations for better air ventilation, the Government promulgated in 2006 a Technical Circular requiring the carrying out of air ventilation assessment for all major government projects;

- (vi) the Area was located at a prominent waterfront location, and the existing green knoll at the KM site had formed a natural backdrop when viewed from Victoria Harbour and the eastern part of Hong Kong Island. The previously proposed large-scale development was considered incompatible with the harbourfront setting. It would invoke massive clearance of natural vegetation and site formation work and was in conflict with the confirmed alignment of TKO-LTT. In consideration of the harbourfront setting, natural landscape and technical constraints, the Planning Review completed in 2014 had recommended medium-density residential developments at the platform areas of the KM site while keeping the surrounding natural green knoll intact under “GB” zone. For CKL Tsuen, there was a need to review the appropriate use and development intensity, and the site was therefore rezoned to “U” to allow time for a further study on its long-term use. As the previous “R(A)4” zone was no longer appropriate and there was a need to study the future use, it was considered appropriate to rezone the site to “U”;
- (vii) the “U” zone was only an interim zoning and was not uncommon. Land ownership was not the prime consideration in the designation of “U” zone and there were “U” zones in urban and rural areas covering private land;

#### *Development Rights and Implementation*

- (viii) the “U” zoning was considered appropriate for the site in view of the need to review the appropriate zoning and development

intensity for the site with regard to the latest planning circumstances and the existing land status. Upon completion of the study, the site would be rezoned to reflect the appropriate uses and development intensity. The “U” zone would not preclude future permanent development of the site;

- (ix) during the interim period, except for those always permitted by the covering Notes of the OZP, development within the “U” zone would require planning permission of the Board. The Board would consider each application based on its merits and relevant considerations;
- (x) only about 5% of the site was occupied by private land. The implementation issue would be further considered in connection with the findings of the further study. The rezoning of the KM site was based on the recommendations of the Planning Review, which had taken into account local character, existing development intensity, public aspirations for harbourfront planning and preservation of natural landscape, and possible traffic, environmental, visual and air ventilation impacts;
- (xi) on R4854’s proposal of rezoning his two lots to “R(A)”, piecemeal rezoning of individual lots before the completion of the further study for the site was considered undesirable. To pursue development of the lots, planning application could be submitted to the Board for consideration;

*VDS*

- (xii) the VDS submitted by the Vice-chairman of HYK in 2013 was relayed to PlanD for reference in the course of the Planning Review. The same proposal was submitted to DO/KT in December 2014, and the Government issued comprehensive responses to the proposal in May 2015. Although some

technical assessments were submitted to support the proposal, they had not demonstrated that the proposed development would not have adverse traffic, visual and air ventilation impacts on the surrounding areas. The proposal might also contravene the Protection of the Harbour Ordinance;

- (xiii) some of the proposed building blocks would have a height exceeding 200mPD, which was considered not compatible with the existing and planned developments in the vicinity including Laguna City (80-92mPD) and the proposed development at the KM site (90-110mPD). The proposed two rows of tall residential blocks along CKL Road would result in a building cluster of 300m long, creating adverse visual impacts on the surrounding areas. The proposed high-rise and high-density development was considered not compatible with the harbourfront setting and did not comply with the harbour planning guidelines which required the adoption of lower development intensity at harbourfront area. However, there were no visual and air ventilation assessments to demonstrate that the proposal was acceptable from those perspectives;
- (xiv) for the proposal to grant government land, which accounted for 95% of the area of the site, to the allied developer, LandsD advised that under the existing land policy, government land available for sale was normally sold by public auction/tender to the highest bidder;

#### *Housing Land Supply*

- (xv) to ensure adequate supply of housing land to meet the acute need of the community, the Government had adopted a multi-pronged approach to boost land supply in the short, medium and long terms. Notwithstanding the general policy, the proposed residential development at individual sites should

be compatible with its surrounding areas and sustainable in traffic, environmental, urban design and air ventilation terms. As the previous “R(A)4” zone was no longer appropriate, there was a need to study the appropriate use and development intensity for the site. The interim “U” zoning did not preclude the long-term use of the site for housing after the study;

*Poor Living Environment*

- (xvi) the concerned government departments would adopt measures to improve the environmental and hygienic conditions of CKL Tsuen, including daily cleaning, regular pest control, drain maintenance and application of mosquito larvicidal oil; and

*Lack of Consultation*

- (xvii) PlanD had followed the established statutory and administrative procedures in consulting the public on the zoning amendments. KTDC, individual KTDC members and villagers had been consulted on the zoning amendments. 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;

Responses to Representers' Proposals

- (cc) the responses to the representers' proposals were summarised below:
  - (i) regarding R4257's proposal to maintain the original planning of CKL Tsuen and put appropriate resources to improve the living environment/quality, the “U” zoning was considered appropriate to allow time for a further study of the appropriate use and development intensity of the village with due regard to the latest planning circumstances. The concerned government

departments would adopt measures to improve the environmental and hygienic conditions of the village;

- (ii) on the proposal of R4253 and R4260 to R4852 to withdraw the “U” zoning and revert to “R(A)4” or residential zoning, the previous “R(A)4” zoning with its development intensity was considered not appropriate for CKL Tsuen;
- (iii) on the specific proposal of R4853 and R4854 to stipulate a specific PR or GFA for the reverted “R(A)4” zone, the appropriate development intensity for the site would be considered in the further study for the “U” zone with due consideration of relevant planning and technical considerations. It was premature to set a specific PR or GFA for the site at the current stage; and
- (iv) regarding R4854’s alternative proposal to rezone his private lots to “R(A)”, such piecemeal rezoning was considered undesirable;

#### Responses to Grounds of Comments

- (dd) as the views of the commenters were similar to those in the representations, the responses to the respective representations were generally relevant; and

#### PlanD’s Views

- (ee) R1 (Part), R2 (Part) and R4253 to R4854 were not supported.

86. The Chairman then invited the representers and their representatives to elaborate on their representations.

R2 – 林劉少珊 (Lam Lau Siu Shan)

87. Ms Lam Lau Siu Shan made the following main points:

- (a) while the Policy Address always advocated the need to identify more suitable land for housing development, the site of CKL Tsuen which was at a very central location was all along neglected by the Government. CKL Tsuen had been used for residential purpose for over 200 years. It was unreasonable to rezone the village from residential use to “U” notwithstanding the reasons for the rezoning stated in the Paper. The Government was contradictory in itself as the Paper also stated that the “U” zoning would not preclude the long-term use of the site for housing after further study;
- (b) there were 14 government departments indicating no comment on the nearly 5,000 adverse representations received against the “U” zoning (as stated in paragraph 7.2 of the Paper). It implied that those government departments were in support of reverting the site to residential use;
- (c) the existing housing land should not be wasted. The Board should not support the rezoning proposal which was objected to by nearly 5,000 members of the public and 16 KTDC members. Some LegCo members also considered that the “U” zoning was a backward step; and
- (d) the Board should listen to the views and proposals of the representers and KTDC members and the aspiration of the villagers carefully. It appeared that the concerns were on the building height and development intensity of the representers’ development proposal. The villagers were willing to discuss with the Board on such aspects.

[Actual speaking time: 4 minutes]

R4253 – 觀塘區議員陳俊傑、陳耀雄、張琪騰、張順華、馮錦源、  
何啟明 (Ho Kai Ming, Jonathan)、徐海山、洪錦鉉、簡銘東、  
劉定安 (Lau Ting On)、呂東孩、馬軼超、麥富寧、柯創盛、  
蘇冠聰、姚柏良

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88. Mr Lau Ting On made the following main points:

- (a) he was the chairman of the Environment and Hygiene Committee of KTDC;
- (b) while DPO/K mentioned that PlanD had undertaken three rounds of consultation with KTDC on the zoning amendments, the discussions mainly focused on the proposed housing development at the KM site. Many KTDC members were not aware of any rezoning proposal of CKL Tsuen. It should be clarified that none of the KTDC members had indicated support to the current “U” zoning for CKL Tsuen as revealed from the relevant KTDC meeting minutes. As such, when the draft OZP incorporating the zoning amendments was exhibited for public inspection, 16 KTDC members jointly submitted a representation to oppose the “U” zoning for CKL Tsuen;
- (c) the environmental hygiene condition of CKL Tsuen was very poor. While the Paper mentioned that the Government would continue to adopt appropriate measures to improve the environmental hygiene of the village, it was difficult for the Food and Environmental Hygiene Department or the Kwun Tong District Office to do any effective cleaning or maintenance for the drains along the narrow alleys among the village houses; and
- (d) the villagers welcomed the development of CKL Tsuen as it was an eyesore and its living condition was poor. However, the “U” zoning would pose uncertainties to the villagers.

89. Mr Ho Kai Ming, Jonathan made the following main points:
- (a) among PlanD's three rounds of consultation with KTDC on the zoning amendments, two were in conjunction with the development proposal of the KM site and one were in conjunction with the subdivision of the "Comprehensive Development Area" ("CDA") zone in Yau Tong, and it had not been stated clearly that CKL Tsuen would be rezoned to "U". As such, he concurred with the view of Mr Lau Ting On that PlanD had somehow misled the Board that KTDC had been consulted on the zoning amendment for CKL Tsuen;
  - (b) KTDC generally supported the Government's policy on providing more housing to the community. With the planning of the KM site and Yau Tong Bay for residential use and other planning initiatives for East Kowloon being materialised, he could not understand why CKL Tsuen should be rezoned from the originally planned residential use to "U";
  - (c) referring to the "U" zone in Kennedy Town as mentioned in the Paper, that site was a piece of government land and a land use review had been undertaken for that site with a view to turning it to residential use. On the contrary, CKL Tsuen was already zoned for residential use. He wondered why it would be rezoned to "U" such, making its ultimate use uncertain; and
  - (d) the current zoning amendment for CKL Tsuen should be withdrawn. KTDC and the villagers should be consulted on any development proposal for CKL Tsuen. If the Board maintained the "U" zoning for CKL Tsuen, a remark should be added to the OZP to clarify that the use of the site was for residential so that KTDC could monitor if the provision of infrastructural and community facilities for the area was adequate.

[Actual speaking time: 8 minutes]

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

R4255 – 呂東孩區議員 (Lui Tung Hai)

90. Mr Lui Tung Hai made the following main points:

- (a) he concurred with the views of Mr Lau Ting On and Mr Ho Kai Ming, Jonathan that PlanD had covered up the zoning amendment for CKL Tsuen in the KTDC consultation. The Paper had not adequately addressed the possible impact of the zoning amendment on CKL Tsuen;
- (b) in the KTDC consultation, he had advised PlanD that the planning of CKL Tsuen should respect the history of the village and the aspirations and legitimate rights of the villagers. Since CKL Tsuen had existed for several hundreds of years, the villagers had profound attachments there and many villagers were still residing in the village. However, most of the villagers were not aware of the current zoning amendment as PlanD had not communicated with the villagers. It appeared that the aspirations of the villagers were not taken into account in the planning process;
- (c) the villagers and other concerned parties had raised various views to the Government on the development of CKL Tsuen after the exhibition of the draft OZP. He hoped that the Government and the Board could respect the views of the villagers and the local people;
- (d) if the Government had no concrete development plan for CKL Tsuen at the moment, the Board should maintain the original “R(A)4” zoning rather than rezoning the village to “U”. The villagers would be confused about the future of the village, e.g. they could not decide whether they should still spend money to maintain their houses and the landowners did not know how they could develop their land. It would also affect the allocation of resources for improvement of the village environment by the Government; and

- (e) as the neighbouring areas of CKL Tsuen, including Kai Tak, Laguna City, the KM site and Yau Tong Bay, had been developed or planned for development and Hong Kong was in acute shortage of housing land, the Government should plan the site of CKL Tsuen for residential use as soon as possible and involve the villagers in the planning process.

[Actual speaking time: 7 minutes]

R4259 – Yip Fook Wah, Raymond

91. Mr Yip Fook Wah, Raymond made the following main points:

- (a) he objected to Item C for rezoning CKL Tsuen from “R(A)4” to “U” as the public consultation for the zoning amendment was inadequate and it was unfair to the landowners of the 31 private lots affected by the rezoning;
- (b) while applicants of section 12A and section 16 applications had to comply with the ‘Owner’s Consent/Notification’ requirements under the Town Planning Board Guidelines No. 31A, the Government was not required to notify the landowners affected by the zoning amendments in a similar manner. That was unfair to the landowners; and
- (c) the “U” zoning would affect the right of the landowners provided under the lease for house development. There should be communications between PlanD and LandsD to ensure that the lease entitlements of the landowners would not be undermined by the rezoning. Under the original “R(A)4” zoning, the landowners were able to develop their land by applying to LandsD and the Building Department (BD) only. However, with the “U” zoning, planning permission was also required from the Board for any development and it had to go through the public consultation process.

[Actual speaking time: 5 minutes]

R4258 – 茶果嶺原居民權益協進會

R4271 – 汪玉輝

R4272 – 關錫錚 (Kwan Sik Jung, Aron)

R4273 – 羅細銀

R4274 – 李詠珊

R4276 – 蘇志成

R4277 – 邱蘇 (Yau So)

92. Mr Yau So made the following main points:

- (a) he was an indigenous villager of CKL Tsuen. He had a great passion for CKL Tsuen as his family had been residing in the village for ten generations;
- (b) he witnessed the development of Kwun Tong district over the past decades and how CKL Tsuen had become obsolete. Between the 1950s and 1970s, with concerted efforts of the Government and landowners, part of CKL Tsuen was redeveloped into some tenement buildings to accord with the then Government's plan for satellite town development. However, the development of CKL had halted for several decades since then; and
- (c) the villagers now submitted the VDS to the Government with a view to voluntarily developing the Area, which was supported by KTDC. However, the zoning amendment suddenly turned CKL Tsuen from an area which allowed residential use to prohibiting residential use. While Yau Tong Industrial Area and the ex-oil depot site of Laguna City had been turned from non-residential use to residential use, he did not understand why residential use was not allowed in CKL Tsuen.

93. Mr 汪玉輝 made the following main points:
- (a) he was an indigenous villager of CKL Tsuen and his family had been residing in the village for many generations;
  - (b) CKL Tsuen had a long history of several hundred years but it was totally neglected by the Government in the urbanisation process. He witnessed the development of the neighbouring areas, including Tsui Ping Estate, Sai Tso Wan and Yau Tong, but CKL Tsuen was all along neglected by the Government; and
  - (c) he hoped that the Government could allow the development of CKL Tsuen for improving the living condition of the villagers.
94. Ms 羅細銀 made the following main points:
- (a) she had been residing in CKL Tsuen for over twenty years;
  - (b) 90% of the houses in CKL Tsuen were not equipped with their own toilets. There were only two public toilets at the two ends of the village. That had brought great inconvenience to the daily life of the villagers, especially for the elderly and disabled, and created serious hygienic problem; and
  - (c) she hoped that CKL Tsuen could be developed as soon as possible for improving the living condition of the villagers.
95. Ms 李詠珊 made the following main points:
- (a) she had been residing in the village for several decades;
  - (b) CKL Tsuen had a severe infestation problem. The villagers were always worried about fire incidents which could destroy the whole squatter area. On stormy days, the loose rooftops of the houses could

be blown away easily, causing dangers to the villagers; and

- (c) she wished the Government to take immediate actions to improve the poor living condition of the village.

96. Mr 蘇志成 made the following main points:

- (a) he was an indigenous villager of CKL Tsuen;
- (b) he wondered why CKL Tsuen was still not developed after so many years and why the indigenous villagers of CKL Tsuen could not have the right for Small House development as enjoyed by the indigenous villagers of the New Territories; and
- (c) he hoped that CKL Tsuen could be developed harmoniously.

97. Mr Kwan Sik Jung, Aron made the following main points:

- (a) he was director of CKL Villagers Fraternity Association (茶果嶺鄉民聯誼會);
- (b) the current “U” zoning for CKL Tsuen was against the Government’s policy to increase housing supply. While “GB” sites in various parts of Hong Kong were being rezoned for residential development to increase housing supply, the site of CKL Tsuen was rezoned from residential use to non-residential use;
- (c) PlanD explained that the change in the rezoning for CKL Tsuen was due to a major change in the public aspirations for better harbourfront planning. While CKL Tsuen was zoned “R(A)4” in 1998 for public housing development, such intention was subsequently deleted from the OZP published in 2002. That implied that the Government had shifted from developing public housing on the site to pursuing private residential development. Housing land was an invaluable resource of

Hong Kong and the housing demand of the community had become more acute in 2014 than before. PlanD should be accountable for the loss of government revenue due to the rezoning of CKL Tsuen from “R(A)4” to “U”;

- (d) CKL Tsuen was an eyesore to the Victoria Harbour. It was a shame to the Government if it allowed the poor living conditions of the village to persist. CKL Tsuen was in dire need for development;
- (e) although development could still be pursued within the “U” zone if planning permission could be obtained from the Board, development opportunities would be held up unnecessarily. The villagers would not accept the detouring of the planning process and delaying the development of CKL Tsuen;
- (f) although PlanD claimed that it had followed the established statutory and administrative procedures in consulting the public on the zoning amendment for CKL Tsuen, the consultations with KTDC were fake as clarified by those KTDC members who had spoken in the hearing. While CEDD had consulted the villagers on the running of utilities pipelines/channels through CKL Tsuen to serve the KM site, PlanD had not undertaken any consultation with the villagers as regards the zoning amendment of the village;
- (g) the Paper stated that technical assessments were necessary for ascertaining the appropriate land use zoning for a site. However, when PlanD rezoned CKL Tsuen from “R(A)4” to “U”, no technical assessments had been carried out. The “U” zoning should therefore be withdrawn as it had not followed the proper procedure on the requirement of technical assessments;

[Mr Roger K.H. Luk and Professor P.P. Ho left the meeting at this point.]

- (h) PlanD put forth three main reasons for rezoning CKL Tsuen from “R(A)4” to “U”, including historical reason, the lacking of long-term development plan and the lacking of an implementation mechanism. However, all those reasons were wrong. On the historical front, the ancestors of CKL had made great contributions to Hong Kong. CKL was the base of the guerrilla troops that had defended Hong Kong against Japanese occupation. Unfortunately, CKL villagers were all along oppressed by the Government. If CKL belonged to the Sai Kung district of HYK, the villagers should be entitled for right to build Small Houses just like other indigenous villagers of the New Territories. However, the Government regarded CKL as an urban area and did not give Small House right to the villagers. Despite CKL was regarded as urban area by the Government, the Government had not initiated any development for CKL. While the neighbouring areas of Kwun Tong and Yau Tong had undergone vibrant developments over the years, CKL was still not provided with the basic facilities such as sewers and drains. Road access and schools were only available in the 1970s;
- (i) before the 1970s, CKL villagers were allowed by the Government to possess guns for self-defense as there was no policing of the area. Historically, CKL villagers considered that the land of CKL belonged to them but not the Government. While the Government indicated that over 90% of the land in CKL Tsuen was government land, in reality it could only have control on less than 20% of the land in the village as most of the land was occupied by squatters. The Government did not dare to develop CKL in view of possible confrontation arising from site clearance;
- (j) as regards the implementation issue, the Government had no implementation programme for the Area when it was rezoned from “Industrial” to “R(A)4” in 1998. The Government should not use it as an excuse for rezoning the Area from “R(A)4” to “U” in 2014. Besides, planning and implementation should be considered separately;

- (k) he reiterated that the Government's consultation meeting with the villagers held on 23.9.2014 was a meeting initiated by CEDD to consult the villagers on the running of utilities pipelines/channels through CKL Tsuen to serve the KM site, and it was not a consultation meeting conducted by PlanD on the down-zoning of CKL Tsuen from "R(A)4" to "U";
- (l) as regards the lack of a long-term development plan for CKL Tsuen as purported by PlanD, the villagers had prepared a VDS and submitted it to the Chief Secretary for Administration in 2012. The VDS was then passed to PlanD but the villagers only received responses from PlanD in May 2015 declining their proposal. The VDS was a harmonious development proposal as the villagers would voluntarily contribute their land for development. The VDS was prepared based on the previous "R(A)4" zoning with the then development restrictions. The villagers were willing to revise those parameters that were considered not acceptable by PlanD, including the lowering of the proposed building height, submission of the required visual and air ventilation assessments and adoption of updated traffic data in the traffic impact assessment. From PlanD's reply to the villagers, it appeared that PlanD accepted residential use at the CKL Tsuen site but only did not agree with the proposed development parameters. In this regard, PlanD should not down-zone CKL Tsuen to "U" on the ground that there was no long-term development plan for the village;
- (m) he clarified that the villagers did not request the Government to grant government land to the allied developer as claimed by PlanD. If the VDS was to be pursued, the Government could dispose of the government land according to its established mechanism; and
- (n) in conclusion, the down-zoning of CKL Tsuen was unreasonable. The villagers only wanted to have an opportunity to harmoniously develop CKL Tsuen. A mechanism should be set up to allow the villagers having direct dialogue with the Government on the implementation of a

development proposal which was based on a residential zoning for the village but not a “U” zoning.

[Actual speaking time: 38 minutes]

R4853 – 茶果嶺村 (Cha Kwo Ling Tsuen)

98. With the aid of a Powerpoint presentation, Ms Theresa Yeung, the representer’s representative, made the following main points:

- (a) the down-zoning of CKL Tsuen from “R(A)4” to “U” was against the current endeavour of the Government in seeking suitable sites for housing development throughout the territory;
- (b) the land use planning for a site and the implementation mechanism were two separate issues. It was inappropriate to handle the two issues together in the current planning for CKL Tsuen;
- (c) CKL Tsuen was a village located in the urban area with a long history. About two-third of the area of the village was built-up area. The village had been zoned “R(A)4” for 17 years since 1998;
- (d) in 2013, the villagers submitted a VDS to the Chief Secretary for Administration and the Development Bureau. The VDS was then referred to PlanD for consideration. However, the villagers did not receive any reply from PlanD and CKL Tsuen was suddenly down-zoned to “U” in December 2014 without making any reference to the VDS;
- (e) the grounds for down-zoning CKL Tsuen were not justifiable. There had been no change in planning circumstances since the zoning of CKL Tsuen as “R(A)4” in 1998, except the deletion of the intention to develop public housing on the “R(A)4” zone in the OZP published in 2002. On the other hand, the inclusion of a non-domestic GFA of

13,890m<sup>2</sup> for the “R(A)4” zone in the OZP published in 2008 reinforced the intention of the site for residential use. The “R(A)4” zoning for CKL Tsuen had remained unchanged until the current zoning amendment for down-zoning the village to “U”. While there were “U” zones in 18 OZPs in Hong Kong, none of those “U” zones was down-zoned from a residential zoning;

- (f) compared with the original “R(A)4” zoning, the rezoning of CKL Tsuen to “U” together with the rezoning of the KM site to “R(B)” would lead to a loss of 471,132m<sup>2</sup> of domestic GFA and 10,303m<sup>2</sup> of non-domestic GFA, equivalent to about 9,422 flats (for housing 24,497 people) and 515 employment opportunities;
- (g) the Government sought to convert “GB” sites for residential development recently. However, the comparatively smaller “GB” sites could only provide a limited number of flats, which could not offset the massive loss of 9,422 flats arising from the down-zoning of CKL Tsuen;
- (h) compared with the need for compulsory land resumption, the VDS initiated by the villagers would involve a less lengthy implementation process and trigger less confrontation; and
- (i) the Government should not take away the hope of the villagers to improve their living environment. The zoning of CKL Tsuen should be reverted to “R(A)4” with adjusted GFA restrictions.

[Actual speaking time: 9 minutes]

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

R4854 – Kwong Shook Ling

99. With the aid of a Powerpoint presentation, Mr Kenneth To, the presenter's representative, made the following main points:

- (a) he represented the owners of two private lots (i.e. Lots 622 S.A ss.4 RP and 841 in S.D. 3). Lot 841 in S.D. 3 was located at the northern part of CKL Tsuen adjacent to the tenement buildings at CKL Road and Fan Wa Street under "R(A)" zoning, and Lots 622 S.A ss.4 RP in S.D. 3 was located in the middle part of CKL Tsuen abutting CKL Road and clustering with other private lots;
- (b) among the two lots, Lot 841 in S.D. 3 was first zoned for residential use in 1959. Although the two lots had once been rezoned to non-residential use in the 1980s, they had been zoned for residential use since the 1990s until the current zoning amendment. It was clear that the lots were all along intended for residential development;
- (c) under the leases, those lots had unrestricted building lot status. The current "U" zoning took away the private landowner's development rights and created uncertainties to the landowner. The Board failed to provide legitimate reasons for the "U" zoning;
- (d) while PlanD emphasized that the "U" zone for CKL Tsuen was only an interim zoning to allow time for further planning study to determine the future land uses, his research revealed that a number of "U" zones in Hong Kong had been designated for nearly or over 20 years and some of them also covered private land. Although the landowner could apply for planning permission to develop his land within the "U" zone, planning application for permanent use/development was unlikely to be approved by the Board for reason that the approval of the application might jeopardise the overall land use planning for the area;

- (e) although the current “U” zoning was intended to allow time for a separate study on the appropriate use for CKL Tsuen, it was questionable whether the appropriate use was still not known at the moment considering that CKL Tsuen had been intended for residential use for a very long period in the past;
- (f) PlanD considered that there was a need to explore the implementation mechanism for CKL Tsuen in the study as the village involved substantial number of squatters and village houses. However, the landowner was worried that it would take many years to derive a workable implementation mechanism by the Government and the development opportunities for his land would be frozen;
- (g) the implementation deadlock of the private lots in CKL Tsuen could be resolved by an incremental approach. For Lot 841 in S.D. 3 for instance, the existing “R(A)” zone at Fan Wa Street could be extended southwards to cover the lot and the adjacent government land so that the development potential of the lot could be released. On the other hand, with the widening of the sub-standard Fan Wa Street and Wing Fook Street and extension of Fan Wa Street to link up with CKL Road, the existing “R(A)” zone could be extended eastwards and southwards to cover an area of about 5,000m<sup>2</sup>, which could be able to provide about 480 flats if a domestic PR of 5.76 (which was the PR of the original “R(A)4” zone) was adopted;
- (h) for Lots 622 S.A ss.4 RP in S.D. 3, it could be agglomerated with other adjacent private lots for development since the lot was already abutting CKL Road. While it might take a long time for the Government to determine the future land use and development intensity for the “U” zone, those private lots which were readily available for development should be rezoned to residential use to allow for early implementation. The rezoning of those private lots for development would not jeopardise the overall planning of the “U” zone as 95% of the land was under government ownership; and

- (i) a statement from the landowner of the two private lots supplementing his justifications for opposing the zoning amendment for his lots was shown to Members.

[Actual speaking time: 13 minutes]

100. As the presentations of the representers and the representers' representatives had been completed, the Chairman invited questions from Members.

101. The Vice-chairman said that he had doubt on the views of some representers that the rezoning of CKL Tsuen from "R(A)4" to "U" was a down-zoning as each land use zoning had its intrinsic function. He noted that Mr Kwan Sik Jung, Aron (R4272) considered that the current zoning of CKL Tsuen to "U" was a delaying tactic of the Government to defer the development of the village. He asked DPO/K: (a) to explain to the Board the advantages and disadvantages of zoning CKL Tsuen to "U" in the interim or maintaining a "R(A)4" zoning for the village; and (b) if more time was required by the Government for a further study on the appropriate use and development intensity for the site, whether there was a timeframe for completion of the study.

102. In response, Mr Tom C.K. Yip, DPO/K, said that in 1998, the Area including the KM site and CKL Tsuen was zoned "R(A)4" subject to a maximum domestic GFA of 610,000m<sup>2</sup> for a comprehensive high-density public housing cum school village development comprising 27 high-rise residential blocks and 6 schools. That development proposal did not comprise any private residential development and involved the cutting down of the existing green knoll and substantial site formation works. Such large-scale development was not pursued subsequently. There had also been changes in planning circumstances, including the rising public aspirations for better harbourfront planning and the new guidelines on urban design and air ventilation introduced in 2003 and 2006 respectively. In 2011, PlanD commenced the Planning Review with a view to facilitating the early release of the platform areas of the KM site for housing development. As the focus of the Planning Review was on the KM site, the planning of CKL Tsuen was not examined in detail. With the KM site recommended to be rezoned to "R(B)" for medium-density housing development under the Planning Review, the retention of the original "R(A)4" zoning for CKL Tsuen with the maximum domestic GFA of 610,000m<sup>2</sup>

was no longer appropriate as it would result in a very massive and out-of-context development. As such, the best option was to conduct a further and separate study to review the appropriate zoning and development intensity for CKL Tsuen taking into account the latest planning circumstances, the visual, air ventilation, traffic and environmental considerations and the aspirations of the villagers. The rezoning of CKL Tsuen to “U” in the interim was to allow time for the further study. Subject to manpower and resource availability and work priority, PlanD intended to commence the study in 2016 upon completion of the statutory plan-making process for the current OZP. As the study would involve a host of issues including harbourfront planning, environmental consideration and the interface with TKO-LTT, it was expected that it would take some time for completion of the study.

103. In response to the question from Mr K.K. Ling, Director of Planning, Mr Yip said that TKO-LTT was not a consideration in 1998 when the Area was zoned as “R(A)4” for large-scale public housing development. It was in April 2014 that the road scheme for TKO-LTT was authorised by the Chief Executive in Council. The road works would soon commence for completion in around 2020. The alignment of the TKO-LTT road scheme would run beneath the middle portion of CKL Tsuen, with a minimum vertical separation distance of about 13m, and it might pose technical constraint on the land use and development of CKL Tsuen which needed to be studied in detail.

104. The Chairman asked DPO/K to clarify if the current “U” zoning for CKL Tsuen implied that residential use was prohibited in the village as perceived by a representer, and if the landowners of the private lots within the “U” zone could apply for planning permission for development under the OZP. In response, Mr Yip said that the “U” zone was an interim zoning for CKL Tsuen. The existing uses within the village would be allowed to continue. According to the covering Notes of the OZP, the landowners could apply to the Board for planning permission under section 16 of the Ordinance if they wished to develop their private lots within the “U” zone.

105. The Chairman asked Ms Teresa Yeung (representative of R4853) how the VDS could be implemented since 95% of the land within CKL Tsuen was government land where the Government had an established mechanism on land disposal. He also asked why the VDS would be supported by the villagers as it would necessitate the

clearance of the existing squatters within the village. In response, Ms Teresa Yeung said that the VDS submitted two years ago was not prepared by her company. As to her understanding, the villagers wanted to have their living conditions improved and be rehoused in proper accommodation through negotiation with the Government for the implementation of the VDS, instead of through compulsorily clearance by the Government.

[Mr H.F. Leung left the meeting at this point.]

106. Mr Kwan Sik Jung, Aron (R4272) supplemented that all villagers of CKL Tsuen wanted to have development as it was the only way to improve their living conditions. The villagers wanted to be rehoused and compensated. The Government took away the land from the villagers some time ago and owed the villagers a lot. If the Government compulsorily cleared CKL Tsuen for development, the confrontation would be immense and it would be much more vigorous than those of the villagers of Choi Yuen Tsuen and the North East New Territories since CKL Tsuen had a much longer history and the Government had owed the CKL Tsuen villagers a big debt in the past, including taking away their Small House right. The implementation of the VDS, including the resettlement of the villagers, was a voluntary action initiated by the villagers, which was contrary to the compulsory clearance by the Government. CKL Villagers Fraternity Association would represent the villagers to negotiate with the Government on the rehousing and compensation arrangements. The Association would fight for the best interest of the villagers and request rehousing the villagers within the same district. The villagers would apply to the court for adverse possession of the government land.

107. In response to a Member's enquiry on whether the as-of-right development of the private lots within CKL Tsuen under the original "R(A)4" zoning would impair the comprehensive planning of CKL Tsuen, Mr Yip said that there were 31 private lots within CKL Tsuen with a total area of about 2,220m<sup>2</sup>, which was equivalent to 5% of the area of the "U" zone, and 80% of the private lots were less than 100m<sup>2</sup> in site area, which were difficult to meet the requirements of the Buildings Ordinance. As such, most of the private lots could not be developed individually even under the original "R(A)4" zoning. Other larger lots might be able to be developed if their proposals could comply with the Buildings Ordinance. Nevertheless, with the rezoning of the KM site to "R(B)" and the

changes in planning circumstances over the years particularly the rising public aspirations for better harbourfront planning, the original “R(A)4” zoning for public housing cum school village development in the KM site and CKL Tsuen was no longer appropriate. There was a need to have a study on the appropriate use, development intensity and building height for the CKL site, and residential use in the long term was not precluded.

108. In response to a Member’s question on whether the VDS of the villagers was based on the presumption that the villagers collectively owned the whole piece of land of CKL Tsuen such that they were entitled to implement the scheme, Ms Teresa Yeung said that while it might not be desirable to develop the individual private lots in a piecemeal manner under the “R(A)4” zoning, the “R(A)4” zoning for the Area had been in place for 17 years. As the private landowners were unable to develop their lots and the Government did not take the initiative to develop CKL Tsuen, the dilapidated conditions of the village persisted. The villagers therefore took the initiative to negotiate with the Government on the implementation of a VDS based on the original “R(A)4” zoning with a view to triggering an early development of CKL Tsuen and improving their living conditions.

109. As Members had no further question to raise, the Chairman said that the hearing of Group 2 had been completed. The Chairman thanked the representers, the representers’ representatives and the government representatives for attending the meeting. He said that the Board would deliberate on the representations in their absence and would inform the representers of the Board’s decision in due course. They all left the meeting at this point.

#### Deliberation Session

110. The Chairman recapitulated that some representers were concerned about the loss of development rights or potential housing land due to the rezoning of CKL Tsuen from “R(A)4” to “U”, but DPO/K had pointed out that the “U” zone was only an interim zoning and the long-term use of the site would be further studied. Members noted that there was provision in the OZP to allow the owners of the private lots within the “U” zone to apply for planning permission from the Board for development. Some villagers wanted to maintain the existing lifestyle while others wanted to have development.

Although it was perceived by some villagers that the development of CKL Tsuen was the only way to improve their living conditions, the villagers could apply for public housing if they could fulfil the eligibility criteria. DPO/K had also explained why it was not appropriate to maintain the “R(A)4” zoning for CKL Tsuen. Subject to PlanD’s resource availability and work priority, the study for CKL Tsuen would commence in 2016, and particular consideration would be given to the harbourfront planning principles, conservation of the village’s cultural heritage and the technical constraints posed by the alignment of TKO-LLT.

111. A Member supported the designation of “U” zoning for CKL Tsuen as an interim measure pending the completion of a separate planning study for the area. In view of the concern of some representers that the “U” zoning might last for a long time, this Member suggested that the Board might consider having regular review of sites zoned “U” similar to the annual review of the “CDA” sites. In response, Mr K.K. Ling said that for those sites designated as “U” on various OZPs, PlanD would carry out studies to review their appropriate land uses from time to time. However, it should be noted that many of the “U” sites had intrinsic complicated issues which might not be easy to resolve within a short period of time.

112. A Member considered that the development of CKL Tsuen could only be materialised if new roads and infrastructural services could be planned and provided for the area, or the whole site was allocated to HD for comprehensive public housing development. As such, the rezoning of CKL Tsuen to “U” was appropriate to allow time for detailed planning of the area for residential use in the long term.

113. In view of the latest harbourfront planning principles, a Member considered that the retention of the original “R(A)4” rezoning for CKL Tsuen was not desirable as it might lead to incompatible high-rise, high-density development on the harbourfront. The interim rezoning of the village to “U” to allow time for review was appropriate.

114. Members noted and agreed with the responses to the grounds and proposals of the representations and comments as detailed in paragraphs 6.3 to 6.5 and Annex XI of the Paper.

115. After further deliberation, the Board decided not to uphold Representations No. R1 (Part), R2 (Part) and R4253 to R4854 and considered that the Plan should not be amended to meet the representations. Members then went through the reasons for not upholding the representations in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the amendments incorporated in the Outline Zoning Plan (OZP) are considered appropriate and would facilitate the appropriate use of land resources to meet the housing and other needs of the community (R1 (Part) and R2 (Part));
- (b) as the previous “Residential (Group A)4” (“R(A)4”) zoning with a high development intensity is considered no longer appropriate for Cha Kwo Ling (CKL) Tsuen and there is a need to review the appropriate use and development intensity for the site with regard to the latest planning considerations and circumstances, it is considered appropriate to rezone the site to “Undetermined” (“U”) (R4253 to R4254, R4271 and R4278 to R4852);
- (c) the “U” zoning is an interim zoning. Upon completion of the further study, the site will be rezoned to reflect the long-term use with appropriate development intensity. The interim “U” zoning does not preclude the appropriate long-term development of the site for housing or other purposes. During the interim period, development proposal could be submitted to the Town Planning Board for consideration through the section 16 planning application mechanism (R4253 to R4852);
- (d) the proposed comprehensive development proposal under the Voluntary Development Scheme submitted by the villagers has not demonstrated that it would not have adverse traffic, visual and air ventilation impacts on the surrounding areas, and is in compliance with the Protection of the Harbour Ordinance (R4260 to R4270, R4272 to R4277 and R4853);

- (e) the villagers' aspirations for preservation of CKL Tsuen as well as its cultural heritages will be taken into account in the future study for the "U" zone (R4257);
- (f) the statutory and administrative procedures in consulting the public on the proposed zoning amendments have been duly followed. The exhibition of OZP for public inspection and the provisions for submission of representations/comments form part of the statutory consultation process under the Town Planning Ordinance (R4853);
- (g) the appropriate land use and development intensity for the site will be considered in the further study for the "U" zone. It is premature to set a specific plot ratio (PR) and gross floor area (GFA) for the site at this stage. It has not been demonstrated that the maximum GFAs for the site, as proposed in the representation, would be feasible in planning and technical terms (R4853); and
- (h) the appropriate land use and development intensity for the site will be considered in the further study for the "U" zone. It is premature to set a specific PR and GFA for the site at this stage. It has not been demonstrated that the proposed maximum domestic PR of 5.76 would be feasible in planning and technical terms. The proposed piecemeal rezoning of the private lots to "R(A)" is considered undesirable (R4854)."

[Ms Bonnie J.Y. Chan left the meeting at this point.]

**Tuen Mun and Yuen Long West District**

**Agenda Item 5**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-TT/346

Temporary Open Storage of Construction Materials with Ancillary Office

for a Period of 3 Years in “Agriculture” Zone,

Lot 1427 (Part) in D.D. 118, Tai Shu Ha Road West, Tai Tong, Yuen Long

(TPB Paper No. 9955)

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[The meeting was conducted in Cantonese.]

116. Mr David C.M. Lam, District Planning Officer/Tuen Mun and Yuen Long West (DPO/TM&YLW), Planning Department (PlanD) was invited to the meeting at this point.

117. The Chairman extended a welcome and informed the meeting that the applicant had decided not to attend the hearing. He then invited DPO/TM&YLW to brief Members on the review application.

118. With the aid of a Powerpoint presentation, Mr David Lam, DPO/TM&YLW, presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary open storage of construction materials with ancillary office for a period of 3 years at the application site (the site) which fell within the “Agriculture” (“AGR”) zone on the approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16;
- (b) the site was accessible from Tai Shu Ha Road West to its west via a local track. It was currently used for the applied use without a valid planning permission but the construction materials were being cleared from the site. Its surrounding areas were rural in character mixed with

fallow agricultural land, orchards, vacant structures/land, unused land, a residential structure and vehicle park;

(c) on 27.2.2015, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the application and the reasons were:

- (a) the development was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development under application did not comply with the Town Planning Board Guidelines No. 13E (TPB PG-No.13E) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there was no previous planning approval granted to the site and there were adverse departmental comments against the application;
- (c) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area;

- (d) on 1.4.2015, the applicant applied for a review of the RNTPC's decision to reject the application. The applicant had not submitted any written representation in support of the review. The justifications put forth by the applicant in support of the application during the section 16 stage were summarised in paragraph 2 of Annex A of the Paper;
- (e) previous applications – the site was involved in nine previous applications. Except one application (No. A/YL-TT/38) for pond filling and site formation for tree plantation which was approved with conditions by the RNTPC in 1998, the other eight applications (No. A/YL-TT/50, 94, 106, 141, 186, 202, 323 and 339) for various temporary open storage and recreational uses were all rejected by the RNTPC or by the Board on review between 1999 and 2014;
- (f) similar applications – there were four similar applications (No. A/YL-TT/234, 256, 292 and 336) for temporary open storage with or without warehouse use within the same “AGR” zone, which were all rejected by the RNTPC or by the Board on review between 2009 and 2015;
- (g) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. Relevant government departments had no further views/comments on the review application and maintained their previous views on the section 16 application. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as the site had high potential for agricultural rehabilitation. The Director of Environmental Protection did not support the application as there were sensitive receivers in the vicinity of the site (with the nearest one located about 100m away to the southeast) and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the application from the landscape planning point of view as the applied use was considered not compatible with the surrounding rural character, approval of the

development might set an undesirable precedent of spreading open storages and workshops outside the “Open Storage” (“OS”) zone resulting in erosion of the rural landscape character, and the submitted landscape proposal did not provide adequate green buffer to the surrounding area;

- (h) public comments – during the statutory publication period of the review application, one public comment was received from Designing Hong Kong Limited (DHKL), which had also raised objection to the application at the section 16 stage. DHKL reiterated its objection to the application mainly on the grounds that the proposed development was not in line with the planning intention of “AGR” zone; the supply of agricultural land should be safeguarded; new open storage use should not be permitted; and approval of the application and its subsequent renewal would make it difficult to use the site for other more suitable use; and
  
- (i) PlanD’s view – PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 6 of the Paper, which were summarised below:
  - (i) the development was not in line with the planning intention of the “AGR” zone. DAFC maintained his view of not supporting the application;
  
  - (ii) the development was incompatible with the surrounding land uses which were predominantly rural in character mixed with fallow agricultural land, orchards, residential structure and vacant/unused land and structures. The open storage yards, storage and workshop uses were mainly located within the “OS” zone to the northwest of the site, while the vehicle park to the immediate south of the site was a suspected unauthorised development subject to enforcement action taken by the Planning Authority;

- (iii) the site fell within Category 3 areas under the TPB PG-No. 13E. The development did not comply with TPB PG-No. 13E in that there was no previous approval granted at the site for open storage use and there were adverse comments from the relevant departments;
- (iv) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas;
- (v) the previous applications at the site and the similar applications within the same “AGR” zone for temporary open storage use were all rejected either by the RNTPC or the Board on review; and
- (vi) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “AGR” zone, causing degradation of the surrounding rural environment.

119. As the presentation from DPO/TM&YLW had been completed, the Chairman invited questions from Members. As Members had no question, the Chairman thanked Mr Lam for attending the meeting. Mr Lam left the meeting at this point.

#### Deliberation

120. Members generally noted that there was no major change in the planning circumstances of the case since the rejection of the application by the RNTPC. After discussion, Members agreed that the application for review should be rejected.

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

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development under application does not comply with the Town Planning Board Guidelines No. 13E (TPB PG-No.13E) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there is no previous planning approval granted to the site and there are adverse departmental comments against the application;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

**Agenda Item 6**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-TT/348

Temporary Open Storage of Construction Materials and Miscellaneous Items

for a Period of 3 Years in “Agriculture” Zone,

Lot 1922 (Part) in D.D. 118, Sung Shan New Village, Yuen Long

(TPB Paper No. 9956)

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[The meeting was conducted in Cantonese.]

122. The following representative of the Planning Department (PlanD) and the applicant were invited to the meeting at this point:

- |                     |   |   |
|---------------------|---|---|
| Mr David C.M. Lam   | - | District Planning Officer/Tuen Mun and<br>Yuen Long West (DPO/TM&YLW),<br>PlanD |
| Mr Cheung Shu Keung | - | Applicant   |

123. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/TM&YLW to brief Members on the review application.

124. With the aid of a Powerpoint presentation, Mr David Lam, DPO/TM&YLW, presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary open storage of construction materials and miscellaneous items for a period of 3 years at the application site (the site) which fell within the “Agriculture” (“AGR”) zone on the approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16;
- (b) the site was accessible from Tai Shu Ha Road East to its east via a local track. It was formed and partially fenced off, and currently used for open storage of miscellaneous items without valid planning permission. Its surrounding areas were predominantly rural in character with cultivated and fallow agricultural land, vacant structures/land, unused land and construction sites intermixed with scattered residential structures and a few storages and open storage yards;
- (c) on 27.2.2015, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the application and the reasons were:

- (a) the development was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
  - (b) the development under application did not comply with the Town Planning Board Guidelines No. 13E (TPB PG-No.13E) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there was no previous planning approval granted to the site and there were adverse departmental comments against the application;
  - (c) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
  - (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area;
- (d) on 27.3.2015, the applicant applied for a review of the RNTPC’s decision to reject the application. The justifications put forth by the applicant in support of the review application were highlighted in paragraph 3 of the Paper and summarised as follows:
- (i) the site had been left idle for a long time and there was no water source in the vicinity for agricultural activities. There was no farming activities in Sung Shan New Village and the nearby

villages. It was unreasonable to force the applicant to preserve the site for agricultural rehabilitation or other agricultural activities;

- (ii) the site was at a remote location. Noise nuisance to nearby residents was not anticipated as there were no workshop activities at the site and the storage items would be properly handled. There would not be any polluting discharge and visual impact. Only light goods vehicles would be used for the operation and adverse traffic impact was not anticipated; and
  - (iii) the vicinity of the site was occupied by various storage, commercial or other purposes;
- (e) previous application – the site was not the subject of any previous application;
- (f) similar applications – there are six similar applications (No. A/YL-TT/234, 256, 292, 323, 336 and 339) for temporary open storage with or without warehouse/ancillary office use within the same “AGR” zone, which were all rejected by the RNTPC or by the Board on review between 2009 and 2015;
- (g) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application from the agricultural point of view as active agricultural activities, including vegetable farm and plant nursery, were found in the vicinity of the site and the site, being well served with road access and water supply (e.g. a stream), possessed potential for agricultural rehabilitation and could be converted to greenhouse or used for plant nursery or mushroom growing. Other relevant government departments had no further views/comments on the review application and maintained their previous views on the section 16 application. The Director of

Environmental Protection did not support the application as there were sensitive receivers in the vicinity of the site (with the nearest ones located about 30m away to the southwest) and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the application from the landscape planning point of view as the approval of the development might set an undesirable precedent of spreading undesirable land use in the “AGR” zone, resulting in erosion of the rural landscape character;

- (h) public comments – during the statutory publication period of the review application, three public comments was received from World Wide Fund for Nature Hong Kong (WWF-HK), 元朗崇山新村居民協會有限公司 and Designing Hong Kong Limited (DHKL), all of which had also raised objections to the application at the section 16 stage. Their main grounds of objection were that the applied use was not in line with the planning intention of “AGR” zone; the development would generate adverse traffic impact; the supply of agricultural land should be safeguarded; new open storage use should not be permitted; no traffic, environment and drainage impact assessments had been provided in the submission; the change of land use prior to obtaining planning approval should not be tolerated; and approval of the application and its subsequent renewal would make it difficult to use the site for other more suitable use; and
- (i) PlanD’s view – PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
  - (i) the development was not in line with the planning intention of the “AGR” zone. DAFC maintained his view of not favouring the application as the site had potential for agricultural rehabilitation;

- (ii) the development also incompatible with the surrounding land uses which were predominantly rural in character with cultivated and fallow agricultural land, vacant structures/land, unused land and construction sites intermixed with scattered residential structures. Whilst the applicant claimed that similar storage uses could be found in vicinity of the site, those open storage yards and storages in the same “AGR” zone were suspected unauthorised developments subject to enforcement action taken by the Planning Authority;
- (iii) the site fell within Category 3 areas under the TPB PG-No. 13E. The development did not comply with TPB PG-No. 13E in that there was no previous approval granted at the site for open storage use and there were adverse comments from the relevant departments;
- (iv) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas;
- (v) the similar applications within the same “AGR” zone for temporary open storage use were all rejected either by the RNTPC or the Board on review; and
- (vi) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “AGR” zone, causing degradation of the surrounding rural environment.

125. The Chairman then invited the applicant to elaborate on the review application. Mr Cheung Shu Keung made the following main points:

- (a) the traffic impact of the development was negligible since only light goods vehicles would be used for the transportation of materials/items

to and away from the site and the vehicular trips were less than one trip per month in general;

- (b) no dismantling activities would be carried out on the site. The site would only operate during daytime between 9 a.m. and 5 p.m. with no operation on public holidays;
- (c) the development would not generate adverse visual impact as the stored materials/items would not be stacked to an excessive height and they would be covered by canvas;
- (d) due to the small size of the site (i.e. about 300m<sup>2</sup>), agricultural rehabilitation was not viable, in particular for organic farming which required soil and water of good quality; and
- (e) as the site was adjacent to a stream, its soil could be washed away easily if it was left idle, necessitating the reinstatement of the land at the landowner's cost.

126. As the presentations of DPO/TM&YL and the applicant had been completed, the Chairman invited questions from Members.

127. In response to the Vice-chairman's questions on the types of materials/items being stored on the site and whether the stored materials/items would be used frequently, Mr Cheung Shu Keung said that the site was mainly used for storage of some metal items after they were dismantled in the village and the vehicular trips for transporting the items were infrequent. The stored materials/items would be transported away once they were accumulated to a certain quantity.

128. Noting that the site was located immediately next to a stream, the Chairman asked the applicant why he stated in his justifications for the review application that there was no water source in the vicinity of the site for agricultural activities. In response, Mr Cheung clarified that he did not mean that there was no water source in the vicinity of the site but the quality of water from the adjacent stream was not suitable for organic farming.

129. A Member asked if the applicant was aware that the site was originally a piece of agricultural land. In response, Mr Cheung said that the site belonged to their *Tso Tong* and it was previously used for agricultural purpose. However, as no villagers were willing to engage in agricultural activities in recent years, the site was used for open storage rather than being left idle.

130. As the applicant had no further comments to make and Members had no further questions to raise, the Chairman informed the applicant that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in his absence and inform him of the Board's decision in due course. The Chairman thanked the applicant and DPO/TM&YLW for attending the meeting. They left the meeting at this point.

#### Deliberation

131. Members generally noted that there was no major change in the planning circumstances of the case since the rejection of the application by the RNTPC. After discussion, Members agreed that the application for review should be rejected.

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

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development under application does not comply with the Town Planning Board Guidelines No. 13E (TPB PG-No.13E) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town

Planning Ordinance in that there is no previous planning approval granted to the site and there are adverse departmental comments against the application;

- (c) the applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

### **Hong Kong District**

#### **Agenda Item 7**

[Open Meeting]

Request for Deferment of Review of Application No. A/H14/76-1

Proposed Class B Amendments to the Approved Application for Minor Relaxation of Plot Ratio Restriction from 0.5 to 0.548 for a Proposed Heritage Conservation-cum-house Development in “Residential (Group C) 3” Zone, 8 Pollock’s Path, The Peak Area (TPB Paper No. 9957)

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[The meeting was conducted in Cantonese.]

133. Mr K.K. Ling, Director of Planning, had declared an interest in this item as he was living in government’s quarters in the Peak Area.

134. As the applicant had requested for a deferral of consideration of the application and Mr Ling’s interest was remote, Members agreed that Mr Ling could stay in the meeting.

135. The Secretary reported that on 5.6.2015, the applicant's representative wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer making a decision on the review application for two months to allow time for the applicant to address departmental comments on the review application. This was the first request from the applicant for deferment of the review application.

136. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33) in that the applicant required more time to address departmental comments, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

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

### **Procedural Matters**

#### **Agenda Item 8**

[Open Meeting]

Submission of the Draft Mau Ping Outline Zoning Plan No. S/ST-MP/1A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval (TPB Paper No. 9958)

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[The meeting was conducted in Cantonese.]

138. Dr W.K. Yau and Dr C.P. Lau had declared an interest in this item as they were co-opted councillors of Heung Yee Kuk New Territories (R1). Members noted that Dr C.P. Lau had tendered apologies for not being able to attend the meeting and Dr W.K. Yau had left the meeting.

139. The Secretary briefly introduced the Paper. On 22.8.2014, the draft Mau Ping Outline Zoning Plan (OZP) No. S/ST-MP/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 704 valid representations were received. On 12.12.2014, the representations were published for public comment and 2 comments were received. After consideration of the representations and comments on 29.5.2015, the Town Planning Board (the Board) decided not to propose any amendment to the draft OZP to meet the representations. As the plan-making process had been completed, the draft Mau Ping OZP was ready for submission to the Chief Executive in Council (CE in C) for approval.

140. After deliberation, the Board:

- (a) agreed that the draft Mau Ping OZP No. S/ST-MP/1A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Mau Ping OZP No. S/ST-MP/1A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

## **Agenda Item 9**

[Open Meeting]

Submission of the Draft Tai Po Outline Zoning Plan No. S/TP/25A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance (TPB Paper No. 9960)

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[The meeting was conducted in Cantonese.]

141. The following Members had declared interests in the item for having association with the Hong Kong Housing Authority (HKHA) (as Amendment Items A1 to A5 were related to public housing development by the Housing Department (HD) which was the executive arm of the HKHA), having affiliations with the representers, including: i) Henderson Land Development Company Limited (Henderson) which was the mother company of the Hong Kong and China Gas Company Limited (HKCGC) (R2); ii) the MTR Corporation Limited (MTRCL) (R3); iii) Sun Hung Kai Properties Limited (SHK) which was the mother company of Honour More Limited (R1274); iv) the Tai Po Rural Committee (TPRC) (R1326); and v) the Tai Po District Council (TPDC) (R1633); and owning properties in Tai Po district:

- |   |  |
|---|--|
| Mr Thomas T.M. Chow<br>(Chairman)       | - his relative had submitted a representation  |
| Mr Stanley Y.F. Wong<br>(Vice-chairman) | - being a member of HKHA and its Strategic Planning Committee and the Chairman of the Subsidised Housing Committee of HKHA, and owning with spouse a flat and car parking spaces at Deerhill Bay, Tai Po       |
| 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 a donation before from a family member of the chairman of Henderson |

- Ms Julia M.K. Lau - being a member of HKHA and its Commercial Properties Committee and Tender Committee, and having business dealings with SHK
- Mr H.F. Leung - being a member of the Tender Committee of HKHA and having business dealings with HKHA, and being an employee of the University of Hong Kong (HKU) which had received a donation before from a family member of the chairman of Henderson
- Mr Jeff Y.T. Lam - being representative of the Director of Lands who was a member of HKHA  
*(as Deputy Director of Lands (General))*
- Mr K.K. Ling - being a member of the Strategic Planning Committee and the Building Committee of HKHA  
*(as Director of Planning)*
- Mr Martin W.C. Kwan - being representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA  
*(as Chief Engineer (Works), Home Affairs Department)*
- Dr Lawrence W.C. Poon - his spouse being employee of HD
- Mr Dominic K.K. Lam ] having business dealings with HKHA, SHK,  
Ms Janice W.M. Lai ] MTRCL and Henderson  
Mr Patrick H.T. Lau ]
- Mr Ivan C.S. Fu - having business dealings with SHK, MTRCL and Henderson

- Professor S.C. Wong - being the Chair Professor and Head of the Department of Civil Engineering of HKU which had received a sponsorship before from MTRCL, and being an employee of HKU which had received a donation before from a family member of the chairman of Henderson
- Dr Wilton W.T. Fok - being an employee of HKU which had received a donation before from a family member of the chairman of Henderson
- Mr Roger K.H. Luk ] being a member of Council (Mr Luk) and an  
Professor K.C. Chau ] employee (Professor Chau) of CUHK which had received a donation before from a family member of the chairman of Henderson
- Mr. Clarence W.C. Leung - being director of a non-governmental organisation (NGO) that had received a private donation before from a family member of the chairman of Henderson
- Ms Christina M. Lee - being the Secretary General of the Hong Kong Metropolitan Sports Event Association which had obtained a sponsorship before from SHK and Henderson
- Dr W.K. Yau - being an executive member of TPRC and a member of TPDC, being director of a NGO that had received a private donation before from a family member of the chairman of Henderson, being the Chairman of the Management Committee of the Fung Yuen Butterfly Reserve/Fung Yuen Nature and Culture Education Centre (as R17 had indicated that the housing development would

affect the Fung Yuen Site of Special Scientific Interest), and owning a flat and a shop at Kwong Fuk Road and a house and land at Cheung Shue Tan, Tai Po

Mr H.W. Cheung - owning a flat at Heung Sze Wui Street, Tai Po

Mr Frankie W.C. Yeung - owning a flat at On Chee Road, Tai Po

142. As the item was procedural in nature, Members agreed that the above Members could stay in the meeting. Members also noted that Mr Thomas T.M. Chow, Mr Stanley Y.F. Wong, Mr H.F. Leung, Mr K.K. Ling, Dr Lawrence W.C. Poon, Mr Dominic K.K. Lam, Mr Ivan C.S. Fu, Professor S.C. Wong and Mr H.W. Cheung were present at the meeting at this point while other Members had either tendered apologies for not being able to attend the meeting or had left the meeting.

143. The Secretary briefly introduced the Paper. On 11.4.2014, the draft Tai Po Outline Zoning Plan (OZP) No. S/TP/25, incorporating amendments to rezone 8 sites in Tai Po New Town for residential developments, a site at Po Heung Street for hostel cum youth centre use, and revision to the building height restriction of a site at Hong Chi Pinehill Village, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 6,322 representations were received. On 5.8.2014, the representations were published for public comment and 439 valid comments were received. After consideration of the representations and comments on 27.11.2014, 11.12.2014, 18.12.2014, 14.1.2015 and 13.2.2015, the Town Planning Board (the Board) decided on 13.2.2015 to uphold/partially uphold 1,574 representations by reverting the zoning of a site to the west of Nethersole Hospital from “Residential (Group A)10” to “Green Belt” (“GB”) and two sites near Fung Yuen from “Residential (Group C)10” to “Government, Institution or Community” and “GB”.

144. On 13.3.2015, the proposed amendments to the draft OZP were exhibited for public inspection and 3 valid further representations (FRs) were received. After giving consideration to the FRs on 12.6.2015, the Board decided not to uphold the FRs and agreed

to amend the draft OZP by the proposed amendments. In accordance with section 6H of the Ordinance, the draft OZP should hereafter be read as including the amendments.

145. On 8.3.2015, the Chief Executive, under section 8(2) of the Ordinance, agreed to extend the statutory time limit for the Board to submit the draft OZP to the Chief Executive in Council (CE in C) for approval for a period of six months from 11.3.2015 to 11.9.2015. Since the representation consideration process had been completed, the draft Tai Po OZP was ready for submission to the CE in C for approval.

146. After deliberation, the Board:

- (a) agreed that the draft Tai Po OZP No. S/TP/25A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Tai Po OZP No. S/TP/25A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

### **Agenda Item 10**

[Confidential Item. Closed Meeting]

147. This item was recorded under confidential cover.

**Agenda Item 11**

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

(i) & (ii) [Confidential Items. Closed Meeting]

148. These items were recorded under confidential cover.

(iii) Town Planning Board Overseas Visit

149. The Chairman said that subject to the return of all Members, the overseas visit would likely be organised in 2016 and the tentative destinations were Amsterdam and Berlin. Members would be further informed of the arrangements. Members noted.

150. There being no other business, the meeting was closed at 6:15 p.m.

**Appendix A**  
**of Minutes of 1088<sup>th</sup> TPB Meeting**

**List of representers who have authorised Mr Tang Wing Chun (鄧咏駿) to attend meeting on behalf of them**

1.	R15	梁嘉沛，陳玉芝
2.	R18	Ms Ho
3.	R42	Ng Ching Man
4.	R96	潘婉媚
5.	R120	潘展鴻
6.	R124	Dacillo Amelita V
7.	R125	Wong Miu Chu
8.	R126	Jung Siu Ling
9.	R127	Tang Chak Kwong
10.	R128	Tang Man Kit
11.	R129	Tang Man Chuck
12.	R150	陳樂文
13.	R158	Wong Bang Man
14.	R166	張方震
15.	R173	余麗意
16.	R176	Choi Gin
17.	R179	羅偉賢
18.	R181	蘇麗芳
19.	R182	鄧凱程
20.	R183	鄧偉銘
21.	R184	Tang Hoi Man
22.	R185	盧少英
23.	R190	莊麗香
24.	R203	鍾志明
25.	R204	Yim Oi Kwan (嚴愛群)
26.	R208	范仲華
27.	R209	Yeung Mi Ling
28.	R215	Leung Siu Chi
29.	R239	Chan King Kai
30.	R262	Leung Hing Hei
31.	R280	Chu Po Keung (朱普強)
32.	R282	何慧儀
33.	R287	Rebecca Li

34.	R293	李兆基
35.	R309	陳富華
36.	R360	Lee Ho Sum
37.	R361	Sit Oi Man
38.	R362	Sit Tse Wing
39.	R363	Ken Sit Tse Wing
40.	R372	Wong Evelina
41.	R376	Chau Cheuk Fong
42.	R395	Tsang Ling Shan
43.	R396	吳志強
44.	R437	Chow Ka Wai (周嘉慧)
45.	R454	陳凱榆
46.	R458	陳凱齡
47.	R476	莫慶文
48.	R494	Chung Chi Man
49.	R497	陳紹文
50.	R498	劉錦華
51.	R499	劉松熹
52.	R501	劉錦輝
53.	R502	陳美鳳
54.	R503	劉志榮
55.	R504	Jerose
56.	R505	Lee Lai Fun (李麗芬)
57.	R506	Li Wai Lin
58.	R510	楊玉明
59.	R511	簡婉芬
60.	R522	黃穎詩
61.	R525	Fiona Wong
62.	R534	Ching Samantha
63.	R553	Li Wei
64.	R555	Chow Kar Man
65.	R561	Nemia Gabales
66.	R572	Xue William
67.	R574	Chung Amy
68.	R575	Guan Dah Joh
69.	R576	Chung K F
70.	R590	Liu Suet Yi
71.	R613	Wong Lam Kin, Raphael

72.	R623	孔小惠
73.	R651	羅起江
74.	R692	巫善澆
75.	R693	林振榮
76.	R735	Tsang Kin Keung
77.	R745	Ng Ching Hei (吳政熹)
78.	R746	Ng Ruby Ching Yan
79.	R751	Yu Lai Wan
80.	R753	Yuen Fat Sun
81.	R787	Shirley Cheung
82.	R926	陳俊民
83.	R1083	冼美鳳
84.	R1111	Tsang Wai Kit
85.	R1112	Tsang Ka Chu
86.	R1127	Tsang Ka Ling
87.	R1166	梁振聲
88.	R1244	Mr. C.H. Wong
89.	R1270	楊成遜
90.	R1303	高毅龍
91.	R1364	Lam Tai Fat
92.	R1391	Kwan Chi Wai (關志偉)
93.	R1392	C K Chan
94.	R1441	陳坤宜
95.	R1445	Yau Kwong Lai (邱光麗)
96.	R1530	譚容忠
97.	R1536	Au Sin Yee (區倩頤)
98.	R1600	Eric Che
99.	R1607	Cheung Man Chong
100.	R1615	Luk Woon Hoi Elina
101.	R1656	Chu Ho Man
102.	R1670	楊振達
103.	R1672	何詠初
104.	R1681	Elizabeth Bustamanta
105.	R1691	Sidney Mak
106.	R1693	Edwin Lui
107.	R1711	Wong Oi Ling
108.	R1715	李國輝
109.	R1739	Lee Wai Ping

110.	R1762	區潤崧
111.	R1787	李其成
112.	R1903	Wong Siu Mei
113.	R1908	Tang Man Ho
114.	R1928	張志強
115.	R1937	梁倩瑜
116.	R1941	陳玉芝
117.	R1953	C C Chung
118.	R1980	Fung Chi Chung
119.	R2016	鄧民健
120.	R2106	黃孝輝
121.	R2107	Ng Fung Yee
122.	R2120	郭玉成
123.	R2129	王建康
124.	R2153	王悅齡
125.	R2228	吳鳳儀
126.	R2235	梁瑋峯
127.	R2266	何慕芳
128.	R2279	Ng Yiu Kuen
129.	R2314	謝學深
130.	R2317	潘永濂
131.	R2331	Shek Po Lin
132.	R2332	董仲良
133.	R2364	黃蕙珍
134.	R2367	黃菊芬
135.	R2368	李應彪
136.	R2393	姚兆基
137.	R2419	洪明慧
138.	R2490	Ng Wai Man
139.	R2513	Wong Wai Hung
140.	R2539	王慧珍
141.	R3587	Pak Chi Wa
142.	R3896	Ho Suk Ha
143.	R4147	周卓賢
144.	R4155	Chow So Yu
145.	R4183	陳耀輝
146.	R4184	林佩蓮