

**Minutes of 865th Meeting of the
Town Planning Board held on 25.8.2006**

Present

Permanent Secretary for Housing, Planning and Lands (Planning and Lands)
Mrs. Rita Lau

Chairperson

Mr. Michael K.C. Lai

Dr. Greg C.Y. Wong

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor Peter R. Hills

Professor Bernard Vincent W.F. Lim

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Director of Planning
Mrs. Ava Ng

Principal Assistant Secretary (Transport)
Environment, Transport and Works Bureau
Ms. Ava Chiu

Assistant Director(2), Home Affairs Department
Ms. Margaret Hsia

Director of Environmental Protection
Dr. Michael Chiu

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

Secretary

Absent with Apologies

Dr. Peter K.K. Wong

Ms. Carmen K.M. Chan

Mr. Erwin A. Hardy

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Dr. Lily Chiang

Dr. David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor N.K. Leung

Dr. C.N. Ng

Mr. Alfred Donald Yap

Ms. Maggie M.K. Chan

Mr. Felix W. Fong

Director of Lands
Mr. Patrick L.C. Lau

In Attendance

Assistant Director of Planning/Board
Mr. S. Lau

Chief Town Planner/Town Planning Board
Mr. C.T. Ling

Senior Town Planner/Town Planning Board
Miss Fiona S.Y. Lung

Agenda Item 1

Confirmation of Minutes of the 864th Meeting held on 11.8.2006

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

1. The minutes of the 864th meeting held on 11.8.2006 were confirmed without amendments.

Agenda Item 2

Matters Arising

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

2. The Secretary said that there was no matter arising to report.

[Professor Bernard Vincent W.F Lim and Dr. Daniel B.M. To arrived to join the meeting at this point.]

Agenda Item 3

Progress Update on Wan Chai Development Phase II Planning and Engineering Review (TPB Paper No. 7662)

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

3. The Chairperson said that the purpose of this item was to brief Members on the progress update of Wan Chai Development Phase II (WDII) Planning and Engineering Review.
4. The following representatives from the Government and study consultants were invited to the meeting at this point:

Mr. L. T. Ma

Project Manager (HK Island & Islands), Civil
Engineering and Development Department
(CEDD)

Mr. Wilson Fung	Engineer/Hong Kong Island Division 2, CEDD
Ms. Phyllis Li	Chief Town Planner/Special Duties (1), Planning Department (PlanD)
Mr. M. L. Wan	Deputy Project Manager/Major Works (2), Highways Department (HyD)
Mr. Lawrence Kwan	Chief Engineer/Traffic Engineering (HK), Transport Department (TD)
Mr. Dickson Lo	Managing Director, Maunsell Consultants Asia Limited
Mr. Peter Cheek	Associate, Maunsell Consultants Asia Limited

5. The Chairperson extended a welcome and invited the representatives to present the Paper.

6. With the aid of Powerpoint presentation, Mr. L.T. Ma made the following main points:
 - (a) background – the outcome of the consultation with the Transport Advisory Committee, District Councils, professional institutions and Legislative Council Panel on Planning, Lands and Works since last briefing to the Board in April 2006 was reported in detail;

 - (b) preparation of Concept Plan – the Sub-committee on WDII Review of the Harbour-front Enhancement Committee (Sub-committee) had agreed to adopt Tunnel Option Variation 1 as the basis for preparing the draft Concept Plan. Government had publicly stated that after meeting specific infrastructural needs, all reclaimed land would be dedicated for harbour-front enhancement purpose. Land use proposals were formulated to enhance the associated harbour-front. Five ‘character precincts’ for harbour-front enhancement were recommended, taking account of public views received. Special emphasis was placed on providing an accessible and vibrant harbour-front space for public enjoyment; and

 - (c) way forward – the Sub-committee would be briefed on the Concept Plan in the following week. Following that, the public would be engaged in

September/October 2006. The Consultants would carry out assessments to confirm the technical feasibility of the ideas contained in the Concept Plan. The Recommended Outline Development Plan (RODP) would then be prepared, followed by amendments to the relevant Outline Zoning Plans.

[Ms. Sylvia S.F. Yau arrived to join the meeting at this point.]

7. With the aid of Powerpoint presentation, Mr. Peter Cheek made the following main points:

- (a) development of Concept Plan – the basis of harbour-front planning was to use the additional land formed incidental to Central-Wan Chai Bypass (CWB) for harbour-front enhancement and create an accessible and vibrant harbour-front for public enjoyment. The principal proposals from the Envisioning Stage of the Harbour-front Enhancement Review – Wan Chai, Causeway Bay and Adjoining Areas (HER) were to create a Cultural Node at the Hong Kong Convention and Exhibition Centre (HKCEC) area, a Green Leisure Zone at the Wan Chai waterfront, a Water Sports/Activity Node at the ex-Public Cargo Working Area (ex-PCWA), a Heritage Node at the Causeway Bay Typhoon Shelter (CBTS), and a Green Leisure Zone at the North Point waterfront;
- (b) Character Precinct – five ‘character precincts’ with different themes of harbour-front enhancement were proposed. The *Arts and Culture Precinct* was recommended at the HKCEC area to enhance the existing character of the area by providing complementary uses such as outdoor performance areas and street markets. The *Water Park Precinct* was recommended at the Wan Chai waterfront to the east of HKCEC, making use of the reclaimed areas for provision of ornamental lakes, fountains and other water features. The *Water Recreation Precinct* covered the ex-PCWA basin where a water sports centre and a harbour education centre were proposed, with new landing steps built into the seawall providing access to the water. The *Heritage Precinct* at the CBTS and Victoria Park was proposed to preserve and enhance the historical elements of the CBTS. An improved pedestrian access in the form of a landscaped deck would be provided from Victoria Park to the new

harbour-front. The *Leisure and Recreation Precinct* along the North Point harbour-front to the east of CBTS would provide a local park to address the shortfall of open space and to open up that section of currently inaccessible waterfront;

- (c) harbour-front access – the existing pedestrian network was proposed to be extended or additional linkages would be provided. Besides being able to provide a continuous waterfront promenade from Central to North Point, nine new pedestrian links were proposed; and
- (d) photomontage view – the photomontage views of Wan Chai, Causeway Bay and North Point was shown to illustrate the enhanced harbour-front upon implementation.

8. The comments/questions raised by Members were summarized as follows:

General

- (a) engaging the public to explore the principal proposals for WDII was commendable. The proposals contained in the Concept Plan had struck a balance in terms of land use mix. The proposed overall development of WDII was supported;
- (b) adoption of a holistic approach towards transport/land use planning was welcome in that opportunities were taken to enhance the water-front whilst tackling the traffic congestion problem;

Active Public Use

- (c) the Water Recreation Precinct covered mainly the existing private clubs. Whether the newly planned facilities would become ‘privatized’ and whether there were any proposals to integrate the private areas of the existing clubs with the proposed public areas for water recreation uses;
- (d) whether there were any proposals to encourage active public use at the harbour-front;

- (e) the area north of HKCEC only had few visitors. How the area would be revitalized;

Linkages

- (f) the linkage from Gloucester Road South at Causeway Bay and Eastern District to the harbour-front of WDII should be strengthened. The Consultants should address the linkage problem in the Eastern District;
- (g) whether the perspective of the pedestrians on the proposed pedestrian links was taken into account;
- (h) what the width of the proposed landscaped deck from Victoria Park to the waterfront would be and whether additional links from Victoria Park to the waterfront could be provided;

Ferry Pier

- (i) whether there were any statistics on the usage of the existing ferry pier, which would be moved to a location further off the core;
- (j) how the relocated ferry pier would be linked with other parts of Wan Chai North. If the ferry pier was too far away from the core and not well linked up, its usage would drop;
- (k) the three existing ferry piers would be replaced by a single pier. Whether the provision was sufficient to meet the demand;
- (l) the proposed ferry pier located in the middle of the new Wan Chai waterfront seemed to be incongruous with the atmosphere. Consideration should be given to removing it to other location and preserving the quiet and peaceful characteristics of the area;

Landscape

- (m) landscape proposals should be integrated with land use proposals, and the overall urban design of the area should be duly considered. The existing design of the Golden Bauhinia Square (GBS) was unsatisfactory in that it

comprised two levels and was disrupted by utility installations or structures;

- (n) consideration should be given to promoting the display of sculptures by local artists and planting trees to give shade in the landscaping area;

Implementation

- (o) whether there were any implementation plans on the water-front enhancement work;

Environmental Issues

- (p) there were 'dead corners' along the harbour-front of the project area, such as the water body near Noonday Gun where the water quality was poor with odour problem. Part of the harbour-front was also subject to traffic noise problem, particularly the areas around Noonday Gun and Police Officers' Club. The environmental issues should be addressed;
- (q) the CBTS was also subject to environmental problems which should be addressed in the Study;

Sustainability Assessment

- (r) whether sustainability assessment (SA) had been conducted on the WDII project;

Water Park Precinct

- (s) the reclaimed waterfront in the proposed Water Park Precinct would be in the form of a straight line. Whether it was necessary for the reclaimed land to follow a straight line and if so, how the visual impact would be mitigated;

Water Features

- (t) the improvement of the harbour-front was appreciated. In planning for the water park theme, however, there should not be excessive use of modern fountains and other water features. The unique characteristics of the area should be preserved and use of sculpture should be considered;
- (u) the Wan Chai waterfront was a popular location for the public to watch

fireworks in the Victoria Harbour. At the detailed design stage of the water features, consideration should be given to the safety and efficient circulation of pedestrians;

Reprovisioning of Existing Uses

- (v) sites no. 9, 11 and 12 shown in the Concept Plan attached to the Paper would be used for the reprovisioning of a number of facilities. What the existing uses of these sites were;
- (w) site no. 11 and its surrounding area were rather inaccessible at the moment and posed security concern. Consideration should be given to better linking up the site with other parts of the areas;
- (x) the relocation of the salt water pumping station away from the harbour-front was supported;

Others

- (y) a water sports centre was proposed in the Water Recreation Precinct. The water body outside Wan Chai was not suitable for playing yacht or wind surfing. If berthing of private crafts was to be allowed in the waterfront, there should be supporting car parking areas and loading and unloading facilities; and
- (z) whether the private sector would be allowed to use the proposed helipad.

9. In response, Mr. L.T. Ma, Mr. Peter Cheek, Mr. Lawrence Kwan and Ms. Phyllis Li made the following main points:

Active Public Use

- (a) the five 'Character Precincts' with different themes of harbour-front enhancement were proposed with a view to creating vibrancy in the area. With the provision of supporting facilities, the public would be attracted to the harbour-front;
- (b) street markets, waterfront-related retail uses, art performance and water

recreation activities were proposed in the harbour-front to add vibrancy to the area;

- (c) during the public engagement activities to be organized in September/October 2006, the public would be invited to give further views on means to promote the use of the harbour-front;
- (d) the newly planned facilities in the Water Recreation Precinct would be reserved for public use. A private club had indicated interests to run such additional water recreation facilities in the area, which would help integrate the planned facilities with the existing ones in the private club;

Ferry Pier

- (e) the existing Wan Chai ferry pier was providing an essential cross-harbour ferry services and there was a definite need for its reprovioning;
- (f) only the Wan Chai ferry pier would be reprovisioned and the reprovisioned pier would be sufficient for providing the essential ferry services as well as harbour tour service. As the other two existing piers were only used by harbour tour vessels, which could use other berths in the harbour, there was no need for their reprovision;
- (g) in identifying a suitable site for reprovisioning the Wan Chai ferry pier, one of the considerations was to ensure that the operation of the existing pier would not be disrupted during the construction of the new one;
- (h) access to the reprovisioned ferry pier would be through the landscaped deck extending from Harbour Centre and Great Eagle Centre across the realigned Hung Hing Road;

Linkages

- (i) various new pedestrian links were proposed to the new harbour-front. The provision of additional links from Gloucester Road South at Causeway Bay and Victoria Park to the harbour-front could be further reviewed;

- (j) a wide landscaped deck from the raised knoll area of Victoria Park to the waterfront was proposed. The width of the landscaped deck would vary, with the narrow part (about 30m) across the road section and the wider part (about 40m) towards the waterfront;
- (k) the level of the Island Eastern Corridor (IEC) flyover imposed a constraint on providing additional link from the Victoria Park to the harbour-front. The situation would be further reviewed and the possibility of providing other linkage would be explored;
- (l) while the need for better linkage with the Eastern District was noted, the priority of the WDII project was to focus on the Wan Chai, Causeway Bay and adjoining areas and the early implementation of the CWB;
- (m) various measures had been proposed to improve the linkage with the Eastern District, including a continuous promenade extending from Central to the Oil Street area in North Point, a waterfront park in North Point to address the shortfall in open space, and a landscaped walkway along the Oil Street frontage to the North Point waterfront being examined in the review of the Oil Street Sale Site;

Landscape

- (n) the concern on the landscape aspect was noted and would be followed up at the detailed design stage;

Implementation

- (o) the WDII project was the coordinated work of various Government departments. The implementation plan of the project would be worked out at a later stage;

Environmental Issues

- (p) the constraints imposed by the land use on the existing harbour-front were recognised. The environmental issues including air and water quality would be looked into at the next stage when an assessment on technical feasibility was carried out;

- (q) further reclamation in the harbour to address the environmental issues might not satisfy the ‘overriding public need’ test under the Protection of the Harbour Ordinance (PHO). Tackling the environmental problems at source would be the approach to be considered;

Sustainability Assessment

- (r) after obtaining initial agreement of the Sub-committee on the Concept Plan, sustainability assessment (SA) would be conducted on all the proposals contained in the Concept Plan;

Water Park Precinct

- (s) due to the constraint of the PHO that reclamation should be minimised, the reclaimed waterfront in the proposed Water Park Precinct followed the trunk road alignment and was thus in the form of a straight line. At the implementation stage, measures would be taken to soften the visual impact, for example, by adopting a more interesting layout;

Water Features

- (t) the kind of water features to be adopted at the new harbour-front would be a matter of detailed design. Effort would be given to achieve good quality design for the harbour-front area;

Reprovisioning of Existing Uses

- (u) site no. 9 of the Concept Plan was currently used for a public transport interchange (PTI), and site no. 12 for an indoor games hall (IGH) and training pool. Those facilities were within the footprint of the proposed Exhibition Station of the Shatin to Central Link/the North Hong Kong Island Line (SCL/NIL) and would be affected when constructing the station. “In-situ” reprovisioning was proposed, that is, to use the existing PTI site for the construction of the western portion of the Exhibition Station with the IGH and training pool reprovided above it in a new integrated structure, and then to complete the eastern portion of the station with the PTI reprovided above at ground level;

- (v) the vacant site at site no. 11 would accommodate the salt water pumping station of Water Supplies Department relocated from the waterfront, a coach park to replace the existing one at Expo Drive East, and the future expansion of the Wan Chai East Sewage Screening Plant (SSP) to compensate for the loss of the Wan Chai West SSP;

Others

- (w) the proposed water sports centre was intended to provide facilities for public use and it was expected that the public would visit the centre mainly by public transport;
- (x) the proposed helipad would be for Government use. Nevertheless, if there was spare capacity, private use of the helipad would be allowed; and
- (y) the linkage of individual sites would be looked into at the next stage.

[Mr. Walter K.L. Chan arrived to join the meeting at this point.]

10. The Chairperson said that in submitting a bid for funding support for implementing the WDII project, the package should include not only road works, but also harbour-front enhancement works to ensure the timely implementation of the various proposals for harbour-front enhancement. The study team should take into account the comments made by Members to further develop the ideas shown in the Concept Plan and work on the details of the proposals.

11. The Chairperson thanked the representatives from the Government and study consultants for attending the meeting. They left the meeting at this point.

[Mr. Nelson W.Y. Chan arrived, while Mr. Y.K. Cheng left, the meeting at this point.]

Agenda Item 4

Consideration of Representation in Respect of the Draft Sai Ying Pun and Sheung Wan Outline Zoning Plan No. S/H3/21

(TPB Paper No. 7647)

[Open Meeting (Presentation and Question Sessions only)]

[The hearing was conducted in English and Cantonese.]

12. The Secretary said that as Comment No. C6 was submitted by the Conservancy Association Centre for Heritage Ltd., Dr. C.N. Ng who was a director of the Conservancy Association has declared an interest on this item. Members noted that Dr. Ng had tendered his apologies for being unable to attend the meeting.

13. Professor Bernard Vincent V.F. Lim declared an interest on this item as he had represented the Hong Kong Institute of Architects (HKIA) to attend the Legislative Council Panel on Home Affairs on 9.11.2004 and had participated in the open days and other activities on the Central Police Station Compound. Professor Lim said that he had not commented on the land uses of the site and was not related to the representer and commenters. Members noted that Professor Lim's interest in this item was indirect and agreed that he could stay in the meeting. The Board would consider Representation No. 1 and the 7 comments on the representation at this meeting.

14. The Chairperson said that on 17.3.2006, the draft Sai Ying Pun and Sheung Wan Outline Zoning Plan (OZP) No. S/H3/21 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). Two representations and 7 comments were received. On 28.7.2006, the Board decided that Representation No. 2 was invalid as it was not related to any amendment to the Sai Ying Pun and Sheung Wan OZP exhibited under the Ordinance.

Presentation and Question Sessions

15. Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK), Planning Department (PlanD) and the following representatives of the representer and commenters were invited to the meeting at this point:

Representation No.1

Mr. Ian Brownlee) Representatives of Heritage Hong

summarised in paragraph 2.2 of the Paper;

- (d) the commenters' comments on the representation were summarised in paragraph 3 of the Paper. In brief, the commenters were generally in support of the representation including the 'Heritage First' approach. Their views were largely similar to that of the representer; and
- (e) PlanD's views – PlanD did not support any amendment to the OZP to meet the representation. The planning considerations and assessments of the representer's proposal were detailed in paragraph 5 of the Paper.

19. The Chairperson then invited the representatives of the representer and commenters to elaborate the representation and comments respectively.

Representation No. 1

20. With the aid of a Powerpoint presentation, Mr. Nicholas Brooke made the following main points:

- (a) the model for heritage conservation proposed by the Government on the CPS Compound did not work. The CPS Compound was a community asset, not a sales site. Its heritage value should not be subsumed to commercial considerations. The model for heritage conservation adopted for the redevelopment of the Marine Police Station in Tsim Sha Tsui did not work;
- (b) the CPS Compound was so important that the Board was looked upon to work in partnership with the community and take on a custodian/stewardship role of the site;
- (c) it was surprising to note that the Antiquities Advisory Board (AAB) and the Antiquities and Monuments Office (AMO) had not commented on the representer's submission. Heritage tourism should not be the driver of the future development of the CPS Compound. The proposed invitation of tender for the future development of the site was another area of concern; and

- (d) the Board's proposed amendments to the OZP would potentially facilitate the misuse of the CPS Compound. The question was how the right balance of preservation and development could be struck.

21. With the aid of a Powerpoint presentation, Ms. Maggie Brooke made the following main points:

- (a) the Heritage Hong Kong was a recently established group of concerned Hong Kong residents focusing on heritage and conservation issues. The ultimate aim of the Heritage Hong Kong was to adopt the entrustment model and set up a Heritage Foundation, similar to that of National Trust in the United Kingdom;
- (b) the overall vision for the CPS Compound was to create an integrated recreational, learning and community environment which would not only protect and use the historic buildings on the site but also provide residents and visitors with an exciting and interesting new location within the city;
- (c) the 'Heritage First, Resident First' principle should be adopted, not tourism and commercial considerations;
- (d) the entrustment model would lessen the financial burden in the operation and management of the heritage sites; and
- (e) the CPS compound should be put to appropriate use by the community.

22. Mr. Alex Hui made the following main points:

- (a) on the face of the matter, the proposed amendments to the OZP were not significant. If the proposed revisions submitted by the representer were not upheld, however, the future development of the CPS Compound would repeat the past mistake of the Marine Police Headquarters. The 'Heritage First' principle should be adopted, and the priority should be given to heritage conservation, not tourism and commercial considerations;

- (b) building a footbridge link to a historical building could lower its heritage value, as witnessed in the case of the Central Market. If ancillary facilities such as covered walkway, escalator and elevator etc. were permitted as of right under the “OU” zone, the heritage value of the CPS Compound would be adversely affected;
- (c) preserving a historical building was important in that it could allow the trace of history to continue. Some buildings in the CPS Compound were used for the same purpose for some 140 years and was particularly invaluable in this regard; and
- (d) it was pre-mature to conclude that F Hall could be demolished. The inter-relationship between, and evolution of, buildings within the CPS Compound also provided valuable reference to our history. These buildings should be preserved to allow further studies.

23. With the aid of a Powerpoint presentation and other materials, Mr. Ian Brownlee made the following main points:

- (a) the public views as presented in Appendices A, B and C of the representer’s submission attached at Annex I of the Paper showed the public sentiment for adequate planning control on the future use of the CPS Compound;

Planning Intention

- (b) the Board had accepted that the site was of historical significance and gave it a special zoning. The planning intention however did not closely reflect the name of the zone as it emphasized the ‘conservation of the historic site into a heritage tourism attraction’. The revised wording proposed by the representer was focused on the ‘Heritage First’ principle;

Notes

- (c) an amended set of Notes was suggested because the existing set was unclear and inappropriate. The particular concern was that ‘hotel’ was an always permitted use and without any height limit. According to the Definition of Terms, ‘Place of Entertainment’ and ‘Place of Recreation, Sports or Culture’

included a wide range of uses which might not be compatible with, or appropriate to, the character of the site, and the two uses should be moved to Column 2;

- (d) the Remarks column should be revised to stipulate that only those uses which could be accommodated within the existing buildings would be permitted as of right, and that the Planning Brief (PB) should form part of the statutory plan. The Remarks should also stipulate that the Board's approval would be required for any proposal to demolish a building or structure;
- (e) the CPS Compound was a special site and the uses listed in the Notes should be tailor-made for the particular character of the site, rather than a simple updating of the Notes to include the Master Schedule of Notes (MSN);

Planning Brief

- (f) the Board should adopt the PB as part of the Notes to address all of the issues of public concern. It would then form the basis for the tender documents. The PB was intended to be restrictive, but there might be scope for introducing a minor relaxation clause to allow some flexibility. An amended set of the proposed Notes was tabled at the meeting;

Height Limit

- (g) a maximum height limit of 77mPD was proposed for the CPS Compound in the PB, which was considered essential to the retention of the character of the site;

The Board

- (h) the Board should not abrogate its statutory authority to the Government departments. The function of the Board was different from that of the AMO in that the Board could look at the whole CPS Compound as part of the heritage site. The new planning application process also provided a basis for public involvement in the long-term conservation and use of the site. As the Board would not be involved in the tender preparation and assessment process, a change to the zoning controls as proposed by the representer and the inclusion of the PB in the Notes was the only basis to ensure that the

Board could properly carry out its statutory duty; and

- (i) the suggested reasons for not proposing any amendment to the OZP to meet the representation were contrary to the planning intention for the site. Many parts of the representer's submission had merits and should not all be rejected. A number of important questions was tabled at the meeting to facilitate Members' discussion on the representation.

24. In conclusion, Mr. Nicholas Brooke said that heritage conservation was at a watershed. There was a need to determine that priority should be given to heritage. The Board should take this opportunity to steer the way forward and take up the role of an arbiter in determining the appropriate uses or development of the CPS Compound in future.

Comment No. C6

25. Ms. Marina Lo made the following points on Comment No. C6:

- (a) when contemplating the future use of the CPS Compound, heritage conservation and enhancement of the heritage value should be put as the first and foremost development consideration. The CPS Compound was a community asset and its development should not be heritage tourism led; and
- (b) the CPS Compound should be conserved and developed in such a way that it would give a strong identity to the area and sense of place for the community. It was important not only to retain the hardware (bricks and tiles), but also to provide the associated supporting facilities to encourage a mixture of cultural and community related facilities. Such facilities could be supported by commercial elements of an appropriate nature and scale. All these would support the long-term sustainability of the operation of the CPS Compound.

Comment No. C4

26. Mr. Paul Zimmerman made the following points on Comment No. C4:

- (a) it was not an easy decision for the Board to go against the recommendations

of Government departments, but the Board should note that the submission made by Heritage Hong Kong, a non-profit making organization, was the consolidation of its two years' work on the site;

- (b) the representer's submission intended to give the Board greater control on the future use of the site, which was of critical importance on the future development of the Central District. In view of the traffic conditions in Central, if the scale of development of the CPS Compound could be reduced, the spare infrastructural capacity could be taken up by other private developments; and
- (c) in Singapore, the authority had great power of planning control over historic buildings. The CPS Compound was a site of great community value. The representer's proposal should be supported by the Board. The Board should realise its independent role in establishing planning control over the future use and development of the site.

Hotel Use

27. A Member asked whether there was any plot ratio restriction on the site. Noting that the buildings in the upper platform could be demolished, this Member asked if there was sufficient land for hotel development in the upper platform. If so, there was no need to allow conversion of the historic buildings in the lower platform for hotel use, such as boutique hotel, and whether the public would have free access to such buildings. Ms. Christine K.C. Tse responded that no restriction on plot ratio had been imposed in the Notes of the “OU” zone. The historic buildings in the CPS Compound were divided into Types A and B. Type A historic buildings had to be conserved externally and internally, while Type B be conserved externally, but internally it could be altered. Nevertheless, it would be difficult to convert the historic buildings into hotel use in view of the control under the Antiquities and Monuments Ordinance. Besides, planning permission was required from the Board for any new development and the applicant would be required to conduct assessments to demonstrate that the proposed development would be compatible with the historical setting of the CPS Compound.

28. The same Member said that noting the case of the Marine Police Headquarters, there remained the possibility that the historic buildings in the lower platform would be converted for hotel use. This Member was of the view that if there was sufficient space in the upper platform for hotel development, consideration could be given to restricting hotel development to the upper platform. Ms. Christine K.C. Tse said that although ‘Hotel’ was a Column 1 use in the “OU” zone, alteration of a historic building was subject to the control under the Antiquities and Monuments Ordinance. The Chairperson asked whether the tender document could state the requirement on the location of the hotel. Ms. Tse replied that Members’ request could be relayed to the Tourism Commission (TC) for consideration during the preparation of the tender document.

29. Mr. Nicholas Brooke said that ‘hotel’ was a Column 1 use in the “OU” zone, no planning permission would be required for conversion of an existing building into a hotel. The tender document was prepared by the TC and the priority was on tourism, not heritage conservation aspects. The Chairperson said that while hotel in itself was a Column 1 use, the development of the CPS Compound would be covered by a comprehensive scheme comprising the whole site. The various components in the scheme would likely trigger the requirement for obtaining planning permission from the Board.

[Professor Peter R. Hills left the meeting at this point.]

Tender Document

30. A Member asked if all the tenders would be submitted to the Board before the tender was awarded. If not, in case a tender was awarded but the scheme was not acceptable to the Board, whether the Board would be bound to accept the scheme. Ms. Christine K.C. Tse replied that if the scheme involved new buildings, planning permission from the Board would be required, as required under the OZP. The Board could decide whether to approve the application or not.

31. Another Member asked if a PB would be incorporated into the tender document to ensure that the planning intention was adhered to when tender submission was invited. Ms. Christine K.C. Tse said that the tender document would contain technical guidelines and there would be requirements on heritage conservation and restrictions on building height. The TC and the AAB would take into account the public views in drafting the guidelines and tender document. The Chairperson added that the preparation of tender document was under separate authority. The Board should focus on whether there was sufficient control on the land use under the Notes of the OZP to achieve the planning intention of conservation of the CPS Compound, instead of getting involved in the formulation of the tender document.

Planning Brief

32. A Member asked if there was any precedent to stipulate in the Notes that the PB formed part of the Notes and what the amendment process would be if it formed part of the Notes. Ms. Christine K.C. Tse responded that there was no such precedent. Even in a “Comprehensive Development Area” zone, the PB did not form part of the Notes. If the PB was part of the Notes, then any amendments to the PB would be processed as amendments to the OZP and the plan amendment process as stipulated in the Town Planning Ordinance would be followed, including publication of the amendments in the Gazette and processing of representations and comments. Mr. Ian Brownlee said that the PB for the site would guide the preparation of tender document. Though without precedent, the PB should form part of the Notes in view of the great public interest of the site. By so doing, it would allow the public the opportunity to comment on the future revision of the PB.

Others

33. A Member asked whether the Home Affairs Bureau (HAB) and AMO had any

comments on the representation and whether there would be any control on the wide range of uses included under the two uses of 'Place of Entertainment' and 'Place of Recreation, Sports or Culture'. Ms. Christine K.C. Tse said that the representation had been circulated to HAB and AMO for comment. In the coordinated reply of HAB, no specific comment was made on the submission regarding the heritage aspect. It advised that the restoration, adaptation and alteration to historic buildings in the CPS Compound would be controlled and monitored under the Antiquities and Monuments Ordinance. The two uses had already been included in Column 1 of the Notes when the site was rezoned from "Government, Institution or Community" ("G/IC") to "OU" in 2003. The range of uses allowed under the two uses was to allow flexibility for the use of land or buildings and were in line with the spirit of the revised MSN.

34. As the representatives of the representer and commenters had finished their presentations and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the representation and comment had been completed, and the Board would deliberate on the representation and comments in their absence and inform the representer and commenters of the Board's decision in due course. The Chairperson thanked the representatives of the representer, commenters and the PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

35. The Chairperson pointed out that the OZP was a statutory document and the procedures for its amendments were stipulated in the Town Planning Ordinance. If the PB formed part of the Notes of the OZP, its subsequent amendments would have to strictly follow the plan amendment procedures. In considering the representation and comments, Members should focus on whether the current version of the "OU" zone could achieve the planning intention or whether amendments to the Notes should be made to meet the representation. Members might note that awarding a tender by the Government did not imply that the successful tenderer could proceed with the scheme outright. The successful tenderer should comply with the land use control under the Town Planning Ordinance as well as the requirements under other Ordinances.

36. The Secretary said that for background information, Members might note that the proposed amendments of the CPS Compound from "G/IC" to "OU" was agreed by the Board

on 4.4.2003. At that meeting, representatives from the Tourism Commission and Leisure and Cultural Services Department (LCSD) were invited to explain the development intention of the site and the preservation requirements. Members agreed that the plan making process should be separated from the tender process. Some degree of certainty and flexibility should be allowed in order to ensure that the preservation project would be commercially viable. The issue of PB was also discussed and Members noted that adequate development restrictions would be incorporated in the tender documents and in the lease. The current amendments to the Notes of the “OU” zone mainly involved technical amendments to incorporate the revised MSN previously endorsed by the Board.

37. Views of Members were summarized as follows:

- (a) the planning intention to preserve, restore and convert the historic site into a heritage tourism attraction was supported, and the proposed amendments to the wording of the planning intention was considered not necessary;
- (b) the representer’s proposals of allowing community use of the CPS Compound and adopting the ‘Heritage First’ principle were commendable;
- (c) lesson should be learnt from the Marine Police Headquarters in drafting the tender document for the CPS Compound;
- (d) removing ‘Hotel’ to Column 2 was not supported. Some degree of certainty should be provided in the use of the site. It was unrealistic not to introduce commercial elements in the preservation project. The facilities to be provided within the site should, however, not be too unaffordable to allow enjoyment by the wider public;
- (e) as planning permission would be required, there should be adequate control on new buildings. An area of concern was on conversion of use of the existing buildings, and the wide range of uses under ‘Place of Recreation, Sports or Culture’ and ‘Place of Entertainment’, which were put under Column 1 of the “OU” zone;
- (f) instead of making amendments to the list of Column 1 and Column 2 uses,

consideration could be given to relaying Members' concern on the type of uses to be permitted within the CPS Compound to the TC, which was responsible for preparing the tender document;

- (g) there were merits in the PB prepared by the representer. Some of the requirements in the PB might be considered for incorporation into the tender document by TC; and
- (h) the proposal of incorporating the PB into the Notes of the "OU" was considered not necessary and the subsequent amendment procedures were too lengthy and complicated.

[Mr. Raymond Y.M. Chan, Ms. Anna S.Y. Kwong, Professor Paul K.S. Lam and Ms. Starry W.K. Lee left the meeting at this point.]

38. The Chairperson shared Members' view that some uses, though in Column 1, might not be suitable for the site or certain location of the site. Members' views should be conveyed to the TC and AAB such that more specific control could be included in the tender document. To sum up, Members were satisfied that there were adequate planning control under the Notes of "OU" zone and no amendment to the Notes of the "OU" zone was considered necessary. Members were appreciative of the effort made by the representer and considered that there were merits in the representer's submission. The Planning Department was requested to follow up with the TC on the concerns raised by Members in the preparation of the tender document for the site.

39. After deliberation, the Board decided not to propose any amendment to the plan to meet Representation No. 1 for the following reasons:

- (a) revision to the Notes of the "Other Specified Use" ("OU") annotated "Historical Site Preserved for Cultural, Recreational and Commercial Uses" zone on the Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) No. S/H3/21 were to incorporate the revised Master Schedule of Notes to the Statutory Plans (MSN) and its subsequent refinements endorsed by the Town Planning Board. There was no change to the planning intention of the zone which clearly covered the aspect of heritage preservation. The changes to

the user schedules were to allow greater flexibility for the use of land/buildings and were in line with the spirit of the revised MSN; and

- (b) the proposed revisions to the Remarks of the Notes of the zone, including the incorporation of a Planning Brief and the requirement for planning permission for demolition of buildings were considered not necessary. Any new development would require planning permission from the Town Planning Board. There was added control under the tender whereby detailed issues relating to heritage conservation, design and layout, height and traffic impact etc. would be duly assessed and considered. In addition, demolition work of the Central Police Station Compound would be controlled and monitored under the relevant Ordinances.

[Mr. Leslie H.C. Chen and Professor Bernard Vincent W.F. Lim left the meeting at this point.]

Agenda Item 5

Review of Application No. A/YL-PH/515

Temporary Open Storage of Excavators and Bulldozers for Sale for a Period of 2 Years in “Residential (Group D)” zone, Lots 135RP(Part), 136(Part), 138BRP(Part) and 139RP(Part) in DD 108, Ta Shek Wu, Pat Heung, Yuen Long
(TPB Paper No. 7660)

[Open Meeting (Presentation and Question Sessions only)]

[The hearing was conducted in Cantonese]

Presentation and Question Sessions

40. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL) of the Planning Department (PlanD) and the following applicant and her representatives were invited to the meeting at this point:

Ms. Lam Wing-kwan) Applicant

Mr. Tang Yung-yiu) Applicant's Representatives
Mr. Lau Chuen-yin)
Mr. Lau Chi-wing)
Mr. Wong Ka-chun)

41. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited Mr. Wilson So to brief Members on the background to the application.

42. With the aid of plans shown at the meeting, Mr. Wilson So did so as detailed in the Paper and made the following main points:

- (a) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 7.4.2006;
- (b) the further written representation submitted by the applicant in support of the review application which was summarised in paragraph 3 of the Paper;
- (c) the previous applications concerning the site and similar applications within the same "Residential (Group D)" ("R(D)") zone;
- (d) departmental comments – the Environmental Protection Department (EPD) did not support the application as there were sensitive uses in the vicinity of the site (about 20m away). The Transport Department (TD) commented that if the proposed vehicular access would make use of a footbridge leading from Fan Kam Road, it would not be acceptable from road safety perspective. The Drainage Services Department (DSD) commented that the drainage proposal was considered not satisfactory. The Water Supplies Department (WSD) requested the applicant to submit an assessment of the traffic loading onto the existing steel bridge to demonstrate the water mains underneath would not be impaired;
- (e) no public comment was received during the publication period and no local objection was received from the District Officer, both at the section 16 planning application and section 17 review stage; and

- (f) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons stated in paragraph 6.2 of the Paper. The development was not in line with the planning intention of the “R(D)” zone. It also did not comply with the Town Planning Board Guidelines No. 13D (TPB PG-No.13D). There was insufficient information in the submission to demonstrate that the development would not generate adverse drainage and environmental impacts on the surrounding areas, and that suitable sites within the “Open Storage” (“OS”) zone could not be made available for the development. The latest two previous application (No. A/YL-PH/403 and 491) for temporary of excavators and loaders were rejected by the Board. There was no change in planning circumstances to warrant a departure from the previous decisions of the Board.

43. The Chairperson then invited the applicant's representatives to elaborate on the application.

44. With the aid of an aerial photo, Mr. Tang Yung-yiu made the following main points:

- (a) after the forming of PlanD in 1990, the “OS” zone in the Pat Heung area had only been expanded once. There was a serious shortage of open storage sites in Pat Heung. As shown in the aerial photo taken in 2004, the “OS” zone in Pat Heung had been used up. He doubted the estimate made by DPO/TMYL on the amount of available land for open storage uses;
- (b) the applied open storage use was only temporary in nature and would not pre-empt the permanent planning intention for residential development in the area; and
- (c) most of the land in Pat Heung had been changed to open storage yards. Similar applications had been approved. A list of the 10 approved applications was shown at the meeting.

45. Mr. Lau Chi-wing made the following main points:

- (a) his father had some knowledge of mechanical engineering. He urged the Board to give him and his father a chance to start a business and earn a living for the family; and
- (b) the applied use would not create any nuisance and impact on the environment.

46. In response to the Chairperson's enquiry on the list of approved applications shown by Mr. Tang Yung-yiu, Mr. Wilson So said that application No. A/YL-PH/441 should not be taken as a precedent case as the application was for animal training centre. He then referred to Plan R-1a to explain the other approved cases referred to by Mr. Tang. Four of the applications were approved in 1999. Many of the approved applications were for temporary open storage of private cars and lorries. Government departments generally had no adverse comments on such applications and thus approvals were given to such uses. For applications involving open storage of construction materials and the like, adverse comments from Government departments were generally expected. Application No. A/YL-PH/458 for temporary open storage of containers for storing sauces with canteen use was rejected by the Board but approved by the Town Planning Appeal Board for a period of 12 months in consideration that there was no local objection to the application and the issue of water pollution had been resolved by the grant of a license by EPD.

47. In response to a Member's query on paragraph 4.1.3 of the Paper on the footbridge issue, Mr. Wilson So referred Members to Plan R-2 which showed the access leading from Fan Kam Road. While the access was not a road maintained by the Highways Department (HyD), it was wide enough to allow vehicles to get through. There was a water main underneath the access and WSD had expressed concern on the impact of the traffic loading onto the existing steel bridge with water main underneath.

48. A Member asked the frequency of movement of the excavators. Mr. Lau said that the movement was infrequent, and would take place several times a month. In response to a query from another Member, Mr. Lau Chi-wing said that load-loader would be used to transport the excavators.

49. A Member sought clarification on the land available for open storage activities in

Pat Heung. Mr. Wilson So explained that about 96 ha of land had been zoned for “OS”, not to mention the amount of land zoned for “Industrial (Group D)” (“I(D)”) where some types of open storage uses were always permitted. It was estimated that some 6 to 7 ha of land was still available for open storage uses, though such land might not be suitable for the applied use from the applicant’s perspective. Mr. Tang Yung-yiu said that all the sites in the “OS” zone in Pat Heung had been used up except a portion of land at the upper right hand corner of the aerial photo.

50. In response to a Member’s question, Mr. Wilson So further elaborated that the estimated amount of available land for open storage use was based on aerial photos and field surveys conducted by his staff. The estimate was not without limitations and the available land might not suit the requirements of the applicant. The estimate would normally be updated on an annual basis and the last estimate was made in end 2005 and early 2006. Members might however note that other than land zoned “OS”, temporary open storage use might also be allowed in Categories 2 and 3 areas under TPB PG-No. 13D on application to the Board.

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

Deliberation Session

52. The Chairperson said that there was no strong justification for the Board to approve the application, particularly in view of the concerns raised by Government departments. Members agreed.

53. After further deliberation, the Board decided to reject the application on review and the reasons were:

- (a) the development was not in line with the planning intention of the “Residential (Group D)” zone which was intended primarily for improvement

and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It was also intended for low-rise, low-density residential developments subject to planning permission from the Board. No strong justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis;

- (b) the development did not comply with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that it was not compatible with the surrounding land uses with residential developments and active/fallow agricultural land; and
- (c) there was insufficient information in the submission to demonstrate that the development would not have adverse drainage and environmental impacts on the surrounding areas.

Agenda Item 7

Any Other Business

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

56. There being no other business, the meeting was closed at 1:00 p.m.