

**Minutes of 932nd Meeting of the
Town Planning Board held on 20.3.2009**

Present

Permanent Secretary for Development
(Planning and Lands)
Mr. Raymond Young

Chairman

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Professor David Dudgeon

Mr. Tony C.N. Kan

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Ms. Maggie M.K. 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

Mr. K.Y. Leung

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Mr. Timothy K.W. Ma

Dr. Winnie S.M. Tang

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Mr. Tony Lam

Deputy Director of Environmental Protection
Mr. Benny Wong

Director of Lands
Miss Annie Tam

Director of Planning
Mrs. Ava Ng

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

Secretary

Absent with Apologies

Mr. Edmund K.H. Leung

Mr. Felix W. Fong

Ms. Starry W.K. Lee

Dr. Ellen Y.Y. Lau

Assistant Director (2), Home Affairs Department

Mr. Andrew Tsang

In Attendance

Assistant Director of Planning/Board

Mr. Lau Sing

Chief Town Planner/Town Planning Board

Mr. W.S. Lau (a.m.)

Ms. Christine K.C. Tse (p.m.)

Senior Town Planner/Town Planning Board

Miss Vivian M.F. Lai (a.m.)

Ms. Amy M.Y. Wu (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 931st Meeting held on 6.3.2009

[The meeting was conducted in Cantonese.]

1. The minutes of the 931 meeting held on 6.3.2009 were confirmed without amendments.

Agenda Item 2

[Closed Meeting]

Matters Arising (i)

2. The item was reported under separate confidential cover.

Agenda Item 3

[Open Meeting (Presentation and Question Session Only)]

Consideration of Representations and Comments in Respect of the Draft Shouson Hill & Repulse Bay Outline Zoning Plan No. S/H17/10 (TPB Paper No. 8312)

[The hearing was conducted in Cantonese and English.]

[Mr. Raymond Y.M. Chan arrived to join the meeting at this point.]

Presentation and Question Session

3. The Secretary reported that the following Members had declared interests:

Mr. Felix W. Fong	Owning a property at Repulse Bay Road, being a representer (Representer No. 400), and being a member of the Democratic Alliance for the Betterment and Progress of Hong Kong (Commenter No. 681)
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Ms. Starry W.K. Lee - being a member of the Democratic Alliance for the Betterment and Progress of Hong Kong (Commenter No. 681)

Ms. Maggie M.K. Chan - being a member of the Democratic Alliance for the Betterment and Progress of Hong Kong (Commenter No. 681)

4. Members noted that Mr. Felix W. Fong and Ms. Starry W.K. Lee had tendered apologies for not attending the meeting and Ms. Maggie M.K. Chan had already left the meeting temporarily.

5. Members noted that sufficient notice had been given to invite the representers and commenters to attend the hearing. Other than the representers and commenters to be invited to the meeting below, the rest had indicated not to attend the hearing or made no reply. The Board agreed to proceed with the hearing in their absence.

6. The following representatives from the Planning Department (PlanD), Leisure and Cultural Services Department (LCSD) and Transport Department (TD) were invited to the meeting at this point:

Ms. Brenda K.Y. Au	DPO/HK, PlanD
Mr. David Lam	STP/HK, PlanD
Mr. Paul K.K. Cheung	Assistant Director (Leisure Services) ¹ , LCSD
Mr. P.C. Cho	Senior Engineer/Southern & Peak, TD

7. The following representers and commenters and their representatives of the were also invited to the meeting:

Representer No. 164 (R164) & Commenter No. 515 (C515) : Mr. Dmitry Fedotov
Commenter No. 519 (C519) : Mr. Dmitry Prosvirkin

Mr. Dmitry Fedotov

Mr. Dmitry Prosvirkin

Representer No. 197 (R197) & Commenter No. 373 (C373) : Gael Black

Ms. Gael Black

Representer No. 397 (R397) & Commenter No. 536 (C536) : Regina Lopez

Representer No. 559 (R559) & Commenter No. 276 (C276) : Dipa Burkhardt

Representer No. 1021 (R1021) & Commenter No. 669 (C669) :

Designing Hong Kong Limited

Mr. Paul Zimmerman

Mr. Ian Brownlee

Representer No. 561 (R561) & Commenter No. 252 (C252) : Pamela Kroos

Ms. Pamela Kroos

Representer No. 944 (R944) : The Incorporated Owners of Repulse Bay Towers

Mr. Spencer Law

Mr. Alan Liu

Representer No. 992 (R992) & Commenter No. 679 (C679) : Lo Kin Hei

Mr. Lo Kin Hei

Representer No. 995 (R995) & Commenter No. C674 (C674) : Tsui Yuen Wah,

Southern District Councillor

Mr. Tsui Yuen Wah

Ms. Li Yee Man, Peggy

Representer No. 1007 (R1007) : Mr. Fergus Fung, Southern District Councillor

Mr. Fung Se Goun, Fergus

Mr. Chan Ngok Pang, Ronald

Mr. Lam Kai Fai

Commenter No. 483 (C483) : Caroline Kracht

Ms. Caroline Kracht

Commenter No. 681 (C681) : Southern Branch of Democratic Alliance for the
Betterment and Progress of Hong Kong

Mr. Wong Choi Lap

Commenter No. 391 (C391) : Maureen Mueller

Ms. Maureen Mueller

Attending Only

Representer No. 54 (R54) : Mr. Shih Chia Cheong

Ms. Annie Shih Ko Yee Wan

Representer No. 206 (R206) : Mr. Ian Brownlee

Mr. Ian Brownlee

8. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited Ms. Brenda Au, DPO/HK, to brief Members on the background to the representations.

9. With the aid of a Powerpoint presentation, Ms. Brenda Au made the following points as detailed in the Paper:

- (a) the proposed amendments as set out in paragraph 1 of the Paper - on 26.9.2008, the draft Shouson Hill & Repulse Bay Outline Zoning Plan No. S/H17/10, incorporating the rezoning of the Seaview Building (SB) and the adjoining car park site at Repulse Bay from “Other Specified Uses” annotated “Beach Related Leisure Use” (“OU(BRLS)”) and “Open Space” (“O”) to “Comprehensive Development Area” (“CDA”) (Amendment Items A1 and A2), the rezoning of a small strip of land to the immediate west of the SB from “OU(BRLS)” to “O” (Amendment Item A3), the rezoning of a site in Deep Water Bay Valley from “Green Belt” (“GB”) to “Site of Special Scientific Interest”(“SSSI”) (Amendment Item B), and the deletion of the possible alignment of Route 81 (Amendment Item C) from the Plan, was exhibited for public

inspection under section 5 of the Town Planning Ordinance;

- (b) the background of zoning amendment to the SB site, and the design considerations of the “CDA” zone as set out in paragraphs 3.1 to 3.4 and 4.2.1 to 4.2.2 of the Paper – the SB had been largely vacant with the interior becoming dilapidated. Requests from locals were received for better use of the site. In view of its prominent location at the Repulse Bay beach, the Government proposed to dispose of the SB and the adjoining car park site for commercial and/or hotel use to enhance tourist attraction. Development parameters including building height and maximum gross floor area were imposed to ensure proper planning control. The District Development and Environment Committee (DDEC) of the Southern District council (SDC) expressed general support to the proposal in the meetings held in March and October 2008 though some members had concerns on the proposed use at the site, privatization of the public open space and demolition of the SB;
- (c) 1022 valid representations and 684 comments were received. A comment (No. 359) was withdrawn on 11.3.2009. All the representations opposed Amendment Items A1 and A2 regarding the rezoning of the SB and the adjoining public car park to “CDA”. Among the representations, 18 representations also covered Amendment Item A3; 19 representations also covered Amendment Item B; and 20 representations also covered Amendment Item C. All the comments supported the representations which opposed Amendment Items A1 and A2 except one (C673 supported the “CDA” zoning). Among the comments, seven also expressed support to Amendment Items B and C;
- (d) the grounds of representations and comments and proposals as detailed in paragraph 2 of the Paper were highlighted below:

Amendment Items A1 and A2 – rezoning of the SB and adjoining car park to “CDA”

- i. representers were against privatization of public space as they considered that the SB and the adjoining car park site were part of the Repulse Bay beach. They were against the demolition of the SB and the proposed hotel use and considered that the SB was very compatible with the character of the area. They were concerned that the proposed hotel use might have adverse impact on the accessibility to the beach, in both physical and visual terms, and the adverse traffic impact due to the proposed development. Some considered that the existing trees along the southern side of the car park site, which would be affected by the proposed development, had to be preserved;
- ii. all of them proposed reverting back to the original zonings and uses of the SB and the car park sites. They proposed to retain the SB and renovate it for beach related uses. Some of them suggested to impose a height restriction of 11mPD for the SB, rezone the whole site to “O” and designate the Repulse Bay area as a heritage site. A number of them requested the provision of more meter-parking spaces for private cars and drop-off/pick up points for public vehicles in the area;
- iii. for the commenters, apart from supporting the representers’ proposals, most of them proposed traffic management measures including restrictions on the use of Repulse Bay Road and Beach Road by tour coaches and improvement of pedestrian facilities in the area. Some suggested to offer a longer term of tenancies to the SB and to upgrade and utilize the public and dilapidated buildings along the eastern side of Beach Road;

Amendment Item A3 – rezoning of the “OU(BRLS)” to “O”

- iv. one representation supported the Amendment Item. The remaining 17 representations and the related comments had mistaken that the strip of land to the immediate west of the SB was rezoned to “CDA” and therefore considered that the rezoning would lead to privatization

of public space or imply further development;

Amendment Item B – rezoning of the “GB” to “SSSI” and Amendment Item C – deletion of the possible alignment of Route 81

- v. all the 19 representations and 7 comments supported Amendment Item B. Regarding Amendment Item C, 19 representations and 7 comments expressed support. One representation opposed Amendment Item C on the ground that even though the alignment might not be required in the near future, it should be reserved for possible future use;
- (e) PlanD’s views and responses to the representations as detailed in paragraph 4 of the Paper were highlighted as follows:

Amendment Items A1 and A2 – rezoning of the SB and adjoining car park to “CDA”

- i. the rezoning proposal was a response to local request for better use of the site. However, taking into account the representations and comments, the Development Bureau suggested that the SB be renovated by LCSD with a view to re-tendering for catering or other beach-related uses. LCSD indicated that they would keep an open mind on the representers’ proposal and would seek ideas and suggestions for revitalisation of the building through the invitation for expression of interest. PlanD therefore proposed to revert the zoning of the sites to the original “OU(BRLS)” and “O” so as to address the concerns of all the representers;
- ii. in respect of the height restriction, the original “OU(BRLS)” had a restriction of 2 storeys. It was considered not appropriate to impose a restriction of 11mPD as suggested by some of the representers as it was lower than the height of the central portion of the existing building (14.4mPD). The provision of planning application for hotel

use would allow land use flexibility whilst allowing the TPB to scrutinize any possible proposal to ensure that no adverse impact would be generated. 'Hotel' was one of the uses under Column 2 of the Notes for the original "OU(BRLS)";

- iii. the car park site was recommended to be reverted to its original "O" zoning, and the beach was already zoned "O". The SB site, being occupied by a building, was not appropriate to be rezoned to "O". In view of the conflicting demand of the public and the locals for private car parking spaces and that of the tourism sectors for coach pick-up/drop-off, TD suggested to review the need for retaining the existing car parking spaces after the opening of the new commercial complex at the ex-Lido site. TD would also continue to monitor the traffic situation on Beach Road with the Police and implement improvement measures when necessary. Other suggestions on lease term of the SB and the proposed upgrade of other public buildings in the vicinity fell outside the purview of the Board, and had been referred to the concerned Government departments, namely LCSD and FEHD for consideration;

Amendment Item A3 – rezoning of the "OU(BRLS)" to "O"

- iv. the site was small in area (0.02ha) and formed part of the beach, not the SB. It was appropriate to rezone it to "O" to rationalise the zoning boundary; and

Amendment Item B – rezoning of the "GB" to "SSSI" and Amendment Item C – deletion of the possible alignment of Route 81

- v. the supportive representations to Amendment Items B and C were noted. For Amendment Item C, Route 81 was first recommended in 1976 and subsequent review indicated that there would not be substantial increase in transport demand in the area. The proposed route would no longer be necessary.

- (f) PlanD proposed to revert the zoning of the SB and the adjoining car park to “OU(BRLS)” and “O” respectively to uphold or partially uphold the representations, and not to amend the OZP to meet the parts of representations in respect of other proposals for the SB and the adjoining car park site, the rezoning of a strip of land to the west of the SB to “O” and the deletion of the possible alignment of Route 81 from the OZP.

10. The Chairman then invited the representers and commenters and their representatives to elaborate on their representations and comments.

R164 & C515 (Mr. Dmitry Fedotov)

C519 (Mr. Dmitry Prosvirkin)

11. Mr. Dmitry Prosvirkin tabled a proposal on the proposed renovation of the SB. He made the following points:

- (a) he presented on behalf of Asia Exclusive Limited which represented local and overseas investors to run beach related facilities;
- (b) the perception that the SB was commercially non-viable in its current use was not entirely correct. The SB could be renovated and put to productive use. The proposal tabled at the meeting outlined the proposed uses for the SB which included changing room facilities, food and beverages, beach bars, kids’ club with education classes. The aim was to make the facilities open to the public on one hand and maintain the character of Repulse Bay on the other; and
- (c) the SB should be preserved and leased to responsible operators for the benefits of both the locals and tourists.

R197 & C373 (Gael Black)

12. Ms Gael Black made the following points:

- (a) she lived in Repulse Bay since 1976 with children grew up besides the beach;
- (b) with the increasing number of weekend beach goers, the Beach Road became overloaded. She once counted that there were some 80 tourists coaches in a Saturday morning on Beach Road. In weekday mornings, school traffic also jammed the road. Noting that Repulse Bay would continue to be a tourist attraction area, she pleaded for a better traffic management in the area for the benefit of both local residents and tourists.

R397 & C536 (Regina Lopez)

R559 & C276 (Dipa Burkhardt)

R1021 & C669 (Designing Hong Kong Limited)

13. Mr. Paul Zimmerman made the following points:

- (a) they opposed to the rezoning proposal and considered that the issue was more than the planning of the SB, but on the quality of the area to live in and to enjoy;
- (b) the Paper prepared by the PlanD did not address pedestrian experience in the area. Beach Road was a narrow canyon to the residents there. Road jammed with busses would not be conducive to a pleasant pedestrian environment;
- (c) he welcomed PlanD's proposal to revert the site to the original zonings. He received four letters from some international operators saying that they would provide suggestions to revitalize the SB to LCSD. Nevertheless, apart from the operators' views, the views of the SDC and the general public should also be collected. After completion of the expression of interests exercise, he suggested the LCSD to consult the SDC and the general public on the draft tender so that public views could be

incorporated therein;

- (d) contrary to TD's views, the need for retaining the existing car park site should be reviewed without waiting for the opening of the Lido Development. If the use of the car park could not be determined, it might be left out from the LCSD's re-tendering exercise for the re-use of the whole site. The phasing issue would need to be addressed;
- (e) the ex-Lido site was currently an eyesore in the area. He understood that the Lido Development could not be open as there were outstanding issues relating to compliance with the Buildings Ordinance and the lease, but the Paper prepared by PlanD did not indicate the current status of the issues. The Government should not leave the issues unresolved;
- (f) the traffic condition, to the contrary of TD's comments, was intolerable. Apart from the volume of traffic, the size of the tour buses which was too long to make proper turns was also a concern. Buses waiting along the road with idling engines generated noise and air pollution. These problems had aggravated and remained unresolved;
- (g) in the Paper, PlanD responded that the proposal to upgrade the adjoining public buildings, a refuse collection point, a public toilet and a FEHD office were outside the purview of the Board. It should be the Board to be in charge of the development of Repulse Bay area. It was apparent that when each department performed just their own duties, things did not work;
- (h) the huge number of representations against the amendments to the OZP was because PlanD did not reach out to the residents in formulating the proposed amendments. This should be a lesson learnt by the Government. Designing Hong Kong sent circulars to local residents so that the message got across to them. It should be noted that the local residents might have different views with the DC members. PlanD had pushed hard for the planning proposal to DC and not all the DC comments were reflected in

the Paper prepared for the Board's consideration; and

- (i) the Government should resolve the traffic problem in the area, and reach out to the public on new proposals in the future.

R561 & C252 (Pamela Kroos)

14. Ms. Pamela Kroos made the following points:

- (a) her family lived in the Repulse Bay since 1982. She was upset to learn from the mails of Designing Hong Kong that the SB would be torn down and redeveloped into a hotel. The Government should be more transparent on this project, and disseminate the information transparently, say, on the website;
- (b) the Beach Road was not wide enough to accommodate large tour buses, thus was jammed frequently. Apart from blocking the road, running engines would cause air pollution. She had, in the past, complained to the Police and TD but the situation did not improve. The traffic problem disturbed not only the residents but also the tourists. TD should set a restriction on the size of the buses using the road; and
- (c) the management of the SB before its closure was appalling. It was a place for breeding crime.

R944 (The Incorporated Owners of Repulse Bay Towers)

15. Mr. Alan Liu said that, on behalf of the incorporated owners of Repulse Bay Towers, he objected to the rezoning of the SB because traffic congestion was already serious on the Repulse Bay Road and it would be further aggravated by the proposed new hotel/commercial building. There was a shortage of parking space on the Beach Road, and the rezoning of the car park site would create a long queue of cars on the Beach Road for parking spaces. The new development would also create pollution during construction and after occupation. The privatisation of the beach front area would block public access and

the character of the Repulse Bay would be ruined by the over-sized commercial development.

R992 & C679 (Lo Kin Hei)

16. Mr. Lo Kin Hei tabled a statement and brought a book named 'Love in a Fallen City' by Ms. Zhang Ai Ling for Members' attention. He made the following points:

- (a) being a member of the Democratic Party and the office of Hon Kam Nai-wai, he supported PlanD's suggestion to revert back the SB site to the original zoning, and further proposed to renovate the SB for a Zhang Ai Ling Memorial Hall for the following reasons :
 - i. Government land was not the property of the Government but the Hong Kong people. The value of Government properties should not be assessed solely on the revenue it would generate. As it was a public asset, it should be put to the most beneficial use in social terms;
 - ii. Ms. Zhang was a legendary writer. 'Love in a Fallen City', one of her popular books, was a portrayal of a love story happened in the Repulse Bay Hotel. It was so popular that a film was made based on the story. The SB in such a prominent location was befitted to become a memorial all in commemoration of Ms. Zhang; and
 - iii. the SB, when it was re-used as a memorial hall for a renowned writer, could also be developed as a gathering place for fashionable writers or artists. Reference could be drawn from the success stories of turning derelict buildings into 'cultural salons' in Taiwan advocated by Professor Lung Ying-tai.

[Miss Annie Tam left the meeting temporarily at this point.]

R995 & C674 (Tsui Yuen Wah)

17. Mr. Tsui Yuen Wah tabled a statement for Members' information. He made the following points:

- (a) similar to the views of R992, he supported renovating the SB for Zhang Ai Ling Memorial Hall. Ms. Zhang was closely connected with Hong Kong in that she had studied in the University of Hong Kong, and the story of her renowned book 'Love in a Fallen City' took place in the Repulse Bay. Coupled with the scenic beaches, the Zhang Ai Ling Memorial Hall would promote not only the cultural image of Hong Kong, but also the tourism industry in the Southern District; and
- (b) the Democratic Party had all along in the DC meetings raised objection to the proposed amendment and against the privatisation of public property, and held that the SB should be preserved. Further to the suggestions by Mr. Paul Zimmerman, he opined that in land use planning, PlanD should not only focus on revenue generation but should also assess the social benefits as a whole.

[Dr. Greg C.Y. Wong left the meeting temporarily while Miss Annie Tam returned to join the meeting at this point.]

R1007 (Mr. Fergus Fung, Southern District Councillor)

18. Mr. Fung Se Goun, Fergus, made the following points:

- (a) he objected to the Government's plan to privatise the public space of the SB and the adjacent car park for hotel development through rezoning. He had written to move the motion for debate in the SDC meeting on 8.1.2009 and the motion was eventually passed in the meeting;
- (b) the SDC supported to revitalize and better utilize the vacant SB. The needs of the residents and the general public should be respected and the public space should not be privatised; and

- (c) the proposed hotel development would worsen the traffic congestion in the area. While Repulse Bay was a popular tourist spot, it was also a comfortable living area. The Government needed to strike a balance between the interest of tourists and residents and to devise a comprehensive planning strategy for the area.

[Dr. Greg C.Y. Wong returned to join the meeting at this point.]

19. Mr. Chan Ngok Pang, Ronald, SDC member, said that he agreed to Mr. Fung's views. He welcomed PlanD's proposal to revert the zoning of the SB. He said that if a long-term lease could be offered, some operators could commit to take up the maintenance responsibility of the SB.

20. Mr. Lam Kai Fai, vice-chairman of Community Affairs and Publicity Committee of SDC, expressed support to PlanD's proposal to revert the zoning of the SB. He clarified that there were several meetings held by DC on the proposed amendments, but the most important one was missing in the Paper. Although DC originally did not oppose the rezoning to "CDA" for better utilization of the vacant SB., there were concerns on the use of the site for hotel in the two meetings in 2008. It was not until the release of a statement by Mrs. Rita Lau Ng Wai Lan, Secretary for Commerce and Economic Development on 3.12.2008 that the SDC was fully aware that the Government intended to redevelop the site to hotel and commercial uses. Subsequently, Messrs. Fung and Chan moved the motion against Government's proposal for debate in the SDC meeting on 8.1.2009 and the motion against the rezoning was passed. He requested LCSD to consult the SDC on the use of the SB.

C483 (Caroline Kracht)

21. Ms. Caroline Kracht made the following points:

- (a) being a resident of Repulse Bay, her family had been enjoying the beach and its facilities since 1970s; and

- (b) she supported the views of R197, R561 and R1021 that the terrible traffic condition in Repulse Bay was a key issue in planning of the area. She pleaded that the relevant Government departments should work closely with TD in finding a holistic solution to resolve the problem.

C681 (Southern Branch of Democratic Alliance for the Betterment and Progress of Hong Kong)

22. Mr. Wong Choi Lap made the following points :

- (a) he welcomed PlanD's proposal to revert the zonings of the SB to the original zoning. The Government should formulate plans to promote utilisation of the renovated the SB such as museum, memorial hall, or performing venues; and
- (b) the proposed use of the whole SB site in the previous consultation was not specifically made known to the SDC. Therefore the SDC did not object to the rezoning. His party maintained objection to the proposal for hotel development which would have adverse traffic impact on the area.

C391 (Maureen Mueller)

23. Ms. Maureen Mueller made the following points :

- (a) she was a resident of Repulse Bay since 1997. She got the message of the proposed changes in Repulse Bay through a circular letter issued by Designing Hong Kong limited which set out clearly the proposals with plans;
- (b) the Government's effort to expand the beach in the past years was appreciated. The recent plans for the Repulse Bay beach seemed to be tourist-driven. The beach was a popular attraction because of its natural beauty, peaceful setting and proximity to the city. However, the commercial structures were out-of-context ruining the scenery;

- (c) with a degree in transport operations and planning, she had worked at the Kowloon Motor Bus Company (KMB) for fifteen years in the traffic and policy departments. With such a background, she did not agree with TD's comment that the traffic situation in the area was tolerable. The use of over-sized buses/coaches on narrow roads like Beach Road and South Bay Road was inappropriate. Quoting the recent experience of a Ferrari car show at the Repulse Bay Hotel which caused serious traffic jam in the area for long hours due to the parking of the Ferrari cars on the pavement reducing Repulse Bay Road to one way traffic, she said that if the SB was to be redeveloped as a hotel on the narrow Beach Road, the traffic situation would be even worse because hotel at the beach would attract guests not travelled by public transport. The beach sites should be retained for the community, not for exclusive use of individuals. A hotel at the site would result in adverse traffic impact in the area.

24. The Chairman said that PlanD had all along respected the public views. As there were local views asking for better use of the SB site, PlanD proposed the rezoning of the SB site to "CDA" to effect better planning control. The proposed amendments were then gazetted for public inspection under the Town Planning Ordinance. The public consultation process was part of the procedure. As the public views collected through this consultation exercise revealed that the originally planned use was more appropriate, PlanD responded positively and proposed retention of the original zonings. It demonstrated that the public views were fully considered and followed where appropriate.

25. The Chairman went on to say that, as questions/concerns on the management of the SB and the traffic situation of the area were anticipated, representatives from the LCSD and TD had been invited to the meeting. He asked LCSD and TD to elaborate on their plans for the use and management of the SB, and the traffic management for the Repulse Bay area.

26. In reply, Mr. Paul K.K. Cheung said that if the Board agreed to revert the SB site to the original zonings, LCSD would be responsible for the management of the SB and the adjoining car park sites for beach-related uses. In view of the diverse views of the

future use of the SB, LCSD planned to invite interested parties to submit proposals on the possible uses in May 2009, but there would be no commitment that the proponent of the selected proposal would be awarded as the operator of the SB. A separate tender would then be called for after firming up the use. The SDC would be consulted, before the issue of tender. They expected that by end 2010, a contract would be offered to the successful bidder for the operation of the SB.

27. Mr. P. C. Cho acknowledged the popularity of Repulse Bay and considered that the roads were busy, but not seriously congested. TD, with close liaison with the Police, would keep monitoring the traffic conditions in the area. He said that in the limited road spaces available for improvement, there were competing uses from pedestrians, cars and coaches. He said that the use of the car park site adjoining the SB would be reviewed after the opening of the commercial complex at the ex-Lido site. If the parking demand dropped, some of the parking spaces in that car park site could be converted to other uses such as drop off/pick up area or for improvement of the pedestrian environment.

28. Members' questions / comments were summarised as follows :

- (a) whether there was any traffic improvement plan for the area to cater for the re-use of the SB and other future developments;
- (b) according to some of the representers who lived in the Repulse Bay for years, the size of the buses/coaches was one of the issues causing traffic problem in the area. Whether prohibiting over-sized coaches from entering certain parts of the local roads could be considered as an immediate measure to solve the problem;
- (c) apart from consulting the DC, whether LCSD would also consult the local residents regarding the new proposal for the SB;
- (d) what would be the scope of the intended Expression of Interest ? The locals should be consulted on such aspects as air ventilation, finishing materials, architectural features, and pedestrian accessibility which should be included in the tender document for the SB;

- (e) according to LCSD, the earliest target date to appoint the new operator of the SB for new uses would be by the end of 2010. As the SB had been vacant for many years, whether there were quick-win arrangement, say, to lease the site for restaurants for interim use;
- (f) whether the current SB was serviced with sewage connections, gas and electricity supplies; and
- (g) the lesson learnt from the unsuccessful experience in the past two tendering exercise of the SB.

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

29. Mr. P.C. Cho made the following responses:

- (a) due to the difference in site levels of the Repulse Bay Road and Beach Road, staircase was required to connect the two roads. To facilitate pedestrian access to the beach, TD, in cooperation with the Highways Department, was considering building a ramp on the slopes to make pedestrian circulation barrier-free. In addition, TD would keep monitoring the traffic situation and pedestrian facilities and make improvement as required; and
- (b) the Repulse Bay Road was built long time ago and was narrow with sharp bends. As such, large vehicles had to slow down when using the road. TD might consider widening some sections of the road/ bends. The use of large vehicles did not pose a traffic safety problem in the area. He considered that it was not necessary to restrict large buses from using the Repulse Bay Road and Beach Road at this juncture. On restricting the number of coaches, TD would liaise with the bus operators and Tourism Commission to see whether suitable arrangement could be made to improve the situation.

30. Mr. Paul K.K. Cheung made the following main points :

- (a) before finalising the plans for tendering, the DC would be fully consulted as they represented the views of the local residents;
- (b) in the Expression of Interest exercise, LCSD would invite proposals for the SB from interest parties which covered a wide scope, including the proposed use, the design of the building, the mode of operation and the expected number of visitors to ensure the viability and sustainability of the proposed use. All the requirements would be studied in detail before incorporating into the tender documents. To ensure a successful re-use of the SB, the process might take longer time than that of other projects;
- (c) the building was not considered suitable for immediate use as it was observed that some steel bars were exposed at the upper floor of the SB. Initially, LCSD had an idea of refurbishing it so that it could be leased to the operator. The refurbishment cost would be in the order of 10 million dollars. However, considering that the long-term operator might have specific requirement for the new use of the SB, it might not be cost-effective to spend the public money to renovate the building for short term purposes. LCSD would endeavour to shorten the process of finalizing the use and tendering. To fully utilise the SB in the interim, the LCSD would consider opening up the ground floor of the SB for short-term interim use if the structural safety could be ascertained; and
- (d) as the SB had previously been operated as a licensed restaurant before, there should be no problem on sewage, gas and electricity supply; and
- (e) LCSD had reviewed with the previous two operators on the failure of their business. The operators commented that running catering business in the Repulse Bay area would be difficult during weekdays as tourists visited mostly during holidays and weekends. In the current exercise, it was hoped that through some briefing sessions and the process of submitting detailed proposals in the Expression of Interest, the interested parties could

thoroughly formulate a feasible business model to sustain the operation in the SB.

31. In response to the LCSD's reply on the interim uses on the ground floor of the SB, some Members raised further questions /suggestions as follows:

- (a) LCSD should liaise with the community, DC, or the international schools to organise weekend community activities like arts bazaars, arts fairs and drawing competition to reuse the ground floor of the SB. Through such events, the community views could also be gathered; and
- (b) whether the estimated cost of 10 million dollars were readily available without the need to obtain Legislative Council's approval and how long would it take for the renovation work. As building structure problem were fundamental to its future use, it might have to be resolved before tendering out.

[Professor Paul K.S. Lam and Mr. Rock C.N. Chen left the meeting at this point.]

32. Mr. Paul K.K. Cheung responded that :

- (a) LCSD would consider the suggested interim uses for the community so that the SB could be re-use as soon as possible; and
- (b) the refurbishment cost was a rough estimate by Architectural Services Department for basic repair works. The actual cost for complete renovation, including structural reinforcement, was yet to assessed. Considering that renovation work was costly and it might not entirely fit the requirements of the future operator, and a full renovation at this juncture was not justified. In view of Members' comment to open up the ground floor of the SB for use as soon as possible, LCSD would assess the basic repair cost required for early re-use of the ground floor.

[Professor Bernard V.W.F. Lim left the meeting temporarily at this point.]

33. A Member asked the representers whether PlanD's proposal to revert the zonings of the SB would meet their objections. In response, Mr. Paul Zimmerman, Mr. Chan Ngok Pang, Ronald, Mr. Tsui Yuen Wah replied the affirmative. Mr. Paul Zimmerman emphasized that (i) the zoning reversion was a lesson to be learnt for all the parties involved, (ii) in formulating the adaptive re-use proposal for the SB, the LCSD could consider setting up a panel to include professionals and members from the community, and (iii) he was not happy with TD's view that traffic situation in the area was tolerable, which was contrary to the community perception.

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

Deliberation Session

35. The Secretary reported that Representer No. 458 (R458) requested on 16.3.2009 to reschedule the meeting in a weekend or outside normal working hours in April. A copy of the letter was tabled at the meeting for Members' reference. It was noted that R458 did not attend the meeting. Members did not agree to the request.

36. Members noted that the local concerns on traffic management in the area, but considered that it was outside the purview of the Board. TD should be invited to review the traffic situation in the area.

37. Taking account of the views of the representers and commenters, and the plan of the LCSD to renovate the buildings for beach related uses, Members agreed that the reversion of the zonings of the SB and its adjoining car park sites would meet the public aspiration for keeping the sites for public uses.

Representations No. R790, 891, 892, 896 to 936, 938 to 946, 948 to 952, 997 to 1004, 1006,

1008, 1009, 1011, 1012, 1014, 1015, 1018, 1024 to 1026

38. After further deliberation, the Board decided to uphold the 77 representations by reverting the zonings of the sites of Seaview Building and the adjoining public car park to “OU(BRLS)” and “O” respectively.

Representations No. R1 to R133, 141 to 606, 608 to 690, 692 to 789, 791 to 869, 871 to 890, 893 to 895, 937, 947, 953 to 960, 962 to 996, 1005, 1007, 1010, 1013, 1016, 1017, 1019 to 1023, 1027 to 1033

39. After further deliberation, the Board decided to partially uphold the 945 representations by reverting the zonings of the sites of Seaview Building and the adjoining public car park to “OU(BRLS)” and “O” respectively.

40. The Board decided not to uphold the remaining parts of the representations in respect of other proposals for the SB and the adjoining car park site, the rezoning of a strip of and to the west of the SB to “O” and the deletion of the possible alignment of Route 81 from the OZP for the following reasons:

- (a) there was already a building height restriction of 2 storeys or that of the existing building under the “OU(BRLS)” zone. As the existing height of the central portion of Seaview Building was 14.4 mPD, the proposed building height restriction of 11mPD was considered inappropriate and unnecessary (*R1 to R133, R141 to R606, R608 to R690, R692 to R768, R770 to R789, R791 to R869, R871 to R890, R953 to R960, R962 to R982, R1021, R1027 to R1033*);
- (b) the Seaview Building site was occupied by an existing building structure and to be re-used for beach-related leisure purposes and was considered not appropriate to be included as part of the “O” zone (*R893 to R895 and R1023*);
- (c) provision of planning application for hotel use at the site would allow greater land use flexibility, whilst the planning permission requirement

would ensure that any possible hotel use would be acceptable in terms of land use and design and could be coped with by the infrastructure (*R769, R937, R947, R1007, R1010, R1013, R1016, R1017, R1022 and R1023*);

- (d) the provision of car parking and drop-off/pick-up facilities at the carpark site was always permitted under the “O” zoning (*R516 and R1021*);
- (e) the proposed designation of Repulse Bay and Seaview Building as a heritage site for protection was a matter under the Antiquities and Monuments Ordinance and fell outside the purview of the Town Planning Ordinance (*R1017*);
- (f) the strip of land to the west of Seaview Building fell outside the boundary of the Seaview Building site and was part of the beach. The rezoning of it from “OU (BRLS)” to “O” was to rationalize the zoning boundary (*R983 to R996, R1005, R1019 and R1020*); and
- (g) Route 81 was first recommended in 1976 as a strategic route linking the eastern and southern parts of Hong Kong Island. As substantial increase in transport demand in these areas was not anticipated, the proposed route would no longer be necessary. It was therefore inappropriate to retain the possible alignment and annotation of the proposed Route 81 on the OZP (*R1019*).

41. The Secretary said that in view of the tight meeting schedule, the item on Hong Kong Island East Harbour-front Study would be deferred to the next meeting on 3.4.2009.

42. The meeting was adjourned for lunch break at 12:55 p.m.

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

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

Mr. Raymond Young

Dr. Greg C.Y. Wong

Mr. Nelson W.Y. Chan

Mr. Tony C.N. Kan

Professor Bernard V.W.F. Lim

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Mr. K.Y. Leung

Professor Edwin H.W. Chan

Mr. Timothy K.W. Ma

Mr. Tony Lam

Mr. Benny Wong

Mrs. Ava S.Y. Ng

Matters Arising

[Open Meeting]

Draft Quarry Bay Outline Zoning Plan No. S/H21/25

Hearing Arrangement for Further Consideration of Objections

[The meeting was conducted in Cantonese.]

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

Mr. Tony C.N. Kan - owning a flat in Quarry Bay

Mr. Alfred Donald Yap - owning a flat in Quarry Bay

46. Since this item was procedural, Members agreed that Mr. Tony C.N. Kan and Mr. Alfred Donald Yap could be allowed to stay at the meeting. Members noted that a letter from Objector No. 276 to the draft Quarry Bay Outline Zoning Plan (OZP) was tabled at the meeting.

47. The Secretary reported that on 25.7.2008, the draft Quarry Bay OZP No. S/H21/25, incorporating amendments mainly to impose building height (BH) restrictions for various development zones was exhibited for public inspection under section 7 of the pre-amended Town Planning Ordinance. A total of 296 objections were received. On 16.1.2009, the Board gave preliminary consideration to the objections and agreed that the objections would be further considered by the Board under two groups. The hearing for the further consideration of objections was tentatively scheduled for 24.4.2009. The objectors were subsequently informed of the hearing arrangement.

48. The Secretary stated that on 26.2.2009, the Board received a letter from Objector No. 276 requesting for a separate hearing for all the objections relating to Sai Wan Terrace because of the particular nature of these objections which related to one specific site and it might be more time-efficient if all these objections were considered in a separate group. The said objector stated that separate grouping would assist in the consideration of the objections by Members and also reduced the time that the objectors would need to be present.

49. The Secretary explained that the original arrangement for hearing under two groups was based on the location and nature of the objections. Group 1 involved objections mainly related to BH restrictions whereas Group 2 mainly involved objections concerning rezoning of sites. As objections relating to Sai Wan Terrace also covered some other issues mentioned by other objections under Group 1 such as BH control of Taikoo Shing and other surrounding developments, it was considered more appropriate for the Board to hear them under the same group.

50. The Chairman then invited Members to consider whether the request of Objector No. 276 should be acceded to.

51. In response to a Member's enquiry, the Secretary explained that if Group 1 were further sub-divided into two groups, some objectors which concerned both the BH restrictions in general and that of Sai Wan Terrace would need to attend both the two groups of hearing. Another Member did not agree to the further sub-division of Group 1 as it would create unnecessary repetition of the hearing procedure.

52. In response to the Chairman's enquiry, the Secretary stated that there were precedent cases for the Board to accede to the request of the objectors on the hearing arrangement provided that there was adequate justification. She further explained that if the Board decided to accede to the request of a separate hearing for those objections relating to Sai Wan Terrace, agreement from objectors relating to Sai Wan Terrace other than Objector No. 276 would need to be sought. She confirmed that apart from Objector No. 276, other objectors did not raise objection to the original hearing arrangement as agreed by the Board on 16.1.2009.

53. Another Member suggested that without further sub-division of Group 1, the hearing arrangement could be rescheduled so that the Board would hear the objections relating to Sai Wan Terrace first. The objectors could then consider to leave the meeting earlier if necessary.

54. After further deliberation, the Board decided not to accede to the request of Objector No. 276 for a separate hearing. The hearing arrangement would remain the same as agreed by the Board on 16.1.2009. The Secretariat would inform Objector

No.276 of the Board's decision on his request accordingly.

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in respect of the Draft Tsz Wan Shan, Diamond Hill & San Po Kong Outline Zoning Plan No. S/K11/23

(TPB Papers No. 8309 to 8311)

[The meeting was conducted in Cantonese.]

Group 1: R1 to R5, R25, C2 and C3

(TPB Paper No. 8309)

55. The following members had declared interests in this item:

Mr. Felix W. Fong)	being a Member of Democratic Alliance for the
Ms. Starry W.K. Lee)	Betterment and Progress of Hong Kong (DAB)
)	(R1)
Ms. Maggie M.K. Chan	-	Representer for R2 and being a Member of DAB
		(R1)
Dr. James C.W. Lau	-	being a Wong Tai Sin District Council Member
Mr. Timothy K.W. Ma	-	having a servicing centre at Chuk Yuen Estate

56. Members agreed that the interests of Mr. Felix W. Fong, Ms. Starry W.K. Lee and Ms. Maggie M.K. Chan were direct and substantial, they should be invited to withdraw from the meeting. Members noted that Mr. Felix W. Fong and Ms. Starry W.K. Lee had tendered apologies for not attending the meeting and Ms. Maggie M.K. Chan had already left the meeting. As the Wong Tai Sin District Council did not raise objection to the proposed OZP amendments and the Chuk Yuen Estate was not the subject of any representation, Members considered that the interests of Dr. James C.W. Lau and Mr. Timothy K.W. Ma were indirect and insubstantial, they could be allowed to stay at the meeting.

Presentation and Question Session

57. The Chairman said that Representers No. R1, R4, R5, R25 and Commenters No. C2 and C3 had either indicated not to attend the hearing or made no reply. As sufficient notice had been given to the representers and commenters, Members agreed to proceed with the hearing in the absence of the said representers and commenters. Members noted that a letter dated 20.3.2009 raising concern on the planning of Tsz Wan Shan area was tabled by R2 and R3 at the meeting.

58. The following representatives from PlanD, the representers and their representatives were invited to the meeting at this point:

Mr. Eric Yue - District Planning Officer/Kowloon (DPO/K),
PlanD

Miss Annie To - Senior Town Planner/Kowloon, PlanD

R2

Ms. Chan Man Ki, - Representer
Maggie

R3

Mr. Cheung See Chun)
Mr. Wong Kwong Yip) Representer's representatives
Mr. Yuen To)
Mr. Lau Siu Cheung)

59. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited representatives from the Government to brief Members on the background to the representations.

60. With the aid of a Powerpoint presentation, Mr. Eric Yue, DPO/K made the following points as detailed in the Paper :

- (a) the background to the proposed amendments as set out in paragraphs 1 and 3 of the Paper. The Board would consider 6 representations (i.e.

R1(part), R2 to R5, R25(part)) collectively under Group 1;

(b) subject of representations:

- R1(part), R2, R3 and R25(part) were in support of the building height (BH) restrictions in the Area in general. R1(part), R2 and R3 also supported the non-building area (NBA) and building gaps restrictions in general;
- R4 and R5 opposed the BH restrictions in general. R4 required comprehensive BH control for Kowloon Peninsula whereas R5 opposed the BH, NBAs and building gaps restrictions, under Amendment Items A, B, C, D, E, J, L, N and Q and related amendment to the Notes of the OZP;
- R1(part), R2, R3 and R25(part) were in support of other zoning amendments in respect of rezoning the temple court and landscaped area in front of Wong Tai Sin Temple to “Open Space” (“O”). R25(part) also supported the rezoning of an existing school site at Po Kong Village Road from “Residential (Group A)” (“R(A)”) to “Government, Institution or Community” (“G/IC”); but opposed to the rezoning of a residential development at Po Kong Village Road (i.e. Forest Hills) from “G/IC” to “R(A)2”; and
- the remaining parts of R1 and R25 opposed the rezoning of the south ex-San Po Kong Flatted Factory (SPKFF) site from “Industrial” (“I”) to “Residential (Group E)” (“R(E)”) which would be considered under Group 2 hearing.

(c) Comment No. C2 supported R2 in relation to the imposition of BH and NBA restrictions and other zoning amendments, while C3 opposed R5 in relation to imposition of BH, NBA and building gaps;

(d) the grounds of the representations and comments as detailed in

paragraphs 2.3 and 2.4 of the Paper;

[Professor Bernard V.W.F. Lim returned to join the meeting at this point.]

(e) representers' proposals -

- R2 and R3 – the BH restrictions for the sites abutting Prince Edward Road East should be compatible with those in Kai Tak Development. There should be provision of more open spaces. Owners and residents of the community should be fully consulted;
- R4 – the BH restriction of development should be measured from the site formation level, instead of from principal datum. Higher BH restriction should be allowed for large sites; and
- R5 – the BH restriction should be so reviewed to commensurate with the development intensity of existing buildings and the city profile as proposed in the Urban Design Guidelines Study (UDGS). Paragraph 7.6 of the Explanatory Statement (ES) should be deleted to remove presumption against minor relaxation of BH for existing buildings exceeding BH restrictions. The NBA requirement for every street in San Po Kong Business Area (SPKBA) should be deleted or a relaxation of the NBA requirement should be allowed under the Notes of the OZP.

(f) planning considerations and assessments on the representations as detailed in paragraphs 4.1 to 4.4 of the Paper;

(g) responses to grounds of representations and representers' proposals as detailed in paragraph 4.5 of the Paper including:

Supportive Representations (R1(part), R2, R3 and R25(part))

- the support on the imposition of BH and NBA restrictions was noted;

- the BH restriction for sites abutting Prince Edward Road East was 100mPD which had already taken into account the BH restrictions for the adjacent development in Kai Tak;
- the BH bands of 160mPD to 240mPD of “R(A)” housing sites in Tsz Wan Shan were formulated taking into account factors including topography, existing BH profile, ridgeline protection and recommendations of the Air Ventilation Assessment (AVA) study;
- consideration was given to preserving the existing green view corridor, maintaining the existing BH profile of “G/IC” zone and protecting “O” and “GB” as breathing space and air paths for the area. NBA were designated in accordance with AVA’s recommendation;
- there was surplus in the provision of district and local open spaces and no additional provision was required;
- the exhibition period of the OZP for public inspection and the provision for submission of representations and comments formed part of the public consultation process. The OZP amendments were also presented to the Wong Tai Sin District Council;

Adverse Representations

R4

- BH restrictions had already been incorporated in many OZPs in the Kowloon area covering the waterfront and some inland areas. PlanD was progressively reviewing the BH restrictions according to priorities;
- BH restrictions in terms of mPD, instead of metres from site formation level, were a common and clear reference;

- the BH restrictions had been formulated based on a stepped height concept. A two-tier BH restriction (to allow an additional BH of 20m for sites of 400m² or more) was adopted in “R(A)1”, “R(A)2” and “R(A)3” zones to encourage amalgamation of sites for more comprehensive development.

R5

- the intention of imposing the BH restriction, NBA and building gaps on the OZP was to prevent proliferation of excessively tall buildings, improve air ventilation and living environment, so as to bring planning benefits to the area and meet public aspirations for a quality environment;
- public consultation was held after exhibition of OZP amendments to avoid premature release of information. The 2-month exhibition period of the OZP and the provision for submission of representations and comments formed part of the public consultation process;
- reasonable assumptions had been adopted in formulating BH restrictions and a minor relaxation clause was provided in the Notes to allow design flexibility and for proposals with specific site constraints;
- the BH restrictions were formulated after taking into account factors including topography, permitted development intensity, existing BH profile, ridgeline protection and recommendations of the AVA study. The restrictions were not unreasonably restrictive;
- the existing excessively tall buildings in an area should be regarded as exceptions and should not be taken as a reference for devising the BH profile;
- according to legal advice, sections 3 and 4 of the Town Planning

Ordinance (the Ordinance) empowered the Board comprehensive power to control development. There should be power for the Board to impose NBA on the OZP provided that the Board had the necessary and sufficient planning justifications. The designation of NBA could serve a positive planning purpose and bring about positive planning benefits;

- NBA was designated to improve air ventilation, facilitate future road widening and street greening. Transport Department (TD) supported the provision of NBA in SPKBA for future road widening purposes and confirmed that the setback was necessary to enhance both traffic and pedestrian flows, taking into account the transformation of San Po Kong Industrial Area into a business area;
- Architectural Services Department (ArchSD) advised that the permitted plot ratio (PR) of 12 in San Po Kong would not be affected by the BH control of 100mPD and 120mPD;
- the presumption against minor relaxation of BH restrictions for existing buildings exceeding BH restriction was to contain the BH of the existing high-rise buildings and to avoid aggregate increase in statutory BH profile;
- PlanD did not support R5's proposal to relax the BH restrictions for residential and "Other Specified Uses" annotated "Business" ("OU(B)") zones; and the removal of the presumption against minor relaxation of BH for existing buildings exceeding BH restrictions;
- R5's proposal to delete the NBA from the OZP was not supported. However, in view of the Board's decision on 3.12.2008 after hearing of the representations of Tsim Shai Tsui OZP, a similar mechanism allowing minor relaxation of NBA should be adopted in "OU(B)" and "R(E)" zones in SPKBA on the Tsz Wa Shan, Diamond Hill and San Po Kong OZP;

R25

- the rezoning of the site at Po Kong Village Road from “G/IC” zone to “R(A)2” was to reflect the recently completed residential development (i.e. Forest Hills). It would not cause adverse impact on the provision of GIC facilities in the area.

[Mrs. Ava Ng left the meeting temporarily at this point.]

- (h) PlanD’s views – PlanD noted the support of R1(part), R2, R3 and R25(part) and considered that the Notes of the OZP should be amended to partially uphold R5 as detailed in paragraphs 6.1 and 6.3 of the Paper. The remaining representations should not be upheld, for reasons as detailed in paragraphs 6.2, 6.4 and 6.5 of the Paper.

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

Representation No.R2

62. With the aid of some photographs, Ms. Chan Man Ki, Maggie elaborated on R2 and made the following points:

Building Development

- (a) as a Wong Tai Sin District Council Member, she supported the stepped height concept and encouraged the provision of more view corridors and breezeways in the area;
- (b) more open spaces should be provided as the existing narrow streets in the San Po Kong area had led to canyon effect and poor ventilation in the area;
- (c) the imposition of NBA and street widening proposals in the San Po Kong area was supported as it could further improve air ventilation in

the area;

- (d) the rezoning of the site in front of Wong Tai Sin Temple to “O” was supported as it would improve air ventilation and reduce canyon effect;
- (e) the preservation of the open playground and the green area to the west of Tsz Oi Court and Tsz Lok Estate by designating it as NBA was also supported;

Conservation

- (f) the OZP was not sufficient in encouraging the implementation of a conservation policy to preserve/revitalise the existing cultural heritage in the area e.g. the Wong Tai Sin Temple, the three historical structures in ex-Tai Hom Village, the Nam Lin Garden and remains of Longin Bridge in Kai Tak.

Facilities for local residents

- (g) a “people-oriented” approach should be adopted in the planning of Tsz Wan Shan area, particularly in ensuring the provision of an accessible pedestrian and transport system. The current planning was based on an outdated design in 1980s. It could not properly serve the large population in the Tsz Wa Shan area which included the elderly, the disabled and the large number of school children;
- (h) the elderly and disabled could only make use of the steep and narrow staircases which were the main connection between the uphill area and the Diamond Hill MTR station. There was severe traffic congestion along Shatin Pass Road and long queues at the bus stops during peak hours. No appropriate segregation between pedestrian and vehicular traffic was provided. It was anticipated that the situation would get worse with the completion of new public housing estates with about 4,000 units at Shatin Pass Road;

- (i) in view of the large number of aging population in the area, the provision of an automated pedestrian network linking the uphill area of Tsz Wan Shan with the Diamond Hill MTR station was strongly demanded. Suitable sites should be identified for the construction of an escalator system so that pedestrian and vehicular traffic could be properly separated;
- (j) the current policy of opening up private facilities for public use had created management and social problems. The local residents had been suffering from the suspension of the use of an existing escalator at Tsz Oi Court (which was the main access in the area) for about 9 months. It was unfair for the owners of Tsz Oi Court Blocks 1 and 2 to bear 30% of the maintenance cost of the facilities which was in fact open to public use. Housing Department (HD) was unwilling to bear the cost of only about \$2,500;
- (k) she suggested to include in the Explanatory Statement (ES) of the OZP or any other related document of the OZP the need for a pedestrian system linking the upper hill area of Tsz Wan Shan (i.e. Tsz Ching Estate) to the Diamond Hill MTR Station. She noted that paragraph 4.5.7(b) of the Paper had indicated that if pedestrian facilities were justified on traffic grounds, they could be included in the OZP, where appropriate; and
- (l) she did not accept PlanD's view as stated in paragraph 6.1 of the Paper that her proposals concerned only district matters and did not relate to the amendment items. She urged the Board to properly perform its statutory function under the Ordinance, i.e. to promote health, safety and general welfare of the community.

Representation No.R3

63. With the aid of some photographs, Mr. Cheung See Chun elaborated on Representation No. R3 and made the following points:

- (a) as the Chairman of Concerned Group on Planning and Development of Wong Tai Sin, he pointed out that apart from those issues raised by R2, there were other district problems in the Wong Tai Sin district. The Government had neglected the need of the Tsz Wan Shan residents;
- (b) there was a lack of library facilities in Tsz Wan Shan. The existing small library in Tsz Wan Shan Centre was not able to cater for the need of the students in the nearby school village and the large population in the district. The Government should reserve sites for the development of a new library in the area and consider converting existing vacant car parks for other community uses;
- (c) the transport planning in the area was outdated and there was severe traffic problem in the area e.g. illegal parking arising from the lack of motorcycle parking facilities, long queues at bus-stops and narrow road which would be easily blocked up by accidents; and
- (d) the elderly and disabled had been suffering from the lack of proper pedestrian facilities. He urged the Government to improve the existing facilities by providing new escalators to connect to the uphill area of Tsz Wan Shan to the existing MTR stations.

64. Mr. Wong Kwong Yip supplemented the following points on Representation No. R3:

- (a) as the Chairman of the Owners Corporation of Tsz Oi Court Blocks 1 and 2, he was dissatisfied with the current planning of Tsz Wan Shan and urged the Government to review the planning of the area; and
- (b) it was unfair for the owners of Tsz Oi Court to bear the maintenance cost of the existing escalator which was also used by residents in other public housing estates and school students. He anticipated that the cost of maintenance would rise with the increase of usage due to the completion of the new public housing estates at Shatin Pass Road. He urged the Government to take up the management and maintenance responsibility

of the escalators and lifts or to incorporate such facilities into the Shatin-Central Link project for implementation.

65. Mr. Yuen To supplemented the following points on Representation No. R3:

- (a) with the drastic increase in population in the past few decades, there was severe traffic congestion and accessibility problem in the Tsz Wan Shan area. The Government should consider to re-plan the area to cater for the need of the local residents, in particular, the elderly. A new escalator system should be provided between Tsz Wan Shan and the MTR station.

66. Mr. Lau Siu Cheung supplemented the following points on Representation No. R3:

- (a) the existing pedestrian access serving the Upper Tsz Wan Shan area was mainly in the form of steep staircases which posed severe safety risk and inconvenience on the elderly. The use of the only escalator had been suspended for 9 months. He urged the Government to improve the pedestrian system in the area.

67. Ms. Chan Man-ki, Maggie supplemented the following points on Representation No. R3:

- (a) the Board should consider to include in the Explanatory Statement of OZP, Outline Development Plan (ODP) or other appropriate document the proposal for an escalator system between the Tsz Wan Shan area and Diamond Hill MTR Station, and the development of new library facilities.

68. As the presentations from the representers had been completed, the Chairman invited questions from Members.

Minor Relaxation of NBA Requirement

69. A Member noted that PlanD had proposed to include a minor relaxation clause for the NBA requirement to partially meet R5 and asked whether minor adjustment of the NBA alignment would be allowed under this provision. Mr. Eric Yue replied that in considering the representations against the NBA requirement under the draft Tsim Sha Tsui OZP on 3.12.2008, the Board agreed that a mechanism to allow application for minor relaxation should be provided. As a general principle, similar mechanism for minor relaxation of the NBA requirement within SPKBA should also be introduced for the subject OZP. He added that the provision for minor relaxation would allow adjustment of the alignment of the NBA and minor relaxation of NBA would only be considered under exceptional circumstances.

New Pedestrian System

70. The same Member asked if an escalator link between Tsz Wan Shan and the existing MTR station would be provided under Shatin-Central Link project. In response, Mr. Eric Yue stated that a feasibility study was being undertaken by Highways Department (HyD) to enhance the connectivity of the northern part of Tsz Wan Shan with the Diamond Hill MTR station. Besides, TD was examining proposals to enhance the provision of public transport facilities in the area. He explained that road and pedestrian way were uses always permitted under all zones on the OZP and any detailed proposals agreed by relevant Government Departments could be reflected in the ODP where appropriate, as suggested by R2.

71. Another Member asked whether any particular site suitable for pedestrian linkage had been identified by R2 to facilitate the study being undertaken by HyD and TD. Ms. Chan Man-ki, Maggie replied that a feasibility study for a proposed pedestrian linkage had been submitted some years ago and was being considered by Government departments. While noting the Government departments were responsible for the implementation of the transport and pedestrian facilities, she considered that the Board should take the lead to encourage the provision of these proposals in the OZP. In response to the same Member's question on whether any statement could be included in the OZP to that respect, Mr. Eric Yue replied that paragraph 9 of the ES had already included a section on the provision of transport infrastructure. Depending on the outcome of the studies undertaken by HyD and TD, new pedestrian proposals could be indicated in this section.

72. A Member suggested indicating the broad alignment of the pedestrian link which was under detailed design by MTR Corporation Limited (MTRCL), on the OZP to facilitate public consultation. This Member pointed out that it would not be feasible to provide more public transport facilities as the road was already very congested and the provision of a pedestrian linkage would be the only way to resolve the accessibility problem of the area. Mr. Eric Yue replied that he had no information on the proposed pedestrian link mentioned and hence could not comment at this stage as to whether the alignment could be incorporated into the OZP.

Building Height Restriction

73. In response to the Chairman's question on the allegation of R5 that lower BH restriction would create wall effect, Mr. Eric Yue replied that as explained in paragraph 4.5.4 (d) to (f) of the Paper, BH control or reduction in BH would not necessarily result in larger building bulk. Even with the BH control, the resultant development could still meet the requirement of the Building (Planning) Regulation. The BH profile was formulated based on reasonable assumptions but flexibility was allowed in the shape and form of the buildings. In addition, a minor relaxation clause for BH restriction was included in the Notes of OZP to allow design flexibility. Hence, the imposition of BH control would not result in wall effect.

74. As the representers and their representatives had finished their presentation and Members had no further questions, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked them and the Government's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

75. Two Members expressed sympathy to the inadequate provision of a pedestrian linkage system for the elderly and the disabled. However, they had reservation on including an alignment on the OZP at this stage without any information from the relevant Government departments.

76. A Member stated that an area reserved for a monorail system had been indicated on the Kai Tak OZP and suggested the same approach be adopted on the subject OZP.

77. Two other Members considered that the Board had to be prudent in incorporating an alignment for a pedestrian link on the OZP without detailed information as it might involve complicated technical and land issues. They said that it might be more appropriate to only indicate the need for a pedestrian link in the ES of the OZP, as suggested by R2, to facilitate the implementation by relevant Government departments.

78. Another Member agreed that there was an urgent need for the provision of pedestrian link to serve the elderly and the disabled in the area. This Member strongly supported to include the intention for the provision of an accessible pedestrian system in the ES of the OZP.

79. The Chairman said that Members would have to consider if it was legally proper for the Board to reflect the intention to provide a pedestrian link in the ES of OZP at this juncture as such proposal was not related to any amendment items in the Tsz Wan Shan, Diamond Hill and San Po Kong OZP. He said that it might be more appropriate to include the pedestrian link proposal on the ODP. The Secretary explained that the OZP was a small-scale statutory plan. The ODP was a departmental plan of a larger-scale where details of planned infrastructure and development could be shown clearly on the plan. She pointed out that as the proposed pedestrian linkage was only a suggestion from the representers and not supported by any detailed study, it might not be appropriate to indicate any alignment on the OZP or ODP at this stage. Regarding Members' suggestion to adopt the same approach in the Kai Tak OZP, the Secretary explained that in the case of Kai Tak, the proposed monorail system was supported by a study and hence there was a solid basis to show a possible alignment on the OZP. In response to the chairman's question on whether it was legally proper to amend the ES of the OZP, she pointed out that as the proposal in respect of the pedestrian network put forward by R2 and R3 was not related to any amendment items, the Board would not have the power to propose any amendment under section 6(C) of the Ordinance to meet these representations. She suggested relaying the representers' proposals to relevant Government departments for their follow-up action. When the details of the pedestrian link proposal became available, an amendment to the OZP could be made under section 7 of the Ordinance to

include the alignment for public inspection.

80. A Member agreed to the Secretary's suggestion and considered that if the Board agreed to propose amendment to meet representations not related to the amendment items, it would set an undesirable precedent for similar request in future.

81. After further discussion, Members agreed that as the proposal in respect of the pedestrian network put forward by R2 and R3 was not related to any amendment items, the Board would not have the power to propose any amendment under section 6(C) of the Ordinance to meet the representations. The Board noted the concerns raised by the representers and suggested PlanD to convey the representers' proposals to relevant Government departments for their necessary follow-up action.

Representations No. R1(part), R2 and R3

82. After further deliberation, the Board noted the support of the Representations No. R1(part), R2 and R3 on the imposition of BH and NBA restrictions in the Area in general. The Board also noted the proposals from R1, R2 and R3 on various district matters, which were not related to any amendment items of the OZP as set out in paragraph 4.5.7 of the Paper. The remaining parts of R1 in regard of the "R(E)" zone would be considered in Group 2 hearing.

Representation No. R4

83. After further deliberation, the Board decided not to uphold Representation No. R4 for the following reasons:

- (a) under the current planning and building control system, development proposals with approved building plans would not be affected by the BH restrictions on the OZP as long as their approvals remained valid;
- (b) BH restrictions had already been imposed on the OZPs covering many parts of Kowloon Peninsula including the waterfront areas. BH review for the remaining areas in Kowloon was being undertaken progressively according to priorities such as areas which were subject to

development/redevelopment pressure and areas requiring special urban design considerations;

- (c) the BH restriction specified in terms of metre above the Principal Datum on the OZP, which provided a common and clear reference for measuring building heights, established different height bands for a stepped height profile and retained consistency with the neighbouring districts of Kowloon; and
- (d) the BH restrictions on the OZP had been formulated based on a stepped height concept for the Area. A two-tier system had been adopted for the OZP for “R(A)1”, “R(A)2” and “R(A)3” zones allowing higher BH for sites with an area of 400m² or more to encourage more comprehensive development. Flexibility was also allowed in the OZP for application for minor relaxation of BH restrictions, and each application would be considered by the Board on its individual merits. Piecemeal relaxation of BH allowing higher BH for developments on larger sites would undermine the integrity of the stepped height profile in the Area.

Representation No. R5

84. After further deliberation, the Board decided to partially uphold Representation No. R5 by including a minor relaxation clause to allow for application for minor relaxation of NBA under “R(E)” and “OU(B)” zones as below:

- (a) Amendments to the Remarks of the Notes for the “R(E)” zone:

To add Remark (7) in the Notes to read as:

Under exceptional circumstances, for developments and/or redevelopments, minor relaxation of the non-building area restrictions as shown on the Plan and stated in paragraphs (3)(i) and 3(ii) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

- (b) Amendments to the Remarks of the Notes for the “OU(B)” zone:

To add Remark (7) in the Notes to read as:

Under exceptional circumstances, for developments and/or redevelopments, minor relaxation of the non-building area restrictions as stated in paragraphs (3)(i) and 3(ii) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

85. The Board decided not to uphold the remaining part of the Representation No.R5 for the following reasons:

- (a) the purpose of imposing BH restrictions in the Area was to provide better planning control on the BH upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall BH profile of the Area;
- (b) any premature release of information before exhibition of the amendments to the OZP might prompt developers/landowners to accelerate submission of building plans, thus nullifying the effectiveness of imposing the BH restrictions;
- (c) the MPC Paper No. 25/08 setting out the rationales of the BH, NBA and building gaps restrictions on the OZP, together with the AVA Report, were available for public inspection at the enquiry counter of the Planning Department and for public viewing in Planning Department’s website respectively;
- (d) a stepped height concept had been adopted for the Area based on the factors including existing topography, land use zoning, the development potential permitted on the OZP, existing BH profile, preservation of

ridgeline, vistas, urban design context, the BH restrictions imposed on the OZPs for surrounding areas, as well as the wind performance of the existing conditions and the recommendations of the AVA as appropriate. The BH restrictions had struck a balance between meeting public aspirations for a better living environment and private development interests. A height profile with nine height bands ranging from 80mPD to 240mPD for residential zones and two height bands of 100mPD and 120mPD for “OU(Business)” zone in the Area was not unreasonably low;

- (e) the statutory BH profile was formulated based on reasonable assumptions with allowance for design flexibility to accommodate development potential permissible under the OZP. A minor relaxation clause of BH restriction in the Notes of the OZP provided incentive to development/redevelopments with design merits/planning gains. As the BH restriction would not affect the maximum permissible PR under the OZP, there should not be any significant adverse impact on the redevelopment incentive;
- (f) the proposed review of BH bands for various residential zones and “OU(Business)” zone by making reference to the heights of out-of-context existing/committed buildings was inappropriate as it would lead to proliferation of excessively high-rise buildings in the Area, which would result in a substantial change in the character of the locality and had adverse visual impact on the Area;
- (g) Sections 3 and 4 of the Town Planning Ordinance and the scheme of the legislation were intended to give the Board comprehensive powers to control development in Hong Kong. Designation of NBA and building gaps on the OZP could serve a positive planning purpose and bring positive planning benefits by improving air ventilation and pedestrian environment. It had a legal basis as it would form part of the planning control of the Board, which had the necessary and sufficient justifications;

- (h) SPKBA was a densely built-up area with high ground coverage subject to air ventilation problem and congested street environment. The planning intention of designating non-building areas in SPKBA was to improve air ventilation and permeability, and to allow for future road widening as well as street greening in the business area. The proposed removal of NBA from the SPKBA would defeat the above planning intention; and

- (i) the purpose of indicating in the Explanatory Statement of the OZP that there was a general presumption against minor relaxation of BH restrictions for existing buildings which had already exceeded BH restrictions stipulated on the OZP was to contain the heights of the excessively high-rise buildings and avoid further aggregated increase in the BH profile. Such applications were generally not supported unless there were very strong justifications and each case would be considered on individual merits.

Representation No. R25

86. After further deliberation, the Board noted the support of part of the Representation No.25 on BH restriction. The remaining parts of R25 in regard of the “R(E)” zone would be considered in Group 2 hearing. The Board also decided not to uphold the remaining parts of Representation No. R25 for the following reason:

the rezoning of a site at Po Kong Village Road from “Government, Institution or Community” (“G/IC”) zone to “Residential (Group A)2” on the OZP was to reflect the completed residential development on site. It would not have adverse impact on the provision of GIC facilities in the Area.

[Ms. Sylvia S.F. Yau and Mr. Alfred Donald Yap left the meeting while Dr. Greg C.Y. Wong and Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

Group 2: R1(part), R6 to R24, R25(part), R26 and R27 and C1
(TPB Paper No. 8310)

87. The following members had declared interests in this item:

Dr. Greg C.Y. Wong)	
Mr. Alfred Donald Yap)	having business dealings with
Mr. Raymond Y.M. Chan)	Sun Hung Kai Properties Ltd (R6)
Mr. Y.K. Cheng)	
Mr. Felix W. Fong	-	being a Member of Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) (R1) & having business dealings with Sun Hung Kai Properties Ltd (R6)
Ms. Starry W.K. Lee)	being a Member of DAB (R1)
Ms. Maggie M.K. Chan)	
Dr. James C.W. Lau	-	being a Wong Tai Sin District Council Member
Mr. Timothy K.W. Ma	-	having a servicing centre at Chuk Yuen Estate

88. Members agreed that the interests of the Dr. Greg C.Y. Wong, Mr. Alfred Donald Yap, Mr. Raymond Y.M. Chan, Mr. Y.K. Cheng, Mr. Felix W. Fong, Ms. Starry W.K. Lee and Ms. Maggie M.K. Chan were direct and substantial, they should be invited to withdraw from the meeting. Members noted that Dr. Greg C.Y. Wong had left the meeting temporarily at this point and Mr. Alfred Donald Yap, Mr. Raymond Y.M. Chan, Mr. Y.K. Cheng and Ms. Maggie M.K. Chan had already left the meeting while Mr. Felix W. Fong and Ms. Starry W.K. Lee had tendered apologies for not attending the meeting. As the Wong Tai Sin District Council did not raise objection to the proposed OZP amendments and the Chuk Yuen Estate was not the subject of any representation, Members considered that the interests of Dr. James C.W. Lau and Mr. Timothy K.W. Ma were indirect and insubstantial, they could be allowed to stay at the meeting.

Presentation and Question Session

89. The Chairman said that Representers No. R6, R8 to R13, R15 to R19, R21 to R25 and Commenter No. C1 had either indicated not to attend the hearing or made no

reply. As sufficient notice had been given to the representers and commenters, Members agreed to proceed with the hearing in the absence of said representers and commenters. Members noted that a letter dated 16.3.2009 from R6 stating the reason for not attending the meeting and a written submission dated 20.3.2009 by R14 were tabled at the meeting

90. The following representatives from PlanD and Housing Department (HD), the representers and their representatives were invited to the meeting at this point:

Mr. Eric Yue	-	District Planning Officer/Kowloon (DPO/K), PlanD
Miss Annie To	-	Senior Town Planner/Kowloon, PlanD
Mrs. Connie Lai	-	Chief Planning Officer, HD
Ms. Lily Sze	-	Planning Officer, HD

R1

Hon. Chan Kam Lam	-	Representer's representative
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R7 & R20

Ms. Chan Po Chu	-	Representer's representative
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R14

Mr. Chan Kam Man	-	Representer
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R26

Mr. Lee Tat Yan	-	Representer
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91. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited representatives from the Government to brief Members on the background to the representations.

92. With the aid of a Powerpoint presentation, Mr. Eric Yue of PlanD made the following points as detailed in the Paper :

- (a) the background to the proposed amendments as set out in paragraphs 1 and 3 of the Paper. The Board would consider Representations No. R1(part), R6 to R24, R25(part), R26 and R27 collectively under Group 2;
- (b) subject of representations:
- R1(part), R25(part), R26 and R27 opposed the rezoning of the south ex-San Po Kong Flatted Factory (SPKFF) site abutting Prince Edward Road East from “I” to “R(E)”;
 - R6 opposed the BH restriction of 100mPD for the “R(A)” site at 638 Prince Edward Road East (i.e. The Latitude); and
 - R7 to R24 opposed the BH restriction of 140mPD for the “R(A)2” site at 41 Po Kong Lane, Tsz Wan Shan (i.e. Po Kong Building).
- (c) Comment No. C1 supported R1(part) against rezoning of ex-SPKFF site for residential use;
- (d) the grounds of the representations and comments as detailed in paragraphs 2.3 and 2.4 of the Paper;
- (e) representers’ proposal - :
- R1(part) – to rezone the south ex-SPKFF site from “R(E)” to “OU(B)”;
 - R26 and R27 – to rezone the south ex-SPKFF site for construction of a new indoor games hall or a commercial complex; to re-plan the existing Kai Tak East Playground and Sports Centre with the “O” zone on the north ex-SPKFF site for a public open space with large-scale sports/recreational ground; and to widen King Hong Street allowing the passage of long vehicles; and

- (f) planning considerations and assessments on the representations as detailed in paragraphs 4.1 to 4.3 of the Paper.

93. With the aid of a Powerpoint presentation, Ms. Connie Lai of HD made the following points as detailed in the Paper :

- (a) responses to R1(part), R25(part), R26 and R27 and their proposals as detailed in paragraphs 4.4 of the Paper including:
 - the rezoning of the south ex-SPKFF site had taken account of HD's consultancy study which indicated that public rental housing (PRH) was acceptable in urban planning and design, development intensity, environmental, traffic, air ventilation and infrastructure aspects;
 - the site was located at the periphery of the SPKBA and separated from the core of the business area. The proposed district open space of more than one hectare would act as a buffer between "OU(B)" zone and PRH development;
 - the proposed PRH was compatible with the general area in San Po Kong with proposed new roads and pedestrian facilities. There was also adequate support of transport facilities, various community and recreational facilities and abundant provision of retail facilities;
 - section 16 planning application would be required for the proposed PRH under "R(E)" zone. The design of the PRH would comply with Environmental Protection Department's (EPD) traffic noise standards. Suitable mitigation measures would be incorporated to address potential noise impact from Prince Edward Road East. A 12m wide NBA at the north-eastern corner would be reserved and there would be 1.5m to 3m building setback from the lot boundary abutting the roads; and
 - the proposed PRH would provide about 600 flats for 1,700 population. It was necessary to sustain the Government's pledge of

about 3 years' Average Waiting Time.

94. With the aid of a Powerpoint presentation, Mr. Eric Yue of PlanD continued to made the following points as detailed in the Paper :

(a) responses to R6 and its proposals as detailed in paragraphs 4.4 of the Paper including:

- the development scheme with building plans approved (BH of 166mPD) prior to the imposition of the BH restriction would not be affected. The representer can proceed with the construction of the development according to the approved building plans. After completion of the buildings on the site, these buildings would become an “existing building” under the Notes of the OZP and the BH of 166mPD would be respected. There would be no adverse impact on the property market and land sale mechanism; and
- the site fell within the residential area of San Po Kong which had a two-stepped BH profile of 80mPD and 100mPD. The proposed 166mPD BH did not conform with the BH profile and should not be used as a reference for devising the height profile. Piecemeal relaxation of BH restriction would jeopardise the coherency of the stepped height profile for the area.

(b) responses to R7 to R24 and their proposals as detailed in paragraph 4.4 of the Paper including:

- the BH of Forest Hills and 40-44 Po Kong Lane were excessively tall and were approved prior to the imposition of BH control. They should not be taken as a reference for formulating BH restrictions;
- reasonable assumptions had been adopted in drawing up height limits to ensure Building (Planning) Regulations requirements could be met (e.g. site coverage);

- minor relaxation clause for BH restrictions was included in the Notes of the OZP to allow design flexibility;
- the BH restriction would not affect the development intensity of the site as permitted on the OZP. ArchSD had confirmed that the BH of 140mPD should be able to accommodate development at the site with a PR of 9;
- the BH of 140mPD had already provided sufficient incentive for redevelopment as the site was subject to coverage limitation of 40% for 5 storeys over carport under the lease; and
- relaxation of BH to not less than 194mPD would result in excessively tall building in the local area, jeopardise the intactness of 120mPD BH band of “R(A)2” zone and erode the existing character of the locality.

(c) PlanD’s views – PlanD did not support R1(part), R6 to R24, R25(part), R26 and R27 and considered that the representations should not be upheld, for reasons as detailed in paragraphs 6.1, 6.2 and 6.3 of the Paper.

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

Representation No.R1

96. With the aid of a Powerpoint presentation, Hon. Chan Kam Lam elaborated on R1 and made the following points:

- (a) the following proposed OZP amendments were supported:
- imposition of BH restriction to preserve the views to ridgeline;
 - imposition of NBA and setback requirement to improve air ventilation, widen street and enhance streetscape; and
 - increase of “O” zone to provide green space and improve living

environment;

- (b) the planning principle should aim at planning for both the old and new districts so as to create a synergy effect and should not be limited to the current OZP;
- (c) four suggestions for improvement were put forward:
 - to improve pedestrian linkage between the old and new districts;
 - to create new pedestrian linkages within the SPKBA;
 - to revitalise Kai Tak nullah; and
 - to establish the use and development parameters for the Diamond Hill “Comprehensive Development Area” (“CDA”);

Pedestrian linkage between old and new districts

- (d) the representer said that the two proposed landscaped elevated walkways in Kai Tak should be linked to the new commercial development in San Po Kong and the “O” zone west of Rhythm Garden while the proposed underground shopping street in the Kai Tak Development should be linked to the SPKBA;
- (e) PlanD had responded in the Paper that the proposed pedestrian linkages were being examined by Civil Engineering and Development Department (CEDD) under the Kai Tak Development Engineering Study. The representer urged that the above proposed pedestrian linkages between the old and new districts should be indicated on the OZP;

Pedestrian linkage within the SPKBA

- (f) an elevated pedestrian network should be provided in SPKBA linking up all the office buildings and the MTR stations. This would facilitate the transformation of the industrial area into a business district. Reference could be made to the existing pedestrian network at Taikoo Place in Quarry Bay;

- (g) though PlanD had responded in the Paper that the proposal for an elevated pedestrian network had been conveyed to TD and HyD, the representer urged that such proposal should be indicated on the OZP and the leases.

Revitalisation of Kai Tak Nullah

- (h) the revitalisation proposal for the Kai Tak Nullah should be included on the OZP. The planning principles for the revitalisation of the nullah should include the retention of the nullah, a consistent design to beautify the nullah and a design to integrate with the community;
- (i) there was a need to retain the nullah as:
- the historical value of the Kai Tak nullah should be preserved;
 - the water quality of the nullah had been significantly improved;
 - the river could mitigate the heat island effect; and
 - the river with proper greenery could become a landmark;
- (j) reference could be made to the river rehabilitation scheme in Chenggyecheon in Seoul. After the rehabilitation work, the Chenggyecheon river with special architectural and landscape design had become a leisure and tourism spot and cultural gathering spaces. The ecological habitat of the river had been quickly restored under the rehabilitation scheme;
- (k) a consistent design should be adopted to turn the nullah into a river linking San Po Kong, Wong Tai Sin and Kai Tak. Special water feature and landscape design together with recreational facilities should be provided along the two sides of the river;
- (l) the revitalised nullah should be integrated with the existing open spaces for public enjoyment. Special walkway should be established to connect the nullah and Nga Tsin Wai Tsuen (the remaining walled village) to promote heritage conservation;

Diamond Hill “CDA”

- (m) the Diamond Hill “CDA” site was planned for the development of the Shatin-Central Link depot with property development above. To minimise the disturbance on local residents in the vicinity, the representer proposed that a full-sunken depot should be constructed;
- (n) the site could be sub-divided into three portions for phased development. The middle portion should be reserved for open space use and integrated with the adjacent open spaces e.g. Nam Lin Garden, Choi Hung Road Playground and East Kai Tak Playground, to form an open space network. The remaining two portions could be developed for residential, hotel and retail uses. This would enable a new urban node to be created around the Diamond Hill MTR station;
- (o) the site could be developed at a PR of 4 which was compatible with the adjacent development. Stepped height design for the residential development instead of podium design should be adopted. Visual and wind corridors should be provided;
- (p) though PlanD had responded in the Paper that they were examining the land uses of the “CDA” site and would consult the Board and Wong Tai Sin District Council, the representer urged that his proposals should be included in the land use review for public consultation;

Ex-SPKFF site

- (q) the representer had met some Wong Tai Sin District Councillors and the owners and residents of Rhythm Garden who strongly opposed the rezoning of the ex-SPKFF to “R(E)” for public housing development. The site was small and subject to the imposition of NBA restriction. The proposed development could only produce about one building of 600 flats and was not economically efficient. The development was also susceptible to traffic noise problem;

- (r) over 85% of the housing in Wong Tai Sin were PRH. In the next 5 to 10 years, the new PRH estates in Kwun Tong would bring about 100,000 population into the area. HD should identify alternative sites to meet the public housing demand, such as in Kai Tak development;
- (s) the presenter suggested to rezone the site to “OU(B)” so as to form an extension to the SPKBA and to facilitate the transformation of the industrial area into a business area. He also proposed a new road access at Prince Edward Road East connecting the SPKBA; and
- (t) he did not accept that the new Government Offices in Kai Tak would only incorporate limited government services including the General Post Office, District Offices and Labour Department. He suggested expanding it into a new Government Central Office to include other Government and community services e.g. Water Supplies Department, library and community centre so as to form a focus point as a new urban node.

[Mr. Walter K.L. Chan left the meeting at this point while Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

Representations No.R7 & R20

97. Ms. Chan Po Chu elaborated on Representations No. R7 & R20 and made the following points:

- (a) as the Chairman of the Incorporated Owners of Po Kong Building, she objected to the BH restriction at the representation site. The Po Kong Building was built in 1950s and was mainly occupied by elderly residents of over 70 years old. The building was 6 storeys high without lift facilities and was currently in a dilapidated condition; and
- (b) in view of the high maintenance cost and the dilapidated condition, the owners had been planning for redevelopment since 2004. A comprehensive redevelopment plan through amalgamating the adjacent

Fung Po Mansion had been drawn up in 2008. The plan was subsequently abandoned probably due to the imposition of BH restriction on the OZP. She strongly urged the Government to facilitate urban renewal by providing feasible redevelopment options for the old urban district.

Representation No.R14

98. Mr. Chan Kam Man elaborated on Representation No. R14 and made the following points:

- (a) he did not agree that the imposition of BH restriction would not affect the development intensity of the site. In fact, the imposition of BH restriction had diminished the opportunity for site amalgamation and reduced the incentive for redevelopment. Under the original plan for comprehensive redevelopment of Po Kong Building and Fung Po Mansion, the proposed building height was much higher than the current BH restriction of 140mPD;
- (b) Fung Wong San Tsuen consisted mainly of old buildings constructed in the 1950s and 1960s for villagers upon land resumption by the Government. As individual sites were too small for redevelopment on their own, site amalgamation for comprehensive redevelopment would be the only way for residents to improve their living condition. The owners of Po Kong Building had been striving for a redevelopment plan with Fung Po Mansion since 2004. The plan was however abandoned due to the imposition of BH control. It should be noted that the residents were too old to wait for Urban Renewal Authority to take over the redevelopment; and
- (c) there were several guiding principles for the imposition of BH restriction as stated in paragraph 4.2.4 of the Paper including the preservation of public view to the 20% building-free zone of the ridgelines of Lion Rock, Tsz Wan Shan and Kowloon Peak. Given that these principles were complied with, there should not be an additional need to introduce the

stepped height profile which hindered the redevelopment incentive in the area. The Government should strike a balance on the need to impose BH control and the need for urban renewal and should also take care of the benefit of the small community group.

Representation No.R26

99. Mr. Lee Tat Yan elaborated on Representation No. R26 and made the following points:

- (a) he and other Wong Tai Sin District Council Members strongly objected to the rezoning of the ex-SPKFF site to “R(E)” zone for PRH development;
- (b) the site was not suitable for PRH development as it was very small and could only produce 600 flat units. The future residential development would be susceptible to significant traffic noise impact from Prince Edward Road East. The residents of Rhythm Garden were already affected by traffic noise nuisance. HD also acknowledged that if there were no appropriate measures to mitigate the noise impact, the proposal would be abandoned;
- (c) there was a need to improve the existing substandard road network e.g. King Hong Street which linked to Kai Tak via a flyover. The area of the ex-SPKFF site would be further reduced with the proposed NBA and setback required for the improvement of road network;
- (d) the proposed PRH development at the ex-SPKFF site would be incompatible with the adjacent industrial area;
- (e) the site was currently vacant and hence it allowed good air ventilation through the site to the industrial area to the north. In this regard, a low-rise commercial development at the ex-SPKFF site would be more appropriate;

- (f) given the potential traffic noise problem, the site should also be considered for building an indoor sports centre to supplement the existing outdated facilities in the Kai Tak East Playground;
- (g) residents of Rhythm Garden objected to the PRH development in the ex-SPKFF site. The new PRH development would further aggravate the problem of inadequate community and retail facilities in the area; and
- (h) the proposed pedestrian linkage connecting the SPKBA and the Kai Tak Development as proposed by R1 was supported.

100. As the presentations from the representers had been completed, the Chairman invited questions from Members.

Pedestrian Linkages and Kai Tak Nullah

101. A Member expressed appreciation to the proposals on pedestrian linkages and the revitalization of Kai Tak nullah put forward by R1 and asked how PlanD would help take forward these proposals. The Chairman remarked that albeit these proposals were not related to the amendment items, he would like to invite PlanD to provide responses from a district planning point of view. Mr. Eric Yue replied that proposed pedestrian linkages between the San Po Kong area and the Kai Tak Development had been included in the approved Kai Tak OZP and the detailed design was being examined under CEDD's Kai Tak Development Engineering Study. The proposed linkages would be incorporated into the subject OZP when the study findings were available. Regarding the Kai Tak nullah, Mr. Yue stated that the Government had planned to beautify and revitalize the nullah to become a river.

PRH Development in Ex-SPKFF Site

102. The same Member commented on the design and disposition of the proposed PRH development as shown in HD's concept plan presented by Ms. Connie Lai. This Member was concerned about the wall effect created which might obstruct the summer prevailing wind. Ms. Connie Lai replied that in the design of the concept plan, there

would be windows, instead of a solid wall, on the southern side of the building facing Prince Edward Road East for daylight penetration. Besides, as required under the OZP, a 12m wide NBA would be provided on the eastern side of the site as an air path and NBA would also be provided along site boundary abutting roads. Micro-climate assessment would be undertaken at the detailed design stage to ensure good ventilation. She anticipated that there would be no adverse air, visual and environmental impact generated by the proposed development. This Member reminded HD that the current wall-like layout of the building as shown on the concept plan would not be acceptable to the Board according to present day standard. The Chairman said that planning application would be required for the proposed PRH development within the “R(E)” zone. He asked HD to take into account Member’s comment on the concept plan for the preparation of the planning submission.

103. Mr. Chan Kam Man (R14) stated that about 85% of the housing development in Wong Tai Sin was public housing estates and 5 more public housing estates were under construction in the area. He noted that there were other public housing sites at Anderson Road and Clear Water Bay Road. In view of the abundant supply of PRH development in the territory, he doubted the need and suitability for another PRH development at the ex-SPKFF site, given the small site area involved and the potential noise impact generated by traffic along Prince Edward Road East which could hardly be mitigated by any design measures.

104. Hon. Chan Kam Lam (R1) commented that from the planning perspective, the ex-SPKFF site was not suitable for residential development and the concept plan put forward by HD was undesirable. He pointed out that under the HD’s concept plan, the building blocks were located only about 10m from Prince Edward Road East and hence the windows would likely be very small to mitigate the traffic noise impact. Such design was undesirable in terms of daylight penetration or air ventilation. As demonstrated in the case of Rhythm Garden, the use of noise barrier was not effective. He also noted that the site was adjacent to a large industrial building which would block wind blowing from the west while wind blowing from the north would likely be contaminated by the existing industrial area. Though he opined that the development would unlikely create wall effect due to the small size of the site, the current design was poor in terms of environmental impact and air ventilation. He urged HD to reconsider the proposal.

105. A Member concurred with Hon. Chan Kam Lam that there would be a lot of environmental problems as the proposed PRH development was located near to the industrial area. This Member asked if the ex-SPKFF site could be used for other purposes. Mr. Eric Yue replied that as the site was located within the SPKBA, another possibility would be to rezone it to "OU(B)". He considered that the "R(E)" zone was acceptable after balancing the public housing need and the location of the site at the fringe of the "OU(B)" zone where HD would need to demonstrate the acceptability of the proposal at the planning application stage. He also noted that HD's consultancy study had demonstrated that the site was suitable for housing development.

106. In view of Members' concern, Ms. Connie Lai clarified that the current design of the proposed PRH development was only preliminary and HD would undertake further study to refine the concept plan. She assured Members that HD was fully aware of the noise impact on the future PRH development and would closely liaise with EPD on the mitigation proposals. HD would also ensure that a full compliance of noise standard would be a pre-requisite for the future PRH development. In relation to Members' and representers' concern on the small size of the site, Ms. Connie Lai stated that in order to meet the urgent PRH demand, HD had developed sites of relatively smaller size in other part of the territory such as two sites of 0.5 ha and 0.9 ha in Kwai Chung and Sham Shui Po respectively. She emphasized that in order to sustain the Government's pledge of three years' Average Waiting Time for PRH applicants, adequate and timely availability of public housing sites had to be secured. HD would need to produce 15,000 flats per year in the coming five years in order to achieve this target. Notwithstanding this, HD had received request to increase the annual production of flats to 35,000 so as to reduce the waiting time to less than three years. As such, it was important for the Government to strike a balance in meeting the demand of different sectors in the community.

Diamond Hill "CDA" Site

107. A Member enquired how the Nam Lin Garden could integrate with the proposed open space at the Diamond Hill "CDA" site as suggested by R1. In response, Hon. Chan Kam Lam said that his proposal was to establish a theme park within the "CDA" site to integrate with Nam Lin Garden in terms of its design and he did not anticipate that there would be any management problem given that the two sites would be under separate management authorities. He stated that the proposed open space at the

middle part of the “CDA” site would be beneficial to the residential development to the northeast including Galaxia and Lung Poon Court while the eastern part was proposed for hotel and commercial development which were uses not sensitive to traffic noise impact. The same Member opined that as Nam Lin Garden and Chi Lin Nunnery belonged to the same development group, the Government should ensure that they would be managed as a whole.

108. A Member asked why a sunken depot was proposed by R1 at the Diamond Hill “CDA” site. Hon. Chan Kam Lam replied that a sunken depot was proposed to mitigate the significant noise impact generated by the construction, operation and routine maintenance work of the depot. As in the case of the existing Kowloon Bay depot, there had been complaints from nearby residents on the noise nuisance generated by the depot. He considered that a sunken depot would help address the local concerns.

109. As the representers and their representatives had finished their presentation and Members had no further questions, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in their absence and would inform them of the Board’s decision in due course. The Chairman thanked them and the Government’s representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

110. Members noted the comments and proposals on pedestrian linkages, revitalization of Kai Tak Nullah and the Diamond Hill “CDA” site put forward by R1. Members agreed that as these proposals did not relate to any amendment items, it would not be appropriate for the Board to propose any amendment (even if it considered necessary to propose amendment) to meet this part of the representation.

111. Regarding the representations against the imposition of 140mPD restriction on the site occupied by Po Kong Building, the Chairman commented and Members agreed that the current BH restriction would not affect the development intensity of the sites as permitted on the OZP. As confirmed by ArchSD, a BH of 140mPD would be able to accommodate redevelopment with a PR of 9. It was considered that the BH of 140mPD had provided sufficient incentive for redevelopment. The abandonment of the

redevelopment plan between the owners of Po Kong Building and Fung Po Mansion might not necessarily result from the imposition of BH restriction.

112. A Member opined that there was already abundant supply of PRH in Wong Tai Sin area (about 85% of the total housing development). Further increase in PRH would result in an imbalance situation between public and private housing within the area. The Secretary explained that the ex-SPKFF site was under HD's ownership. Though the possibility of rezoning the site to "OU(B)" had been examined by PlanD, it was later decided to rezone it "R(E)" for PRH development after taking into consideration the urgent need of PRH, HD's consultancy study confirming the suitability of the site for housing development, and the future development would be closely scrutinized under planning application system to the Board. HD also ensured that a full compliance of noise standard would be made for the future development. The Secretary also supplemented that the northern part of the ex-SPKFF site was zoned "O" which would act as a buffer separating the future residential development from the SPKBA. Subject to further study, the existing "OU(B)" site to the west of the ex-SPKFF site might also be rezoned to "R(E)".

113. A Member said that HD should take into account Members' comments on the design of the proposed PRH development and refine their concept plan. This Member further stated that in view of the special requirement and constraints of the site, HD should not adopt a standard design for the proposed PRH development. The linear design of building blocks as contained in the current concept plan was undesirable from an urban design point of view and building gaps should be provided between building blocks. This Member also did not agree that the size of the site was small and urged HD to review the layout of the proposal in particular to avoid a linear design.

Representations No. R1(part)

114. After further deliberation, the Board decided not to uphold Representation No. R1(part) for the following reasons:

- (a) the "R(E)" zone was not incompatible with the SPKBA for it was located at the periphery of SPKBA and separated from the core of the business area by a sizeable public open space. With appropriate layout and

provision of environmentally sensitive design, the proposed housing development could be integrated with SPKBA and future Kai Tak Development;

- (b) preliminary assessments had indicated that the “R(E)” zone was acceptable in broad terms on environmental, air ventilation, traffic and infrastructural aspects. The details on the technical issues such as adverse traffic noise, visual and air ventilation impacts as well as road widening of King Hong Street could further be addressed at the planning application stage;
- (c) there was sufficient provision of transport, community, recreational and retail facilities in the nearby San Po Kong, Hollywood Plaza and Rhythm Garden to support the future population of the proposed housing development; and
- (d) it was considered inappropriate to rezone the representation site to “OU” (Business)” for there was a more urgent need for providing public rental housing site than “OU” (Business)” site in the Area. The “R(E)” zone would provide a valuable urban site to help meeting the public housing demand.

Representation No. R25(part)

115. After further deliberation, the Board decided not to uphold Representation No. R25(part) for the following reason:

Sufficient land had been reserved for the provision of public open space to meet the population needs in Tsz Wan Shan, Diamond Hill and San Po Kong Area. It is not necessary to provide public open space at the representation site.

Representation No. R26 and R27

116. After further deliberation, the Board decided not to uphold Representations No. R26 and R27 for the following reasons:

- (a) the “R(E)” zone was not incompatible with the SPKBA for it was located at the periphery of SPKBA and separated from the core of the business area by a sizeable public open space. With appropriate layout and provision of environmentally sensitive design, the proposed housing development could be integrated with SPKBA and future Kai Tak Development;
- (b) preliminary assessments had indicated that the “R(E)” zone was acceptable in broad terms on environmental, traffic and infrastructural aspects. The details on the technical issues such as adverse traffic noise, visual and air ventilation impacts as well as road widening of King Hong Street could further be addressed at the planning application stage;
- (c) there was sufficient provision of transport, community, recreational and retail facilities in the nearby San Po Kong, Hollywood Plaza and Rhythm Garden to support the future population of the proposed housing development; and
- (d) it was considered inappropriate to rezone the representation site to “G/IC” for an indoor game hall for there was an urgent need for public rental housing site and sufficient sports centres had already been provided in the Area, or to rezone to “C” in view of availability of “OU (Business)” sites for commercial and office uses in SPKBA. The “R(E)” zone would provide a valuable urban site to help meeting the public housing demand.

Representation No. R6

117. After further deliberation, the Board decided not to uphold Representation No. R6 for the following reasons:

- (a) the purpose of imposing BH restrictions was to provide better planning control on the BH upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory

planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall BH profile of the Area;

- (b) in drawing up the BH restrictions for the “R(A)” zone in San Po Kong area, relevant factors had been taken into account including local topography, local character, the development potential permitted on the OZP, existing BH profile, preservation of ridgeline, vistas, urban design context, the BH restrictions in surrounding areas, as well as the wind performance of the existing conditions and the recommendations of the AVA as appropriate. A BH profile of 80mPD and 100mPD imposed for the “R(A)” zone was considered appropriate. The approved BH of 166mPD of the representation site was an exception and should not be taken as the norm for devising the BH profile. The BH restrictions had already struck a balance between meeting public aspirations for a better living environment and private development interests;
- (c) the proposed development with approved building plans would not be affected by the BH restriction on the OZP as long as the approval remains valid. The Notes of the OZP provide that upon redevelopment, the representation site could be developed up to the height of existing building. There would not be any adverse impact on the development potential of the representation site permitted under the OZP; and
- (d) the proposal to amend the BH restriction from 100mPD to 166mPD for the representation site was not supported as the BH of the approved development was not in line with the BH profile of 80mPD and 100mPD for San Po Kong residential area and it would jeopardize the intactness of the stepped height profile and had implications on other sites within the same height band.

Representation No. R7

118. After further deliberation, the Board decided not to uphold Representation No. R7 for the following reasons:

- (a) the purpose of imposing BH restrictions was to provide better planning control on the BH upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall BH profile of the Area;
- (b) in drawing up the BH restrictions for the “R(A)2” zone in the Area, relevant factors had been taken into account including local topography, local character, the development potential permitted on the OZP, existing BH profile, preservation of ridgeline, vistas, urban design context, lot size, the BH restrictions in surrounding areas, as well as the wind performance of the existing conditions and the recommendations of the AVA as appropriate. A two-tier system of 120mPD and 140mPD imposed for the zone was considered appropriate. The approved heights of the nearby excessively tall developments were just exceptions and should not be taken as the norm for devising the BH profile for the area. The BH restrictions had already struck a balance between meeting public aspirations for a better living environment and private development right;
- (c) in formulating the two-tier height profile for the “R(A)2” zone, reasonable assumptions with allowance for design flexibility had been adopted to accommodate the development potential permissible under the OZP. The BH of 140mPD would not affect the development intensity permitted under the OZP and redevelopment incentive of the representation site;
- (d) to cater for site-specific circumstances, there was provision for application for minor relaxation of the BH restriction under the OZP. Each application would be considered by the Board on its individual merits and a set of criteria for consideration of such applications had been set out in the Explanatory Statement of the OZP;
- (e) the proposal of relaxing the BH for the representation site to not less than 194mPD was not supported as the proposed height was not compatible

with the surrounding area and the intactness of the BH band of 120mPD of the “R(A)2” zone would be compromised by piecemeal amendment for individual lots. Such a relaxation would also set an undesirable precedent, leading to proliferation of out-of-context buildings and erode the existing character of the locality.

Representations No. R8 to R24

119. After further deliberation, the Board decided not to uphold Representations No. R8 to R24 for the following reasons:

- (a) the purpose of imposing BH restrictions was to provide better planning control on the BH upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall BH profile of the Area;
- (b) in drawing up the BH restrictions for the “R(A)2” zone in the Area, relevant factors had been taken into account including local topography, local character, the development potential permitted on the OZP, existing BH profile, preservation of ridgeline, vistas, urban design context, lot size, the BH restrictions in surrounding areas, as well as the wind performance of the existing conditions and the recommendations of the AVA as appropriate. A two-tier system of 120mPD and 140mPD imposed for the zone was considered appropriate. The approved heights of the nearby excessively tall developments were just exceptions and should not be taken as the norm for devising the BH profile for the area. The BH restrictions had already struck a balance between meeting public aspirations for a better living environment and private development right;
- (c) in formulating the two-tier height profile for the “R(A)2” zone, reasonable assumptions with allowance for design flexibility had been adopted to accommodate the development potential permissible under the OZP. The BH of 140mPD would not affect the development

intensity permitted under the OZP and redevelopment incentive of the representation site; and

- (d) to cater for site-specific circumstances, there was provision for application for minor relaxation of the BH restriction under the OZP. Each application would be considered by the Board on its individual merits and a set of criteria for consideration of such applications had been set out in the Explanatory Statement of the OZP.

[Dr. Greg C.Y. Wong and Ms. Ava Ng returned to join the meeting while Mr. Tony Lam arrived to join the meeting at this point. Mr. Timothy K.W. Ma and Mr. Alfred Donald Yap left the meeting at this point.]

[The meeting was adjourned for a five-minute break.]

Group 3: R28 and R29

(TPB Paper No. 8311)

Presentation and Question Session

120. The following Members had declared interest on this item:

- | | | |
|---------------------|---|---|
| Dr. James C.W. Lau | - | being a Wong Tai Sin District Council Member |
| Mr. Timothy K.W. Ma | - | having a servicing centre at Chuk Yuen Estate |

121. As the Wong Tai Sin District Council did not raise objection to the proposed OZP amendments and the Chuk Yuen Estate was not the subject of any representation, Members considered that the interests of Dr. James C.W. Lau and Mr. Timothy K.W. Ma were indirect and insubstantial, they could be allowed to stay at the meeting.

122. The following representatives from PlanD, the representers and their representatives were invited to the meeting at this point:

- Mr. Eric Yue - District Planning Officer/Kowloon (DPO/K),
PlanD
- Miss Annie To - Senior Town Planner/Kowloon, PlanD

R28

- Mr. Tsang Chun Tat)
Mr. Leung Kin Wah) Representers' representatives
Mr. Lee Chi Ping)
Mr. Ho Po Shu)

R29

- Mr. John Ho Yun Kuen) Representers' representatives
Ms. Law Mei Chun)

123. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited representatives from the Government to brief Members on the background to the representations.

124. With the aid of a Powerpoint presentation, Mr. Eric Yue of PlanD made the following points as detailed in the Paper :

- (a) the background to the proposed amendments as set out in paragraphs 1 and 3 of the Paper. The Board would consider Representations No. R28 and R29 collectively under Group 3;
- (b) subject of representations:
- R28 opposed the BH restrictions for 4 electricity substations (ESS) at Shatin Pass Road, Nga Chuk Street, Fei Fung Street and Lung Cheung Road zoned "G/IC" (Sites 1 to 4) and opposed the designation of 1.5m wide NBA abutting Luk Hop Street ESS within "OU(B)" zone (Site 5); and

- R29 opposed the BH restriction of 4 storeys for the “G/IC” site at Shatin Pass Road (Site 6).
- (c) the grounds of the representations as detailed in paragraphs 2.2 of the Paper;
- (d) representers’ proposal - :
- R28 – to relax the BH restrictions for Sites 1 to 4 (zoned “G/IC”) from 5 storeys, 2 storeys, 8 storeys and 2 storeys to not more than 160mPD, 59.5mPD, 120mPD and 140mPD respectively; and to remove the NBA restriction abutting Luk Hop Street Sub-station at Site 5 (zoned “OU(B)”); and
 - R29 – to relax the maximum BH restriction for the Evangel Children’s Home site to allow for a 5-storey building redevelopment.
- (e) planning considerations and assessments on the representations as detailed in paragraphs 4.1 to 4.4 of the Paper.
- (f) responses to the grounds of representations and their proposals as detailed in paragraphs 4.5 of the Paper including:

R28

- redevelopment of an existing ESS required approval from relevant Government departments and bureaux. Director of Electrical and Mechanical Services (DEMS) had not received any redevelopment proposals which would substantiate the electricity demand and height requirements proposed by R28;
- should there be a need to relax BH restrictions to cater for new requirement in future, an application could be made under the provision of the minor relaxation clause under the Notes of the OZP;
- BH restrictions for “G/IC” zones were mainly to reflect and contain their existing BH to serve as breathing space and visual relief to the crowded built-up area. Any relaxation in BH restriction had to be fully justified on functional grounds or operational needs;
- the purposes of BH restrictions on the OZP was to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall BH profile of the area. A balance between public and private interests had to be struck;
- the existing development intensity of the ESS would not be affected as no PR/GFA restrictions had been imposed for the “G/IC” zones and the BH restrictions were mainly to reflect the existing heights of the facilities. The sites were restricted to ESS use under the lease;
- the imposition of NBA would retain/enhance the air path network in the area so as to improve/optimize the local air ventilation. It also facilitated road widening proposal in TD’s Traffic Improvement Scheme in Industrial Land and allowed street greening in SPKBA;

- TD supported the provision of NBA in SPKBA for the purpose of road widening in future, and confirmed that the setback was necessary to enhance both traffic and pedestrian flows from traffic point of view;
- the NBA would not affect existing developments. The redevelopment potential of the site for ESS use would not be adversely affected by the required setback of 1.5m from Luk Hop Street;
- in view of the Board's decision on 3.12.2008 after the hearing of the representations of the draft Tsim Sha Tsui OZP, a similar mechanism allowing application for minor relaxation for the NBA should be adopted in "OU(B)" zone in SPKBA for the subject OZP, and planning permission would be granted under exceptional circumstances;

R29

- both Secretary for Labour and Welfare and Director of Social Welfare gave in-principle support to the redevelopment proposal of Evangel Children's Home;
 - relaxing the BH restriction from 4 storeys to 5 storeys for Site 6 was considered not incompatible with the local setting and would not have adverse visual impact on the area or affect the function of the "G/IC" belt as breathing space in the area;
- (g) PlanD's views – PlanD considered that the Notes of the OZP should be amended to include the minor relaxation clause to partially uphold R28 as detailed in paragraph 6.1 of the Paper but did not support the remaining part of R28 for reasons as detailed in paragraphs 6.2 of the Paper. PlanD also considered that the OZP should be amended to meet the representation of R29 by amending the BH restriction for the representation site from 4 storeys to 5 storeys as detailed in paragraph

6.3 of the Paper.

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

Representation No.R28

126. With the aid of a Powerpoint presentation, Mr. Tsang Chun Tat elaborated on R28 and made the following points:

- (a) the representer objected to the imposition of BH restriction on Tsz Wan Shan ESS/Depot, Chuk Yuen ESS, Fung Wong San Tsuen ESS and Tai Hom ESS (Sites 1 to 4) and the NBA on Luk Hop Street ESS (Site 5);
- (b) the BH and NBA restrictions would undermine flexibility to modify the height of development or redevelopment to meet future operational need, replacement of obsolete equipment and power system enhancement;
- (c) there was a growing demand for electricity arising from future development in the area. It was estimated that there would be an increase in population from 219,500 persons in 2006 to 233,900 persons if the planned land uses were developed;
- (d) it would be difficult to locate a suitable site in urban area for new ESS. Any undue delay of redevelopment would pose risk to electricity supply and was against public interest;

Sites 1 to 4

- (e) the height restrictions under the leases for Tsz Wan Shan ESS/Depot and Chuk Yuen ESS were 146mPD and 59.5mPD respectively while no height restriction was imposed under the leases for Fung Wong San Tsuen ESS and Tai Hom ESS. The imposition of BH restrictions diminished the redevelopment potential permitted under the lease conditions. The Government should not deprive the representer of the

existing development and property right;

- (f) the application for minor relaxation was unnecessary and might lead to public objection to future ESS proposal;
- (g) as shown in the photographs in the Powerpoint, the existing four ESS were surrounded by high-rise development. Redevelopment of the ESS at heights proposed by the representer would be visually compatible with the surrounding developments;

Site 5

- (h) there was currently no restriction under the lease on the building area abutting Luk Hop Street for the Luk Hop Street ESS site. The development at the site would be adversely affected by the 1.5m wide NBA abutting Luk Hop Street;
- (i) in order to cope with the future redevelopment of the San Po Kong area and the new electricity demand for the Diamond Hill Depot of the Shatin-Central Link and the property development above the depot, there was a plan for the redevelopment of the Luk Hop Street ESS in 2016-2017;
- (j) according to the sketch of the redevelopment plan, redevelopment would become impossible with the NBA restriction due to:
 - insufficient space to accommodate the heavy equipment at ground floor level with suitable installation, operation and maintenance space (each equipment weighed approximately 110 tonnes); and
 - insufficient space to provide suitable access for fire-fighting and rescue according to relevant statutory requirement such as Buildings Department's code of practice;

Proposal

- (k) the representer requested for a relaxation of BH restriction and removal

of NBA restriction as follows:

- Tsz Wan Shan ESS/Depot : from 5 storeys to 160mPD
- Chuk Tsuen ESS : from 2 storeys to 59.5mPD
- Fung Wong San Tsuen ESS : from 8 storeys to 120mPD
- Tai Hom ESS : from 2 storeys to 140mPD
- Luk Hop Street ESS : removal of NBA restriction abutting Luk Hop Street.

Representation No.R29

127. Members noted that representatives of R29 had attended the meeting but would not make any presentation.

128. As the presentations from the presenter's representatives had been completed, the Chairman invited questions from Members.

129. A Member asked PlanD whether EMSD agreed that the imposition of the 1.5m wide NBA would adversely affect the redevelopment plan of the Luk Hop Street ESS as presented by R28. Mr. Eric Yue replied that the redevelopment plan presented by R28 at the meeting had not been submitted to PlanD. As stated in paragraph 4.5.1 of the Paper, EMSD had not received any redevelopment proposals for the five ESS from the presenter and no policy approval had been granted by Environmental Bureau on any ESS redevelopment. He added that the NBA restriction was necessary to improve air ventilation in the area and no objection had been received from the adjacent "OU(B)" sites which were subject to the same NBA restriction. He considered that there was scope for the Luk Hop Street ESS to redevelop as the site coverage of the existing building was not yet maximized. However, he would defer to EMSD to comment on the details if a redevelopment plan was submitted.

130. Mr. Tsang Chun Tat (R28) said that the existing facilities in Luk Hop street ESS was built some decades ago and the electricity capacity was well below that proposed under the redevelopment plan. Due to the growing demand for electricity, there was a need to upgrade the existing facilities and increase the electricity capacity. The new ESS would fully maximize the use of the site. He further stated that apart from the 1.5m NBA restriction abutting Luk Hop Street on the OZP, the site was subject to another NBA

requirement of about 10 feet wide up to a height of 15 feet on another part of the site under the lease. In response to the Chairman's enquiry, Mr. Eric Yue stated that PlanD had proposed to include in the Notes of the "OU(B)" zone a clause allowing application for minor relaxation of NBA under exceptional circumstances so as to allow design flexibility for future redevelopment.

131. A Member asked whether the relaxation of the NBA for the Luk Hop Street ESS would defeat the planning intention of the NBA restriction to improve air ventilation and for street widening purpose. In response, Mr. Eric Yue said that relaxation of the NBA requirement for one site would to a certain extent affect the effectiveness of the above planning intention. Hence, any future application for minor relaxation of NBA requirement would need to be fully justified with the support of AVA study and would only be granted under exceptional circumstances.

132. As the representers' representatives had finished their presentation and Members had no further questions, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked them and the Government's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

133. Members considered that there was no adequate information to substantiate the proposed height restrictions of the five ESS proposed by R28 and the redevelopment plan for the Luk Hop Street ESS presented by R28 was not submitted to relevant Government bureaux and departments for consideration. In this regard, Members agreed that the provision of a minor relaxation clause for BH restrictions under the Notes the OZP had already provided flexibility to cater for future operational need and requirement. It would not be appropriate to amend the BH restrictions for the four ESS.

134. For the Luk Hop Street ESS, having noted the representer's grounds of representation, Members agreed that a minor relaxation clause should be added to the Notes of OZP to allow application for relaxation of NBA requirement under the "OU(B)" zone. However, Members considered that piecemeal removal of the NBA requirement

was not preferable as it would defeat the planning intention of improving air ventilation and for street widening purpose.

Representations No. R28

135. After further deliberation, the Board decided to partially uphold Representation No. R28 by including a minor relaxation clause to allow for application for minor relaxation of NBA requirement under “OU(Business)” zone as below:

- (a) Amendments to the Remarks of the Notes for the “OU(B)” zone:

To add Remark (7) in the Notes to read as:

Under exceptional circumstances, for developments and/or redevelopments, minor relaxation of the non-building area restrictions as stated in paragraphs (3)(i) and 3(ii) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

136. The Board decided not to uphold the remaining part of the Representation No.R28 for the following reasons:

- (a) the purpose of imposing BH restrictions was to provide better planning control on the BH upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall BH profile of the Area;
- (b) in drawing up the BH restrictions for the Area, the Board had taken into account relevant factors including existing topography, land use zoning, the development potential permitted on the OZP, existing BH profile, protection of ridgeline, vistas, urban design context, the BH restrictions imposed on the OZPs for surrounding areas, as well as the wind performance of the existing conditions and the recommendations of the

AVA as appropriate. The BH restrictions had struck a balance between meeting public aspirations for a better living environment and private development interests;

- (c) apart from providing GIC facilities, “G/IC” sites in the built-up urban area also served as visual relief and breathing space. As there was no PR restriction for “G/IC” zone, piecemeal amendments to the BH restrictions for the “G/IC” sites could result in proliferation of high-rise GIC developments, leading to cumulative loss of visual relief and breathing space for the area;
- (d) the Notes for the “G/IC” zone already provided the necessary flexibility for application to the Board for minor relaxation of the BH restriction based on individual merits of the development/redevelopment proposal. Should a higher BH restriction was required to facilitate the proposed development schemes at the representation sites, there were also provisions under the Ordinance to apply for planning permission or amendments to the statutory BH restrictions pertaining to the representation sites;
- (e) the BH restrictions for “G/IC” sites were to reflect their existing heights and designation of NBA within “OU(Business)” zone was to provide road setbacks, improve air ventilation and enhance the general environment upon development/redevelopment in SPKBA. The existing development intensity permitted under the OZP would not be affected. There was no de facto deprivation of development right under the Basic Law caused by the BH and NBA restrictions;
- (f) in the absence of details on redevelopment proposals on the functional and operational needs of the ESS and without policy support from concerned bureaux/departments, there was no justification for relaxing the BH restrictions for Sites 1 to 4. Any piecemeal relaxation of BH restriction would adversely affect the BH profile of the area leading to proliferation of high-rise GIC developments and resulting in cumulative loss of visual relief and breathing space for the urban built-up area; and

- (g) the proposed removal of the NBA on Site 5 would defeat the planning intention of improving the air ventilation and permeability of the SPKBA, as well as for road widening and street greening purposes.

Representations No. R29

137. After further deliberation, the Board decided to uphold the Representation No.R29 by amending the BH restriction for the representation site at 120 Shatin Pass Road from 4 storeys to 5 storeys.

Agenda Item 5

[Open Meeting]

Hong Kong Boundary Crossing Facilities for Hong Kong – Zhuhai - Macao Bridge
(TPB Paper No. 8320)

[The meeting was conducted in Cantonese.]

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

- Mr. Edmund K.H. Leung - being a Member of the Hong Kong Airport Authority (HKAA)
- Mr. Tony Lam - being a representative of Transport and Housing Bureau

139. Members noted that Mr. Edmund K.H. Leung had tendered apology for not able to attend the meeting. As this item related only to a briefing of the project, Members agreed that Mr. Tony Lam should be allowed to stay at the meeting.

140. The following representatives from Government Departments were invited to the meeting at this point:

- Mr. Cheng Ting Ning - Project Manager/Hong Kong
-Zhuhai-Macao Bridge Hong Kong, Highways
Department
- Mr. Alfred Lau - District Planning Officer/Sai Kung & Islands,
PlanD

141. The Chairman extended a welcome and invited representatives from Government to brief Members on the Paper.

142. With the aid of some plans, Mr. Cheng Ting Ning briefed Members on the background of the Paper and made the following main points:

- (a) the Hong Kong – Zhuhai- Macao Bridge (HZMB) project involved three main sections:
- Zhuhai Link Road (13.4km) together with Zhuhai Boundary Crossing Facilities and Macau Boundary Crossing Facilities;
 - HZMB Main Bridge (29.6km) including 6.75km tunnel; and
 - Hong Kong Link Road (HKLR) (12.4km) and Hong Kong Boundary Crossing Facilities (HKBCF);
- (b) in January 2007, the HZMB Task Force, with representatives from the Guangdong Province, the Governments of Hong Kong Special Administrative Region (SAR) and Macau SAR, recommended that each government should set up their own Boundary Crossing Facilities for the HZMB within their respective territories;
- (c) a site selection study was commissioned by HyD in May 2007. The study recommended that the HKBCF to be located on a reclaimed area to the north-east of the Hong Kong International Airport (the Airport). In July 2008, HyD commissioned a further study to review the findings of the previous study, conduct associated environmental, traffic and marine impact assessments and recommend a detailed scheme for the HKBCF;

- (d) the proposed site located to the east of the Airport as recommended by the study was preferred to an alternative site proposed by the Tung Chung residents to the west of the Airport for the following reasons:
- the eastern site was close to the existing Airport Terminal Building. With the proposed automatic people mover linking the HKBCF and the Passenger Terminal Building, it would save the checking and clearance time for travellers switching between the air and land mode resulting in a synergy effect of the Airport and the HKBCF;
 - the site would serve as a strategic multi-modal transportation hub for HZMB, Tuen Mun – Chek Lap Kok Link (TMCLKL) and the Hong Kong-Shenzhen Airport Railway;
 - there would not be adverse visual and environmental impact to the Tung Chung residents as the site was located about 2km away from the residential development and would only be occupied by low-rise development. The section of HKLR linking the HKBCF and close to the Tung Chung north residential development would also be constructed either at-grade or in tunnel;
 - the western site option would have adverse impact on the hydrology in the Pearl River Delta; the existing navigation channel within Hong Kong, the marine habitat for white dolphins and water circulation;
- (e) with the completion of the on-going study, HyD would further consult the Board on the details of the proposal.

143. The Chairman invited questions from Members.

144. A Member stated that the proposed new transport infrastructure including the HKBCF and the HKLR would pose adverse visual, light and traffic impacts to the residents in Tung Chung and asked how the Government would prepare to address the local concern. In response, Mr. Cheng Ting Ning confirmed that the Government would ensure that all infrastructure projects would comply with all relevant Ordinances, in particular the Environmental Impact Assessment (EIA) Ordinance. Various impact assessments including noise, air, water current would be undertaken to ensure that the proposed infrastructure projects would be environmentally acceptable. The EIA report

would also be subject to public inspection. Regarding light pollution, Mr. Cheng assured Members that the lighting design would help minimise any glare effect on the surrounding development.

145. In response to a Member's question on whether the Country Park would be affected, Mr. Cheng Ting Ning clarified that the proposed infrastructure would not infringe upon the Country Park area near San Shek Wan. However, if the proposed HKBCF were to be located to the west of the Airport and close to the shore line at San Shek Wan or behind the shore line, it would not only affect the marine ecology and the navigation channel but also infringe onto the Country Park area in particular if the link road connecting to the BCF would be in the form of tunnel. Besides, the villagers nearby would also be susceptible to air pollution.

146. In response to another Member's enquiry about the connections with other parts of the territory of Hong Kong, Mr. Cheng Ting Ning replied that apart from the connection to the existing transportation network of the Airport to the west, the HKBCF could be connected to the east via the North Lantau Highway to Tsing Ma Bridge or to the north via TMCLKL and Tuen Mun Western Bypass to Shenzhen.

[The Chairman left the meeting at this point. Dr. Greg C.Y. Wong, the vice-Chairman took over the chairmanship at this point.]

147. Noting the recent completion of major projects around the Airport such as AsiaWorld-Expo, a Member commented that the Government should prepare a comprehensive master plan for the Airport area. Mr. Cheng Ting Ning stated that the Government had taken into account the overall development in the area in planning the new transport infrastructure, with a view to creating a multi-modal transportation node. He understood that HKAA was formulating a 2030 Airport Development Plan and he would relay Member's comment to HKAA when opportunity arose.

148. A Member asked whether the future Hong Kong-Shenzhen Airport Railway would make a stop at the HKBCF. Mr. Cheng Ting Ning stated that HKAA and HyD were now examining the possible stopping point for the Hong Kong-Shenzhen Airport Railway and HKBCF would be one of the possible stopping points.

149. A Member suggested replacing the elevated portion of the HZMB near San Shek Wan with a tunnel so as to mitigate the visual impact to the local residents. Mr. Cheng Ting Ning replied that this would be undesirable as it would require the construction of a tunnel within the Country Park area, with the tunnel portal affecting some ecologically sensitive areas. Besides, there would be land resumption issue as a large number of graves would need to be removed. Moreover, the alternative route would increase the road distance by several kilometres which would generate more traffic air pollution.

[Professor Bernard V.W.F. Lim, Dr. James C.W. Lau and Professor Edwin H.W. Chan left the meeting at this point.]

150. Members had no more question and the Chairman thanked the Government's representatives for attending the meeting. Members noted the proposal as contained in the Paper.

Agenda Item 6

[Open Meeting]

Confirmation of Proposed Amendments and Submission of Draft Tseung Kwan O Outline Zoning Plan No. S/TKO/16 to the Chief Executive in Council for Approval
(TPB Paper No. 8317)

[The meeting was conducted in Cantonese.]

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

Mr. Felix W. Fong)	Being Members of the Democratic Alliance
Ms. Starry W.K. Lee)	for the Betterment and Progress of Hong
Ms. Maggie M.K. Chan)	Kong which was the representer (R860)

152. Members noted that Mr. Felix W. Fong and Ms. Starry W.K. Lee had tendered apology for not able to attend the meeting while Ms. Maggie M.K. Chan had left the meeting.

153. The Secretary then briefly introduced the Paper. On 13.6.2008, the draft

Tseung Kwan O OZP No. S/TKO/16 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of 866 representations were received. On 29.8.2008 the representations were published for 3 weeks for public comments. 57 valid comments were received. On 28.11.2008, after giving consideration to the representations and comments, the Board decided to propose amendments to the draft OZP to partially meet two of the representations. On 13.2.2009, the proposed amendments were published for three weeks for further representations. No further representation was received.

154. Members noted that no further representation was received and in accordance with section 6G of the Ordinance, the Plan shall be amended by the proposed amendments. After deliberation, Members agreed:

- (a) that the draft Tseung Kwan O OZP No. S/TKO/16A and its Notes at Annexes II and III of the Paper respectively were suitable for submission under section 8 of the Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) to endorse the updated ES for the draft Tseung Kwan O OZP No. S/TKO/16A at Annex IV 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) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 10

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

155. There being no other business, the meeting was closed at 7:00 p.m.