

**Minutes of 948th Meeting of the
Town Planning Board held on 27.11.2009**

Present

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

Chairman

Dr. Greg C.Y. Wong

Vice-Chairman

Mr. Nelson W.Y. Chan

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Hon. Starry W.K. Lee

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Mr. Timothy K.W. Ma

Deputy Director/General, Lands Department
Mr. Herbert Leung

Deputy Director of Environmental Protection
Mr. Benny Wong

Assistant Director (2), Home Affairs Department
Mr. Andrew Tsang

Director of Planning
Mrs. Ava S.Y. Ng

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

Secretary

Absent with Apologies

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Professor David Dudgeon

Professor N.K. Leung

Mr. Stanley Y.F. Wong

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Dr. James C.W. Lau

Mr. K.Y. Leung

Professor Edwin H.W. Chan

Dr. Winnie S.M. Tang

Principal Assistant Secretary (Transport),
Transport and Housing Bureau
Mr. Fletch Chan

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Miss Chu Hing Yin

Senior Town Planner/Town Planning Board
Ms. Maggie Chin

1. The Chairman extended a welcome to Members.

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 947th Meeting held on 13.11.2009

[The meeting was conducted in Cantonese.]

2. The Secretary reported that a copy of the proposed amendments to the draft minutes of 947th Meeting had been tabled for Members' consideration, as follows:-

- i) Attendance List: 'Mr. C.W. Tse' should be replaced by 'Mr. Benny Wong'
- ii) Para. 97(f) the first sentence should be amended to read as 'The Review recommended reviewing the AQOs not less than every five years so as to ascertain...'
- iii) Para. 100(c) the last sentence should be amended to read as 'The early retirement of aged or heavy polluting vehicles, including franchised buses, would also bring about an increase in bus fare of about 15%.....'
- iv) Para. 102 the first sentence should be amended to read as 'Mr. Carlson K.S. Chan replied that the Government had secured resources to kick-start some of the proposed measures like the implementation of district cooling system in Kai Tak, extension of cycle tracks, and pilot scheme for domestic ferries to change to use ultra low sulphur diesel'
- v) Para. 103 the third sentence should be amended to read as ' In response, Mr. Carlson K.S. Chan said that the Central Policy Unit was commissioned to hold several focus group discussions with different stakeholders and academics on the recommendations of the Review including sharing of the cost of the proposed emission control measures.'

- vi) Para. 124 The last sentence should be amended to read as ‘Mr. Benny Wong, DDEP, said he understood that in order to address the concern of the Tung Chung residents, the HZMB project faced various conflicting requirements and constraints. Judgement had to be exercised in considering which constraints should be accorded higher priority.’

3. Members had no comment on the proposed amendments and the minutes were confirmed subject to the said amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

4. There were no matters arising.

[Mr. Nelson W.Y. Chan, Mr. Tony C.N. Kan, Mr. Edmund K.H. Leung, Ms. Sylvia S.F. Yau, Mr. Felix W. Fong and Mr. Andrew Tsang arrived to join the meeting at this point.]

Agenda Item 3

[Open Meeting]

Planning Study on the Co-ordinated Development of the
Greater Pearl River Delta Townships

(TPB Paper No. 8450)

[The meeting was conducted in Cantonese and Putonghua]

5. The following representatives of the Planning Department (PlanD) and Study Consultants were invited to the meeting at this point:

Mr. Michael Chan	Chief Town Planner/Strategic Planning, PlanD
Professor Li Gui-cai	Peking University
Professor Zeng Hui	Peking University
Mr. Li Jian-ping	Guangdong Urban and Rural Planning and Design Institute

6. The Chairman extended a welcome and invited the representatives to brief Members on the Study.

7. With the aid of a powerpoint presentation, Professor Li Gui-cai made the following main points:

- a) the Study (which had been conducted for three years from March 2006 to July 2009) was the first strategic planning study commissioned jointly by the Governments of Guangdong (GD), Hong Kong Special Administrative Region (SAR) and Macao SAR. It was also the first study in China on co-ordination of spatial planning involving different systems;

Overall Objective

- b) the objective of the Study was to formulate a regional development strategy for the Greater Pearl River Delta (GPRD) region by taking a forward-looking perspective to consider the opportunities and constraints of the region under the “One Country, Two Systems” framework. Through better resource utilization, environmental protection and development of transport infrastructure, the strategy should serve to improve the environment, enhance living quality, ensure sustainable development and strengthen the overall competitiveness of the region;

Development Strategies and Plans

- c) the Study put forth three major development strategies, namely, the strategies for optimizing spatial structure, high accessibility and quality environment;

- d) the Strategy for Optimization of Spatial Structure and the related Master Spatial Co-ordination Plans set out the key directions for the development of the Bay Area of Pearl River Estuary and three Metropolitan Areas, development of three axes and four tiers in the region, and development of three sub-regions in a poly-centric pattern. Major proposals included:
- strengthening the Bay Area and three Metropolitan Areas (Guangzhou/Foshan, Hong Kong/Shenzhen and Macao/Zhuhai) as the development core of the region. That would create agglomeration effects to enhance the functions of GPRD region as global cities and national economic centre;
 - improving the Guangzhou / Shenzhen / Hong Kong and Guangzhou / Zhuhai / Macao Development Axes and establishing a Coastal Development Axis across the Bay Area to facilitate connection of the core cities;
 - stimulating the development of the outer area of the GPRD region to facilitate expansion of hinterland into the peripheral parts of GD as well as the Pan-PRD region; and
 - achieving balanced and poly-centric development within the GPRD region by promoting co-ordinated development within the Eastern, Central and Western Sub-regions (i.e. Hong Kong/Shenzhen/Dongguan/Huizhou, Guangzhou/Foshan/ Zhaoqing, Macao/Zhuhai/Zhongshan/Jiangmen respectively) and encouraging the upgrading of certain cities/towns into integrated/specialized centres;
- e) the Strategy for High Accessibility and the Plans for Co-operative Development of Transportation aimed to enhance the traffic accessibility of the GPRD region through the development of a systematic transportation network with the Bay Area as a regional transport hub, establishing “one-hour inter-city traffic/commuting circle” within the region (mainly by railway), and reducing the time and cost in the cross-boundary traffic

between Hong Kong/Macao and PRD for “seamless connections” in cross-boundary traffic. The following key recommendations were proposed:

- planning for closer co-operation and co-ordination among the airports and ports;
 - building the Hong Kong-Zhuhai-Macao Bridge and other cross-Pearl River infrastructure and improving the connections between inter-city transport network and the network within each city;
 - linking up the railways and highways between Hong Kong and Shenzhen and between Macao and Zhuhai;
 - improving the boundary-crossing facilities; and
 - adopting innovative approaches in the management of cross-boundary traffic;
- f) the Strategy for Quality Environment and the Ecological/Environmental Protection Plans comprised proposals for improving the ecological and environmental quality of the GPRD region through comprehensive preservation of the key ecological areas in the region, joint actions in the prevention and control of environmental pollution, clear demarcation of ecological/environmental protection duties among the concerned cities, and joint studies on ecological/environmental protection issues;
- g) the Cross-boundary Co-operative Development Plans served to identify the areas and aspects with special need or potential for co-operation among GD, Hong Kong and Macao, including innovation industries, logistics, education, tourism, management of boundary-crossing movements, medical and health services, social welfare and culture;

[Mr. B.W. Chan left the meeting temporarily at this point.]

Co-ordination Mechanisms

- h) to facilitate co-ordinated development among GD, Hong Kong and Macao,

the Study suggested the Governments of the three places should foster closer communication through holding co-ordination and liaison meetings, establishing an information hub for sharing of planning information, and organizing joint forums and studies;

Major Tasks in the Short Term

- i) a total of 20 tasks in respect of co-operation actions in cross-boundary transportation, cross-boundary development, ecological/environmental protection and co-ordination mechanisms were recommended in the short term; and
- j) the Study served to provide an outline strategic analysis for the reference of the Governments of GD, Hong Kong and Macao in formulating regional co-operation and cross-boundary policies. Given the different economic and political systems of the three places, the respective Governments should carry out further study, assessment and public consultation and give due regard to the local circumstances before putting the recommendations into implementation.

[Mr. B.W. Chan returned to join the meeting whilst Mr. Edmund K.H. Leung left the meeting temporarily at this point.]

8. Members had the following comments/questions on the Study:

- a) With more Hong Kong people living and working in GD, the Study recommended undertaking joint studies regarding the social services, medical and hygiene aspects. What kinds of specific issues and supporting facilities would be further examined in these studies?
- b) Whether there were any opportunities to strengthen the water-based transport in the GPRD region and any recommendations for co-operative development among GD, Hong Kong and Macao in the provision of air, water and land transport facilities, taking into account their closer ties.

- c) The economic, political and administrative systems of GD, Hong Kong and Macao were very different. Whilst the recommendations could be readily implemented in GD, it might not be the case for Hong Kong. Due regard should be given to the local circumstances before putting the recommendations into implementation.
- d) How would the strategy of strengthening the Bay Area of Pearl River Estuary and the three Metropolitan Areas as the development core of the region help to create more development opportunities for Hong Kong?
- e) Whether the improvements to the transportation network recommended in the Study could facilitate 'Relocation of Industries' in GD.
- f) Whether the Study had recommended any specific functions and roles for respective cities to facilitate the development of the GPRD region.
- g) Whether the Study had recommended any mechanism to resolve disputes amongst different parties.
- h) Whether the environmental issues such as the environmental capacity of the region, water pollution and nature conservation had been examined and taken into account in formulating the regional development strategy.

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

9. Professor Li Gui-cai made the following responses:

- a) as the number of Hong Kong people who worked and lived in GD had been growing rapidly in recent years, the Study recommended that joint thematic studies should be undertaken to formulate a public administration framework on social services, medical and hygiene aspects amongst GD, Hong Kong and Macao;

[Mr. Edmund K.H. Leung returned to join the meeting whilst Mr. Herbert Leung left the meeting temporarily at this point.]

- b) currently, a large proportion of water-based transport in the region was for the transportation of goods instead of passengers. With the development of more recreational and tourism facilities in the region, it was expected that passenger transportation by water would increase in future. To improve the water-based transport, the Study recommended establishing an ‘integrated port system’ in the region through more co-operation and co-ordination among the ports. The Study also recommended improving the linkages of the ports to the major transportation nodes and development areas. In the meantime, land transport (including road and rail networks) was still more developed and played a more important role than water-based transport in the transportation of passengers. For air transport, it was proposed that a ‘multi-airport system’ be established through co-ordination and co-operation among the various airports in GD, Hong Kong and Macao. It would involve complicated administrative and economic issues that should be the subject of further studies. To enhance the accessibility of the GPRD region, the Study recommended developing the Bay Area as a regional transportation hub, establish ‘one-hour intercity traffic circles’ in the region and create ‘seamless connections’ in cross-boundary traffic;

- c) the fact that GD, Hong Kong and Macao were under different political and economic systems was well recognized in the Study. As such, the Study should be taken as an outline strategic analysis for the reference of the Governments in formulating regional co-operation and cross-boundary policies. The respective Governments should give due regard to the local circumstances in taking forward the recommendations in the Study;

[Mr. Herbert Leung returned to join the meeting at this point.]

- d) Hong Kong and Macao played a very significant role in optimizing the regional spatial framework, in particular strengthening the Bay Area and the three Metropolitan Areas (Guangzhou/Foshan, Hong Kong/Shenzhen and

Macao/Zhuhai) as the development core. The improvement of the Guangzhou/Shenzhen/Hong Kong Axis would greatly facilitate the connection between Hong Kong and the other key cities in the region and provide tremendous development opportunities for Hong Kong as well as the concerned cities;

- e) the strategy of sub-regional development in poly-centric pattern would facilitate ‘relocation of industries’ in GD through the co-ordinated development within the Eastern, Central and Western Sub-regions and upgrading of certain cities and towns into integrated and specialized centres. The realization of that strategy would be complemented by co-operative development of transportation network and land use planning as recommended in the Study;
- f) the focus of the Study was on the co-operation and co-ordination amongst the Governments of GD, Hong Kong and Macao for the pursuit of common prosperity. Designation of specific roles for individual cities in the region was not the purpose of the Study; and
- g) to facilitate co-ordinated development in the region, the Study had put forth various recommendations for the Governments of the GD, Hong Kong and Macao to foster closer communication and better understanding. These included having regular liaison meetings, setting up a planning information hub, and organizing joint forums and joint studies.

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

10. Regarding the concern on ‘Industrial Relocation’, Mr. Li Jian-ping supplemented that whilst some cities such as Shenzhen and Zhuhai had been developing rapidly, the inner areas of the Central, Eastern and Western Sub-regions were comparatively less developed. Such an imbalanced pattern of development would affect further enhancement of the overall competitiveness of the GPRD region. To address the issue, the Study had recommended the strategy of upgrading certain cities and towns in the less developed areas.

11. On the environmental concerns, Professor Zeng Hui informed Members that various topical studies on environmental protection/conservation had been undertaken as part of the Study. They included a strategic baseline review of the ecological/environmental quality of the region, the key ecological areas in the region, the environmental impacts of previous economic/urban development and the strategic direction of joint actions in nature conservation, prevention and control of environmental pollution in the region. Further studies would also be undertaken on specific topics on ecological/environmental protection

12. As Members had no more question to raise, the Chairman thanked the representative of PlanD and Study Consultants for attending the meeting. They all left the meeting at this point.

Agenda Item 4

[Open Meeting]

North East New Territories New Development Areas
Planning and Development Study – Stage Two Public Engagement
(TPB Paper No. 8437)

[The meeting was conducted in Cantonese.]

13. The following representatives of Government departments and Study Consultants were invited to the meeting at this point:

Mr. Raymond Wong	Assistant Director of Planning/Territorial, PlanD
Ms. April Kun	Senior Town Planner/New Development Areas, PlanD
Mr. C.S. Liu	Chief Engineer/Project 2(New Territories North & West), Civil Engineering and Development Department (CEDD)
Mr. K.K. Lo	Engineer/1 (New Territories North & West), CEDD
Mr. Davis Lee	Over Arup & Partners (Hong Kong) Limited
Mr. Joseph Ma	Townland Consultants Limited

14. The Chairman extended a welcome and invited the representatives to brief Members on the Paper.

15. Mr. Raymond Wong informed Members that the Stage One Public Engagement of the Study took place from mid November 2008 and lasted for about three months. The objective was to provide a forum for facilitating early public discussion on four major topics relating to the NDAs, namely Strategic Roles of NDAs, People-Oriented Communities, Sustainable Living Environment and Implementation Mechanism. The Board was consulted on 14.11.2008. As part of the Stage Two Public Engagement of the Study, the purpose of the presentation was to brief Members on the key public comments collected at the Stage One Public Engagement and to seek Members' views on the Preliminary Outline Development Plans (PODPs) formulated for the NDAs. The presentation would include a video and a Powerpoint presentation by the Consultants on the key features and characteristics of NDAs.

16. The video set out the background to the Study and the PODPs as detailed in the Stage Two Public Engagement Digest:

Background

- a) the overall objectives of the Study were to formulate a land use framework and provide guidelines for the development of three NDAs at Kwu Tung North (KTN), Fanling North (FLN) and Ping Che/Ta Kwu Ling (PC/TKL);
- b) the Stage One Public Engagement of the Study was completed in early 2009. Taking into account the public views, the baseline analysis and the initial technical assessments conducted, PODPs for the three NDAs had been formulated;

Strategic Planning Context and Development Concepts

- c) taking the advantage of their proximity to boundary crossing facilities, the NDAs, apart from providing housing land, would also serve to meet other strategic land use requirements and play a very significant role in the socio-economic development in Hong Kong as a whole;

Preliminary Outline Development Plans

- d) the three NDAs would accommodate about 130,000 population and provide more than 40,000 employment opportunities. Considering the uniqueness of the NDAs, different development themes were adopted for the NDAs so that they would complement each other;

Kwu Tung North NDA

- e) KTN NDA was planned with the theme of “Mixed Development Node” and would accommodate about 65,000 population and provide about 26,000 employment opportunities. The key areas included:
- the town centre located near the proposed Kwu Tung railway station would be the core area with a wide range of retail, entertainment, community and leisure facilities;
 - the residential area would be located around the proposed railway station and the Town Park;
 - the Commercial, Research and Development Zone would provide development space to support various industries;
 - the Long Valley Ecological Area was designated as the Comprehensive Development and Nature Conservation Enhancement Area; and
 - land would also be reserved to cater for facilities to support the future development of Lok Ma Chau Loop;
- f) development intensity would be restricted to a maximum plot ratio (PR) of 5 to achieve a quality living environment. A stepped building height concept would be adopted to protect the ridgelines and the view of the natural landscape;
- g) the design principle of the KTN NDA was to enable a majority of the population to reside within 500m of the proposed railway station to facilitate the use of mass transport and reduce the demand for road traffic;

Fanling North NDA

- h) being located next to Ng Tung River, FLN NDA was planned with the theme of ‘Riverside Township’, which would accommodate about 48,000 population and provide about 6,200 employment opportunities;
- i) the existing Ma Shi Po area would be the Central Residential Area comprising a mix of public and private housing, and retail and community facilities;
- j) the Secondary Residential Area would be developed along Ng Tung River. To blend in with the existing developments in Sheung Shui New Town, the development intensity would be restricted to a maximum PR of 5 and a maximum building height of 35 storeys and stepping down to about 12 storeys;
- k) the design for FLN NDA was to make use of Ng Tung River to shape the architectural profile, and to emphasize harmonization of the existing and new developments;
- l) the Riverside Park built along Ng Tung River was the salient design in the area. The Riverside Park would also function as view and wind corridors;

Ping Che / Ta Kwu Ling NDA

- m) PC/TKL NDA would adopt the theme of “Quality Business/ Residential Area”. The NDA would accommodate 18,000 population and provide about 13,000 employment opportunities;
- n) the Special Industries Area at the northern portion of the NDA would be reserved for various high value-added and non-polluting industries such as testing and certification services, innovation and technology, cultural and creative industries, environmental industries and logistics uses;

- o) the southern portion would be developed into a medium to low-density residential area with a mix of housing types to provide alternative quality living space; and
- p) the development intensity would be restricted to a maximum PR of 2.5. Using a stepped building height with building height and development density reduced gradually from the town centre to the periphery to enhance the feeling of spaciousness.

17. With the aid of a Powerpoint presentation, Mr. Joseph Ma made the following key points:

Key Public Comments and Guiding Principles

- a) the key public comments gathered at the Stage One Public Engagement were summarized as follows:
 - strategic roles of NDAs: development of the NDAs should be coordinated with the long-term development of the Pearl River Delta and integrated with the development of Shenzhen;
 - people-oriented communities: a close community and a better quality living environment with adequate supporting facilities and employment opportunities should be created;
 - sustainable living environment: important natural landscape and the ecological, historical and cultural resources in the NDAs should be preserved; and
 - implementation mechanism: the prevailing compensation arrangement for land resumption might not meet the affected parties' expectation. There was general support for the private sector participation concept;

- b) to meet the housing demand, the NDAs would provide a total of about 150 ha of land for residential developments (with about 46,000 flats for 130,000 population). The first population intake was scheduled for 2019;
- c) taking the advantage of their proximity to boundary crossing facilities, the NENT NDAs would play a very significant role in the socio-economic development in Hong Kong. The Commercial, Research and Development Zone planned in the KTN NDA had the potential to be developed into various types of office and hotel uses as well as to provide development space to support the six industries as mentioned in the Chief Executive's 2009-10 Policy Address. About 12 ha of land would also be reserved for supporting facilities in line with the future development of Lok Ma Chau Loop. The Special Industries Area in the PC/TKL NDA would serve as a land bank to provide development space for high value-added and non-polluting business/industries, as well as port back-up and logistics industries. The NENT NDAs would provide more than 40,000 employment opportunities;
- d) "Green Design" adopted to provide quality living environment included:
- visual corridors and wind corridors to help reduce visual impact and introduce breezeways into the development area;
 - a stepped building height with the building height and development density reduced gradually from the town centre to the periphery would enhance spaciousness and protect the ridgelines and views of the surrounding natural landscape;
 - a rail-based development approach was adopted. Comprehensive pedestrian and cycle track networks would be provided within the NDAs to encourage walking and cycling. Major roads were planned at the periphery of the NDAs to minimize noise and air pollution;
 - various resource-saving and energy-efficient measures, including

the effluent reuse system and the use of renewable energy, were proposed in all the NDAs. Land had also been reserved for the installation of a District Cooling System in the KTN and PC/TKL NDAs. Green building design would also be encouraged;

e) Enhanced Social Integration to Create Harmonized Communities:

- a balanced population profile with about 41% of the residential flats allocated for public rental housing and the remaining 59% for various types of private housing to provide a wide choice of housing types;
- a core activity area integrated with the open space network was planned to encourage social interaction and social activities for building up a sense of place and enhance social integration of existing and new communities; and
- new community facilities would be provided close to the existing settlement to serve both the existing and new residents. A development programme would be proposed in the next stage of the Study to ensure timely provision of various community facilities in tandem with the population intake of the NDAs.

18. Members had the following comments/questions on the Study:

Overall Planning Considerations

- a) in view of the increasing cross-boundary activities, development of the northern part of the New Territories was supported;
- b) in planning and designing the NDAs, effort should be made to avoid repeating the problems of Tin Shui Wai New Town;
- c) the Stage Two Public Engagement Digest had only set out the general development themes and the broad land use proposals, but not the special

design features and detailed land use proposals of the NDAs. As the Study was already at its Stage Two Public Engagement, such information should have been provided for public consultation;

- d) major roads planned for the NDAs would cause adverse noise and visual impacts which should be duly addressed at the early planning stage;
- e) the proposed green design to provide quality living environment was supported;

Development Parameters

- f) the proposed low to medium development intensity of the NDAs was appropriate, taking into account the general rural setting of the NDAs;
- g) the proposed mix of public rental housing and private housing to provide a wide choice of housing types and enhance social integration was supported;
- h) whether consideration would be given to increase the development intensity of KTN NDA to meet the housing demand of those who worked in the Mainland but would like to reside in Hong Kong;

Land Use Proposals

- i) the proposed NDA development should tie in with the progressive opening of the Frontier Closed Area as well as the plan for Lok Ma Chau Loop area;
- j) adequate bicycle parking spaces should be provided in the NDAs. Flexibility should also be allowed in the planning and provision of supporting facilities (such as conversion of vacant car park to bicycle parking spaces) to meet the changing needs of the local community;
- k) what was the reason for concentrating the NDA development only at the southern part of Ng Tung River;

- l) at present, the 46 ha of Special Industries Area in PC/TKL NDA was mainly occupied by open storages uses. How would the special industries be attracted to move to the NDA?
- m) being in close proximity to the cross-boundary points, there might be advantages to develop factory outlets in the NDAs;
- n) whether there was any plan to develop private hospital and higher educational institutes in the NDAs;
- o) whether there was any plan to reserve land for columbarium use in the areas;

Transportation Facilities

- p) it was noted that more than 80% of the population in KTN NDA would reside within 500m of the proposed railway station. Would FLN NDA also be served by mass transit railway system?
- q) PC/TKL NDA was currently connected to Sha Tau Kok Road via the Ping Che Road. Could the said road links support the NDA development and whether there were other proposed road networks to enhance the accessibility of the NDA?
- r) whether the local road networks within the three NDAs would be improved to cope with the future development;
- s) whether alternative environmentally friendly mode of transport would be provided to enhance the connectivity of respective sub-areas within the NDAs;

Long Valley

- t) it was noted that Long Valley was designated as “Long Valley Core Area”

and “OU” annotated “Comprehensive Development and Nature Conservation Enhancement Area”. What was the difference between these two land use designations?

- u) there were two “Village Type Development” (“V”) zones in Yin Kong and Ho Sheung Heung. If land in these two “V” zones could not meet the Small House demands, would extension of the “V” zones into the Long Valley be permitted?

River Courses

- v) Ng Tung River with artificial hard-paving and low water level had lost its natural state. In planning and designing the NDAs, the stream courses should be preserved in its natural state as far as possible to blend in with the adjoining natural green setting.

19. In response to questions (b) and (c), Mr. Raymond Wong stated that a study on the Tin Shui Wai New Town had been undertaken and the relevant findings and recommendations had been carefully taken into account in the current NDAs Study. The main objective of the Stage Two Public Engagement was to consult the public on the broad land use framework as shown on the PODPs, while various urban design principles such as the green features, wind corridors and visual corridors had been adopted in formulating the PODPs. More detailed urban design features would be prepared in formulating the Recommended Outline Development Plans and the Layout Plans in the next stage of the Study.

20. Mr. Joseph Ma supplemented that illustrations shown in the Stage Two Public Engagement Digest were preliminary thoughts only. Taking into account the public comments received during the Stage Two Public Engagement, more detailed land use proposals and urban design concepts and features would be formulated when preparing the Layout Plans for the NDAs in the next stage.

21. In response to Members’ other questions, Mr. Raymond Wong made the following key points:

Development Parameters

- a) the proposed development intensity for the R1 and CDA sites around the proposed KTN railway station was already on a relatively high-side of PR 5 . Further increase of the development intensity might cause adverse visual impacts. However, there might be scope to examine the possibility to slightly increase the PR of R3 sites which were currently assumed to be one;
- b) separate studies on the land use planning for the Closed Area and development of Lok Ma Chau Loop were being undertaken. PlanD would ensure that the proposals of the three studies, i.e. the NDAs, the Closed Area and the Lok Ma Chau Loop studies, were compatible with each other. Apart from the Commercial, Research and Development Zone, land had been reserved at KTN NDA for development of supporting facilities for the future development of Lok Ma Chau Loop with higher educational facilities as the leading use. The NDAs would be well-connected with the cross-boundary facilities. A new road connecting KTN NDA with Lok Ma Chau Loop area and a new road linking up the PC/TKL NDA with the Liantang/Heung Yuen Wai Boundary Control Point (BCP) road were proposed;

Land Use Proposals

- c) sufficient cycle parking spaces would be provided in the NDAs, particularly near the railway station and the public transport interchanges;
- d) to the north of Ng Tung River was Sheung Shui Wah Shan and its hilly topography had posed constraints to NDA's development in the area;
- e) the intention of the Special Industries Area in the PC/TKL NDA was to provide development areas for high value-added non-polluting business/industries, as well as port back-up and logistics industries in the long term;

- f) under the Study on the Land Use Planning for the Closed Area, three development corridors were proposed to connect with the boundary control points. There was potential for these areas to be developed for related commercial and retail uses such as factory outlets taking advantage of their accessibility to the boundary;
- g) a “G/IC” site at the south-eastern part of KTN NDA had been reserved for hospital development to meet the community needs. About 12 ha of land had been reserved at KTN NDA to provide supporting facilities to Lok Ma Chau Loop with higher educational facilities as the leading use. Adequate schools would also be provided in the NDAs to serve the local community;
- h) the opportunity/suitability of developing columbarium in the NDAs had been examined in the baseline and background study. As the main objective of the NDAs was to meet housing demand arising from population growth and to create employment opportunities for the long-term economic development, the proposed use was considered incompatible with the main theme of the NDA development but in the Study on the Land Use Planning for the Closed Area, Sandy Ridge had been identified as being suitable for crematorium/ columbarium use;

Transportation Facilities

- i) the future residential area of FLN NDA would be close to the existing Fanling and Sheung Shui railway stations. The Consultants would further explore the opportunity of providing efficient public transport facilities to enhance the accessibility of the NDA;
- j) there was scope to allow environmentally friendly mode of transport in the green corridors connecting different sub-areas of the NDAs. The subject (including the technical feasibility, relevant policy considerations and cost-effectiveness) would be further examined in the next stage of the study;
- k) there would be a road linking up PC/TKL NDA with the Liantang/ Heung

Yuen Wai BCP road. This would greatly enhance the connectivity of the NDA with other districts. In future, the heavy vehicles in Ta Kwu Ling would have direct access via the Liantang/ Heung Yuen Wai BCP road to other districts and there would be no need to route through the residential areas in the southern part of the PC/TKL NDA;

Long Valley

- l) the overall planning intention for Long Valley was ecological conservation but due consideration was also given to permit some low density developments, which could enhance conservation at suitable location through the planning application system. The core area was marked as “Long Valley Ecological Area” to highlight the significant conservation importance of the area; and
- m) the forecast of Small House demands in Yin Kong and Ho Sheung Heung had been taken into account in delineating the relevant “V” zones.

22. In relation to the comments on the river courses and the proposed road link for PC/TKL NDA, Mr. C.S. Liu made the following key points:

- a) the Ng Tung River training project aimed to alleviate the flooding problem in the North District. In undertaking the river training works, green features such as planting of trees along the river banks had been incorporated into the project. A rubber dam had been installed at lower part of the Ng Tung River so that the water level could be maintained at an appropriate level with water covering the riverbed at the downstream. Whilst that was not technically feasibility for the upstream, other enhancement measures such as grasscrete riverbed had been adopted to enhance the visual effect;
- b) two stream courses in Ping Che fell within the NDA boundary. According to the PODP, the river banks would be converted into a continuous riverside promenade to provide green space. Efforts would be made to

maintain the natural condition of the rivers and the details would be worked out in the detailed design stage; and

- c) Liantang/Heung Yuen Wai BCP road would be directly connected with Fanling Highway. Apart from the interchange at Ping Yeung, another interchange was proposed at the Sha Tau Kok Road to cater for the residential development at the PC/TKL NDA. In addition, a detailed traffic impact assessment would be undertaken at the Stage Two Study and appropriate road improvement works for the Sha Tau Kok would be proposed, if required.

23. The Chairman stated that comments and views expressed by Members should be taken into account as appropriate in the next Stage of the Study. As Members had no further comments/questions to raise, the Chairman thanked the Government representatives and the Study Consultants for attending the meeting. They all left the meeting at this point.

Agenda Item 5

24. The meeting adjourned for 20 minutes for Members to take group photos.

[Dr. Greg C.Y. Wong, Dr. Daniel B.M. To, Mr. Walter K.L. Chan, Mr. Raymond Y.M. Chan, Mr. Felix W. Fong, Professor Paul K.S. Lam, Hon. Starry W.K. Lee and Mr. Timothy K.W. Ma left the meeting whilst Mr. Nelson W.Y. Chan, Mrs Ava Ng, Mr. Herbert Leung and Mr. Andrew Tsang left the meeting temporarily at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/K14/590

Proposed Government, Institution or Community Use (Methadone Clinic)

in an area shown as 'Road', Part of Kwun Tong Road/Hoi Yuen Road Roundabout,

near Kwun Tong MTR Station, Kwun Tong

(TPB Paper No. 8452)

[The meeting was conducted in Cantonese.]

25. The Secretary reported that as the application was submitted by the Urban Renewal Authority (URA), the following Members had declared interest on the item:

Mrs. Ava Ng]

(as Director of Planning)]

Mr. Herbert Leung]

(as Deputy Director/General]

who was an alternative member]

of Director of Lands)

Being non-executive directors of URA

Mr. Andrew Tsang]

as Assistant Director of Home]

Affairs who was an alternative]

member of Director of Home]

Affairs]

Mr. Walter K.L. Chan]

Mr. Maurice W.M. Lee - Former non-executive director of URA up to
30.11.2008

Mr. Timothy K.W. Ma - Owning a property at Yuet Wah Street

Mr. B.W. Chan - Chairman of the Appeal Board Panel under the
URA Ordinance

Dr. James C.W. Lau	- Member of the Appeal Board Panel under the URA Ordinance
Dr. Greg C.Y. Wong	- Having current business dealings with URA and being a co-opt member of the Planning, Development and Conservation Committee of URA
Mr. Nelson W.Y. Chan	- Member of the Kwun Tong District Advisory Committee (DAC) of the URA, who had submitted comment during the publication period of the subject application
Professor Bernard V.W.F. Lim	- Having current business dealings with URA
Hon. Starry W.K. Lee	- Former Member of the Kowloon City DAC of the URA
Ms. Maggie M.K. Chan] Members of the Home Purchase Allowance
Mr. Raymond Y.M. Chan] Appeals Committee
Professor Edwin H.W. Chan]

26. Members noted that Dr. James C.W. Lau, Ms. Maggie M.K. Chan and Professor Edwin H.W. Chan had sent their apologies for not being able to attend the meeting, and Dr. Greg C.Y. Wong, Mr. Walter K.L. Chan, Hon. Starry W.K. Lee, Mr. Timothy K.W. Ma, Professor Bernard V.W.F. Lim and Mr. Raymond Y.M. Chan had left the meeting. Members agreed that the interest of Mr. Maurice W.M. Lee as a former non-executive director of URA was indirect and he should be allowed to join the discussion of the meeting. Members also agreed that as the Appeal Board Panel under the URA Ordinance was to hear appeals lodged by objectors affected by development projects, the interest of Mr. B.W. Chan as the Chairman of the Appeal Board Panel was indirect. Members agreed that Mr. B.W. Chan should be allowed to stay at the meeting. However, Mr. B.W. Chan decided to withdraw from the discussion of the item and left the meeting at this juncture. Members also noted that Mr. Nelson W.Y. Chan, Mrs Ava Ng, Mr. Herbert Leung and Mr. Andrew Tsang had left the meeting temporarily.

Presentation and Question Session

27. Members noted that a petition against the proposed development was launched by Mr. Hsu Hoi Shan, a Kwun Tong District Council member, together with a group of Kwun Tong residents. The petition letter was tabled at the meeting for Members' reference.

28. The following representatives from the PlanD and the applicant were invited to the meeting at this point:

Mr. Eric Yue	District Planning Officer/Kowloon (DPO/K), PlanD
Mr. Ernest Lee]
Mr. Roger Tang] Applicant's representatives
Mr. Mike Kwan]

29. The Chairman extended a welcome and explained the procedures of the review hearing. The Chairman then invited Mr. Eric Yue to brief Members on the background to the application.

30. With the aid of a Powerpoint presentation, Mr. Eric Yue did so as detailed in the Paper and made the following main points:

- a) the applicant, URA, sought planning permission to develop a free standing methadone clinic (MC) in an area shown as 'Road' on the Kwun Tong (South) Outline Zoning Plan (OZP);
- b) the application site was at the north-eastern part of the Kwun Tong Road/Hoi Yuen Road Roundabout and was about 70m from the existing Kwun Tong Methadone Clinic (KTMC). It was right next to Entrance C of the Kwun Tong MTR Station, but at a distance from the residential developments at Yuet Wah Street. The entrance of the proposed MC was connected to an elevated pedestrian walkway which linked up Entrance C of the Kwun Tong MTR Station and the Kwun Tong Road/Hip Wo Street Rest Garden;

- c) when the application was considered by the MPC on 7.8.2009, Members agreed that there was a need to re-provision the KTMC, but the application site was considered not suitable in view of its close proximity to the Kwun Tong Road/Hip Wo Street Rest Garden and was right at the MTR station entrance. The applicant was requested to explore alternatives including expanding Ngau Tau Kok Methadone Clinic (NTKMC) to incorporate the KTMC or identify an alternative site at a less prominent location. MPC decided to reject the application for the following reasons:
- the location of the application site was considered not suitable for the proposed MC as the site was located at Kwun Tong MTR Station with high pedestrian flow and was close to Kwun Tong Road/Hip Wo Street Rest Garden;
 - the proposed MC would have adverse impact on the nearby pedestrian access leading to the residential areas of Yuet Wah Street and the adjacent school, and it might cause nuisance to the local residents and increase security risk in the area; and
 - the segregation between passengers of MTR and MC users using the nearby elevated walkway had not been satisfactorily resolved and it might have adverse impacts on the pedestrian flow along the elevated walkway leading to the MTR Station.
- d) the applicant had not submitted any written representation in support of the review application;
- e) departmental comments – the departmental comments were summarized in paragraph 4 of the Paper. The key comments were as follows:
- i) Commissioner for Narcotics, Security Bureau (C for Narcotics), had confirmed his policy support for the proposed re-provisioning of KTMC. He advised that more than 300 patients on average

attended KTMC each day to receive treatment. Hence, the service need was apparent and must be met. Expansion of the existing NTKMC (which currently served only 100 users daily) to provide methadone service to KTMC users was not feasible as other rooms and facilities were occupied by and designated for other existing services of Department of Health and Hospital Authority. Accessibility of the methadone service in the neighbourhood was the critical success factor of the Methadone Treatment Programme. Re-provision of the KTMC in Kwun Tung to serve the local community was required;

- ii) Director of Health (D of H) had no objection to the application in terms of the location and accommodation of the proposed MC. He advised that a waiting area of 20m² would be provided at the proposed MC to address the possible loitering problem. Physical expansion of the existing Ngau Tau Kok Jockey Club Clinic (NTKJCC) would be subject to site constraints. The methadone treatment service should be maintained in Kwun Tong to serve the local community. It was in the interest of a community to have methadone treatment service to help fight drugs, crime and infectious disease locally;
- iii) Assistant Commissioner for Transport/Urban (AC for T/U), Transport Department (TD), had no in-principle objection to the application. The operation hours of the proposed MC (from 6 p.m. to 10 p.m.) was not during the peak hours (7:45 a.m. to 9:15 a.m.) of the Kwun Tong MTR Station. The existing elevated walkway connecting to the proposed MC was sufficient to absorb the additional daily users of the proposed MC. In that regard, he had reservation on the need to provide a dedicated pedestrian access for the proposed MC;
- iv) District Officer (Kwun Tong) (DO(KT)), Home Affairs Department (HAD), advised that at its meeting on 17.5.2007, the Kwun Tong

District Council (KTDC) supported the Kwun Tong Town Centre redevelopment project including the proposal to relocate the existing KTMC to the application site. At that time, details of the proposed MC had not been discussed. At the meeting on 27.4.2009, some KTDC members expressed concerns about the nuisance and inconvenience which might cause to Kwun Tong MTR users. KTDC Members were also concerned that sharing of access between MC users and MTR Station users might cause nuisance and inconvenience to the latter group. URA had been requested to provide supplementary information to address pedestrian traffic;

- v) District Lands Officer/Kwloon East (DLO/KE), Lands Department (LandsD), had no adverse comment on the application and the proposed development parameters;
 - vi) Project Manager/Kowloon, Civil Engineering and Development Department (CEDD), advised that upon completion of the proposed lift towers and footbridges near Yuet Wah Street, some pedestrian flow would be diverted from Entrance C to Entrance D of Kwun Tong MTR Station. However, no estimated figures could be provided;
 - vii) Chief Town Planner/Urban Design and Landscape, PlanD, had no objection to the application as the proposed design and landscape treatment would blend in with the existing Kwun Tong MTR Station; and
 - viii) other relevant departments had no objection to the application.
- f) MTR Corporation Limited (MTRCL) had agreed in-principle to locate the proposed MC at the Kwun Tong MTR Station roundabout. However, there was concern on the lack of segregation between the passengers and the MC users using the elevated walkway. MTRCL had requested that URA should try to prevent the MC users from queuing or loitering in the

public area along the elevated walkway during the MC's operating hours;

- g) public comments – 1623 public comments (of which 88.6 % objected and 11.4% supported) and 734 public comments (of which 92.2% objected and 7.8% supported) were received during the statutory publication periods at the s.16 and s.17 planning application stages respectively:
- i) the main reasons provided by those supporting the application included that the proposed location was most appropriate as it was located near the existing KTMC and not in residential area. The nuisance to the residents would be reduced. High pedestrian flow at the MTR station would prevent MC users from loitering in the area. It should not be assumed that MC users using the nearby rest garden would cause nuisance to other users. The proposed MC was an essential facility to serve the community. Merging the KTMC with NTKMC (which was located very near to the residential areas and Kei Hin Primary School) would result in drastic increase in MC users to the latter and would seriously affect the nearby residents and school children;
 - ii) the main reasons provided by those objecting to the application included that the application site was too close to the MTR station, the nearby schools and the residential area. The proposed MC would definitely cause nuisance and security concerns to residents, students and MTR passengers. 90% of public comments objected URA's proposal. The proposal was also not supported by the current KTDC. MTRCL's concern and worry on the segregation between MTR passengers and MC users had not been resolved. The relocation proposal was neither urgent nor essential;
- h) planning considerations and assessments – planning considerations and assessments were detailed in paragraph 7 of Paper. The key points were:

Merging of NTKMC and KTMC

- NTKMC shared the use of the ground floor of the NGKJCC with Ngau Tau Kok General Out-patient Clinic. The MC service (for about 100 users) was limited to evening (6 p.m. to 10 p.m.) only. As advised by C for Narcotics and D of Health, expansion of the existing accommodation within NTKJCC to enable enlarged MC service to absorb the caseload of KTMC was not feasible;
- due to site constraints, the scope for adding an annex building to the existing NTKJCC was limited. The option to add an additional floor to the NTKJCC had also been considered. Whilst it might be technically feasible to add an additional floor, the construction works and the rearrangement of existing users would seriously disrupt the daily operation of the NTKJCC. Moreover, the NTKJCC was located within a residential neighbourhood, with two public open spaces and a primary school located nearby. MPC's concern on the adverse impact of the proposed KTMC at the application site on the nearby school and the possible nuisance to the local residents and the security risk to the area would also be applicable to this location;
- C for Narcotic and D of Health had reiterated the importance of the accessibility of the MC service in the neighbourhood. The removal of the KTMC to NTKMC which was at a distant location (about 1000 meters from KTMC) would affect the provision of local MC service. Heroin users suffering from withdrawn symptoms might resort to illegal means to obtain heroin, which might result in adverse impact on local security;

Alternative site in the neighbourhood of the KTMC

- in the vicinity of the existing KTMC, there was only one undesignated GIC site (with an area of about 910m²) at Yau Shun Street which might be an alternative option in terms of site availability and accessibility. However, strong objection from the residents in Laguna City was anticipated;

Reprovisioning of KTMC within the KTTC redevelopment site

- URA had not submitted any written representation to examine the possibility of accommodating the KTMC within the KTTC redevelopment scheme area;
- i) PlanD's view – if the Board, after hearing URA's representation, was satisfied that the application site was the only available site for the MC, an approval condition requiring URA to sort out with MTRCL on the problem of competition for space between MC users waiting outside the MC and the flow of passengers using the nearby elevated walkway should be imposed.

31. The Chairman then invited the applicant's representatives to elaborate on the application.

32. With the aid of a Powerpoint presentation, Mr. Ernest Lee made the following main points:

- a) taking into account MPC's reasons of rejecting the subject application, URA had further examined the possibility of expanding the NTKMC to incorporate the KTMC and other alternative sites in the area;

Why Expanding NTKMC not Suitable

- b) as advised by C for Narcotics and D of H, it was not feasible to expand the MC service within the NTNJCC to absorb the caseload of KTMC as other rooms and facilities in NTKJCC had been occupied by and designated for other existing services of Department of Health and Hospital Authority. Due to site constraints, it was also not feasible to enlarge the NTKJCC building to enable dedicated and enlarged methadone services;
- c) the NTKMC was located within a residential neighbourhood. The Garden Estate, the Upper Ngau Tau Kok Estate and the Kei Hin Primary School

were in its vicinity. MPC's concerns on the adverse impact of the proposed KTMC on the nearby school and possible nuisance to the local residents and security risk to the area would also be applicable to an enlarged MC at the NTKMC. Strong objection to such a proposal had been raised by a Kwun Tong District Council member;

- d) in identifying an appropriate location, URA considered that the reprovisioning site should be close to the existing KTMC to serve the users;

Alternative Locations

- e) URA had examined six alternative locations:
 - i) Option D (in-situ reprovisioning within the KTTC scheme) - the sites in the Development Areas were considered not suitable in view of the mismatch between the relocation programme of the KTMC and the redevelopment programme of KTTC as well as the landuse incompatibility problem;
 - ii) Option A (a site at the northern part of the roundabout) : it was in conflict with the improvement works of MTR;
 - iii) Option B (a site at the south-western part of the roundabout) : it was too small (less than 60m²) to accommodate the MC;
 - iv) Option C (a site at the southern part of the roundabout) : it was the busiest access passage to Kwun Tong MTR Station and the possible increase of pedestrian flow would aggravate the current congestion problem;
 - v) Option E (a site at Fuk Tong Road) : it would be used as a temporary bus terminus and KTDC objected to that location owing to its proximity to the residential areas (e.g. Kwun Tong Mansion, Tusi Ping Estate); and

- vi) Option F (a site at Yuet Wah Street) : it was not supported by KTDC as it was too close to the residential areas at Yuet Wah Street;
- f) URA considered that the application site was the most suitable site for the proposed MC because:
- with good accessibility and the sufficient pedestrian flow in the vicinity of the Kwun Tong MTR station to discourage loitering of MR users, it was expected that public security could be maintained. To address the concern on loitering of MC users, URA had proposed to further expand the queuing/waiting area in the proposed KTMC from 29m² to 50m²;
 - as compared with Options A, B and C, the application site had a lower pedestrian flow during p.m. peak. Upon completion of the proposed lift towers and footbridges by 2013/14, some pedestrian traffic would be diverted from Entrance C to Entrance D;
 - the possible nuisance to the school nearby was limited as the operating hours of the proposed MC was from 6 p.m. to 10 p.m. which were different from those of the school (from 7:45 a.m. to 3:50 p.m.). Commissioner of Police had advised that out of the 19 incidents that occurred at KTJCHC (including KTMC) from January to May 2009, only three complaints were related to nuisance;
 - at its meeting on 17.5.2007, KTDC supported the relocation of the existing KTMC to the application site. On 24.11.2009, upon URA's consultation, KTDC maintained its support of the application site;

Alternative Access not Possible

- g) to address the possible impacts of the proposed MC on the existing elevated

pedestrian walkway, URA had explored alternative access to the proposed MC. However, it was not acceptable from the traffic engineering point of view to construct a signal-controlled pedestrian crossing at the busy roundabout to provide an access to the proposed MC at the ground level. It was also not possible to provide an underground subway because of the presence of trunk sewer. Besides, TD advised that the existing elevated pedestrian walkway had sufficient capacity to absorb the additional daily users of the proposed MC. In that regard, TD had reservation on the need to provide pedestrian access solely for the proposed MC, i.e. dedicated subway, widening of existing elevated walkway or additional open-air dedicated footbridge;

- h) on 4.11.2009, URA undertook a site survey on the number of MC users waiting outside the existing KTMC. The highest peak was at 6 p.m. with 51 users either at the queuing area or the waiting area and the number of users decreased to only nine at 7:30 p.m.;
- i) the Yau Shun Street site proposed by PlanD was currently occupied by the Highways Department's depot. The site was close to a land sale site nearby. Government Property Agency might raise concern on the proposal from land utilization point of view. As Laguna City was located about 164m to the southwest of the site, strong objection from the residents of the Laguna City was anticipated. There was objection raised by the DC Member representing the Laguna City constituency at the KTDC meeting held on 24.11.2009 to that option; and
- j) given the above, URA considered that it was essential to re-provision the KTMC, and the application site was the most suitable re-provisioning site taking into account the pedestrian access, servicing of the MTR Station, relevant Government departments' requirements, and the views of the public and other stakeholders. If the application was approved by the Board, URA was willing to accept an approval condition in respect of the problem of competition for space between MC users waiting outside the MC and the

flow of passengers using the nearby elevated walkway.

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

33. Members had the following questions on the application:

Users of KTMC

- a) according to the findings of the survey undertaken by URA on 4.11.2009, a total of about 120 MC users were queuing/waiting outside the KTMC from 6:00 p.m. to 6:30 p.m.. Whether the proposed queuing/waiting area at the reprovisioning site could accommodate the users;
- b) whether the MC users would prefer the proposed MC to be relocated to a less prominent location than the application site;
- c) whether URA had worked out any proposal to resolve the problem of competition for space between passengers of MTR and MC users using the nearby elevated pedestrian walkway so as to address the concerns of MPC;

Proposed Lift Tower System at Yuet Wah Street

- d) at present, Yuet Wah Street was connected with Kwun Tong Road and the Kwun Tong MTR Station by a very long and steep staircase. Whether the future lift tower system could be operated to improve the pedestrian access of Yuet Wah Street;
- e) whether PlanD agreed with URA's comments that upon the completion of the lift tower system, fewer passengers would use Entrance C of Kwun Tong MTR Station via the nearby elevated pedestrian walkway;

Alternative "G/IC Site" at Yau Shun Street

- f) what the existing uses of the "G/IC" sites adjoining the alternative option identified by PlanD at Yau Sun Street were as shown on Plan A-1;
- g) whether there was any direct pedestrian access from Laguna City to the

“G/IC” site at Yau Shun Street.

34. In response to Members’ questions in paragraph 33(a) to (d), Mr. Ernest Lee made the following points:

- a) the findings of the survey undertaken by URA on 4.11.2009 indicated the highest peak of 51 users at 6:00 p.m., 38 users at 6:15 p.m. and 25 users at 6:30 p.m. It represented the number of MC users queuing and waiting at the MC during those particular points of time. The users would leave the MC after they had received the methadone maintenance treatment;
- b) many existing MCs such as the KTMC were located at prominent locations;
- c) there were not many MC users waiting/queuing at the existing KTMC. Adequate queuing/waiting area had been provided at the proposed MC to encourage them to wait inside the clinic;
- d) URA had proposed to expand the queuing/waiting from 29m² to 50m² to discourage MC users from loitering elsewhere in the area. If the application was approved by the Board, URA would further discuss with MTRCL to work out more details on the pedestrian segregation proposal;
- e) the proposed lift tower system was to provide a link for the residents to access from Yuet Wah Street to Kwun Tong Road and Kwun Tong MTR Station via Entrance D. Details of the lift tower system would be worked out by CEDD; and
- f) the alternative “G/IC” site at Yau Shun Street identified by PlanD might not be acceptable to the locals. There was objection raised at the KTDC meeting held on 24.11.2009 to the proposed site.

35. In response to Members’ questions in paragraph 33(e) to (g), Mr. Eric Yue made the following key points:

- a) as advised by CEDD, construction of the lift tower system connecting Yuet Wah Street with Entrance D of the MTR Station would commence in early 2012 for completion by 2013/14. Upon its completion, it was expected that fewer passengers would use Entrance C of Kwun Tong MTR Station. However, no estimated figure could be provided by CEDD at the present stage;

- b) in the vicinity of the KTMC, there was only one Government site at Yau Shun Street that had not been designated for any specific use. The site was zoned "G/IC" and had an area of about 910m². It was currently occupied by the Highways Department's depot. The site fell within the 'G/IC' cluster providing various Government, institution or community facilities to serve the need of the local community. It was sandwiched between the Kwun Tong Law Courts and Kowloon East Government Offices at its north and Cha Kwo Ling Road Electricity Substation to its southwest; and

- c) a major residential area, i.e. Laguna City, was located at about 164m (in straightline distance) to the southwest of the site. The site was physically separated from the Laguna City by the Kwun Tong Bypass and there was no direct pedestrian connection between Laguna City and the "G/IC" site. The Laguna City was served by the Lam Tin MTR Station whilst the subject site was located within the walking distance from Kwun Tong MTR Station (about 10 to 20 minutes walk from Entrance D4 along Kwun Tong Road/Lee Yue Mun Road).

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

Deliberation Session

37. A Member said that there was a need to re-provision the KTMC to serve the methadone users in the local community. However, the application site was not suitable in view of its close proximity to Kwun Tong Road/Hip Wo Street Rest Garden and the MTR Station entrance as those areas had high pedestrian flows. The proposed MC might cause potential inconvenience to the pedestrians passing by. The Member also considered that URA had failed to address MPC's concerns in that it had not fully considered other alternative sites for the proposed MC and it had not worked out any measure to resolve the problem of competition for space between passengers of MTR and the MC users using the nearby elevated pedestrian walkway. The "G/IC" site at Yau Shun Street, according to the Member, appeared to be a possible re-provisioning site and was worthy to be further examined by the applicant, as it was compatible with the adjoining "G/IC" uses such as the Kwun Tong Law Courts and it was not close to residential areas. The Member's views were shared by the majority of the Members.

38. A Member, however, considered that as the application site was close to the existing KTMC, the possible impact of the re-provisioned MC on the neighbourhood would not be much different from that of the existing MC. The Member had no objection to the proposed location provided that the waiting/queuing area of the proposed MC would be big enough to discourage any loitering of the MC users that would affect the flow of MTR passengers.

39. Another Member also supported the application and stated that if the KTMC was relocated to a distant location and not accessible to the users, it would create social and security problems to the local community. As MC was generally not welcomed by the local community, the alternative option at Yau Shun Street would likely be objected by the residents of Laguna City. The Member, however, agreed that URA had failed to work out any mitigation/improvement measures to address MPC's concerns on the application.

40. A Member pointed out that the existing KTMC was intended to serve the MC users in the Kwun Tong old town centre. However, it was doubtful whether there was still such a demand to locate the MC near the town centre area upon its redevelopment taking into account the increase in the number of patients taking soft drugs and the general decline in the

number of MC users during recent years. The Member continued to state that the application site was at a prime location and was one of the busiest areas in the district. The site should be reserved for other more compatible uses conducive to the future development of the Kwun Tong Town Centre to serve the general public. Instead of simply relocating the facility to its vicinity, the applicant should undertake a review of the subject taking into account the changing needs of the local community, the decreasing number of MC users as a whole as well as the target users of the proposed KTMC. As such, there was no sufficient ground to support the review application.

41. A Member opined that in view of the long distance between the Yuet Wah Street residential area and Entrance D of MTR Station, it was unlikely that the residents would go to the MTR Station via Entrance D, instead of Entrance C. Hence, the provision of the lift tower system to divert the existing pedestrian flow from Entrance C to Entrance D of MTR Station might not be effective. The Member also noted that among the 734 public comments on the review application received during the statutory public inspection period, 92.2% objected to the application.

42. After deliberation, the Chairman summed up that Members generally agreed that there was a need to re-provision the existing KTMC to serve the MC users. However, Members considered that the application site was not suitable for the proposed MC in that the proposed development was not compatible with the adjoining land uses, the application site had high pedestrian flow and other better alternative site should be explored.

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

- a) the location of the application site was considered not suitable for the proposed methadone clinic as the site was located at Kwun Tong MTR Station with high pedestrian flow and the clinic, if re-provisioned there, would not be compatible in town planning terms with the new URA development in Kwun Tong;
- b) the proposed methadone clinic would have adverse impact on the nearby elevated pedestrian access leading to the residential areas of Yuet Wah Street and the adjacent school and it might cause inconvenience to the local

residents and increase security risk in the area;

- c) the problem of competition for space between passengers of MTR and methadone clinic users using the nearby elevated walkway had not been satisfactorily resolved and it might have adverse impacts on the pedestrian flow along the elevated walkway leading to the MTR station; and
- d) there might be other alternative "G/IC" site available for reprovisioning the Kwun Tong methadone clinic.

[Mr. Nelson W.Y. Chan, Mrs Ava Ng, Mr. Andrew Tsang, Mr. Herbert Leung returned to join the meeting whilst Ms Anna S.Y. Kwong and Mr. Rock C.N. Chen left the meeting at this point.]

Agenda Item 7

Review of Application No. A/NE-TK/283

Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone,
Lot 749 SB, 750 SA and 751SA in DD 17 TingKok, Tai Po

Agenda Item 8

Review of Application No. A/NE-TK/284

Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone,
Lot 749 RP, 750 RP in DD 17 TingKok, Tai Po

(TPB Paper No. 8453)

[Open Meeting (Presentation and Question Session only)]

[The hearing was conducted in Cantonese.]

44. The following representatives of the PlanD and the applicants were invited to the meeting at this point:

Mr. W. K Hui - District Planning Officer/Shu Tin, Tai Po and North
(DPO/STN), PlanD

Mr. Lau King Pong] Representatives of the Applicants

Mr. Leung Pak Yin]

Mr. Leung Kwok Kin]

45. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. W.K. Hui to brief Members on the background to the application.

46. With the aid of a Powerpoint presentation, Mr. W.K. Hui presented the applications and covered the following main points as detailed in the Paper:

- a) the two applicants sought planning permission to build a house (New Territories Exempted House (NTEH) - Small House) on each of the application sites zoned "Agriculture" ("AGR") on the approved Ting Kok OZP. The application sites fell outside both the "Village Type Development" ("V") zone and the 'Village Environs' ('VE') of any recognized villages. The application sites fell within the site boundary of a s.12A planning application No. Y/NE-TK6 for a spa resort hotel development;
- b) the Rural and New Town Planning Committee (RNTPC) rejected the subject applications on 7.8.2009 for the reasons that the proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development (Interim Criteria) as the sites were outside the "V" zone and the 'VE' of any recognised villages; and the approval of the applications would set undesirable precedents for other similar applications in the area;
- c) the main justifications put forth by the applicants in support of the review applications could be summarised as follows:

- i) with the approval of the s.12A planning application No. Y/NE-TK6TK/6, the zoning of the two application sites had been changed to “Other Specified Uses” annotated “Spa Resort Hotel”, instead of “AGR”. Comments from relevant Government departments were incorrect by referring the zoning of the sites as “AGR”;
 - ii) RNTPC’s approval of the s.12A application, despite many oppositions from local residents and adjacent land owners, was prejudiced against the rights and interests of the indigenous inhabitants and had infringed the lawful rights and interests of the applicants and adjacent land owners;
 - iii) there were three existing village houses (Houses No. 225, 226 and 227) in close proximity to the application sites. It was contrary to the natural justice by refusing the subject applications while allowing other villagers to build the Small Houses in the area;
 - iv) the applicants had submitted Small Houses applications at the application sites before the handover. The applicants’ rights and entitlement that existed before the handover should be recognised, preserved and carried on without restriction after the handover under the proviso of Article 40 of the Basic Law. The rejection of the subject applications contravened Article 40 of the Basic Law;
 - v) the ‘Interim Criteria’ for assessing planning application had no relevance and no effect to the applications as the applicants were neither notified nor consulted on the ‘Interim Criteria’. The applicants’ Small House applications were submitted in 1978, 1997 and 2006, much earlier than the promulgation of the interim criteria on 7.9.2007;
- d) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. District Lands Officer/Tai Po (DLO/TP), Lands

Department, did not support the applications as the application sites fell outside the “V” zone and ‘VE’ of any recognized village. He also advised that two Small House applications from the subject applicants were received in March 2006 and were under processing. The Small House application submitted by the late father of the applicant in 1978 was rejected by LandsD in 1979 as the site was situated outside the ‘VE’ of any recognized village. The Small House application submitted by one of the applicants in 1997 was not processed as he was not the registered owner of the concerned lots at that time. As regards the existing houses No. 225, 226 and 227, the relevant Small House applications were approved administratively by the Government in early 1970s and 1980s. Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites fell within “AGR” zone and agricultural activities could be found nearby, and the sites had high potential for agricultural rehabilitation. Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD, objected to the application from the landscape planning point of view as the proposed Small Houses would involve site clearance and it was likely that all the existing trees on site would need to be removed. Assistant Commissioner for Transport/New Territories (AC for T/NT), Transport Department (TD), also had reservation on the applications. He considered that NTEH development should be confined within the “V” zone as far as possible where the necessary traffic and transport facilities had been planned and provided. Approval of the applications would set an undesirable precedent and the resulting cumulative adverse traffic impact could be substantial;

- e) PlanD’s considerations/assessments were detailed in paragraph 7 of the Paper and summarized as follows:
 - i) the proposed Small House developments did not comply with the ‘Interim Criteria’ as the proposed Small House footprints fell entirely outside the ‘VE’ and “V” zone;
 - ii) on 27.2.2009, RNTPC approved a s.12A application No.

Y/NE-TK/6 for rezoning a site (about 3.3 ha) from “AGR” and “Green Belt” to “Other Specified Uses” annotated “Spa Resort Hotel”. The application had been processed under proper procedures and in accordance with the provisions of the Town Planning Ordinance. In agreeing to the application, the RNTPC had taken into account various planning considerations including the development intensity and the traffic, environmental, visual and landscape impacts of the proposed development as well as Government departments’ comments and the public comments. As the Ting Kok OZP had yet to be amended, the zoning of the two Small House application sites remained as “AGR” on the current Ting Kok OZP;

- iii) the three village houses No. 225, 226 and 227 in the vicinity of the application sites were in existence before the first statutory town plan for Ting Kok area came into effect on 7.9.1990, and were regarded as “existing use” and could not be taken as similar or precedent cases;
 - iv) the subject s.16 applications for Small House development were submitted on 10.6.2009 rather than before the handover. Legal advice had been sought from the Department of Justice and it was confirmed that there was no contravention of Article 40 of the Basic Law in the rejection of the applications by the Board;
 - v) the Heung Yee Kuk had been consulted on the preparation and revision of the ‘Interim Criteria’. The first version was promulgated in November 2000 and subsequently revised with the latest version being promulgated on 7.9.2007; and
- f) PlanD’s view – PlanD did not support the review applications based on the planning assessments and reasons as detailed in paragraph 7 of the Paper.

47. The Chairman then invited the applicants’ representatives to elaborate on the applications.

48. Mr. Lau King Pong made the following key points:

- a) the applicants Messrs Lau King Keung and Lau King Tong were his younger brothers and both were indigenous villagers of Shan Liu Village;
- b) there were three existing village houses (Houses No. 225, 226 and 227) in close proximity to the application sites. The relevant lots in D.D. 17 were originally bought by his late father in 1970. The applicants and their late father had applied to build Small Houses at the sites (back in September 1978, July 1997 and March 2006) prior to the applications in relation to Houses No. 225, 226 and 227. It was contrary to the natural justice by refusing the applications while allowing other villagers to build the Small Houses in the area. There was a legitimate expectation that their applications should be approved;

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

- c) the application sites, which were owned by the applicants, fell within the site boundary of application No. Y/NE-TK/6 which was made without the applicants' prior consent and agreement. The applicants and many other local residents and land owners had lodged strong opposition to the proposed spa resort hotel development. The RNTPC had acted conspicuously in favour of the interests of the developer in approving the application. The approval of application No. Y/NE-TK/6 had infringed the lawful rights and interests of the applicants and the adjacent land owners;

[Mr. Maurice W.M. Lee returned to join the meeting at this point.]

- d) the possible impacts of the proposed spa resort hotel with more than 200 houses in the area would be much greater than those of the subject Small Houses developments; and

- e) in summary, the RNTPC's rejection of the subject planning applications was unreasonable based on the following main reasons:
- there were precedents of Small House developments in the area and the subject applications should be considered on their individual merits ;
 - the applicants had submitted Small House applications at the sites prior to the applications in relation to Houses No. 225, 226 and 227. There was a legitimate expectation that the subject applications should be approved; and
 - the applicants' Small House applications were submitted back in 1978, much earlier than the promulgation of the Interim Criteria'. Para. (d) of the 'Interim Criteria' stated that sympathetic consideration might be given if there were specific circumstances to justify the cases such as the site was an infill site among existing NTEHs/Small Houses, and the processing of the Small House grant was already at an advanced stage. In that regard, Board Members should give sympathetic consideration to the subject applications.

49. In response to a Member's question on the approval of the development of three village houses (No. 225, 226 and 227) in the vicinity, Mr. W.K. Hui informed the Board that the three village houses were approved administratively by the Government in early 1970s and 1980s, and the approvals were before the first statutory town plan for Ting Kok area came into effect on 7.9.1990. Regarding the Small House applications submitted by the applicants or their late father to LandsD in 1978 and 1997, DLO/TP, LandsD advised that the applications had been either rejected or not processed under the land administrative procedures. These applications were not submitted to the Town Planning Board under the Town Planning Ordinance.

50. As the applicants' representatives had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures for the review applications had been completed. The Board would further deliberate on the applications in their absence and inform them of the Board's decision in due course. The Chairman thanked the representatives of PlanD and the applicants for attending the meeting.

They all left the meeting at this point.

Deliberation Session

51. In response to a Member's query, Mr. Herbert Leung said that Small House applications were processed in accordance with the Small House Policy that was introduced in 1972. According to DLO/TP, the three existing village houses in the vicinity were approved by the Government in 1970s and 1980s. The previous Small House application submitted by the late father of the applicants in 1978 was rejected in 1979 as the site was situated outside the 'VE' of any recognized villages. Another Small House application submitted by one of the applicants (i.e. A/NE/TK283) in 1997 was not processed as he was not the sole registered owner of the concerned lots at that time. In that regard, the Chairman pointed out that the applications were not submitted to the Town Planning Board. Mr Herbert Leung also informed Members that since the application sites were not within the "V" zone or 'VE' of any recognized villages, DLO/TP did not support the applications on the basis of the prevailing Small House Policy.

52. Members considered that the two proposed Small Houses did not comply with the interim criteria for assessing planning application for NTEH/Small House Development and there were no strong planning grounds to support the applications.

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

- a) the proposed developments did not comply with the interim criteria for assessing planning application for NTEH/Small House development as the sites were outside the "V" zone and the 'VE' of any recognised villages; and
- b) the approval of the applications would set an undesirable precedent for other similar applications in the area.

Agenda Item 9

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations to the Draft South West Kowloon Outline Zoning Plan No. S/K20/23 (TPB Paper No. 8456)

[The meeting was conducted in Cantonese.]

54. The following Members had declared interest on the item:

Mr. Herbert Leung - Being Deputy Director/General, Lands Department who is an alternative member of Director of Lands

Mr. Fletch Chan - Being Principal Assistant Secretary (Transport), Transport and Housing Bureau (THB) and the Secretary for Transport and Housing (STH) is a Non-executive Director of the MTRCL

Mr. Felix W. Fong - Being a Member of Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) who had submitted comments during the consideration of the proposed amendments to the OZP by the MPC

Hon. Starry W.K. Lee - Being a Member of DAB who had submitted comments during the consideration of proposed amendments to the OZP by the MPC and a Member of the Legislative Council handling public complaints related to the representation site

55. Members noted that Mr. Fletch Chan had tendered apology for not being able to attend the meeting. Mr. Felix W. Fong and Hon. Starry W.K. Lee had left the meeting. Although the representation site (West Kowloon Terminus (WKT) of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL)) was a potential land sale site, Members agreed that the interest of Mr. Herbert Leung was indirect and not substantial, and he should be allowed to stay at the meeting.

56. The Secretary introduced the paper. On 16.10.2009, the Board considered ten representations and one comment on the draft South West Kowloon OZP No. S/K20/23 and decided to propose amendments to the Plan to partially meet one of the representations by revising the Planning Intention and Remarks of the Notes for the “CDA(1)” zone. The proposed amendments were to provide more flexibility for the future development mix within the “CDA(1)” zone by deleting the requirement of having a minimum plot ratio (PR) of 4.5 for office use, whilst the maximum PR of 5 for the “CDA(1)” zone remained unchanged. On 23.10.2009, the proposed amendments were exhibited for public inspection and a total of four further representations were received. All the further representations opposed to the proposed amendments and were against the high development intensity of the Site and/or location of the terminus of the XRL. According to the legal advice from Department of Justice, the four representations were not related to the subject proposed amendments to the Plan. Pursuant to section 6D(3)(b) of the Ordinance, these further representations were considered invalid and should be treated as not having been made.

57. After deliberation, the Board agreed that the four further representations were invalid and should be treated as not having been made. Hearing by the Town Planning Board would not be necessary.

Agenda Item 10

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

58. There being no other business, the meeting was closed at 1:45 p.m.