

**Minutes of 964<sup>th</sup> Meeting of the  
Town Planning Board held on 20.8.2010**

**Present**

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

Chairman

Mr. Stanley Y.F. Wong

Vice-Chairman

Mr. K.Y. Leung

Mr. Walter K.L. Chan

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Mr. Timothy K.W. Ma

Dr. Winnie S.M. Tang

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Dr. W.K. Lo

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Professor S.C. Wong

Ms. Pansy L.P. Yau

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Deputy Director of Environmental Protection

Mr. Benny Y.K. Wong

Assistant Director (2), Home Affairs Department

Mr. Andrew Y.T. Tsang

Director of Lands

Miss Annie Tam

Director of Planning

Mr. Jimmy C.F. Leung

Deputy Director of Planning/District

Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Professor Joseph H.W. Lee

Mr. Laurence L.J. Li

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Mr. Fletch W.W. Chan

**In Attendance**

Assistant Director of Planning/Board

Miss H.Y. Chu

Senior Town Planner/Town Planning Board

Miss Vivian M.F. Lai

**Agenda Item 1**

[Open Meeting]

Confirmation of Minutes of the 963<sup>rd</sup> Meeting held on 6.8.2010

1. The minutes of the 963<sup>rd</sup> meeting held on 6.8.2010 were confirmed without amendments.

**Agenda Item 2**

[Open Meeting]

Matters Arising

- (i) Proposed Amendments to the Definitions of Terms Used in Statutory Plans  
(MA Paper (1))  
[The Meeting was conducted in Cantonese.]
2. Ms. Christine Tse, Chief Town Planner/ Town Planning Board (CTP/TPB), was invited to brief Members on the Paper and she made the following key points:

Purpose

- (a) to seek Members' agreement to the proposed amendments to the Definition of Terms used in Statutory Plans (DoTs);

Background

- (b) on 28.2.2003, the Town Planning Board (the Board) endorsed a set of revised Master Schedule of Notes to Statutory Plans (MSN), DoTs and Broad Use Terms (BUTs), and agreed that all the Outline Zoning Plans (OZPs) in force should be amended to incorporate the revised MSN. Several refinements to the MSN were subsequently made in 2004 and 2005, and recently in March 2010. Due to changing circumstances and emerging issues in the last few months, further amendments to the DoTs

were considered necessary;

Proposed Amendments to the DoTs for On-Farm Domestic Structure

- (c) an On-Farm Domestic Structure was currently defined under the DoTs as “a single-storey residential unit on agricultural land for habitation of the farmer who works on the farm (including fish-farm)”. There was also a remark which specified that the area of the unit should not be more than 37m<sup>2</sup>;
- (d) according to the Lands Department (LandsD), residential structures in the rural New Territories were either constructed under the leases on building lots, or were licensed structures covered by Modification of Tenancies, Government Land Licences, Short Term Waivers and Short Term Tenancies, or tolerated surveyed structures covered by the 1982 Squatter Structure Survey undertaken by the Housing Department;

[Ms. Anita W.T. Ma, Ms. Maggie M.K. Chan and Dr. W.K. Yau arrived to join the meeting at this point.]

- (e) under the LandsD’s agricultural resite policy, eligible farmers affected by land clearance for public works might apply for permission to rebuild standardized domestic licensed structures on another piece of private agricultural lot up to a building dimension of 400 sq. ft. (37.2m<sup>2</sup>) in area and two storeys and 17 ft (5.18m) in height. The same building dimension was also applicable to the rebuilding of surveyed domestic structures in the New Territories;
- (f) in view of the above, it was proposed that the definition of “On-Farm Domestic Structure”, as shown in Annex 1 of the Paper, be amended to cover domestic structures that were also permitted under the LandsD’s agricultural resite policy. For the avoidance of doubt, such structure did not include those converted from containers; and

### Consultation

- (g) concerned government departments had been consulted on the revised definition. No objection or adverse comments had been received. Their comments had been incorporated, where appropriate.

3. A Member enquired whether structures converted from containers were considered as on-farm domestic structures, and whether ancillary structures such as balcony and uncovered external staircase could be disregarded in determining the gross floor area (GFA) of an on-farm domestic structure.

4. Ms. Christine Tse replied that structures converted from containers were not considered as on-farm domestic structures. The GFA of 37.2m<sup>2</sup> set out in the Remarks of the DoTs was a maximum GFA permissible for an on-farm domestic structure by LandsD. The details of the GFA calculation would rest with LandsD and they would not be elaborated in the DoTs.

5. The Chairman concluded that the proposed amendments to the DoTs, which were to reflect the existing practice, were agreed by Members.

(ii) Proposed Revision to the Town Planning Board Guidelines No. 34A

(MA Paper (2))

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[The Meeting was conducted in Cantonese.]

5. Miss H.Y. Chu, Assistant Director of Planning/Board (AD/B), was invited to brief Members on the Paper and she made the following key points:

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

### Purpose

- (a) to seek Members' agreement to the proposed revision to the Town Planning Board (TPB) Guidelines No. 34A on "Renewal of Planning

Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development”;

Background

- (b) the TPB Guidelines No. 34A set out the application procedures and assessment criteria for applications for renewal of planning approvals and extension of time for compliance with planning conditions for temporary use or development by the Board;
- (c) the said Guidelines stipulated that application for renewal of approval for temporary use/development should be submitted no less than two months before the expiry of the temporary approval so as to allow sufficient time for processing in accordance with the Town Planning Ordinance (the Ordinance), e.g. publication for public inspection and comments. However, there was no stipulation in the Guidelines on how early the application should be submitted before the expiry of the original temporary approval;
- (d) it should be noted that when the Board approved an application for renewal of a temporary planning approval, the extended period of the renewed temporary approval should begin immediately after the expiry of the permission previously granted to the applicant. For instance, if the Board today approved an application for renewing a temporary approval which would expire on 30.9.2010 for another year, the extended period of the renewed temporary approval would start from 1.10.2010 until 30.9.2011. Hence, if the renewal application was submitted too early before the expiry of the temporary approval, the Board, in considering the application, could not take into account the planning circumstances at the time nearer to the expiry of the planning approval. However, any change in the planning circumstances might have a material bearing on the decision of the application;
- (e) on 22.2.2008, the Metro Planning Committee (MPC) of the TPB granted

planning permission (Application No. A/TY/102) for a temporary concrete batching plant for three years up to 22.2.2011 at a site in Tsing Yi. On 18.3.2010, eleven months before the expiry of the temporary planning permission No. A/TY/102 on 22.2.2011, the applicant submitted an application for renewal of the temporary planning permission for a further three years (Application No. A/TY/110);

- (f) on 7.5.2010, the MPC considered the application for renewal of the temporary permission. Taking into account that the application was submitted almost one year before the expiry of the original planning permission, the MPC considered that it would be too early to consider the renewal application as the planning circumstances might be different at the time nearer to the expiry of the planning permission, which might have a material bearing on the decision of the planning application. The MPC decided to defer a decision on application No. A/TY/110 until a time closer to the expiry of the original planning permission;

#### Proposed Amendment to the TPB Guidelines No. 34A

##### *Submission Time for Application for Renewal*

- (g) to ensure that the Board could take into account the latest planning circumstances pertaining to an application for renewal of temporary planning permission, it was proposed that the TPB Guidelines No. 34A be revised by adding a new paragraph 3.4 to stipulate that an application for renewal of planning permission for temporary use should not be submitted more than four months before the expiry of the original temporary approval; and

##### Consultation

- (h) the proposed amendments to the TPB Guidelines No. 34A were to indicate the time requirement for submission of application for renewal of temporary planning permission. Consultation with government

departments in this regard was considered not necessary.

6. In response to a Member's enquiry on the second and third sentences of the proposed paragraph 3.4 of the TPB Guidelines, Miss H.Y. Chu said that the intention was to set out the reason for requesting the applicants to submit the applications for renewing temporary planning approvals no more than four months before the expiry of the temporary approvals. The reason was that in considering the application for renewing temporary planning approval, the Board needed to take into account the planning circumstances at the time nearer to the expiry of the planning approval as any change in the planning circumstances might have a bearing on the decision of the application.

7. This Member considered that the purpose of these two sentences was not very clear, and it was doubtful whether the reason behind the 4-month requirement for the submission of the application for renewing temporary planning approvals should be set out in the Guidelines. The Secretary said that it was a common practice that explanations would be provided in the TPB Guidelines for stipulation of requirements. For instance, in paragraph 3.3 of the TPB Guidelines No. 34A, it had set out the reason why the planning applications for renewing temporary approval should be submitted to the Board no less than two months before the expiry of the temporary approval.

8. In order to set out clearly the reason behind the 4-month requirement, the Chairman suggested to add 'The rationale behind this arrangement is that..' at the beginning of the second sentence. Members agreed.

9. Another Member said that if an applicant had to submit his renewal application not earlier than four months before the expiry of the temporary planning approval and in case his application was rejected by the MPC/ Rural and New Town Planning Committee (RNTPC), the applicant's temporary approval would expire before he could have his review application heard by the Board. This Member opined that a longer time might be more appropriate in the subject item.

10. The Secretary said that legal advice had been sought on the subject time requirement. Under the Ordinance, an applicant aggrieved by the decision of the MPC/RNTPC on the application for renewal of temporary planning approval could seek

review from the Board. The applicant could also seek adjournment/ deferral of the review hearing during the process. He could also seek an appeal from the Town Planning Appeal Board against the decision of the Board. It would be unreasonable to allow the submission of a renewal application much earlier before the expiry of the approval in order to cater for the review/appeal applications, thereby not allowing the Board to take into account the planning circumstance at the time nearer to the expiry of the planning approval. The four-month requirement would allow sufficient time for processing the renewal application under the Ordinance and at the same time cater for the need that the Board had to take into account the current planning circumstances when considering the renewal application.

11. In response to a Member's query, the Chairman said that stating the rationale for stipulating the requirements in the TPB Guidelines could help explain the reasons for the concerned requirements and enhance transparency of the planning system. The Secretary supplemented that it was a usual practice to elaborate the reasons behind the key requirements in the TPB Guidelines. For consistency, the Chairman suggested that as a standard practice, the TPB Guidelines should set out the rationale of the stipulation of requirements, where appropriate. However, there was no need for a comprehensive review and the reasons, where appropriate, could be added as and when the relevant parts of the Guidelines were amended. Members agreed.

12. The Chairman concluded that the proposed revision to the Town Planning Board Guidelines No. 34A were agreed by Members subject to adding 'The rationale behind this arrangement is that..' at the beginning of the second sentence of paragraph 3.4 of the Guidelines.

(iii) New Town Planning Appeal Received

Town Planning Appeal No. 12 of 2010

Proposed Temporary Vehicle Repairing Workshop for a Period of 3 Years  
in “Agriculture” zone, Government Land in D.D. 51, Fu Tei Au, Sheung Shui  
(Application No. A/NE-FTA/98)

13. The Secretary reported that that a Notice of Appeal dated 3.8.2010 against the decision of the Town Planning Board (TPB) to reject on review an application (No. A/NE-FTA/98) for a temporary vehicle repairing workshop at a site zoned “Agriculture” on the draft Fu Tei Au and Sha Ling Outline Zoning Plan No. S/NE-FTA/11 on 14.5.2010 was received by the Appeal Board Panel (Town Planning).

14. The application was rejected by the TPB for the reasons that the temporary vehicle repairing workshop was not in line with the planning intention of the “Agriculture” zone and not compatible to the surrounding land uses which comprised a number of domestic structures and some fruit trees, and would create environmental nuisance to the local residents.

15. The hearing date of the appeal was yet to be fixed. The Secretary would act on behalf of the TPB in dealing with the appeal in the usual manner

(iv) Town Planning Appeal Statistics

16. The Secretary said that as at 20.8.2010, a total of 23 cases were yet to be heard by the Appeal Board. Details of the appeal statistics were as follows:

Allowed	:	25
Dismissed	:	111
Abandoned/Withdrawn/Invalid	:	142
Yet to be Heard	:	23
Decision Outstanding	:	4
<u>Total</u>		<u>305</u>

**Agenda Item 3**

[Open Meeting]

Review of Columbarium Policy – Public Consultation Document

(TPB Paper No. 8603)

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[The meeting was conducted in Cantonese.]

Presentation Session

17. The following representatives of the Food and Health Bureau (FHB) were invited to the meeting at this point:

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| Mrs. Lai Chan Chi Kuen, Marion | - Permanent Secy for Food and Health (Food)                |
| Miss Wong Shuk Han, Diane      | - Principal Assistant Secretary for Food and Health (Food) |

18. The Chairman extended a welcome and invited the FHB representatives to brief Members on the Paper regarding the public consultation document on the review of columbarium policy issued by the Government in July 2010.

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

19. With the aid of a Powerpoint presentation, Mrs. Lai Chan Chi Kuen, Marion, presented the following main points and proposals as detailed in the Paper:

- (a) the background of the review of columbarium policy as detailed in paragraph 2 of the Paper;
- (b) the preliminary proposals as summarized in paragraphs 4 to 12 of the Paper were highlighted below:

*Increasing the supply of columbarium facilities*

- (i) different districts (18 districts) and/or regions (five LegCo geographical constituencies) should collectively share the responsibility of developing columbarium facilities;
- (ii) additional columbarium facilities in the existing cemeteries would be developed by the Government. Given the existing cemeteries were served by infrastructure facilities, expansion could be pursued in a shorter period of time so that the supply of columbarium niches could be increased earlier. Examples included the vacant plots in Wo Hop Shek Cemetery and Sandy Ridge Cemetery for developing low-rise columbaria or open-air niches;
- (iii) the Government had shortlisted twelve sites in seven districts for columbarium use and further studies would be undertaken to confirm whether they were suitable for the use. Once these sites were found suitable for columbarium development, the relevant DCs would be formally consulted;
- (iv) at present, FHB had consulted seventeen District Councils (DCs) on the columbarium policy. Most of the DCs including the Kwai Ching, Eastern, Tuen Mun, Islands and the North DC, had rendered in-principle support to columbarium development in their districts. The Government was undertaking relevant traffic and engineering studies to assess the feasibility of the proposed sites. After the feasibility studies and district consultation, sites requiring planning application or rezoning would be submitted to the Town Planning Board (the TPB) for consideration;
- (v) construction or conversion of multi-storey buildings into columbarium blocks was also considered. These buildings occupied a small land area and would relieve people of the inconvenience of long commuting to pay tribute to their ancestors;

- (vi) public bodies including the Board of Management of the Chinese Permanent Cemeteries (BMCP) and religious bodies were encouraged to develop more columbarium facilities at suitable sites or expand existing facilities;

*Promoting more environmentally-friendly and sustainable means of handling cremains*

- (vii) encouraging the public to use alternative means of handling cremains such as scattering cremains in Gardens of Remembrance (GoRs) or in designated Hong Kong waters, and pay tribute to the deceased by internet memorial services. These alternative means did not consume land;
- (viii) encouraging the public to maximize the use of existing niches;
- (ix) reviewing the existing arrangement of providing permanent niches / urn grave spaces, such as introducing an annual management fee, vacating the niches with outstanding fee payment for other users to ensure effective use of the limited niche resources, and introducing an incentive scheme for the return of public niches to the Government for further use in exchange for an ex-gratia allowance;

*Enhancing consumer protection in the choice of private columbaria*

- (x) publication of two lists : List A would set out the private columbaria which were compliant with the land lease and the statutory land and town planning requirements. Private columbaria that did not fall under List A would be included in List B;
- (xi) in terms of planning, the columbaria in List A should be (i) an

always permitted use under the relevant statutory plan, (ii) covered by a planning permission, or (iii) confirmed to be an 'existing use' under the provision of the Town Planning Ordinance. In terms of land requirements, the columbaria in List A did not contravene the land lease and did not occupy government land illegally. List A would also set out the planning and land information of the columbaria including the number of niches permitted if applicable;

(xii) as it would be difficult for the Administration to draw up a complete list of private columbaria at the initial stage, the lists would not be exhaustive. In addition to the basic planning and land information of a private columbarium, the status of applications to LandsD and TPB for regularisation and past TPB decisions on the relevant use of the land would also be included in List B, where applicable. Private columbaria, pending checking for compliance with statutory requirements to be included in List A, would be included in List B. Private columbaria confirmed to meet the relevant requirements would be moved to List A;

(xiii) strengthening consumer education on the choice of private columbaria and on the risk of patronising operators of private columbaria in List B. The Administration would work with Consumer Council and other interested Non-Governmental Organisations in such public education efforts;

*Enhancing regulation of private columbaria*

(xiv) in the longer term, the Administration considered that a licensing scheme should be introduced to enhance the regulation of private columbaria. It was proposed that the Public Health and Municipal Services Ordinance (Cap. 132) be amended to provide for the licensing scheme, and the Director of Food and Environmental Hygiene (DFEH) be the licensing authority;

- (xv) the preliminary view was that all private columbaria, which were proposed to be defined as premises / sites which stored human cremains at a charge and which were not built and/or operated by the FEHD, would be subject to the licensing scheme. They included those in existence before the enactment date of the new legislation. Operators of private columbaria subject to the licensing scheme should be required to obtain a licence or temporary exemption;
- (xvi) proposed conditions for issuing/ renewing a licence included:
- the applicant should possess the title to the premises/ site being used as private columbaria;
  - the application premises/ site should comply with all statutory requirements and any associated Code of Practice;
  - the application premises/ site should be suitable for columbarium development in terms of land use and was permitted under the lease;
  - the grant of the licence was not contrary to public interest . Such public interest considerations might include the overall supply of columbarium niches in the territory, local views, and interest of patrons of columbaria which came into existence before the introduction of the licensing scheme;
- (xvii) all private columbaria which existed before the enactment of the new legislation were also subject to the licensing scheme. Operators of private columbaria which could not satisfy the licensing requirement should apply for temporary exemption which allowed them to continue their operation in the interim before obtaining a proper licence. The temporary exemption

should be time-limited, for example, with a validity period of two and a half years. For private columbarium operating under temporary exemption, the number of niches therein should be frozen and further sale of niches before obtaining a proper licence should be stopped;

- (c) it was understood that similar to uses like bathhouse and massage establishment, the TPB would formulate TPB Guidelines on the application for columbarium development; and
- (d) the public consultation on the review of the columbarium policy would end on 30.9.2010. Members' views on the proposals to increase the supply of columbarium facilities and to regulate the private columbaria were invited.

#### Discussion Session

20. Three Members raised the following questions/ suggestions:

- (a) if the existing private columbaria could not satisfy the licensing requirements and ceased the business, the cremains therein would have to be displaced and accommodated somewhere else. This would create difficulties for the concerned descendents who might also get upset about the situation. How the Government would assist the affected descendents in such situations;
- (b) it might be reasonable to require operators of private columbaria to share some social responsibilities so as to increase the local acceptance of such facilities. The Administration could consider imposing conditions requiring the operators of private columbaria, particularly those in the New Territories (NT), to provide landscape treatment to enhance the amenity of the surrounding area. This could benefit the local neighbourhood as well as promote local acceptance of the columbarium facilities;

- (c) how the licensing system would help improve the quality of service of the private columbaria;
- (d) for the benefit of consumers , it was necessary to consolidate and publicize the updated information on the availability of niches in private columbaria;
- (e) whether human ashes was defined as human remains; and
- (f) whether existing private columbaria, which were open recently and their niches were not fully occupied, would be subject to different control.

[Mr. K.Y. Leung left the meeting temporarily at this point.]

21. In response, Mrs. Lai Chan Chi Kuen, Marion, said that:

- (a) the purchase of niches in private columbaria should be bounded by private contracts. In case a private columbarium ceased its business and the cremains stored therein had to be displaced, the necessary arrangement should be governed by the terms and conditions of the private contracts. The Administration would draw up measures to deal with cases where the operator failed to deal satisfactorily with the cremains displaced. In drawing up the measures, the Administration would bear in mind the sensitivity and the interest of the descendents concerned;
- (b) it was agreed that columbaria with improved outlook and layout could ease the concern and anxiety of nearby residents and promote acceptance by the public. The Government was working towards improving the design of public columbaria and adopting measures like landscaping facilities and centralising joss paper burning activities in order to gain easier acceptance. Such measures should also mitigate the nuisance on air, noise or light to the neighbourhood. These would also set a benchmark for private columbaria to follow;

[Dr. C.P. Lau arrived to join the meeting at this point.]

- (c) to improve the quality of service of private columbaria, operational requirements including measures to minimise possible nuisances arising from excessive noise, light and poor air quality, to control crowd movement and to liaise with the descendents concerned on proper handling of interred cremains if the columbarium was to cease business in future would be laid down in the Code of Practice associated with the licensing system of the private columbaria;
- (d) the importance of increasing transparency in information on the supply of niches was noted. The Administration would encourage the trade to provide such information to consumers. In April 2010, the Consumer Council published a report on private columbaria in its monthly magazine CHOICE, giving a detailed guide for consumers' reference. The Administration would continue to work with concerned parties to enhance consumer information relating to private columbaria;
- (e) under the Public Cemeteries Regulation Cap 132BI and the Public Funeral Halls Regulation Cap 132BN, 'human remains' were defined as "the dead body or part thereof of any human being or any still-born child, but does not include ashes resulting from the cremation thereof." This definition was for the purpose of the said legislation. However, 'human remains' in the context of land lease, and Deed of Mutual Covenant, where were private contracts, might be interpreted differently; and
- (f) regardless of the scale of the operation, premises/ sites which stored human cremains at a charge, and which were not operated by FEHD, would be considered as private columbaria and subject to the licensing scheme.

22. In response to a Member's enquiry on the planning control for columbarium, the Secretary explained that columbarium was a specific statutory land use planning term in its own right which was always permitted under the "Other Specified Uses" annotated "Cemetery" zone. It was a Column 2 uses in some "Government, Institution or Community" and "Green Belt" zones, for which planning permission would be required.

Unauthorised columbarium development in the rural NT areas would be enforced by the Planning Authority. The Buildings Department and the Lands Department could also undertake enforcement actions against unauthorised columbaria within their jurisdictions.

23. Three other Members raised the following questions/ suggestions:

- (a) it was advisable to request the operators to deposit a sum as a kind of retention fund for emergency or unforeseen problems of the private columbaria, such as in cases where the operators failed to liaise with the descendents concerned on handling of interred cremains or the descendents concerned could not be contacted, which might occur after years of operation;

[Miss Annie Tam arrived to join the meeting at this point.]

- (b) as one of the conditions for issuing/renewing a licence was that the applicant should possess the title to the premises/ site being used as private columbaria, would the operators who rented premises/sites for the existing columbaria need to close their business? If this was the case, the subsequent reduction in the number of niches might result in a further increase of the prices of the niches in the private columbaria which were issued with licences;
- (c) whether a religious institution operating a columbarium on government land under tenancy agreement was eligible for application for licence;
- (d) any consideration to improve the supporting facilities for the existing public columbaria such as provision of sufficient transport facilities during the Ching Ming Festival and Chung Yeung Festival; and

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

- (e) what were the options for the public to handle the cremains after the return of niches to the Government under the incentive scheme.

24. In response, Mrs. Lai Chan Chi Kuen, Marion, said that:

- (a) safeguarding the interest of consumers was of critical importance. Some operators of private columbaria charged a recurrent fee which could be used for special worship service or ensuring on-going maintenance of the columbaria;
- (b) whether owning the premises/ sites for private columbaria would be one of the licensing conditions eventually would depend on the outcome of the public consultation and further study to be undertaken by the Administration. It should also be noted that, apart from the land title, there were other requirements that the operators of the private columbaria would need to comply with in order to obtain a licence. Private columbaria would be regulated to ensure compliance with all relevant licensing requirements. It was not proposed that the price of niches, which should be a matter for the market, should be regulated;
- (c) On the question of private columbaria operated by religious institutions on rented Government land, the Administration would need to consider their position under the proposed licensing scheme;
- (d) the Government would endeavour to improve the provision of transport facilities to facilitate the public going to the public columbaria during the festival days; and
- (e) after returning the niches to the Government under the proposed incentive scheme, the public could use alternative means of handling cremains such as scattering cremains in Gardens of Remembrance (GoRs) or in designated Hong Kong waters, or pay tribute to the deceased by internet memorial services.

25. In response to another Member's enquiry on the monitoring of the licenced private columbaria, Mrs. Lai Chan Chi Kuen, Marion, said that the validity of a

columbarium licence was proposed to be five years and renewal would be required. FEHD would inspect licensed columbaria regularly to ensure continued compliance with licensing conditions.

26. In response to a Member's query, the Chairman said that the relevant TPB Guidelines on the application for columbarium use would be formulated in tandem with the review of columbarium policy.

27. A Member opined that the columbarium policy stated in Public Consultation Document was unsatisfactory in the following aspects:

- (a) there was no strategy on increasing the provision of niches to meet the public demand in the short to long-term. In particular, there was no mention about the estimated number of niches to be provided by the Government;
- (b) there was no proposal to provide additional columbarium facilities in the Wo Hop Shek Cemetery where land was available for the purpose;
- (c) the BMCPC had put forward proposals to the Government to provide additional columbarium facilities. However, for some of the proposals, BMCPC did not receive any feedback from the Government. For the other proposals, they were rejected by the Government due to the lack of transport infrastructure. Stipulating rigid traffic requirements would discourage public bodies or religious bodies from providing additional columbarium facilities;
- (d) while the public bodies like BMCPC did not have the required land resources to provide the niches to meet the public demand, it was the responsibility of the Government to provide more affordable niches particularly for the families which could not pay for the expensive private niches; and
- (e) the consultation document had only focused on the regulation of private

columbaria without combating the severe shortage of supply of niches to meet the public demand. The severe shortage of supply of niches had led to the proliferation of private columbaria and the sharp increase of niche prices. It was uncertain whether the provision of niches would be Government-led or private-led in the long term.

28. In response, Mrs. Lai Chan Chi Kuen, Marion, clarified that:

- (a) for the time being, it was not possible to set out an estimated number of niches to be provided by the Government in the following years as the supply of niches from the twelve shortlisted sites would depend on the outcome of the feasibility studies and the formal DC consultation. Columbaria in the form of multi-storey buildings could yield more niches than those in low-rise buildings. The design would be subject to technical assessments and the acceptance by the local districts;
- (b) funding had been sought to construct a new public columbarium within the Wo Hop Shek Cemetery which could provide some 41,000 niches accommodating approximately 80,000 urns for use in 2012. In addition, in the Study on Land Use Planning for the Closed Area, undeveloped areas within the Sandy Ridge Cemetery had also been identified for the development of columbarium and associated facilities. Further studies would be undertaken for the potential sites;
- (c) technical assessments, including traffic impact assessment, were needed for the development of new columbaria to ensure that such development would not result in insurmountable adverse traffic, environment or other impacts on the surrounding areas. Moreover, apart from technical assessments, there were other factors, such as local opinion, that had to be considered in determining the suitability of potential sites for columbarium development;
- (d) the Government had all along worked very hard in increasing supply of columbarium facilities. Various sites were suggested for columbarium use

in the past few years and they could provide 240,000 niches. Due to local objection, the projects covering these 240,000 niches had to be shelved. Alongside with the review of columbarium policy, the Government had re-doubled its effort to identify suitable sites, and formulated a district-based columbarium development strategy with a view to securing local support; and

- (e) private columbaria played an important role in meeting public demand for niches. Some patrons preferred private columbaria mainly because of their personalised services such as pre-death purchase and daily worship services. Like all other trades in Hong Kong, the operation of private columbaria should comply with the statutory or other requirements stipulated by the Government.

29. The same member said that the number of deaths in the territory was projected to be about 40,000 per year in the next twenty years. This Member enquired about the target set by the Government in supplying the niches. According to this Member, the Government had committed several years ago to supply some 80% of the total niches to be provided in the territory.

30. Mrs. Lai Chan Chi Kuen, Marion referred to paragraph 13 of the subject Public Consultation Document and said that in the last ten years (2000 – 2009), niches provided by the Government accounted for about 14% of cremations in the same period, or 40% if BMCPC was to be taken into account. The supply of public niches in the future would depend on the availability of suitable sites and success or otherwise of gaining local support.

31. In relation to the development of columbarium facilities in Wo Hop Shek Cemetery, another Member supplemented that it was a potential site as only one-tenth of the cemetery had been developed. The upper platforms of the cemetery were largely undeveloped but inaccessible. Building roads to serve the upper platforms would be costly. BMCPC had previously considered co-developing the cemetery site with FEHD. This Member envisaged that with the Government policy to increase the supply of niches, there should be opportunity for cooperation between BMCPC and the Government in developing

the cemetery site in the future. In response, Mrs. Lai Chan Chi Kuen, Marion said that the Government was conducting technical studies to utilise the undeveloped areas of the Wo Hop Shek Cemetery.

32. Five Members raised the following comments/ suggestions/ questions:

- (a) unavoidably, some List B columbaria could not meet all the licensing requirements, and might choose to close down business after the exemption period. The Administration should be prepared to resolve the issues arising from regulation of List B columbaria or to provide 'exit' to both the operators and the affected descendents. The operation of non-conforming existing private columbaria might have to be tolerated. Otherwise, the Government had to offer low cost solutions to the concerned descendents to accommodate the interred cremains by way of building more GoRs or to allocating more land for providing columbarium facilities;
- (b) the Administration should consider imposing conditions in the licences requiring the operators to set up a trust fund or similar mechanism for the long term management of the private columbaria; and to consult the local DC as the consultation might enhance the public's understanding of the proposal and ease the anxiety of the locals;
- (c) the Administration could consider delegating the control of columbaria to DCs, noting that about half of the DCs had columbaria in their respective districts;
- (d) the Administration might also look into the provision of niches for cremains of pets as that there was an increasing demand for such provision from pet owners; and
- (e) what were the plans to strengthen consumer education on the choice of private columbaria and on the risks of patronising operators of private columbaria in List B.

33. In response, Mrs. Lai Chan Chi Kuen, Marion, said that:

- (a) the operators of private columbaria who failed to obtain a licence might apply for temporary exemption. During the time when they were temporarily exempted, they could apply for regularising or rectifying their breaches by way of applying for relevant planning permission and/or lease modification. After the breaches had been regularised, they could submit an application for a licence. Operators of private columbaria had the responsibility to comply with statutory and licensing requirements. For those who did not comply, the Administration would have to deal with them under the statutory and licensing regimes. For those who did not deal with the cremains in a satisfactory manner, for instance, closing down the columbarium without agreeing beforehand with the descendants the alternative accommodation of the cremains, the Administration would have to come up with suitable deterrent and remedial measures in recognition of the interest of the patrons;
- (b) the Administration would consider the suggestion of requiring operators of private columbaria to consult DCs on the provision of columbarium facilities;
- (c) DCs' support was crucial to the success of district-based columbarium development schemes, and their involvement would promote public acceptance. Whether the DCs should be involved in the management of private columbaria entailed complex issues;
- (d) the Administration would accord priority to the handling human cremains first and the handling of pet cremains would be a matter of lower priority now; and
- (e) there was a need to strengthen consumer education. The Administration would work closely with the Consumer Council on this.

34. A Member was also concerned that with the mechanism of allowing private columbaria on List B to be moved to List A provided that the requirements for List A could be met, it might convey a false message to the consumers that the niches in List B could be moved to List A eventually. This Member suggested not to publicize List B. The Chairman clarified that whether private columbaria in List A could meet all the licensing requirements would depend on the finalised licensing criteria. Moreover, after the implementation of licensing system, it might not be necessary to maintain List A and List B.

35. As Members had no further question and comments, the Chairman thanked the representatives of FHB for attending the meeting. They left the meeting at this point.

[Ms. Maggie M.K. Chan, Dr. Winnie S.M. Tang and Ms. Anita W.T. Ma left the meeting and Mr. Rock C.N. Chan left the meeting temporary at this point.]

36. The meeting adjourned for a break and resumed at 11:00a.m..

[Dr. W.K. Lo arrived to join the meeting at this point.]

#### **Agenda Item 4**

[Open Meeting (Presentation and Question Session Only)]

Consideration of Representations and Comments to the Draft Sai Ying Pun & Sheung Wan  
Outline Zoning Plan No. S/H3/23

(TPB Paper Nos. 8604 and 8605)

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[The hearing was conducted in Cantonese and English.]

37. Professor P.P. Ho declared an interest in this item as he was a consultant of a representer in Group 1. Professor P.P. Ho left the meeting at this point.

38. Mr. Clarence W.C. Leung declared an interest in this item for his mother owning a property at Des Voeux Road West. Members agreed that the interest of Mr. Leung was indirect as the property was not located close to the subject amendment item and that he should be allowed to stay at the meeting.

**Group 1 (R1 to R2 and C1 to C29)**

**(TPB Paper No. 8604)**

39. Members noted that Representer No. R1 (R1) had tabled photographs and a 2-page document extract, R2 a 6-paged document and Commenter No. 3 (C3) a 3-page document at the meeting.

Presentation and Question Session

40. As sufficient notice had been given to invite the representers and commenters to attend the hearing, Members agreed to proceed with the hearing of representations in the absence of other commenters who had indicated that they would not attend or did not reply to the invitation of this meeting.

41. The following representatives of the Planning Department (PlanD) and the Development Bureau (DEVB) were invited to the meeting at this point:

Mr. Derek Cheung	District Planning Officer/Hong Kong (DPO/HK, PlanD)
Mr. T.C. Cheng	Town Planner/Hong Kong
Mr. Lee Kui Biu, Robin	Commissioner for Heritage
Mr. Shek Lap Chi	Assistant Secretary (Heritage Conservation)

42. The following representers, commenters and R1's representative were also invited to the meeting:

R1

Mr. John Batten

R1's representative

R2

Ms. Law, Ngar Ning Katty

R2

C3

Mr. Patzold, Daniel

C3

C12

Ms. Dominique Harris

C12

43. The Chairman extended a welcome and explained the procedures of the hearing. He then invited DPO/HK to brief Members on the representations.

44. With the aid of a Powerpoint presentation, Mr. Derek Cheung made the following main points as detailed in the Paper:

- (a) on 5.2.2010, the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/23 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 114 representations were received. On 16.4.2010, the representations were published for public comments. During the three-week publication period, a total of 89 comments were received;
- (b) the representations in Group 1 (R1 and R2) were against the rezoning of the former Police Married Quarters (PMQ) site at Hollywood Road from “Residential (Group A)” (“R(A)”) to “Other Specified Uses” (“OU”) annotated “Heritage Site for Creative Industries and Related Uses” under Amendment Items A1 and A2. C1 supported both R1 and R2, and C2 to C29 supported R1;
- (c) the background of the representation site as detailed in paragraph 3 of the Paper. The former PMQ was one of the eight projects under the ‘Conserving Central’ initiative announced by the Chief Executive in 2009-2010 Policy Address. On 19.3.2010, the DEVB and the Commerce and Economic Development Bureau jointly invited proposals from interested organisations and enterprises for turning the PMQ into a creative industries landmark. Proposals were invited for the management, operation and maintenance of the revitalised site. Upon expiry of the invitation for proposals period on 18.6.2010, four

applications were received. The proposals were being considered by the Advisory Committee on Revitalization of Historic Buildings;

- (d) the main grounds of the representations and their proposals were summarised in paragraph 2.2 of the Paper and highlighted below:
- (i) preservation of the site – the site should be protected by an appropriate heritage listing. There were concerns on the demolition of the Former Junior Police Call (JPC) Building at the site and the underground latrine block at the corner of the Aberdeen Street and Staunton Street, inadequate protection of the archeological features of the Central School foundations and the need of statutory protection for the trees on the site surrounding walls and existing architectural features relating to the Central School;
  - (ii) open space provision – good open space comprising grass and trees was demanded;
  - (iii) development restrictions –the maximum gross floor area (GFA) of 20,000m<sup>2</sup> stipulated in the ‘Remarks’ of the “OU” zone was not acceptable and building height control should be imposed on this site;
  - (iv) demolition of existing buildings – there was an insufficient safeguard for the site to be maintained as a heritage site. No new structure should be built and no existing building/structure should be demolished or altered without the Board’s approval;
  - (v) representers’ proposals –
    - a heritage grading should be given to the site (R1 and R2);
    - any new development, demolition, alteration and/or addition

to the building required planning permission from the Board (R1);

- the existing open space within the site should be used as grassed and treed space (R1);
- building height restriction should be imposed to limit the existing building height (R2);

(e) the main grounds of the comments, which were similar to those of the representations, were summarised in paragraph 2.4 of the Paper. The commenters' proposals were highlighted below:

(i) preservation of the site –

- building height restriction should be imposed on the site to avoid high-rise building (C1, C3 and C5);
- the basketball court and JPC Building should be maintained and re-used creatively in order to maintain the character of the area and to limit the demand on traffic (C1 and C5);
- the site, including the JPC Building and the underground latrine block, should be preserved for the benefit of the community, listed as a historic monument, and developed into a tourist attraction (C2 to C7 and C10);
- the architectural features relating to the Former Central School foundations, the existing trees and boundary walls etc. should be protected (C2);
- demolition should be limited to secondary buildings in order to create public and urban entrance situations where these were not sufficient (C3);

- (ii) open space provision – the open space between Blocks A and B should be preserved, open to the public and treed and grassed, with seating provided (C2 to C29). Green open connections throughout the site should be developed to enhance the microclimate of the site and the surrounding areas (C3);
  - (iii) usage of the site – the use of the site for local community functions should be encouraged (C3 to C9), and facilities should be developed for small traditional local business (C3);
  - (iv) pedestrianization – to limit the development to pedestrian access only to avoid any adverse traffic impact (C3);
  - (v) open competition – international open architectural competition should be conducted for the site (C3);
- (f) PlanD’s responses to the grounds of representations and the representers’ proposals were detailed in paragraphs 4.4 and 4.5 of the Paper and the key points were as follows:

*Preservation of the Site*

- (i) the rezoning of the site from “R(A)” to “OU” annotated “Heritage Site for Creative Industries and Related Uses” was to facilitate the Chief Executive’s policy decision to revitalize the original site of the Central School as a creative and cultural landmark. The planning intention of the subject “OU” zone was to preserve and restore the site for creative industries and related uses with the provision of public open space, which was in line with the representers’ intention to preserve the site;
- (ii) the Commissioner for Heritage (C for H) advised that the prime historical significance of the representation site was on the site

itself and its history associated with the Former Central School. The associated buildings of the Central School were destroyed during the Second World War and subsequently demolished in the 1950s to make way for the erection for the buildings of the PMQ. Since there was little that remained with the quarters buildings which could be seen as highly significant and there was no specific conservation requirement for the existing buildings retained on the site, they were at present ungraded. While the site history associated to the PMQ was of less heritage significance, the Antiquities and Monuments Office (AMO) advised that the site had been included as a new item proposed to be assessed by the Antiquities Advisory Board (AAB) in a separate exercise after conclusion of the assessment of the 1,444 historic buildings. In this regard, it should be noted that the grading of buildings in terms of historical significance was not within the ambit of the Board;

- (iii) on the protection of the underground remains and the architectural features of the Former Central School at the site, a set of Conservation Guidelines had been prepared by the AMO. For any works relating to the adaptive re-use of the site, a Heritage Impact Assessment (HIA), in which a Conservation Management Plan should be included, would need to be submitted to AMO for endorsement;
  
- (iv) the underground latrine at the corner of Staunton Street and Aberdeen Street fell outside the boundary of the representation site and was located below the pavement at Staunton Street. It was not a subject of the amendments incorporated in the OZP. AMO had advised that the latrine was not included in the assessment exercise of the 1444 historic buildings;

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

### *Open Space Provision*

- (v) the 1,200m<sup>2</sup> public open space provision as stipulated in the Notes for the subject zone was the minimum requirement, which was about 20% of the representation site area and equivalent to the lower platform area. The Explanatory Statement of the OZP stated that to cater for the open space development, the existing JPC Building might need to be demolished. However, retention of the building for adaptive re-use would also be allowed;
- (vi) to allow more flexibility for the adaptive re-use of the site for creative industries and related uses, it was envisaged that part of the existing open area on the upper and middle platforms might be used for the display of the remains of the Former Central School and for the provision of covered walkways, activity venue and exhibition area. In the scenario that the JPC Building on the lower platform was retained, part of the public open space (about 195m<sup>2</sup>) would need to be provided on the upper platform in order to fulfill the minimum requirement of 1,200m<sup>2</sup>;
- (vii) the wall trees and major trees within the site would be preserved. Detailed landscaping design should be dealt with by the project proponent at the detailed design stage;

### *Development Restrictions*

- (viii) the Notes of the zone allowed a maximum GFA of 20,000m<sup>2</sup> at the site, i.e. 5,000m<sup>2</sup> on top of the GFA of the existing buildings (Blocks A and B) (15,000m<sup>2</sup>). The additional GFA might possibly be taken up in such forms as an additional covered area for weather protection at the central courtyard, gallery space adjoining Blocks A and B, covered walkways and other structures required to meet the current building standards, which were accountable for GFA. Given the 15,000m<sup>2</sup> GFA for the existing

buildings, the maximum permitted GFA of 20,000m<sup>2</sup> on the site was considered to be of a reasonable scale, and the additional GFA of 5,000m<sup>2</sup> would not result in any high-rise building. Moreover, since any new development on the site, except alteration and/or modification to an existing building and new structure(s) for facilities that were ancillary and directly related to the always permitted uses, required planning permission from the Board, this would provide additional safeguard on controlling new development within the site;

- (ix) a building height restriction was not incorporated when the representation site was rezoned from “R(A)” to “OU (Heritage Site for Creative Industries and Related Uses)” as a comprehensive review of the building height restrictions for the entire Sai Ying Pun & Sheung Wan Area was being carried out at that time. However, the said building height review was completed later and building height restrictions were subsequently imposed on all development zones, including the representation site. The amendments on the building height restrictions were exhibited for public inspection on 7.5.2010. A building height restriction of 75mPD was imposed for the representation site. The Board would hear the representations in respect of the building height restrictions under OZP No. S/H3/24 in a separate meeting;

#### *Demolition of Existing Buildings*

- (x) the prime historical significance of the representation site was mainly on the site itself and its history associated with the Former Central School rather than the buildings of the PMQ. Given the planning intention was to preserve and restore the site for adaptive re-use for creative industries and related uses with the provision of public open space, Blocks A and B of the PMQ would be preserved. The existing JPC Building could either be retained for

adaptive re-use or it could be demolished to cater for the open space development, as appropriate;

*Responses to Representers' Proposals*

- (xi) heritage grading – heritage grading was within the ambit of the AAB rather than the Board. AMO had included the representation site as a new item proposed to be assessed by AAB;
- (xii) planning permission requirement – the control regarding the requirement for planning permission was considered appropriate. The scale of alteration and/or modification to the existing buildings and any new structures would be controlled by the GFA restriction stipulated in the Notes of “OU” zone covering the representation site. The detailed conservation requirements and management of the underground remains and the architectural features of the Former Central School at the site should be dealt with by the AMO;
- (xiii) open space provision – the Notes of the OZP stipulated that public open space of not less than 1,200m<sup>2</sup> should be provided on the site. There were constraints in providing more open space, particularly in the scenario that the JPC Building was to be retained. Detailed landscaping design should be dealt with by the proponent at the detailed design stage;
- (xiv) building height restriction – a building height restriction of 75mPD had been imposed on the representation site on the subsequent draft Sai Ying Pun & Sheung Wan OZP No. S/H3/24 after a comprehensive review of building height restrictions for the Area to ensure any development on the site would be compatible with the surrounding areas;

[Mr. Rock C.N. Chen returned to join the meeting at this point.]

- (g) PlanD's responses to the grounds of comments and the commenters' proposals were detailed in paragraphs 4.6 and 4.7 of the Paper. The key points of PlanD's responses to the commenters' proposals were as follows:
- (i) preservation of the site – commenters' proposals were similar to those suggested by the representers. For the proposal to limit demolition to secondary buildings on the site in order to create public entrances, this was in line with what was envisaged for the revitalization project;
  - (ii) open space provision – while the 1,200m<sup>2</sup> provision was the minimum requirement, existing trees would be preserved and additional open space at the middle and/or upper platform would be provided, where possible;
  - (iii) usage of the site – the planning intention of the subject “OU” zone was to preserve and restore the site for adaptive re-use for creative industries and related uses with the provision of public open space. This was broadly in line with the Commenters' proposals for the use by the local community and small traditional local business;
  - (iv) pedestrianization – as no car parking facilities would be provided at the site, there would not be any significant traffic increase in the area. It was expected that a rather substantial portion of the future users and visitors would rely on public transport and then access the site on foot;
  - (v) open competition – the matter was outside the purview of the Board. The DEVB and the Commerce and Economic Development Bureau had jointly invited proposals from interested organizations for transforming the representation site

into a creative industries landmark.

- (h) PlanD's view – PlanD did not support the representations No. R1 and R2 and considered that the representations should not be upheld for the reasons as set out in paragraph 6 of the Paper.

45. The Chairman then invited the representative of R1, R2 and the commenters to elaborate on their submissions.

#### R1 (The Central & Western Concern Group)

46. With the aid of a Powerpoint presentation and photographs and materials tabled at the meeting, Mr. John Batten, representative of R1, made the following main points:

- (a) since five years ago, the Central and Western Concern Group had been actively advocating the preservation of the representation site. With its efforts, the earlier plans to sell the representation site for the development of two residential towers were discarded. R1 had previously submitted two planning applications to rezone the representation site from “Residential (Group A)” (“R(A)”) to “Government, Institution or Community” (“G/IC”) and “Open Space” (“OS”) in 2005 and 2008, and had succeeded in deleting the proposed residential use for the representation site. The land use concepts contained in the two planning applications submitted by R1 were similar to those currently put forward by the DEVB in the renovation plan for the representation site;

[Mr. B.W. Chan and Mr. Andrew Y.T. Tsang left the meeting at this point.]

- (b) an information document related to the invitation for proposals for adaptive re-use of the former PMQ had categorically stated that the zoning of the representation site was “OU” annotated “Heritage Site for Creative Industries and Related Uses”, without specifying that the “OU” zoning was still subject to the Board's hearing of representations which opposed to the

subject zoning. The “OU” zoning of the site should be decided by the Board at this meeting and should not be treated as a fait accompli;

- (c) it was absurd that the “OU” zoning for the representation site had an annotation ‘heritage’ while there was no heritage grading accorded to the site;
- (d) the permitted uses listed in Column 1 of the Notes covering the subject “OU” zone did not entirely tally with the zoning intention of the site, which was to preserve, restore and adaptive re-use of the site for creative industries and related uses with the provision of public open space. Hence, the following were suggested:
  - (i) to delete ‘Information Technology and Telecommunications Industries’ use from Column 1 of the Notes as such use should be more suitably accommodated in the Hong Kong Science and Technology Parks and the Cyberport;
  - (ii) to move ‘Educational Institution’, ‘Government Use’ and ‘School’ uses from Column 1 to Column 2 of the Notes;
  - (iii) to reduce the maximum gross floor area (GFA) from 20,000m<sup>2</sup> to 15,800m<sup>2</sup> which was the GFA of the existing building blocks including the JPC Building; and
  - (iv) to increase the minimum provision of public open space from 1,200m<sup>2</sup> to 1,400m<sup>2</sup> and the open space thereby provided should be ‘grassed’;
- (e) the above suggestions were drawn up with reference to the policy intentions and principles as set out in the paper discussed at the Legislative Council (LegCo) Panel on Home Affairs Subcommittee on Heritage Conservation on 22.2.2008 (LC Paper No. CB(2)1105/07-08(03)). It was stated in this paper that in revitalizing the site, due regard should be given

to the following general principles to:

- (i) preserve the historical relics of the site which should include the existing retaining walls, unique trees, granite steps and original granite plinths and pillars of the fenced walls within and around the site;
  - (ii) manifest the heritage and historical values as well as the original ambience/atmosphere of the site;
  - (iii) revitalise the site by giving it a new lease of life that might become a landmark with characteristics and vitality for local residents and visitors;
  - (iv) contribute to the holistic planning for the area along and around Hollywood road under the proposed approach for heritage conservation of 'spot', 'line' and 'area'. This was to create synergy between the site and other heritage spots in its vicinity such as Man Mo Temple, the Central Police Station Compound, Kom Tong Hall, etc. Further, the opportunity should be taken to promote heritage tourism in view of its proximity to popular tourist spots like Lan Kwai Fong, SOHO, etc;
  - (v) respond to the community's concerns about development intensity, building height, etc. generated under the previous residential development scheme; and
  - (vi) address the community's aspirations for more local space and G/IC facilities;
- (f) the Administration had promised to accommodate the various community's aspirations in revitalising the site;
- (g) according to the minutes of meeting of the Metro Planning Committee

(MPC) of the Board held on 15.1.2010, the definition of ‘creative industries’ had been worked out based on a previous Government study entitled “Baseline Study on Hong Kong’s Creative Industries”. Being an art gallery owner, he had also provided inputs to that Study; and

- (h) the vision to transform the representation site into a creative industries landmark was agreeable. The planning intention for the site was also agreeable. However, the details presented in some of the artist impression drawings such as demolishing the JPC building for a red sculpture, making the forecourt a paved area, and covering the spaces between Blocks A and B by a two-storeyed bridge link were contrary to the public aspirations. R1 was very concerned about the outcome of the use of the site under the loose control of the subject “OU” zoning. To uphold the preservation principle, all works proposals, be it addition, renovation, or alteration of the buildings therein for all purposes, should be submitted to the Board for its approval. It was also requested that the four proposals received on the revitalisation of the site should also be scrutinized by the Board such that the public could also make comments under the statutory procedures.

[Mr. Clarence W.C. Leung left the meeting at this point.]

R2 (Ms. Law Ngar Ning, Katty)

47. Ms. Law Ngar Ning, Katty made the following main points:

- (a) In the past five years, the Central and Western Concern Group had endeavoured to preserve the former PMQ site, and had previously submitted two applications to rezone the site for “G/IC”. The Concern Group was currently taking a monitoring role to ensure that the representation site would be used by the community and open to the public with free access;
- (b) some heritage buildings, after revitalisation, were used for private business operations, rather than providing free access to the public. For instance,

the former Marine Police Headquarters and the Wo Cheong Pawn Shop had become a hotel and a themed restaurant respectively after revitalisation. The general public could not gain access to nor tour around these sites without patronising the services there. Furthermore, the past history of the concerned heritage buildings had not been preserved by the adaptive re-uses of the sites;

- (c) economic returns should not be the sole factor to decide how a heritage site should be preserved and used. It was also necessary to respect its heritage and historical values, and let the public learn about the local history and culture of the site. The representation site was located at the heart of Old Central. Upon research, it was discovered that the site had housed a Shing Wong Temple prior to the Central School being built. Even the late PMQ had assumed an important social function as some *kai fong* (local neighbours) had joined the JPC functions or played at the basketball court within the representation site. Given the rich histories and local memories of the representation site, there was grave concern that the representation site, after being adaptively re-used, would only allow the public to use a small open space at the lower platform with an area of 1200m<sup>2</sup>, but not the existing buildings on the site;
- (d) the main purposes of preserving the representation site were to respect the local history of the site, open up the site for public enjoyment and encourage public participation in the revitalisation process;
- (e) it was well understood that AMO, rather than TPB, was responsible for the grading of historic buildings. However, there was a lack of co-ordination between the TPB and AMO regarding the preservation of the site. Although four proposals to revitalise the site had been received by DEVB, the zoning of the site was still not decided by the TPB. Moreover, with AMO's full report on the historical background and architectural merits of the site, it would not be difficult to accord a historic grading to the existing buildings on the site. Having such grading and letting the concerned parties know the grading could help safeguard the heritage and historical

value and features of the site in the revitalisation process;

- (f) while she did not object to having any new development in the area between the two former PMQ blocks (Blocks A and B), the new development must be for a good and meaningful purpose. R1's proposal of requesting all renovation proposals, regardless of its scale, should be submitted to the Board for consideration was supported; and
- (g) the Government had made a commendable effort in removing the representation site from the List of Sites for Sale by Application and undertaking to renovate the former PMQ blocks. The TPB was requested to take an active monitoring role to oversee the revitalisation of the representation site.

C3 (Mr. Patzold, Daniel)

48. Mr. Daniel Patzold made the following main points:

- (a) he fully agreed with the views and proposals of R1 and R2;
- (b) the main problem was that the maximum permitted GFA stipulated in the Notes for the "OU" zone of the representation site was more than the GFA of the existing buildings. This would result in intensification of development of the site and could completely spoil its character. The existing buildings should be preserved and the developer should not be permitted to change the structures on the site;
- (c) in formulating the development restrictions for the site, the TPB should assume that the existing buildings on the site would be graded by AAB;

[Professor Paul K.S. Lam left the meeting at this point.]

- (d) it was bizarre that invitation for revitalisation proposals came before the decision of a heritage grading and the formulation of respective

development restrictions of the site; and

- (e) the maximum permitted GFA and the permissible uses set out in the concerned Notes, coupled with lack of grading of the site, would subject the heritage value of the site to risks of being destroyed easily. This important heritage site should be properly protected.

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

50. A Member noted that according to the Definition of Terms used in Statutory Plans (DoTs), creative industries also included 'Information Technology and Telecommunications Industries'. The production of computer animations and 'digital graphic arts' was one kind of information technologies and was regarded as creative industry. This Member enquired why R1 proposed to delete 'Information Technology and Telecommunications Industries' from the Notes of "OU" zone covering the representation site.

51. Mr. John Batten, R1, replied that the coverage of 'Information Technology and Telecommunications Industries' was so wide that it included more than creative industries. Whilst genuine creative industries like graphics and arts design were welcome, he was concerned that telecommunications companies would occupy the floor space of the site without planning permission under the user term 'Information Technology and Telecommunications Industries'. To safeguard the planning intention of the site, he therefore proposed to delete that term.

52. As Members had no further question to raise, the Chairman said that the hearing procedures had been completed and that the Board would deliberate on the representations in the absence of the representers and commenters. They would be informed of the Board's decision in due course. The Chairman thanked the representatives of the representers and commenters as well as government department representatives for attending the meeting. They left the meeting at this point.

[Ms. Pansy L.P. Yau and Dr. W.K. Yau left the meeting at this point.]

### Deliberation Session

53. Mr. Maurice W.M. Lee and Dr. C.P. Lau declared interests in this item as they were members of the Advisory Committee on Revitalization of Historic Buildings. Mr. Jimmy C.F. Leung, Director of Planning, also declared an interest in this item for being a Member of an Expert Panel under the AMO in his personal capacity. Mr. Maurice W.M. Lee left the meeting, and Dr. C.P. Lau and Mr. Jimmy C.F. Leung left the meeting temporarily at this point.

54. A Member considered that the main purpose of the representations was to preserve the representation site, and this was not in conflict with the planning intention laid down in the Notes of the “OU” zone for the site. However, the proposed grading of the existing building on the site was outside the ambit of the Board. Besides, this Member opined that improvements for the site such as provision of bridges and covered walkways would take up GFA. Hence, R1’s proposal to take the GFA of the existing buildings of the representation site as the maximum permitted GFA of the site was too stringent and would affect the design flexibility of the site. The development restrictions set out in the Notes of the “OU” zone were considered appropriate and supported.

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

55. The above views were shared by another Member, who also opined that the adaptive re-use of historical buildings should be financially viable without the need for government subsidies.

56. A Member also noted that the representations were not against the “OU” zoning per se, but were to tighten the development control of the site by imposing the requirement of seeking planning permission from the TPB for nearly every proposed development. As such, the representers considered that public participation in the entire revitalisation process could then be guaranteed under the Town Planning Ordinance. However, as the representation site was a piece of government land and the re-use of the

building blocks therein was under a renovation scheme administered by the DEVB, this Member considered that other mechanisms were available for engaging the public in the revitalisation process of the site, and it was not necessary to tighten the planning control of the representation site for the sake of seeking public views for such purpose.

57. The Secretary invited Members to express their views on the proposed amendments to the Notes of the subject “OU” zone which were tabled by R1 at the meeting. She reiterated R1’s proposals as follows:

- (a) to reduce the maximum GFA of the site to 15,800m<sup>2</sup>, which was equivalent to the existing GFA of Block A, Block B and the JPC building. This would imply that, if the suggestion was adopted, structures that were GFA accountable, such as bridges and covered walkways, could not be built on the representation site unless planning permission was obtained;
- (b) to increase the provision of open space to not less than 1,400m<sup>2</sup>, which might imply that the area between Blocks A and B had to be dedicated for open space use, particularly in the scenario that the JPC Building was retained. This would limit the flexibility in the future design and re-use of the site;
- (c) the public open space should be ‘grassed’;
- (d) to move ‘School’, ‘Educational Institution’ and ‘Government Use’ from Column 1 to Column 2 of the Notes of the “OU” zone. This would mean that using the site for school or education institution purpose would require planning permission from the Board; and
- (e) to delete the ‘Information Technology and Telecommunications Industries’ from the said Notes. In this regard, it should be noted that according to the DoTs, creative industries included information technology and telecommunications industries.

58. Regarding R1’s proposal of requiring more uses to obtain planning permission

from the Board, a Member maintained the previous view that flexibility should be allowed for various related uses of creative industries, and there were other mechanisms to allow public participation in the revitalisation of the site. This Member did not support the presenter's proposal.

59. Another Member did not support R1's proposal in that the proposed reduction in GFA would affect the revitalisation scheme. Moreover, it was not appropriate to delete 'Information Technology and Telecommunications Industries' from the Notes of the "OU" zone as it would reduce the flexibility in the re-use of the site. The Secretary supplemented that, notwithstanding that there was a range of broad uses always permitted under Column 1 of the Notes of the "OU" zone, the future uses should conform to the planning intention as stipulated in the Notes for the representation site.

60. A Member pointed out that there might be difficulty in enforcing a 'grassed' public open space on the site. This Member also said that Government's scrutinisation of the revitalisation scheme of the site would be a safeguard to ensure that the heritage and historic values of the site would be preserved.

61. Another Member concurred that R1's proposal would limit the scope of future uses for the representation site and this might create difficulty in implementing the revitalisation scheme on site.

62. A Member said that flexibility was needed in the revitalisation process and did not support R1's proposed amendments to the Notes of the "OU" zone.

63. After some deliberation, the Chairman concluded and summed up Members' views that the grading of buildings in terms of historical significance was within the ambit of AAB, rather than the Board; the main purpose of the representation was to preserve the representation site, and this was not in conflict with the planning intention laid down in the Notes covering the "OU" zone of the site; and R1's proposal was unnecessarily rigid as it would reduce flexibility in terms of future design and re-use of the site. Members agreed.

*Representations R1 and R2*

64. After further deliberation, the Board decided not to uphold Representations No. R1 and R2 for the following reasons:

- (a) heritage grading was within the ambit of the Antiquities Advisory Board rather than the Town Planning Board. Given the planning intention of the “Other Specified Uses (“OU”) annotated “Heritage Site for Creative Industries and Related Uses” zone was to preserve, restore and adaptive re-use of the site for creative industries and related uses with the provision of public open space, the Former Police Married Quarters buildings would be preserved. Flexibility should be provided for the demolition of the Former Junior Police Call (JPC) Building as this would enhance visual permeability, and allow provision of open space and the restoration of the rubble wall and a flight of steps on the lower platform. Whether the building would be retained or not should be determined at the detailed design stage (R1 and R2);
- (b) the Notes of the OZP stipulated that public open space of not less than 1,200m<sup>2</sup> should be provided on the site. There would be constraints in providing the suggested provision of open space of not less than 1,400m<sup>2</sup>, particularly in the scenario that the JPC Building was to be retained. The wall trees and major trees within the site would be preserved. Detailed landscaping design should be dealt with by the proponent at the detailed design stage (R1);
- (c) the maximum GFA of 20,000m<sup>2</sup> permitted was considered to be of a reasonable scale. Given the 15,000m<sup>2</sup> GFA of the existing buildings (Block A and Block B) on the site, and the building height restriction of 75mPD now imposed under the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/24, the additional 5,000m<sup>2</sup> GFA would not result in any high-rise building (R1 and R2);
- (d) the suggested stipulation of a maximum permitted GFA of 15,800m<sup>2</sup> in the Notes of the subject “OU” zone, which was the GFA of Block A, Block B and the JPC Building, would reduce the flexibility in terms of

future design and adaptive re-use of the site (R1); and

- (e) the suggested change to the Notes of the subject “OU” zone by moving ‘School’, ‘Educational Institution’ and ‘Government Use’ from Column 1 to Column 2 of the Notes and deleting ‘Information Technology and Telecommunications Industries’ from the Notes would reduce the flexibility in the adaptive re-use of the site which was intended for creative industries and related uses (R1).

[Mr. Raymond Y.M. Chan left the meeting, Dr. C.P Lau and Mr. Jimmy C.F. Leung returned to join the meeting at this point]

**Group 2 (R3 to R114)**

**(TPB Paper No. 8605)**

Presentation and Question Session

65. As sufficient notice had been given to invite the representers and commenters to attend the hearing, Members agreed to proceed with the hearing of representations in the absence of other representers and commenters who had indicated that they would not attend or did not reply to the initiation to this meeting.

66. The following representatives of the Planning Department (PlanD), Highways Department (HyD) and Mass Transit Railway Corporation Limited (MTRCL) were invited to the meeting at this point:

Mr. Derek Cheung	District Planning Officer/Hong Kong (DPO/HK)
Mr. T.C. Cheng	Town Planner/Hong Kong
Mr. Li Man Kit, Sammy	Senior Engineer/West Island Line, HyD
Mr. Tang Pak Hung	Project Liaison Manager, MTRCL
Mr. Leung Ka Wah, Michael	Senior Liaison Engineer, MTRCL

Mr. Abdul Rahim	Senior Design Management Architect, MTRCL
Mr. Ringo K.T. Li	Design Management Architect, MTRCL

67. The following representers, commenters and their representatives were also invited to the meeting:

Representer No. 4 (R4)

Ms. Tang Siu Ling	R4's representative
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R20 and R113

Ms. Tsang Yuk Lan	R20 and R113
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R78, R79, Commenter No. 31 (C31) and C35

Mr. Wong Tak Hau	representative of R78, R79, C31 & C35
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C30

Mr. Chan Wai Hang	C30's representative
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C50

Ms. Leung Yin Mui	C50's representative
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C54

Mr. Leung Cheuk Ho	C54
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R114 and C85

Mr. Lau Wing Hung	R114 and C85
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C88

Ms. Cheng Lai King	C88's representative
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68. The Chairman extended a welcome and explained the procedures of the hearing. He then invited DPO/HK to brief Members on the representations.

69. With the aid of a Powerpoint presentation, Mr. Derek Cheung made the following main points as detailed in the Paper:

- (a) on 5.2.2010, the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/23 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 114 representations were received. On 16.4.2010, the representations were published for public comments. During the three-week publication period, a total of 89 comments were received;
- (b) the 112 representations (R3 to R114) in Group 2 were against the deletion of a portion of “Government, Institution or Community” (“G/IC”) zone and the incorporation of the Mass Transit Railway (MTR) Station Entrance, Ventilation and Plant Building under the authorized West Island Line scheme at 9B Bonham Road under Amendment Item F. C30 to C89 supported all the 112 representations (R3 to R114);
- (c) the main grounds of the representations and their proposals were summarised in paragraph 2.2 of the Paper and highlighted below:
  - (i) air and noise pollution - the representation site was surrounded by residential buildings, a school and a community complex, which would be subject to the adverse air and noise impacts generated by the ventilation shaft and the chiller plant of the proposed building. The ventilation shaft would operate long hours daily. It would seriously deteriorate the air quality at Bonham Road. The water cooling tower might cause legionnaire’s disease which would affect the health of the nearby residents;
  - (ii) separation of the ventilation and plant building from the nearby buildings - the 5m gap between the chiller plant and the vent of the proposed building and the nearby residential buildings was not acceptable. It failed to follow the guidelines given by the

Department of Health to install the plant away from the residential area;

- (iii) insufficient public consultation - the Central and Western District Council (C&WDC) had objected to the proposed ventilation and plant building. The public consultation on the proposed building conducted by MTRCL was insufficient;
- (iv) representers' proposals –
  - to withdraw the proposal for setting up the MTR ventilation and plant building at the representation site (R8 to R10 and R71);
  - to move the proposed MTR ventilation and plant building to other location (R17, R72 to R74 and R77 to R79);
  - the ventilation and plant building should be erected at King George V Memorial Park (KGV Park)/park at High Street (R6, R7 and R75);
  - the MTRCL should work out a win-win scheme that would be accepted and supported by the residents (R113);
- (d) the main grounds of the comments, which were similar to those of the representations, were summarised in paragraph 2.4 of the Paper. C33 to C87 proposed that the Board should request the MTRCL to provide funding and technical information to the C&WDC for conducting further public consultation, to invite global evaluation on the location and design of the subject MTR Station;

[Ms. Anna S.Y. Kwong left the meeting at this point.]

- (e) PlanD's responses to the grounds of representations and the

representers' proposals were detailed in paragraphs 4.3 and 4.4 of the Paper and the key points were as follows:

- (i) the deletion of the portion of "G/IC" zone at the representation site under Amendment Item F was a technical amendment to the OZP made consequential to the authorization of the WIL scheme by the CE in C under the Railways Ordinance on 10.3.2009. Pursuant to section 13A of the Town Planning Ordinance, any works or use authorized under the Roads (Works, Use and Compensation) Ordinance (Chapter 370) or any scheme authorized under the Railways Ordinance (Chapter 519) should be deemed to be approved under the Ordinance, whether or not those works or that use or that scheme formed part of a plan approved by CE in C under section 9 of the Ordinance. Based on previous legal advice, while the deletion of the subject "G/IC" zone was an amendment to the OZP, the incorporation of the authorized WIL scheme into the OZP and the annotation "MTR Station Entrance, Ventilation and Plant Building" was for information only to reflect the authorized railway scheme;

#### *Air and Noise Pollution*

- (ii) according to HyD, ventilation shafts were essential facilities for an underground railway system. As MTR trains were powered by electricity and did not generate exhaust fumes, railway ventilation shafts would not emit harmful gases and cause pollution. DEP advised that the WIL was a Designated Project (DP) under the Environmental Impact Assessment Ordinance (EIAO), which had undergone an EIA study with its EIA report approved and an Environmental Permit (EP) had been issued for the WIL on 12.1.2009. The environmental issues of WIL, including the environmental impacts during the construction and operational stages, would be controlled under the EP issued under EIAO, as well as statutory controls available under other pollution control

ordinances. The chillers would be facing the Eastern Street Methadone Centre, and the design, maintenance, disinfection and operation of which would comply with DEMS's requirements. As such, there would be no adverse impacts on the nearby residents;

*Separation of the ventilation shaft and plant building from nearby buildings*

- (iii) the Director of Health advised that no guideline had been issued on the distance between ventilation shaft and nearby buildings. The MTR Station Entrance, Ventilation and Plant Building at the representation site were located about 5m and 16m away from Bon-Point and Park Height respectively. The exhaust vent was positioned at a level lower than the lowest residential floor in Bon-Point and it would not operate for most of the time unless during emergency to provide ventilation to trains inside the tunnel during breakdown. Exhaust vents for normal operation would face the Methadone Centre, Bonham Road and Eastern Street, which would be about 30m from the residential blocks in Bonham Road and about 20m away from the adjacent school;
  
- (iv) according to HyD, in determining the location of ventilation shafts, factors such as railway alignment, station locations, constraints of structures in the vicinity, construction safety, topography and environmental protection had also been considered. In addition, ventilation shafts should be provided at both ends of the station and could not be located too far away from the station to which it served. Consideration had once been given to construct the MTR ventilation and plant building at KGV Park. In view of the public opinion on the need to minimize the loss of public open space, the MTR facilities were proposed at the representation site instead;

*Insufficient Public Consultation*

- (v) since 2005, the MTRCL had arranged a series of public engagement activities to consult the C&WDC and a wide spectrum of the local community at the project planning and design stage through the C&WDC meetings and numerous public fora and residents' meetings. Objections to the subject MTR Station Entrance, Ventilation and Plant Building raised by the public had been duly considered under the Railways Ordinance before the WIL scheme was authorized;

*Responses to Representatives' Proposals*

- (vi) the design and location of ventilation shafts were decided after a thorough study of all relevant factors by the MTRCL. HyD had advised that the ventilation shafts should be provided at both ends of the station and could not be located too far away from the station to which it served. In view of the public concerns on the need to minimize the loss of public open space and adverse impact on mature trees, relocating the ventilation and plant building within KGV Park would not be considered;
- (f) PlanD's responses to the grounds of comments and the commenters' proposals were detailed in paragraphs 4.5 and 4.6 of the Paper; and
- (g) PlanD's view – PlanD did not support the representations R3 to R114 and considered that the representations should not be upheld for the reasons set out in paragraph 6 of the Paper.

70. The Chairman then invited the representatives of representers and commenters to elaborate on their submissions. He said that according to the Secretariat, the sequence of presentation was proposed to be R78/R79/C31/C35, C50, R20/R113, C54, R114/C85 and C88. The attendees agreed.

R78 (Mr. Hudson, K.W) R79 (Mr. Hudson, K.T.) C31 (Mr. and Mrs. Hudson) and C35 (Mr. K.T. Hudson)

71. Mr. Wong Tak Hau, representative of R78, R79, C31 and C35, said that he represented the building management company, which was responsible for the building management of Bon-Point and the building opposite to the representation site on the other side of Bonham Road (i.e Park Height at 66A Bonham Road). He said that the residents affected by the subject MTR Station Entrance, Ventilation and Plant Building were not adequately consulted. The subject MTR proposal required reconsideration and its local consultation should be started all over again.

C50 (Ms. Leung Yim Chu)

72. Ms. Leung Yin Mui, representative of C50, said that she had used all her savings to purchase the flat in Bon-Point. As the MTR ventilation and plant building would be located very close to Bon-Point with only a few metres away, she was very worried that the noise, air and heat pollutions to be generated from the ventilation and plant building would adversely affect the health of the family. To solve the problems, the ventilation and plant building should be located at KGV Park instead. If there was a need to compensate the corresponding loss of public open space in the KGV Park, the representation site could be used as an open space.

R20 and R113 (Ms. Tsang Yuk Lan)

73. Ms. Tsang Yuk Lan, a resident of Bon-Point, objected strongly to the MTRC facilities at the representation site and she made the following main points:

- (a) MTRCL did not disclose details of the ventilation and plant building at the representation site in its consultation with the C&WDC, nor with local residents including residents of Bon-Point. The local residents was not informed of the proposed building until the recent meeting with MTRCL in March 2010;
- (b) as shown in Plan H-1a of the Paper, Bon-Point was separated from the proposed MTR facilities by a 3.8m wide path (i.e. West End Path) only;

- (c) the representation site, where the proposed MTR ventilation and plant building would be located, was surrounded mainly by 30 to 40-storey residential buildings. Hence, the adverse environmental nuisances generated from the proposed MTR facilities would affect all the residents living in the surrounding areas, and the adverse impacts would be perpetual;
- (d) on the other hand, the alternative site at KGV Park was not closely surrounded by residential buildings. The nearest residential development was located to its west and separated by Eastern Street, which was 10.5m wide. It was a better site for the proposed MTR ventilation and plant building;
- (e) it was very unreasonable to argue that the MTR ventilation and plant building should not be located in KGV Park as it would result in a loss of open space. When compared to the loss of some open space in KGV Park, the suffering of the Bon-Point residents from the air, heat and noise pollution of the proposed MTR facilities was a much more severe problem. In this regard, the local residents proposed to relocate the proposed MTR facilities to the KGV Park and use the representation site as open space. Besides, with the opening of the Sun Yat Sen Memorial Park in Sai Ying Pun near the harbour front, the open space provision in the area had been increased. Hence, even if the proposed MTR facilities were to be relocated in KGV Park, there would be sufficient provision of public open space in the area;
- (f) the proposed MTR entrance, ventilation and plant facilities at the representation site were to receive patrons from the Mid-Levels. In choosing the site, MTRCL had based on economic considerations, without caring for the well being of the local residents; and
- (g) the MTR ventilation and plant building should be relocated to other locations.

C54 (Mr. Leung Cheuk Ho)

74. Mr. Leung Cheuk Ho made the following main points:
- (a) he had been living in Bon-Point for five years. There was no consultation with the local residents on the proposed ventilation and plant building;
  - (b) the standards adopted in the EIA were formulated twenty years ago. Hence, the operation of the proposed MTR facilities including ventilation shaft could not meet the up-to-date requirements. The health of local residents would be adversely affected as they would have to suffer from the air and noise pollution of the ventilation shaft all the time;
  - (c) MTRCL had discarded its proposed ventilation shaft at Hill Road due to the local objections. MTRCL should also take into account the objections of the Bon-Point residents to its proposed facilities at the representation site;
  - (d) the proposed chiller plant on the representation site would be much larger than a flat in Bon-Point. As such, the heat dissipated through the exhaust vents would be intolerable; and
  - (e) the proposed ventilation and plant building should be moved to KGV Park, which was more open and did not have residential buildings in its close proximity. If it was necessary to move the MTR entrance together with the plant building, the residents of Bon Point would not mind relocating the proposed MTR entrance at the representation site.

[Mr. Timothy K.W. Ma left the meeting at this point.]

R114 and C85 (Mr. Lau Wing Hung)

75. Mr. Lau Wing Hung made the following main points to respond to PlanD's responses to the representations as detailed in paragraphs 4.3 and 4.4 of the Paper:

- (a) the Administration said that the railway ventilation shafts did not emit harmful gases because MTR trains were powered by electricity. The local residents, however, were concerned about the concentration of carbon dioxide generated by the large crowd of passengers which would be emitted through the vent openings. According to a general comment by Dr. Hung Wing Tat of the Hong Kong Polytechnic University, emissions not exceeding the statutory requirements did not necessarily mean that it would not be harmful to health;
- (b) the EIA report was approved by DEP in December 2008. However, the standards adopted in the EIA were formulated twenty years ago. For example, according to the requirements of the Mainland, the separation of vent openings and the nearest residents should not be less than 25m. The MTR Ventilation and Plant Building at the representation site was located less than 5m from Bon-Point, which was far below the Mainland standard;
- (c) the cooling tower should have a minimum 7.5m separation from the surrounding air openings or openable windows under the Code of Practice of EMSD. However, the separation distance between the plant and Bon-Point could not meet the minimum requirement;
- (d) although the Director of Health advised that there was no guideline on the minimum distance between the ventilation shaft and the nearby buildings, the 3.8m separation in the subject case was not acceptable;
- (e) although the exhaust vents were not facing Bon-Point, their emissions would disperse in the neighbourhood and adversely affect the residents;
- (f) swapping the basketball court in KGV Park with the proposed MTR building at the representation site would result in no loss in open space provision. Moreover, the new Sun Yat Sen Memorial Park had provided two additional basketball courts and one football pitch;

- (g) the C&WDC had all along opposed the MTR ventilation and plant building at the representation site. The consultation was not genuine in that the concerns of the locals were not attended to. The C&WDC and the local residents had not been genuinely consulted, but were just informed of the proposal;

[Mr. Felix W. Fong left the meeting at this point.]

- (h) HyD said that the ventilation shaft should be provided at both ends of the station and could not be located too far away from the station to which it served. However, there were many examples where the ventilation buildings were several hundred metres away from the facilities they served. For instance, the ventilation shaft of the Western Harbour Tunnel was located in Sun Yat Sen Memorial Park which was quite far away, and the ventilation shaft for the Sheung Wan MTR station was situated in the Western Market which was several street blocks away from the MTR entrance ; and
- (i) there was no hard-and-fast rule that an authorised scheme could not be amended. The West Kowloon Cultural District project had illustrated that a project could be started all over again because of strong public objections.

[Mr. Walter K.L. Chan and Professor Eddie C.M. Hui left the meeting at this point.]

C88 (Wong Kin Shing (Central & Western District Councillor))

76. Ms. Cheng Lai King, representative of C88 made the following main points:

- (a) being one of the members of the C&WDC, she had attended many MTR's consultation meetings of the WIL. However, the C&WDC Members were not fully aware of every detail of the WIL and their implications at the beginning. It was only at a late stage that the details of the proposed ventilation shaft and plant building were made available to the public, and

then she realised the adverse impacts of the facilities at the representation site on the local neighbourhood;

- (b) the local residents did not welcome the ventilation shafts which would be located next door to their homes. The ventilation shafts originally proposed in Sai Ning Street and Hill Road were eventually relocated to other locations due to strong local views;
- (c) on 25.5.2006, Members of the C&WDC passed a motion requesting the MTRCL to relocate the proposed ventilation shaft building at the representation site in designing the Sai Ying Ping Station of the WIL. The Parent-Teacher Association (PTA) of Bonham Road Primary School was also very concerned about the adverse air and noise impacts generated by the ventilation shaft and the chiller plant on the health of the teachers and students. The residents nearby including Bon-Point would also suffer from the adverse impacts so generated;
- (d) she had led residents of Hill Road to protest to the Chief Executive (CE) against the MTR ventilation shaft proposed near their residences;
- (e) as Bon-Point was a new building and would not be redeveloped in the near future, the impact of the proposed MTR facilities on Bon-Point would last for years. As such, residents of Bon-Point requested for relocation of the proposed MTR facilities at the representation site, including the entrance to the future MTR station, so that they would not be adversely affected by the air and noise pollution of the ventilation shafts; and
- (f) the Board was requested to disregard PlanD's recommendation of not upholding the representations, and to request MTRCL to withdraw the proposal of setting up the ventilation and plant building at the representation site.

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

78. A Member asked whether the ventilation and plant building could be relocated to KGV Park and whether the station entrance and the plant building could be separated.

79. In response, Mr. Tang Pak Hung said that:

- (a) there would be five entrances for the Sai Ying Pun Station. The entrance at the representation site was the only one serving the Mid-Levels area. As Sai Ying Pun was a built-up and densely populated area, it was difficult to find suitable and available sites in the area for accommodating the MTR entrance and ventilation building. Hence, MTRCL had worked with the C&WDC since 2005 in the planning and design of the MTR stations, entrances and ventilation building. KGV Park was one of the initial options for accommodating the proposed MTR facilities. However, due to the public concerns on the loss of public open space, the MTR facilities were proposed at the representation site instead. There were no other suitable sites available in the area to accommodate the MTR entrance and the plant building;
- (b) it should be noted that the actual distance between Bon-Point and the representation site should be measured between wall to wall, which was about 5m, instead of 3.8m;
- (c) the design of the ventilation and plant building had paid due regard to the land uses in the immediate surrounding area. There were vent openings facing Bon-Point (i.e. fresh air intake vents and an exhaust vent of the pressurised staircase to the station), but the exhaust vent would not operate for most of the time unless during emergency. The water cooling tower, together with the chiller plant, which was shown in brown colour in Drawing H-1 of the Paper, was enclosed with vent openings facing the Methadone Clinic. The vents were at a level higher than the roof of the Methadone Clinic which was located at a site lower than the representation site;

- (d) according to MTRC's standards, station was designed to maintain ventilation at a rate of 5 litres per second per person to ensure that there would be no significant amount of accumulation of carbon dioxide in the station. Hence, ventilation buildings were essential to provide sufficient fresh air intake to the station. As the proposed ventilation building on the representation site complied with the standards, there should not be excessive concentration of carbon dioxide emitted in the exhaust vents on the site; and
- (e) details of the proposed MTR facilities were introduced in the public consultation since 2005. The MTRCL had received concerns from the Bonham Road Government Primary School on the adverse impacts of the proposed MTR facilities at the representation site.

80. Another Member asked for the technical drawings showing the exact location of the water cooling tower, and about the feasibility of moving the chiller plant and cooling tower closer to the Methadone Clinic and further away from Bon-Point. In response, Mr. Tang Pak Hung said that he did not have the concerned drawings in hand, and it was not feasible to move the proposed facilities closer to the clinic due to the lack of space in the clinic site.

81. Mr. Leung Cheuk Ho, C54, pointed out that as the exhaust of the cooling tower would be situated lower than the residential floors of Bon-Point, the emissions from the exhaust containing hot air would rise and adversely affect the residents of Bon-Point, in particular those living at the upper floors. He considered that the cooling tower and chiller plant should be relocated to somewhere else.

82. Another Member noted that the local consultation on the WIL proposal undertaken by MTRCL was not a statutory consultation, and asked about the statutory procedures under the Railways Ordinance.

83. Mr. Li Man Kit, Sammy replied that under the Railways Ordinance, any person might object to a gazetted scheme by writing to the Secretary for Transport and Housing within 60 days after its first publication in the Gazette. Following receipt of the objections,

the Administration and the MTRCL would meet the objectors to look into the problems and concerns raised by them, and carefully review whether any changes to the railway scheme could be made to accommodate the objections. For unwithdrawn objections, the objectors would be invited to attend public hearings. The gazetted scheme and the proposed changes, if any, together with the unwithdrawn objections would be submitted to CE in C for a decision.

84. Another Member noted that the C&WDC had passed motions to object the proposed MTR ventilation and plant building at the representation site. This Member enquired how MTRCL had responded to the C&WDC's objection, and whether the C&WDC had discussed about the option of using part of the KGV Park to accommodate the proposed MTR facilities.

85. Mr. Tang Pak Hung said that MTRCL had consulted the C&WDC on the WIL proposals since 2005 and many lengthy discussions had been held. He recalled at one of those DC meetings, a total of 31 motions had been passed by the C&WDC to object to various aspects of the proposals. MTRCL had followed up on the comments of the C&WDC and made corresponding amendments to the WIL proposals where possible. After seeking the in-principle support from the C&WDC, the WIL railway scheme was published in the Gazette and processed under the statutory procedures. At the later stage of the consultation with the C&WDC, details including the vent openings were all fully deliberated and discussed. This was reflected in the ruling out of some initial options of the vent openings including the one at KGV Park due to strong local objections.

86. Mr. Lau Wing Hung, R114 and C85, remarked that the MTR consultation document did not contain any details similar to those in the drawings contained in the Paper.

87. In response to a follow-up question from another Member, Mr. Tang Pak Hung said that KGV Park was one of the sites identified for accommodating the proposed MTR facilities at the preliminary design stage. This option, however, was ruled out after public consultation. The feasibility of the KGV Park site for the proposed MTR facilities had not been studied further from that point onwards.

88. Ms. Tsang Yuk Lan, R20 and R113, added that when the details of the proposed ventilation and plant building at the representation site were made available to the C&WDC, the DC members were shocked that the ventilation and plant building was in close proximity to Bon-Point and the nearby residential developments, and hence raised objection to the proposed MTR facilities.

89. In response to a follow-up question from another Member, Mr. Tang Pak Hung said that generally speaking, it was technically feasible to separate the entrance and the ventilation and plant building of a MTR station.

90. Another Member questioned the reasons for ruling out using KGV Park for the proposed MTR facilities. Mr. Tang Pak Hung explained that two rounds of consultations were conducted before gazetting the WIL scheme. For the KGV Park option, the public was generally concerned about the lack of open space in the district and the impact of felling of mature trees in the park.

91. Another Member asked whether the C&WDC were fully aware that in addition to the entrance of the MTR station, the proposed ventilation and plant building comprising cooling tower and chiller plant would also be provided on the representation site when it agreed in principle to the WIL scheme.

92. Mr. Tang Pak Hung replied that the proposed entrance cum ventilation and plant building was presented to the C&WDC during the consultation. At the preliminary design stage, there were several options for locating the entrance cum facilities. Based on the selected option, detailed design of the proposed MTR facilities had been carried out.

93. Mr. Leung Cheuk Ho, C54, remarked that as the proposed ventilation building with the chiller plant was not presented in the public consultation, it should be removed from the proposal at the representation site. Ms. Leung Yin Mui, C50, supplemented that the information provided by MTRCL on the proposed MTR facilities in the public consultation was different from that presented to the Board at this meeting. In the public consultation, the residents were informed that it was not feasible to locate the entrance and the ventilation and plant building in separate locations. However, the Board was advised just now that it was technically feasible for such arrangement. She stressed that the local

residents deserved an early and comprehensive consultation on the proposed MTR facilities.

94. A Member asked if the C&WDC had agreed to the proposed station entrance, and the ventilation and plant building with cooling tower and chiller plant on the representation site. This Member also enquired whether the C&WDC had discussed the KGV Park option and whether MTRCL had taken into account the C&WDC views.

95. Ms. Cheng Lai King, being a representative of C88 and a C&WDC Member, recalled that the C&WDC had discussed the various options of the location of MTR WIL Stations entrance. They included the options in Forbes Street Park, Kennedy Town swimming pool and other Government, Institution or Community (GIC) sites. At that time, in view of the mature trees and a nursery in the KGV Park, the C&WDC considered it not suitable for setting up a MTR station entrance at the KGV Park. It should be noted that the C&WDC at that time was not aware of the associated ventilation and plant building which comprised a cooling tower and a chiller plant. The focus of the earlier discussion was on the selection of a suitable site for a MTR station entrance. At a late stage of the consultation, the C&WDC was aware of the proposed ventilation shaft but they might expect that it was a conventional small-scale vent shaft building. In that context, the C&WDC agreed to the entrance cum ventilation shaft proposal. She suggested MTRCL to withdraw the ventilation shaft and chiller plant components in its proposal and conduct the local consultation again.

96. A Member gathered that a MTR station entrance on the representation site was acceptable by the local residents, and the vent openings of the ventilation shaft facing Bon-Point would not operate unless during emergency. This Member asked for more information about the chiller plant.

97. Mr. Tang Pak Hung replied that in order to maintain the air ventilation and air conditioning in the underground railway station, adopting an integrated design of ventilation and cooling systems was a usual practice. The systems would draw fresh air in and dispose exhaust air out of the underground station. The air of the station would be cooled in the process when the weather was hot. Two types of vent openings, i.e. intake and exhaust, were therefore needed. Ventilation shaft should be provided at both ends of

the station and could not be located too far away from the station which it served.

98. Mr. Tang Pak Hung continued to explain that other than the representation site, no suitable land in the Mid-Levels area could be identified for the proposed entrance, ventilation and plant building for the Sai Ying Pun Station. As the Sai Ying Pun station would be about 70m to 80m below the station entrance at the representation site and there was a need to provide fresh and chilled air to the station below, an integrated ventilation and cooling plant building in conjunction with the subject MTR station entrance was proposed. The subject plant building was larger than the conventional plant building because it had to accommodate four lifts for MTR passengers as well as the associated machines and air ducts, and all these shared one deep shaft connecting the station to the representation site. Mr. Tang reiterated that the vent opening facing Bon-Point was an inlet for drawing fresh air. The exhaust vent facing Bon-Point would not operate unless during emergency. The exhaust vents for normal operations would face the Methadone Clinic, Bonham Road and the primary school at the Eastern Street.

99. In response to a query of Mr. Leung Cheuk Ho, C54, Mr. Tang Pak Hung clarified that for some MTR stations, it was feasible to locate the station entrance and the associated ventilation shaft cum cooling tower on two separate sites. However, given the location of the Sai Ying Pun station and the site constraints, it was necessary to provide the proposed entrance cum ventilation and plant building on the representation site.

100. Mr. Lau Wing Hung, R114 and C85, remarked that moving the ventilation shaft and cooling tower to the KGV Park would not require tree felling. In addition, the nursery building in KGV Park was only a 3-storey low-rise building and the MTR exhaust at an elevated opening would not affect the users therein. He stressed that the proposed MTR facilities should be relocated to the KGV Park.

101. In this connection, Ms. Cheng Lai King, representative of C88, said that she could liaise with the Chairman of the C&WDC to re-open the case and conduct consultation again on the subject matter, and she awaited the Board's instruction for her follow up action.

102. As Members had no further question to raise, the Chairman said that the

hearing procedures had been completed and that the Board would deliberate on the representations in the absence of the representatives of the representers and commenters. They would be informed of the Board's decision in due course. The Chairman thanked the representatives of the representers and commenters as well as MTRCL and government departments for attending the meeting. They left the meeting at this point.

### Deliberation Session

103. The Secretary said that the deletion of "G/IC" zone at the representation site was made consequential to the authorization of the WIL scheme by the CE in C under the Railways Ordinance. Pursuant to section 13A of the Town Planning Ordinance, any scheme authorised under the Railways Ordinance should be deemed to be approved under the Town Planning Ordinance. While the deletion of the subject "G/IC" zone was an amendment to the OZP, the incorporation of the authorised WIL scheme into the OZP and the annotation "MTR Station Entrance, Ventilation and Plant Building" was for information only to reflect the authorised railway scheme. She continued to point out that even the zoning of the representation site was reverted back to "G/IC", the authorised MTR facilities could still be implemented. Nevertheless, the Secretariat could convey Members' sympathy or views on the subject matter to the concerned parties.

104. A Member was sympathetic to the local residents. This Member opined that while relocating all the supporting facilities to KGV Park might not be an option at this late stage, MTRCL could consider moving the cooling tower and chiller plant to the open area in the Methadone Clinic if that part of the land could be secured.

105. Another Member was also sympathetic to the local residents, and suggested that MTRCL should refine its detailed design of the facilities like elevation angle of the vent openings and the speed of air exhaust so as to minimize the impacts of the operation of the chiller plant and cooling tower on the surrounding residential development. This Member was of the view that MTRCL required better communication with the public especially in soliciting local views on the detailed scheme design, and there was room for improvement regarding public participation process under the Railways Ordinance.

[Miss Annie Tam and Professor S.C. Wong left the meeting at this point.]

106. A Member suggested that MTRC should undertake to monitor the environmental indicators before and after the completion of the station cum supporting facilities at the representation site. In this connection, Mr. Benny Y.K. Wong, Deputy Director of Environmental Protection, advised that there would usually be environmental monitoring and auditing (EM&A) requirement under the EIAO for those significant impacts identified in the EIA. However, he had no information in hand whether the operation of the proposed MTR facilities was subject to the legal EM&A requirement. If not, MTRCL could be advised to monitor impacts generated by the proposed facilities at the representation site on a voluntary basis.

107. The Chairman concluded Members' discussion and summed up by saying that as the deletion of "G/IC" zone at the representation site was made consequential to the authorization of the WIL scheme by the CE in C under the Railways Ordinance, the representations to the zoning amendment should not be upheld. However, Members' views and suggestions on refining the location and design of the proposed ventilation and plant building at the representation site, and environmental monitoring/auditing of such facilities would be conveyed to the concerned bureau and department and MTRCL.

#### *Representations R3 to R114*

108. After further deliberation, the Board decided not to uphold Representations No. R3 and R114 for the following reason:

Pursuant to section 13A of the Town Planning Ordinance, the railway scheme authorized by Chief Executive in Council under the Railways Ordinance should be deemed to be approved under the Town Planning Ordinance. The railway alignment, stations and structures, including station entrances, ventilation and plant buildings in Sai Ying Pun Station, were shown on the Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) for information only. The Amendment Item to delete a portion of the "G/IC" zone at 9B Bonham Road was a consequential amendment to the OZP to reflect the authorized railway scheme.

109. The Board agreed to convey Members' views and suggestions to the concerned

bureau and department and MTRCL on aspects including refining the location and design of the ventilation and plant building, and conducting environmental monitoring/auditing of the proposed MTR facilities at the representation site.

[Mr. Stephen M.W. Yip left the meeting at this point.]

### **Agenda Items 5**

[Open Meeting (Presentation and Question Session Only)]

Request for Deferral of Review of Application No. A/NE-KTN/131

Proposed Comprehensive Residential Development with Minor Relaxation of Plot Ratio and Site Coverage Restrictions in "Comprehensive Development Area" zone and an area shown as 'Road', Lots 684 RP, 705 RP (Part), 706 RP (Part), 709 (Part), 711 (Part), 712, 713 RP, 715, 716, 717, 718 RP (Part), 719, 721 RP (Part), 2158 RP (Part) in D.D. 92 and Adjoining Government Land, Kwu Tung North, Sheung Shui  
(TPB Paper No. 8610)

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[The hearing was conducted in Cantonese.]

110. The Secretary briefed Members on the background of the review application as set out in paragraph 1 of the Paper. The applicants applied for a review of the RNTPC's decision on 6.11.2009 to approve the application with an approval condition, amongst others, that the applicants were required to open Enchi Lodge, which was a proposed Grade II historic building to be used as a residents' club house, to the public at least one day a week. The Board agreed to defer a decision on the review application on 26.2.2010 and 4.6.2010 at the requests of the applicants. On 4.8.2010, the applicants requested the Board to further defer the consideration of the review application for two months on the grounds that the applicants had been actively discussing with the relevant government departments to resolve matters associated with the opening arrangement of the Enchi Lodge to the public. The applicants were still awaiting feedback from the government departments. The request was in compliance with the criteria for deferment as set out in the TPB Guidelines No. 33 in that the applicants needed more time to consult the concerned government departments, the deferment period was not indefinite, and that the deferment would not affect the right or interest of other relevant parties.

111. After deliberation, the Board agreed to defer consideration of the review application as requested by the applicants pending the submission of further information from the applicants. The Board also agreed that the application should be submitted to the Board for consideration within three months from the date of receipt of further information from the applicants. The Board also agreed to advise the applicants that a further period of two months, resulting in a total of six months, were allowed for the preparation of the submission of the further information, and that no further deferment would be granted unless under very special circumstances.

### **Agenda Items 6 & 7**

[Open Meeting (Presentation and Question Session Only)]

Section 16 Application No. A/YL-NSW/200

Renewal of Planning Approval for Temporary Private Car Park under Application No. A/YL-NSW/190 for a Period of 2 Years in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone, Lot 1212 S.A ss.3 (Part) in D.D. 115, Chung Yip Road, Nam Sang Wai, Yuen Long, New Territories  
(TPB Paper No. 8611)

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Section 16 Application No. A/YL-NSW/201

Renewal of Planning Approval for Temporary Container Tractor/Trailer Park under Application No. A/YL-NSW/191 for a Period of 2 Years in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone, Lots 1212 S.A ss.2 and 1212 S.A ss.3 (Part) and Adjoining Government Land in D.D. 115, Chung Yip Road, Nam Sang Wai, Yuen Long, New Territories  
(TPB Paper No. 8612)

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[The hearing was conducted in Cantonese.]

112. The two applications, submitted by the same applicant, were similar in nature and the application sites were close to each other and within the same zone. Members

agreed to consider the two applications together.

113. The Secretary reported that, on 13.8.2010, the Rural and New Town Planning Committee (RNTPC) agreed that the applications should be submitted to the Board for consideration at this meeting. The applicant originally requested on 29.7.2010 for a deferment of the consideration of the applications for two months, but it was subsequently transpired that the permission of the two applications would both expire on 21.8.2010. Should the consideration of the applications be deferred for two months, the previous planning permissions granted under Applications No. A/YL-NSW/190 and 191 would have been expired when the further information was submitted and considered by the RNTPC. On 13.8.2010, the applicant submitted a letter stating that he decided to withdraw the request for deferral and wish to proceed with the applications. Given the short notice, it would be impossible for the Planning Department (PlanD) to submit papers on the two applications for consideration by the RNTPC at its meeting on 13.8.2010. The RNTPC decided to defer a decision on the applications for one week and agreed that the applications should be submitted to the board for consideration on 20.8.2010.

#### Presentation and Question Sessions

114. The following representative of the PlanD was invited to the meeting at this point:

Ms. Amy Cheung - District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), PlanD

115. With some plans and photographs, Ms. Amy Cheung presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) the renewal of planning approvals for temporary private car park for a period of two years under application No. A/YL-NSW/200 and for temporary container tractor/trailer park for a period of two years under application No. A/YL-NSW/201 ;

- (c) departmental comments - the Director of Environmental Protection (DEP) had no objection to application No. A/YL-NSW/200, but did not support application No. A/YL-NSW/201 as there were sensitive uses in the vicinity of the site and along the access road, i.e. Chung Yip Road, and environmental nuisances were expected. DEP advised that no pollution complaint was received about the operations of the subject sites in the past three years. The Director of Agriculture, Fisheries and Conservation (DAFC) had no comment on both applications given they were temporary in nature and were continuation of the current use of the sites. However, DAFC opined that the applied uses might not be compatible with the planning intention of the “OU(CDWRA)” zone and such uses should be discontinued in the long run;
  
- (d) public comments-
  - (i) for both applications, the District Officer /Yuen Long (DO/YL) had received public comments with 24 standard letters from Shap Pat Heung Rural Committee and 23 village representatives (VRs) and 316 signatures, which supported the applications on the grounds that the traffic congestion, flooding and noise nuisance problems from the subject vehicle parks had been resolved already, there was a great demand for parking spaces from the residents, and the applicant had improved the surrounding environment;
  
  - (ii) during the statutory publication period, the Owners’ Committee of The Parcville, VRs of Shan Pui Chung Hau Tsuen and Designing Hong Kong Limited submitted comments against both applications on grounds of the adverse noise, traffic, environmental hygiene and ecology problems created by the vehicle parks, the absence of the need for temporary container and trailer parks in the area, and the uses were not in line with the “OU(CDWRA)” planning intention. In addition, a Yuen Long District Council (YLDC) member objected to application No. A/YL-NSW/201 since the residents of The

Parcville expressed strong objection on the grounds of adverse traffic and noise impact generated by the vehicle park;

(e) PlanD's view - PlanD considered that the temporary uses under the applications could be tolerated for a period of twelve months, instead of two years as applied, based on the assessments set out in paragraph 12 of the Papers, which were highlighted below:

(i) both application sites fell within Category 3 areas under the Town Planning Board (TPB) Guidelines No. 13E on 'Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance'. Although the said TPB Guidelines were not strictly applicable to application No. A/YL-NSW/200 for private car park use, the application site of A/YL-NSW/200 shared the same ingress/egress point as that of A/NYL-NSW/201 and there was no physical boundary between the two sites. As such, the TPB Guidelines No. 13E could be drawn as a reference.

For Category 3 areas, applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. Sympathetic consideration might be given if the applicants had demonstrated genuine efforts in compliance with approval conditions of the previous planning applications. Planning permission could be granted on a temporary basis up to a maximum period of three years, subject to no adverse departmental comments and local objections, or the concerns of departments and local residents could be addressed through the implementation of approval conditions;

(ii) they were renewal applications to continue the temporary uses for two years. The same temporary uses were allowed with conditions by the Town Planning Appeal Board for a period of two years until 28.8.2009 and then renewed by the RNTPC for a period of twelve months until 21.8.2010. All planning conditions of the previous

applications had been complied with;

- (iii) in the last approvals, sympathetic conditions had been given to granting a shorter approval period for the applicant to relocate the business to other suitable locations. The applicant had stated his difficulty in identifying alternative sizable sites for the concerned uses while there was a great demand for such uses in the area. As there had not been any residential development proposal for the subject “OU(CDWRA)” zone and the applied uses could meet some of such demand, sympathetic consideration could be given again for the applied uses. However, given the planning intention of “OU(CDWRA)” was to phase out existing sporadic open storage and port back-up uses on degraded wetlands, further renewal of the temporary container tractor/trailer park under A/YL-NSW/201 should not be given;
- (iv) the applications were in line with the TPB Guidelines No. 13E and TPB Guidelines on ‘Renewal of planning approval and extension of time for compliance with planning conditions for temporary use or development’ (TPB Guidelines No. 34A). However, according to TPB Guidelines No. 34A, the approval period for renewal should not be longer than the original validity period of the temporary approval under normal circumstances. As such, the applications should only be approved for twelve months at most;
- (v) on environmental aspect, DEP had no objection to A/YL-NSW/200 but did not support A/YL-NSW/201. There were local concerns against both applications on environmental grounds. To address the concerns, approval conditions restricting the operation hours (for both applications) and types of vehicles parked at the site (for A/YL-NSW/200 only) were proposed. Non-compliance with the approval conditions would result in revocation of the planning permissions; and

(vi) regarding the public concern on adverse traffic and ecological impacts, the Commission for Transport and DAFC had no adverse comment on these aspects. An advisory clause was suggested reminding the applicant to follow the indicated proposed vehicular access routes. On the public concern of making the uses permanent by repeatedly renewing the permission, it should be noted that a shorter approval period of twelve months was recommended to allow the applicant to identify suitable sites for relocation and monitor the situation of the site. No further renewal of approval for the container tractor/trailer park under A/YL-NSW/201 should be given.

116. Members had no question on the applications.

#### Deliberation Session

##### Application No. A/YL-NSW/200

117. After deliberation, the Board decided to approve the application on a temporary basis for a period of twelve months from 22.8.2010 to 21.8.2011, subject to the following approval conditions:

- (a) no night-time operation between 7pm and 7am, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no parking of container tractors and trailers should be permitted on the site at any time during the planning approval period;
- (d) the drainage facilities implemented on the site under planning application No. A/YL-NSW/148 should be maintained at all times during the planning approval period;

- (e) the existing fencing on the site should be maintained at all times during the planning approval period;
- (f) the provision of replacement planting for the site according to the accepted landscaping proposal under application No. A/YL-NSW/148 within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 21.11.2010;
- (g) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if the above planning condition (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

118. The Board also agreed to advise the applicant of the following:

- (a) a shorter approval period of 12 months and shorter compliance periods were granted so as to allow time for the applicant to relocate the business to other suitable locations and to monitor the situation of the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to resolve any issues relating to the use of Chung Yip Road which was managed and maintained by Hong Kong School of Motoring;

- (d) the vehicular access routes to and from the development should follow those indicated by the applicant in Drawing A-2 of the Paper;
- (e) to note the District Lands Officer/Yuen Long's comments that the concerned owner should apply to his office for Short Term Waiver (STW) to regularize the irregularities on the site. Should no STW application be received/approved and the irregularities persist on the site, his Office would consider taking appropriate lease enforcement action against the registered owner;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisance; and
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. An EVA under Building (Planning) Regulation (B(P)R) 41D should be provided. Formal submission of any proposed new works (if any), including any temporary structure for approval under the BO was required. Since the site was not abutting and accessible from a street having a width not less than 4.5m, the site access and the development intensity should be determined under B(P)R section 5 and 19(3) at building plan submission stage.

Application No. A/YL-NSW/201

119. After deliberation, the Board decided to approve the application on a temporary basis for a period of twelve months from 22.8.2010 to 21.8.2011, subject to the following approval conditions:

- (a) the setting back of the site to exclude Government land to the satisfaction of the Director of Lands or of the Town Planning Board;
- (b) no night-time operation between 7pm and 7am, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the drainage facilities implemented on the site under planning application No. A/YL-NSW/147 should be maintained at all times during the planning approval period;
- (e) the existing fencing on the site should be maintained at all times during the planning approval period;
- (f) the provision of replacement planting for the site according to the accepted landscaping proposal under application No. A/YL-NSW/147 within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 21.11.2010;
- (g) the submission of fire service installations proposals within 3 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 21.11.2010;
- (h) in relation to (g) above, the provision of fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 21.2.2011;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) was not

complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (j) if any of the above planning conditions (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

120. The Board also agreed to advise the applicant of the following:

- (a) a shorter approval period of 12 months and shorter compliance periods were granted so as to allow time for the applicant to relocate the business to other suitable locations and to monitor the situation of the site. No further renewal of the approval should be given;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to resolve any issues relating to the use of Chung Yip Road which was managed and maintained by Hong Kong School of Motoring;
- (d) the vehicular access routes to and from the development should follow those indicated by the applicant in Drawing A-2 of the Paper;
- (e) to note the District Lands Officer/Yuen Long's comments that there were unauthorised structures (including converted containers) within the application site. The site also included some Government land (GL) for which no permission had been given for its occupation. His Office reserved the right to take enforcement action against the irregularities if indeed found in due course. The concerned owners were reminded to

apply to his Office for Short Term Waiver (STW) to regularise the irregularities on-site. Should no STW application be received/approved and the irregularities persist on the site, his Office would consider taking appropriate lease enforcement action against the registered owner;

- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisance;
- (g) to note Director of Fire Services' comments that should the applicant wish to apply for exemption from the provision of certain FSIs as mentioned at Appendix IV of the Paper, the applicant should provide justifications to his Department for consideration; and
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. An EVA under Building (Planning) Regulation (B(P)R) 41D should be provided. Formal submission of any proposed new works (if any), including any temporary structure for approval under the BO was required. Since the site was not abutting and accessible from a street having a width not less than 4.5m, the site access and the development intensity should be determined under B(P)R section 5 and 19(3) at building plan submission stage.

[Mr. Stanley Y.F. Wong left the meeting at this point.]

**Agenda Item 8**

[Open Meeting]

Request for Deferral of Review of Application No. A/TM-LTYT/198

Proposed Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years in "Green Belt" zone, Lot 2447 S.A RP in D.D. 130, Lam Tei, Tuen Mun

(TPB Paper No. 8606)

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[The meeting was conducted in Cantonese.]

121. The Secretary reported that on 27.7.2010, the applicant wrote to the Secretary requesting to defer the consideration of the review application for two months to allow time for him to address the comments of government departments and submit further information to substantiate the review application. The request was in compliance with the criteria for deferment as set out in the TPB Guidelines No. 33 in that the applicant needed more time to address the comments of the government departments, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

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

**Agenda Item 9**

[Open Meeting]

Request for Deferral of Review of Application No. A/YL-TT/254

Temporary Warehouse for Storage of Construction Materials and Household Goods for a Period of 3 Years in "Other Specified Uses" annotated "Rural Use" zone, Lots 1872 (Part), 1873, 1874, 1875 S.A (Part) and 1875 RP (Part) in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long  
(TPB Paper No. 8607)

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[The meeting was conducted in Cantonese.]

123. The Secretary reported that on 26.7.2010, the applicant wrote to the Secretary requesting to defer the consideration of the review application for two months to allow him to have more time to address comments of government departments and submit further information to substantiate his case. The request was in compliance with the criteria for deferment as set out in the TPB Guidelines No. 33 in that the applicant needed more time to prepare further information to support the review application, the deferment period was not indefinite, and that the deferment would not affect the right or interest of other parties.

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

**Agenda Item 10**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Further Representations to the Draft Tsim Sha Tsui Outline Zoning Plan No. S/K1/23  
(TPB Paper No. 8609)

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[The meeting was conducted in Cantonese.]

**Declaration of Interests**

125. The following Members had declared interests on this item.

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|--|---|---|
| Mr. Jimmy C.F. Leung<br>as the Director of Planning              | ] | being non-executive directors of Urban<br>Renewal Authority (URA)   |
| Miss Annie Tam<br>as the Director of Lands                       | ] |   |
| Mr. Walter K.L. Chan   | ] |   |
| Mr. Andrew Tsang<br>as the Assistant Director of<br>Home Affairs | - | Being an assistant to the Director of Home<br>Affairs who was a non-executive director<br>of URA          |
| Mr. Maurice W.M. Lee   | ) | Being former non-executive directors of<br>URA with the term of office ended on<br>30.11.2008             |
| Mr. Stephen M.W. Yip   | ) |   |
| Mr. B.W. Chan  | - | being the chairman of the Appeal Board<br>Panel under the URA Ordinance (URAO)                            |
| Dr. James C.W. Lau   | - | being a member of the Appeal Board<br>Panel under the URAO, and spouse<br>owned a property at Austin Road |

Professor Edwin H.W. Chan	]	being members of the Home Purchase Allowance Appeal Committee
Ms. Maggie M.K. Chan	]	
Mr. Raymond Y.M. Chan	-	being a member of the Home Purchase Allowance Appeals Committee and owned a property at Hillwood road
Ms. Anna S.Y. Kwong	-	owned a property at Granville Road

126. As the item was procedural in nature and no deliberation was required, Members agreed that the above Members should be allowed to stay in the meeting. Members noted that Miss Annie Tam, Mr. Walter K.L. Chan, Mr. Andrew Tsang, Mr. Maurice W.M. Lee, Mr. Stephen M.W. Yip, Mr. B.W. Chan, Ms. Maggie M.K. Chan, Mr. Raymond Y.M. Chan and Ms. Anna S.Y. Kwong had left the meeting already and Dr. James C.W. Lau and Professor Edwin H.W. Chan had tendered apologies for not attending the meeting.

127. The Secretary reported that upon consideration of the representations to the draft Tsim Sha Tsui OZP on 3.12.2008, the Board agreed to amend the OZP to uphold one representation and partially uphold some other representations. The proposed amendments were exhibited for public inspection on 18.6.2010, and two further representations were received. It was suggested that the two further representations should be heard in one group by the full Board as they were related to the building height restrictions for sites zoned as “Commercial”.

128. After deliberation, the Board agreed with the proposed hearing arrangements for the further representations as detailed in paragraph 2 of the Paper .

**Agenda Item 11**

Any Other Business

[The meeting was conducted in Cantonese.]

129.        There being no other business, the meeting was closed at 2:40pm.