

**Minutes of 985th Meeting of the
Town Planning Board held on 10.6.2011**

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

Professor Edwin H.W. Chan

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Professor Eddie C.M. Hui

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. C.P. Lau

Dr. James C.W. Lau

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Dr. W.K. Lo

Mr. Roger K.H. Luk

Mr. Timothy K.W. Ma

Miss Anita W.T. Ma

Dr. W.K. Yau

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

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

Deputy Director of Environmental Protection
Mr. Benny Wong

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

Mr. Raymond Y.M. Chan

Professor P.P. Ho

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Mr. Laurence L.J. Li

Dr. Winnie S.M. Tang

Professor S.C. Wong

Ms. Pansy L.P. Yau

Mr. Stephen M.W. Yip

In Attendance

Assistant Director of Planning/Board
Mr. C.T. Ling

Chief Town Planner/Town Planning Board (Atg)
Ms. Donna Tam

Senior Town Planner/Town Planning Board
Ms. Maggie M.Y. Chin

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 984th Meeting held on 27.5.2011

[The meeting was conducted in Cantonese.]

1. The minutes of the 984th meeting held on 27.5.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

[The meeting was conducted in Cantonese.]

(i) Resignation from the Town Planning Board

2. The Chairman informed Members that Professor Joseph H.W. Lee had resigned from the Town Planning Board. The Chairman suggested and Members agreed that a vote of thanks be recorded in the minutes of meeting for Professor Lee's contribution to the work of the Board.

(ii) Amendment to Confirmed Minutes of 981st TPB Meeting held on 26.4.2011

3. The Secretary said that Mr. Timothy K.W. Ma had declared interest for the item on the "Consideration of Representations and Comments to the Wan Chai Outline Zoning Plan No. S/H5/26 - Group 2" as he was a member of the Board of the Executive Committee of the Hong Kong Council of Social Services, but that his declaration had not been recorded in the confirmed minutes. To put the record straight, she suggested that the minutes of the 981st TPB meeting be revised to include the above declaration of interest. The replacement pages of the minutes were tabled at the meeting for Members' easy reference.

4. The Board agreed to the amendments to the minutes of the 981st TPB meeting as suggested by the Secretary.

[Mr. Felix W. Fong arrived to join the meeting at this point.]

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/K2/193

Proposed Office in “Residential (Group A)” zone,

197-197A Reclamation Street, Yau Ma Tei

(Kowloon Inland Lot 8440 and 10129)

(TPB Paper No. 8842)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

5. Ms. Anna S.Y. Kwong, who had current business dealings with Lanbase Surveyors Ltd. and LLA Consultancy Ltd., the consultants of the applicant, had declared interest on this item. The Board agreed that as the interest of Ms. Kwong was indirect, she could stay in the meeting for this item.

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

Mr. Wilson Chan	District Planning Officer/Tsuen Wan and West Kowloon
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Mr. C.K. Chan) Applicant’s Representatives
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Mr. Anson Lee Chun Kit)
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7. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. Wilson Chan to brief Members on the background of the application.

8. With the aid of plans, Mr. Wilson Chan presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for proposed office in a site zoned “Residential (Group A)” (“R(A)”) on the draft Yau Ma Tei Outline Zoning Plan (OZP);
- (b) the application was rejected by the Metro Planning Committee (MPC) on 18.2.2011 and the reasons were:
 - (i) not in line with the planning intention of the “R(A)” zone which was primarily intended for residential use;
 - (ii) not compatible with the residential nature of the surrounding area and could not meet the planning criteria as laid down in the TPB Guidelines for application for office development in “R(A)” zone; and
 - (iii) setting of an undesirable precedent for similar office developments to intrude into the residential neighbourhood, the cumulative effect of which would adversely affect the general character of the area;
- (c) the applicant had provided justifications in support of the review application as summarized in paragraph 3 of the Paper. In response to the comment of the Chief Building Surveyor/Kowloon, Buildings Department that the refuge floor originally proposed at 3/F (Drawing A-4 in Annex I of the Paper) should be accountable for GFA of the proposed development, the applicant submitted a letter on 26.5.2011 indicating that the refuge floor of the proposed development was to be relocated to the roof (Drawing R-1 of the Paper). The building height of the proposed development was revised from 55.25mPD to 50.35mPD (- 4.9m);
- (d) departmental comments – relevant departments had no objection to or adverse comments on the proposed development;
- (e) public comment - one public comment from Designing Hong Kong

Limited was received during the statutory publication period. The commenter objected to the review application on grounds that (i) the site was zoned “R(A)” which was intended for residential use; (ii) the proposed development was not compatible with its surrounding area; and (iii) approval of the application would set a bad precedent for similar application in the region;

(f) PlanD’s views – PlanD did not support the review application based on the assessments set out in paragraph 7 of the Paper, which were summarized below:

- (i) while the applicant had pointed out that there were some existing office buildings in the vicinity of the site, as shown in Plan R-1a of the Paper, the existing office buildings were mainly located along Nathan Road under the “Commercial” (“C”) zone or close to Nathan Road/Dundas Street which were major roads in the area under the “R(A)” zone, whereas the application site was located away from Nathan Road/Dundas Street. The surrounding area of the application site was predominately occupied by residential developments;
- (ii) the two previous applications (A/K2/82 and A/K2/83) for commercial centres under the “R(A)” zone mentioned by the applicant were approved with conditions back in 1993 and the two sites were located near Dundas Street and the more busy area of Yau Ma Tei;
- (iii) approval of the review application might result in an intrusion of office development into the residential neighbourhood, the cumulative effect of which would adversely affect the general character of the area;
- (iv) the applicant’s justifications for office development in terms of less visual impact, better appearance and building design when compared

with residential development at the site, as well as maintaining vibrancy of the area had not been substantiated. Residential developments could still achieve good appearance/design through adopting good design practices; and

- (v) while the applicant's claim that the small site area (137.96m²) would result in substandard size residential development might not be unreasonable, a balance had to be struck with the precedent effect set by approval of this application, bearing in mind that there were a lot of small lots in the area.

[Professor Paul K.S. Lam and Dr. W.K. Yau arrived to join the meeting at this point.]

9. The Chairman then invited the applicant's representative to elaborate on the application.

10. With the aid of a Powerpoint presentation, Mr. C.K. Chan made the following main points:

- (a) the subject site was located at 197-197A Reclamation Street (KIL 8440 and 10129);
- (b) the existing building was in dilapidated conditions and had been vacant for some time. There was urgent need for redevelopment;
- (c) the buildings immediately adjacent to the site were 6 to 8 storeys high mainly used for residential with ground floor shops. They were under multiple-ownership;
- (d) it was proposed that a 13-storey office development of modest scale be built. The proposed development was compatible with the surrounding developments;

[Mr. Y.K. Cheng arrived to join the meeting at this point.]

- (e) the application was in line with the TPB Guidelines No. 5 in that there was increase in demand for small offices in areas outside the Central Business District (CBD) as the economy picked up after the financial tsunami in 2008. The floor plate of about 88m² could be further sub-divided into two units. This office size was the most sought for in this district as the lump sum rent was about \$10,000 or below per unit. The location of the site was also convenient with the MTR Yau Ma Tei Station within 2 minutes walking distance;
- (f) the size of the office unit met the local demand of small businesses who could not afford the rent in core business area like Tsim Sha Tsui or even along Nathan Road. The small businesses which could not afford high rent had to resort to renting residential units as office if there was a lack of such type of office supply;
- (g) in view of the close proximity of the MTR station and other public transport facilities, and small size of the site, the Transport Department had no objection to the nil provision of internal transport facilities for the proposed development;
- (h) although this part of Yau Ma Tei was mainly residential in nature, commercial buildings were not uncommon. There were in total 33 commercial buildings within 200m radius. These commercial uses were in harmony with the residential developments and there was no interface problem;
- (i) the proposed office building was purposely designed to eliminate the risk of subsequent illegal conversion to substandard domestic units;
- (j) with a small site area (137.96m²), domestic building which was subject to a small site coverage (33.3%) would result in a pencil type development. The residential units to be provided would be substandard (about 15m² saleable floor area). This type of residential unit was not the type of flats

that the Government aimed at increasing;

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

- (k) the provision of 15m² flats in this area would likely be used for purposes that might cause law and order problems;
- (l) the external appearance of office buildings was in general better than that of domestic buildings in the subject location;
- (m) office and residential uses were complementary to each other rather than being incompatible. No nuisance caused by the office use was anticipated;
- (n) the adjacent buildings were of fragmented ownership and there would be difficulties in site assembly for redevelopment. There were also precedents of approved office buildings in the subject Yau Ma Tei OZP such as the Multifield Commercial Centre at 422-426 Shanghai Street and the Commercial Tower at 263 Reclamation Street; and
- (o) relevant government departments had no objection to the proposed development.

11. In response to a Member's question on the size of the proposed office unit and how the design of the proposed development would prevent subsequent conversion to residential use, Mr. C.K. Chan said that the office unit would have a net area of about 20m². Mr. Chan added that as shown in the floor layout of the proposed development, the toilet would be provided in the common area and there would be no water supply within the office unit. This would help avoid subsequent conversion of the office unit into domestic use.

12. In response to the same Member's question on any environmental impact caused by office development in residential area, Mr. Benny Wong said that office development was not expected to generate any adverse environmental impact. The only concern was the reflection caused by curtain wall of office building, but this could be addressed.

13. In response to another Member's questions on the site coverage restriction of residential development and whether there was active land assembly in the area for redevelopment, Mr. Wilson Chan showed Members with Schedule I of the Building (Planning) Regulations (B(P)R) and said that according to the B(P)R, residential development was subject to site coverage restrictions with reference to its building height. The proposed development with 46.35m in height would be subject to a site coverage restriction of 33.3%. However, a higher site coverage would be allowed if the building height of the development was lowered. The applicant could adopt an optimal design such that larger flats could be provided. Mr. Wilson Chan said that he had no information on the site assembly activities in the area. He drew Members' attention to the fact that as stipulated in the Notes of the "R(A)" zones on the Yau Ma Tei Area OZP, a higher building height would be allowed for sites with an area of more than 400m². This would encourage amalgamation of small lots to form a larger site which would provide more flexibility for redevelopment.

14. Mr. Wilson Chan also said that there was a similar case in the Mong Kok area with building plans approved for a residential development on a site with an area of only 119m². In view of the site constraints, the developer had proposed to reduce the height of the development in order to obtain a larger site coverage permissible under the B(P)R, resulting in a unit size of about 21m², which was larger than the estimated flat size in the residential development on the application site mentioned by the applicant.

[Miss Anita W.T. Ma arrived to join the meeting at this point.]

15. In response to Members' questions on optimizing the development potential of the site, Mr. C.K. Chan made the following main points:

- (a) the site was subject to a plot ratio restriction under the OZP. Lowering the building height would result in a loss of GFA. It would be a waste of land resources if the development potential of the site could not be fully utilized;
- (b) if the building height was to be reduced to achieve a larger floor plate

(about 30m² net area), it was estimated that only two to three storeys of residential floors could be provided. This was not considered as a practical scenario; and

- (c) a unit size of 21m² as quoted by DPO/TKW for a case in Mong Kok area was still considered as undesirable.

16. In response to a Member's question, Mr. C.K. Chan said that the developer had no plan for other use of the site in view of its small size.

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

Deliberation Session

18. Mr. Benny Wong said that there was no law regulating provision of curtain wall with respect to its potential impact on the surrounding residential developments. Even if there was reflection of sunlight from the curtain wall, its impact on the surrounding buildings would only last for a very short time within a day. The impact could also be easily mitigated by installation of curtains within the domestic units.

19. A Member said that the constraints in building design argued by the applicant's representative were a worst case scenario. He however noted that the applicant had tried to propose a practical scheme in view of the small size of the site and he considered that office development in the area would not create great compatibility problem. The Board should consider whether sympathetic consideration should be given to the subject proposal against the setting of a precedent within the "R(A)" zone.

20. Another Member shared the view that the applicant had put forward a practical scheme in view of the site constraint. As the existing building on the application site was

very old, there was an urgent need for redevelopment.

21. In response to two Members' concerns on illegal conversion of the office use to residential units, the Secretary said that the "R(A)" zone was subject to a maximum plot ratio of 9 both for a building that was partly domestic and partly non-domestic, and a wholly non-domestic building. As such, there would not be a gain in floor area if the developer subsequently converted the office building to domestic use. However, the size of the unit would be larger. The Secretary said that if the office unit was illegally converted to domestic use, it would be subject to enforcement under the Buildings Ordinance.

22. Two Members and the Vice-chairman were of the view that the proposal would help improve the environment of the area and provide incentive for redevelopment. The proposed office development in this area would unlikely create great compatibility problem.

23. A Member said that since the area was still residential in nature, it was not agreed that there would not be any compatibility problem from the proposed office development. Notwithstanding, it was considered that the proposed development could be approved on the consideration that the applicant had put forward a practical scheme and there were merits to approve it.

24. Another Member suggested that, as the area was still residential in nature, the applicant should be advised to incorporate some design in the proposed development such that it would not generate any impact to the surrounding residential developments. Members agreed.

25. After further deliberation, the Board decided to approve the application on review, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 10.6.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition:

the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

26. Members also agreed to advise the applicant:
- (a) to note the Director of Fire Services' comment that the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Fire Fighting and Rescue which was administered by the Buildings Department;
 - (b) to note the Chief Building Surveyor/Kowloon, Buildings Department's comment that the Buildings Ordinance, in particular Building (Planning) Regulation 41(1) regarding the requirements as stated in paragraph 11.2 of the Code of Practice for the Provision of Means of Escape in Case of Fire 1996, should be complied with;
 - (c) to note the District Lands Officer/Kowloon West, Lands Department's comment and to check whether the proposed development would contravene any lease conditions. Should lease modification application was required, submitted and approved, it would be subject to the terms and conditions including, among others, charging of premium and fee, as imposed by the Lands Department; and
 - (d) the design of the proposed development should minimize any adverse environmental impact to the surrounding residential developments.

[Professor Edwin H.W. Chan 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 Tsuen Wan Outline Zoning Plan No. S/TW/27
(TPB Paper No. 8839)

[The meeting was conducted in Cantonese and English.]

27. The following Members had declared interest in this item:

Mr. Raymond Y.M. Chan)	had current business dealings with Sun
Mr. Felix W. Fong)	Hung Kai Properties Ltd. (SKH) and R6
Mr. Y.K. Cheng		and R7 were submitted by subsidiaries of SHK
Ms. Julia M.K. Lau)	being the former employee of SHK and R6 and R7 were submitted by subsidiaries of SHK
Ms. Anna S.Y. Kwong		had current business dealings (not related to the subject matter) with Lanbase Surveyors Ltd., consultant of R3

28. Members noted that Mr. Raymond Y.M. Chan had tendered apology for not being able to attend the meeting today and Ms. Julia M.K. Lau had not yet arrived. Members agreed that as the interest of Ms. Anna S.Y. Kwong was indirect, she could stay in the meeting for this item, and that the interests of Mr. Felix W. Fong and Mr. Y.K. Cheng was direct and substantial and they should withdraw from the meeting for this item. Mr. Fong and Mr. Cheng left the meeting at this point.

29. 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 representer and commenters who had indicated that they would not attend the hearing or had not reply to the invitation.

30. The following representatives from the Planning Department (PlanD) and representers were invited to the meeting at this point:

Mr. Wilson Chan	District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), PlanD
Mr. K.T. Ng	Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), PlanD

Territory (the Area Assessments 2009) undertaken by PlanD. The Area Assessments 2009 recommended rezoning the northern part of TWEIA mainly to “CDA” to facilitate comprehensive residential development with commercial facilities and open space provision. This proposed rezoning could eliminate the potential industrial/residential (I/R) interface problem between the future developments on the northern part of TWEIA and the existing industrial uses to the south of Yeung Uk Road. More importantly, it would give the impetus for land use restructuring and upgrading the environment of the Tsuen Wan East area;

- (c) on this basis, a broad assessment of the rezoning proposal including the boundary and development parameters of the respective CDA site had been undertaken by the PlanD. The Director of Environmental Protection (DEP) considered a CDA approach would be appropriate for the subject rezoning proposal to address the environmental issues within the northern part of TWEIA in a more comprehensive, cohesive and flexible manner. Government departments consulted considered the rezoning proposal acceptable and that the existing/planned supporting infrastructure in the Tsuen Wan area would not be overloaded if the development intensity of the site would be limited to a maximum domestic plot ratio of 5.0;

The Representations

- (d) R1 opposed Amendment Item A5 in relation to the non-building area (NBA) while R2 submitted by owner of 127-135 Yeung Uk Road opposed the Notes of the Plan and the Explanatory Statement (ES) of the “CDA(2)” to “CDA(6)” zones;
- (e) R3 to R8 were from the owners of industrial buildings of the northern part of the TWEIA in respect of specific sites:
 - (i) R3, owner of 72-76 Texaco Road, opposed the “CDA(4)” zone;
 - (ii) R4, landowners of the 5 industrial buildings within the “CDA(6)”

zone, opposed the “CDA(6)” zone and the imposition of a plot ratio of 5 in the “CDA(6)” zone;

- (iii) R5, owner of 368-370 Sha Tsui Road, opposed the “CDA(3)” zone;
- (iv) R6, owner of 13-23 Wang Wo Tsai Street, opposed the extent of the “CDA(3)” zone;
- (v) R7, owner of 145 - 159 Yeung Uk Road, opposed the extent of the zoning boundaries of the “CDA(5)” and “CDA(6)” zones; and
- (vi) R8, owner of 100 Texaco Road and one of the owners of 98 Texaco Road, opposed the extent of the zoning boundaries of “CDA(2)” and “CDA(4)” zones and the stipulation of maximum plot ratio and minimum domestic plot ratio;

Representations Relating to the “CDA” Zoning Approach

- (f) the general grounds of representations and their proposals were summarized in paragraph 4.3.1 of the Paper and highlighted below:
 - (i) R6 and R7 had no objection to the Government’s intention to convert/redevelop/rezone the industrial buildings within the northern part of TWEIA to “CDAs” to address the shortage of housing land supply in the short to medium terms and to upgrade the local environment of the Tsuen Wan East Area;
 - (ii) it was very difficult to amalgamate the “CDA” sites for comprehensive development as they were under multiple ownership. Reaching consensus amongst different landowners with different objectives and interests might not be easy and was often time consuming. No agreement might even be reached and the redevelopment could never be realized (R3 to R8);

- (iii) the plot ratio restriction of 5 for the “CDA” zone was low as compared with the existing industrial developments and the residential developments located directly opposite along Yeung Uk Road, namely Chelsea Court, H Cube and Indi Home. There would be no incentive for the property owners to carry out any redevelopment on the site with such low plot ratio (R3, R4 and R8);
- (iv) the proposed boundaries for the “CDA” zones were not satisfactory. This might create unnecessary implementation problems for the landowners for comprehensive redevelopment (R6 to R8);
- (v) the “R(E)” zone was also in line with the planning intention of the “CDA” in general. Individual redevelopments on the single-owned sites could be carried out shortly as amalgamation of individual lots was not necessary. The Board would also be able to control the residential and/or commercial developments on “R(E)” sites. The Yau Tong Industrial Area (YTIA) was an example of mixed “CDA” and “R(E)” redevelopment. Several “R(E)” sites in the YTIA had already been redeveloped while the “CDA” site was trapped by the multi-ownership issues (R5);
- (vi) the amendment contradicted the Government’s special waiver policy for revitalizing industrial buildings because the policy only applied to the industrial buildings in “I”, “C” and “Other Specified Uses” annotated “Business” (“OU(B)”) zones. The proposed “CDA” zone would immediately stop the property owners to revitalize their industrial buildings under the said zoning (R3);
- (vii) R2 mainly commented on the Notes and ES of the OZP regarding the “CDA(2)” to “CDA(6)” zone:
 - each “CDA” zone was different in locality, constraints, ownership and planning intention and hence should have a CDA-specific planning intention recognizing the distinctive

redevelopment concerns of each “CDA” zone. Any set back requirements for road widening, infrastructure or other improvements for the “CDA” zones should be stated in the ES. The prospect of individual/phased redevelopment should form part of the planning intention for each “CDA” zone;

- the role of land ownership in redevelopment should be elaborated in the Notes or at least in the ES to provide further guidance on what flexible approach to comprehensive redevelopment due to land ownership problem could be entertained and what steps to engage adjoining multi-ownership sites were deemed appropriate in order to consider individual site redevelopment. The considerations stated in the TPB Guidelines No. 17 for phased implementation should be stated in the Notes and ES;
- the role of Planning Brief (PB) should be stated in the Notes and ES and that the individual approved PB of “CDA” sites would not be amended without the agreement of the owners within the concerned “CDA” zone. PlanD should invite landowners to provide inputs into the PB, including their own conceptual plans for redevelopment of their “CDA” sites. Besides, the Board should advise the time frame for preparation/endorsement of the PBs. However, wider public notification of the PB was not required;
- the Board was requested to examine the offering of development incentives to (i) overcome identified CDA-specific constraints, (ii) to achieve good streetscape design and (iii) to provide overhead pedestrian connections;

(viii) R2 had the following proposals:

- to define CDA-specific planning intention for each of the

“CDA(2)” to “CDA(6)” zones in the Notes of the OZP;

- to state in the ES for the “CDA(2)” to “CDA(6)” zones separate headings for each of the “CDA” zones conveying individual site characteristics, the Board’s preparation of PBs for each of the “CDA” zones, the necessity of complying with PBs in MLP, the constraints posed by multiple ownership sites and allowance for phased redevelopment under the TPB Guidelines No. 17;
 - to consult all landowners within the “CDA” amendment area on the preparation of the PBs and invite conceptual plans from the landowners;
 - to consider the adoption of statutory planning ‘incentives’ in the form of 20m increase in BHR to encourage site amalgamation, provision of required community facilities/services and good urban design;
 - to clarify whether the applicant must show proposals for sites not partnering in the proposal for ownership reasons in MLP submission for phased development in each of the “CDA(2)” to “CDA(6)” zones; and
 - to declare the future use of the “G/IC” zone at GLA-TW 228 in the ES;
- (g) PlanD’s responses to the grounds of representations and proposals were summarized in paragraph 4.3.1.2 of the Paper and highlighted below:

- (i) R6 and R7’s no objection to the “CDA” zoning was noted;

Difficulties in Amalgamation of Sites (R3 to R8)

- (ii) the northern part of TWEIA had a relatively high proportion of

industrial buildings under single ownership. 12 out of 20 industrial buildings and the open storage site within the “CDA” zone were under single ownership. There was a chance for site amalgamation and joint redevelopment for individual lot owners. It was too early to conclude that site amalgamation would be impossible without any attempt being made;

- (iii) the “CDA” zoning would help achieve a better layout and environment by means of amalgamation of sites for comprehensive redevelopment. The current “CDA” zoning was an upzoning and should provide sufficient incentive for redevelopment even for some less aged industrial buildings. According to the TPB Guidelines No. 17 for “CDA” developments, if the developer could demonstrate with evidence that due effort had been made for site amalgamation but no agreement could be reached, allowance for phased development could be considered;
- (iv) there was regular review of the “CDA” zones in order to monitor closely the progress of development, the first of which would be conducted at the end of the third year after its designation and subsequent review would be made on an annual basis;

Low Plot Ratio (R3, R4 and R8)

- (v) the proposed plot ratio of 5 for the “CDA” zones had taken into account the infrastructural developments of the Tsuen Wan area which had been planned based on a maximum domestic plot ratio of 5.0 or a maximum non-domestic plot ratio of 9.5. A total maximum plot ratio of 5.0 would ensure that the existing/planned infrastructure would be able to support the transformation of this part of TWEIA with residential uses. It was also in line with the maximum domestic plot ratio of 5 for other similar residential developments in the Tsuen Wan area zoned “R(A)” on the OZP. It was also not appropriate to compare the plot ratio of “CDA”

development with other non-domestic developments in the area;

Boundaries of “CDA” zones (R6 to R8)

- (vi) relevant considerations had been taken into account to ensure that the “CDA” sites were sizable enough to warrant comprehensive redevelopment, as there was better scope to refine the layout and disposition of the residential blocks in order to address environmental problems without compromising good design solutions. The boundaries and configuration of the “CDA” sites had been delineated after careful consideration taking into account the site area, land status, ownership pattern, land use pattern and development constraints of the area;

“R(E)” zone was more appropriate (R5)

- (vii) the “R(E)” zone could hardly fulfill the intention of comprehensive redevelopment. The opportunity for land use upgrading and restructuring would be compromised. Given that some of the industrial buildings in the TWEIA were still in operation and that different owners might have different programmes, I/R interface problem was likely during the implementation process. The “R(E)” zoning, which allowed redevelopment of individual building, was less able to tackle the interface/technical problems and would not be able to achieve a comprehensive layout. This would inevitably create more I/R interface problems. DEP did not support rezoning the area to “R(E)”. A “CDA” zoning approach would be more appropriate to address the environmental issues in a more comprehensive, cohesive and flexible manner;
- (viii) the case of YTIA was not directly comparable since it was different in location and surrounding development context;

Contradiction with the revitalization of industrial buildings policy (R3)

- (ix) the rezoning of the northern part of TWEIA from “I” to mainly “CDA” sites was based on the findings and recommendations of the Area Assessments 2009 endorsed by the Board with a view to changing the land use character of the northern part of TWEIA primarily for residential purposes upon redevelopment in the long term. The policy of revitalizing industrial buildings promulgated by the Development Bureau would not change the long term planning intentions (i.e. “I”, “C” and “OU(B)” zones) of the respective site;

Notes and ES of the Plan (R2)

- (x) the Notes and ES of the Plan were to explain the general planning intention and to specify important development parameters. The differences in locality, constraints and ownerships for the “CDA” sites did not constitute different planning intention for each of the concerned “CDA” sites which were for comprehensive redevelopment. The existing multiple ownership in the “CDA” sites and site amalgamation were implementation issues. TPB Guidelines No. 17 allowed for phased development in “CDA” site. It was not the practice of the Board to set out in the Notes and ES the requirements included in the TPB Guidelines;
- (xi) the role of PB was to guide the development of the “CDA” site and to set out detailed planning requirements, including the provision of appropriate traffic and environmental mitigation measures, GIC, transport and public facilities and open space. PlanD would prepare the PBs to guide the developments for the concerned “CDA” sites as soon as possible. Detailed planning requirements, such as building setback for streetscape improvement, if required, should be incorporated into the PBs upon consultation with concerned government departments during the PB preparation stage. Such details would not be repeated in the Notes and ES;

- (xii) PlanD would prepare the PBs for the concerned “CDA” sites and consult the Tsuen Wan District Council (DC) in accordance with the relevant TPB Guidelines No. 39. Landowners’ views on the PBs could either be conveyed through the DC. They could also submit their views and proposals to PlanD direct for consideration during the course of PB preparation. It was considered that wider public consultation on the PBs through DC would be necessary as the development of the concerned “CDA” sites would affect the development of the Tsuen Wan area in a wider context;

Other Suggestions made by R2

- (xiii) Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L) considered that it would not be desirable to provide a blanket increase of 20m to the maximum building height, as suggested by the representer, for the “CDA” sites in the absence of any justification or demonstration of design/planning merits of the schematic proposal. In addition, the two-tier building height with a 20m difference might not be appropriate for large development sites such as the concerned “CDA” sites, and that could result in impact on the overall building height profile. There was provision for minor relaxation of building height based on individual merits on application to the Board in the Notes of the “CDA(2)” to “CDA(6)” zones to provide flexibility and development incentives to proposed redevelopments at the “CDA” sites;
- (xiv) TPB Guidelines No. 18A stated that if the “CDA” site was not under single consolidated ownership, the applicant should be required to demonstrate that the proposed phasing of development had taken due consideration of the development potential of the lots which were not under his ownership. As such, the corresponding GFA and flat number distribution as well as provision of GIC, open space and other public facilities in each phase should be clearly indicated; and

- (xv) since the land use restructuring of the northern part of TWEIA would take time to materialize, the existing cooked food hawker bazaar within the “G/IC” zone at GLA-TW 229 would continue to serve the workers of the TWEIA and the adjoining population for some time. Nevertheless, PlanD might review its future use, if necessary, in future;

Representations Relating to Specific Sites

“CDA(3)”

368-370 Sha Tsui Road (R5)

1 Wang Wo Tsai Street and 13-23 Wang Wo Tsui Street (R6)

- (h) the grounds of representations were as follows:
 - (i) R5 intended to develop his site (i.e. 368-370 Sha Tsui Road) on his own and had no intention to acquire the other lots. A s.12A planning application (Application No. Y/TW/3) for rezoning the representation site from “I” to “OU(Hotel)” was submitted on 15.12.2010 to facilitate in-situ conversion of the subject building into a hotel which was yet to be considered by the Board. The right of landowner to carry out his individual redevelopment without amalgamating with other lots should be respected;
 - (ii) rezoning the TWEIA would reduce job opportunities in Tsuen Wan area. The proposed rezoning to “R(E)”/”OU(Hotel)” would allow the sites to be developed for residential and/or commercial uses without the restriction in the maximum non-domestic plot ratio of 0.5. This flexibility in redevelopment would help maintain or create job opportunities in the Tsuen Wan East area (R5); and
 - (iii) the Edward Wong Industrial Centre was the only industrial lot within the northern part of the TWEIA that was already vacant and readily

available for redevelopment. Phased development should be allowed in the revised “CDA” zone so that the Edward Wong Industrial Centre could be redeveloped on its own in the short term to optimize the development process (R6);

- (i) the representers had the following proposals:
 - (i) R5 proposed to rezone the entire “CDA(3)” zone to “R(E)”; or to rezone the representation site at 368-370 Sha Tsui Road to “R(E)” or “OU(Hotel)” and to incorporate a new set of Notes for the “OU(Hotel)” zone (R5); and
 - (ii) R6 proposed to rezone the representation site at 1 Wang Wo Tsai Street (Asia Tone i-Centre) and 13-23 Wang Wo Tsai Street (Edward Wong Industrial Centre) to a standalone “CDA” zone;
- (j) PlanD’s responses to the grounds of representations and proposals were as follows:
 - (i) the planning intention of the “CDA” zone was to encourage comprehensive development/redevelopment of the site. Individual owners could redevelop their properties in phases in the context of a MLP submission for the development scheme for consideration by the Board provided that the comprehensiveness of the proposed development would not be compromised as a result of phased development. The developments of Indi Home and H-Cube to the south of Yeung Uk Road were examples of separate developments by two different developers within the same “CDA” zone (R5);
 - (ii) while the rezoning of the northern part of TWEIA would inevitably lead to loss of existing jobs in the area, some industrial premises were currently vacant or underutilized. New jobs of different nature would be created by the proposed redevelopment under the new zonings (R6);

- (iii) the conditions for phased development had been set out in TPB Guidelines No. 17. It was possible to achieve phased development for R6's own lot under the current "CDA(3)" zone in accordance with the said guideline subject to the approval from the Board (R6);
- (iv) the proposed rezoning of the site of R5 only to "OU(Hotel)" would defeat the planning intention of comprehensive redevelopment of the area primarily for residential use (R5);
- (v) should the site of R6 be excised from the "CDA(3)" site, the residual of the "CDA(3)" site (about 0.34 ha) was considered fragmented, constrained and small to warrant comprehensive redevelopment. A smaller "CDA" site would lead to reduction in the scope for refining the layout and disposition of the residential blocks in order to address environmental constraints without compromising good design solutions (R6);

"CDA(2)" and "CDA(4)"

72-76 Texaco Road (R3)

98-100 Texaco Road (R8)

- (k) the ground of representations was as follows:
 - (i) supported the overall intention for restructuring the TWEIA to remove obsolescent industrial uses, improve environmental conditions and provide much needed residential accommodation (R8);
- (l) the representers had the following proposals:
 - (i) R3 proposed to rezone the entire "CDA(4)" zone or the representation site at 72-76 Texaco Road only to "OU(B)" or "C" to facilitate the representer's intention to convert the industrial building

at the representation site into a hotel under the Government's special waiver policy;

- (ii) R8 proposed to: alternative 1: rezone the representation site at 98-100 Texaco Road to "CDA(4)" or "R(E)", and the part of "CDA(2)" site and the residual of "CDA(4)" site would become "CDA(2)"; alternative 2: rezone representation site at 98-100 Texaco Road to "CDA(7)" or "R(E)", and the residual of the "CDA(4)" site would remain to be "CDA(4)" or be rezoned "R(E)";
 - (iii) R8 proposed to revise the plot ratio to a composite plot ratio (5 for domestic and 9.5 for non-domestic) for the representation site;
- (m) PlanD's responses to the ground of representations and proposals were as follows:
- (i) the rezoning of the entire "CDA(4)" site or the representation site only to "OU(B)" or "C" zone would defeat the planning intention of comprehensive redevelopment of the area primarily for residential use (R3);
 - (ii) the entire "CDA(2)" site, which was a piece of government land of sufficient size, would be disposed of as early as possible to serve as a catalyst to facilitate the redevelopment process of other "CDA" sites within the area. Incorporation of portion of the "CDA(2)" site and private lots of the "CDA(4)" site would delay the redevelopment process (R8);
 - (iii) CTP/UD&L commented that the exclusion of the representation site from the "CDA(4)" zone would result in an even more irregular site configuration of the "CDA(4)" site, which could limit the flexibility to adjust the layout/building disposition and to incorporate desirable design features to improve the townscape (R8);

- (iv) the “R(E)” zone could hardly fulfill the intention of comprehensive redevelopment and the opportunity for land use upgrading and restructuring will be compromised. The “R(E)” zoning might lead to piecemeal redevelopment which would inevitably create more I/R interface problems. DEP did not support rezoning the area to “R(E)” (R8);
- (v) DEP advised that the Environmental Assessment provided by R8 in support of the Preliminary Redevelopment Scheme at the representation site was unable to demonstrate that the preliminary scheme could fulfill the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG) (R8); and
- (vi) composite plot ratio (5 for domestic and 9.5 for non-domestic) was considered inappropriate to be applied to the “CDA(4)” zone as it provided no guarantee that the future development would be primarily for residential use to tally with the planning intention for the site (R8);

“CDA(5)” and “CDA(6)”

Lots 444, 458, 464, 484 and 488 in DD 443 (R1 and R4)

145-159 Yeung Uk Road (R7)

- (n) the ground of representations was as follows:
 - (i) since there was a NBA in the “CDA(2)” zone for better ventilation of the area, there should be a NBA for the same air path in the “CDA(6)” zone as in the “CDA(2)” zone (R1);
- (o) the representers had the following proposals:
 - (i) R1 proposed to designate another NBA in the “CDA(6)” zone which was in line with the one in the “CDA(2)” zone;

- (ii) R4 proposed to increase the maximum plot ratio of the area covered by the “CDA(6)” zone to 8;
 - (iii) R4 proposed to rezone the entire “CDA(6)” zone to “R(E)”; and
 - (iv) R7 proposed to exclude the representation site at 145-159 Yeung Uk Road (Jumbo i Advantage) from the “CDA(5)” zone and to include it in the adjacent “CDA(6)” zone;
- (p) PlanD’s responses to the ground of representations and proposals were as follows:
- (i) CTP/UD&L pointed out that the proposed designation of additional NBA in the “CDA(6)” zone would help increase building permeability upon redevelopment, but it might not effectively help improve the ventilation condition in the area as it was not on an identified air path and was blocked by high-rise development at both ends (i.e. New Haven at the north and Indi Home at the south). As future redevelopment within the “CDA(6)” site required the submission of MLP for the Board’s permission, there would be adequate planning and development control to safeguard provision of adequate building permeability within the development (R1);
 - (ii) a plot ratio of 8 proposed by R4 was excessive and was not in line with the standard for residential redevelopment in new towns as set out in the HKPSG, and would overload the infrastructure and affect the living environment of the area (R4);
 - (iii) the “R(E)” zone could hardly fulfill the intention of comprehensive redevelopment. The opportunity for land use upgrading and restructuring would be compromised. The “R(E)” zoning might lead to piecemeal redevelopment and would inevitably create more I/R interface problems. DEP did not support rezoning the area to “R(E)” (R4); and

- (iv) the current “CDA(5)” and “CDA(6)” boundaries approximately divided the street block between Wang Wo Tsai Street and Yeung Uk Road into two halves resulting a proper rectangular shape for the “CDA(5)” site to allow greater design flexibility. Should the representation site be excluded from the “CDA(5)” zone and included in the “CDA(6)” zone, an irregular “CDA(5)” zone would be resulted and the flexibility in building design and disposition of residential towers would be undermined (R7);

- (q) eight comments received in respect of the representations and the grounds of comments put forth by C1 to C8 were summarized in paragraph 4.4.1 of the Paper and highlighted below:
 - (i) the Government did not provide technical reports such as environmental assessment reports to support the rezoning for residential developments. The feasibility of residential developments in the area was seriously in doubt. Increase in residential units through “CDA” zoning was just fooling the people (C1, C2, C3 and C5);

 - (ii) the rezoning of the TWEIA area for residential development would lead to a rise in rent or even displacement of tenants of industrial buildings by the owners, which would lead to closure of the Small and Medium Enterprises (SMEs) in the area (C4 and C7);

 - (iii) the TWEIA was one of the few remaining industrial areas with good transport network and business activities remained very active in the district. The rezoning from “I” to “CDA” was not supported while R3’s proposal to rezone the area from “I” to “OU(B)” was supported (C6); and

 - (iv) C8 supported the proposed designation of NBA by R1 as it would help create a better quality living environment for the district;

- (r) PlanD's responses to the grounds of comments were as follows:
- (i) the current rezoning was a result of the Area Assessment 2009, the findings and recommendations of which had been carefully studied and vetted by concerned departments, including Transport Department (TD) on traffic and DEP on environmental implications. Both departments had confirmed that the proposals would not have insurmountable problems in traffic and environmental terms subject to necessary impact assessments during the s.16 planning application stage under the "CDA" zoning (C1, C2, C3 and C5);
 - (ii) the concerns on potential displacement of existing tenants in industrial buildings were noted. However, past experience suggested that even if industrial land was rezoned, redevelopment of industrial buildings would take time to materialize. Tenants and SMEs would have enough time to adapt to the changes (C4 and C7);
 - (iii) according to the findings of the Area Assessment 2009, the vacancy rates of the TWEIA and northern part of TWEIA are 9.9% and 19.2% respectively, which were considered high as compared with the territorial vacancy rate of 6.5%. The rezoning of the area could provide better utilization of land resources and give impetus for land use restructuring and upgrading of the environment of the area (C6);
and
 - (iv) CTP/UD&L pointed out that the proposed designation of additional NBA in the "CDA(6)" zone would help increase building permeability upon redevelopment, but it might not effectively help improve the ventilation condition in the area as it was not on an identified air path and was blocked by high-rise development at both ends (i.e. New Haven at the north and Indi Home at the south). As future redevelopment within the "CDA(6)" site required the submission of MLP for the Board's permission, there would be

adequate planning and development control to safeguard provision of adequate building permeability within the development (C8);

- (s) PlanD's View: PlanD did not support the representations of R1 to R8 and considered that the OZP should not be amended to meet the representations for the reasons given in paragraph 6 of the Paper.

33. The Chairman then invited the representatives of the representers to elaborate on their submissions.

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

R2 (RBM Services Limited)

34. With the aid of a Powerpoint presentation, Mr. Phill Black made the following main points:

- (a) R2 concerned the site at 127 to 135 Yeung Uk Road (Crowning United Centre) which was located within the "CDA(5) zone;
- (b) the "CDA(5)" zone was subject to the most severe land ownership constraint which hindered comprehensive redevelopment, as only two out of six industrial buildings were under single ownership, and there was one building with 189 owners;
- (c) the "CDA" sites in the area were covered by one all-embracing planning intention which was for "comprehensive development/redevelopment of the area primarily for residential uses with the provision of commercial facilities, open space and other supporting facilities" and "to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure, visual impact, air ventilation and other constraints". Such blanket planning intention undervalued key differences in locality, constraints, ownership and planning intention within each "CDA" zone;

- (d) the distinguished features of each “CDA” zone were described in the MPC Paper for proposed amendments to the OZP, namely the “CDA(2)” comprising government land was to serve as a catalyst to facilitate/expedite the re-structuring of the site; the “CDA(3)” comprising three single ownership sites out of four was to encourage site amalgamation; “CDA(4)” with three out of six industrial buildings under single ownership affected by severe traffic noise from Texaco Road was to provide more flexibility in design and disposition of residential blocks; and “CDA(6)” with all four lots under single ownership was to encourage site amalgamation for comprehensive redevelopment. Each “CDA” zone should have its specific planning intention to reflect the distinctive features and to guide the preparation of PBs for each “CDA” site. The different planning intentions for different “CDA” sites on the North Point OZPs were the example of specific planning intentions for specific “CDA” sites;
- (e) land ownership was not just an implementation issue. As site amalgamation was an integral and essential part of the planning intention for comprehensive redevelopment, it should be referenced in the Notes and ES of the OZP;
- (f) landowners had already raised implementation problems of the “CDA” sites which would require the amalgamation of individual lots, when they were consulted on the proposed amendments to the OZP. It was also acknowledged in the TPB Paper that in comparison to piecemeal and ad hoc redevelopment of individual lots, the “CDA” zoning would help achieve a better layout and environment by means of amalgamation of sites for comprehensive redevelopment;
- (g) if site amalgamation was critical to comprehensive redevelopment, appropriate incentives were necessary to encourage owners to amalgamate sites within the “CDA” zones. While PlanD considered that the current “CDA” zoning was an upzoning and should provide sufficient incentive for redevelopment even for some less aged industrial buildings and the

minor relaxation clause had already provided flexibility and development incentives for redevelopment, such incentives were considered not adequate in view of the great difficulties in site amalgamation;

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

- (h) there was an example of incentive being provided, such as allowing additional building heights for sites larger than 400m² within area on the Sai Ying Pun & Sheung Wan OZP, to encourage site amalgamation. Similar incentive should be provided in the subject OZP;
- (i) landowners' involvement was considered as a critical factor to the implementation of the planning intention of the "CDA" sites. There should be formal consultation with the landowners during the preparation of the PBs for individual "CDA" sites, and reports should be made to the Board on the views and proposals of individual landowners prior to the endorsement of the PBs for each "CDA" zone;
- (j) if phased development was allowed, this should be clearly referenced in the Notes and ES of the OZP. Reference was made to the "CDA(1)" zone on the North Point OZP that the ES clearly stated that the two sites within the "CDA(1)" zone were currently held under different ownership. In submitting a MLP to the Board for consideration, the MLP could cover the whole zone or either one of these two sites; and
- (k) PlanD did not support the merging of the ex-Tai Wo Hau Factory Estate site with the adjacent lots as proposed by some representers, as this would hinder the implementation of the "CDA(2)" site. PlanD had adopted double standards on site amalgamation. It was noted that the ex-Tai Wo Hau Factory Estate site under the "CDA(2)" zoning was to serve as catalyst to facilitate redevelopment and improvement in this area. This site should be used to encourage amalgamation with the sites fronting Texaco Road to form a larger site and allow greater flexibility to address traffic noise issue.

R3 (Bental Limited)

35. With the aid of a Powerpoint presentation, Mr. Rock K.M. Tsang made the following main points:

- (a) the representation site was Hing Yip Centre at 72 to 76 Texaco Road;
- (b) the representer opposed the rezoning of the representation site from “I” to “CDA(4)” in view of the site amalgamation problem;
- (c) it was the Government’s intention to redevelop the area for residential purpose and as such the ex-Tai Wo Hau Factory Estate site, which was zoned “CDA(2)”, would be put into the Application List for residential development;
- (d) the surrounding industrial buildings had all been rezoned to “CDA” in order to address I/R interface problem with future redevelopment of the ex-Tai Wo Hau Factory Estate site for residential use. However, it was considered that the “CDA” zoning was not a feasible mechanism to achieve the planning intention;
- (e) it was a very difficult task to assemble the private lots to achieve comprehensive development and PlanD had underestimated the difficulties in site assembly;
- (f) as for the “CDA(4)” zone, while there were lots under single ownership, the private lots with multiple ownership were located at the central part of the “CDA(4)” site, which made site amalgamation more difficult;
- (g) the permissible plot ratio of 5 for the “CDA(4)” zone was much below the plot ratio of 9.5 of the existing industrial buildings under the previous “I” zone. This provided no incentive for redevelopment as owners would tend to retain the existing buildings which had a larger floor area;

- (h) the rezoning of the “I” sites to “CDA” also contradicted with the Government’s policy on revitalization of industrial buildings as the special waiver policy only applied to industrial buildings falling within the “I”, “C” and “OU(B)” zones, but not “CDA”. While the policy was not within the purview of the Board, the Board should have the responsibility to take into account the land policy in the planning process in order to better utilize the land resources and improve the environment through land use zoning;
- (i) it would be more appropriate to rezone the area to “OU(B)” or “C”, as the zonings provided more flexibility and more certainty for redevelopment since there was no need for site assembly. A commercial zoning would allow residential development subject to planning permission to address environmental and other technical problems. A commercial zoning would also allow other uses which were compatible with the future residential use in the area;
- (j) if commercial development, such as office and hotel, was allowed at the representation site, it could act as a buffer between the serious traffic noise problem from Texaco Road and the residential development in the ex-Tai Wo Hau Factory Estate site;
- (k) it was the intention of the owner to convert the existing industrial building into a hotel or office under the special waiver policy. This would help phasing out of the existing industrial activities and improve the environment in the area; and
- (l) alternatively, it was proposed that the representation site could be excluded from the “CDA(4)” zone such as that redevelopment of the site would not be delayed due to the fragmented ownership problem. As the representation site was located at the fringe of the “CDA(4)” zone, the exclusion of it would not affect the development of the “CDA(4)” zone.

R4 (Leahander Trading Limited, Planwise Properties Limited, Warrington & Co. Ltd and Yau Luen Stevedoring Transportation Packers Co. Ltd.)

36. With the aid of a Powerpoint presentation, Mr. Alnwick Chan made the following main points:

- (a) “CDA(6)” comprised five lots owned by four individual owners. The lots were all under single ownership. Three buildings in the zone were of 36 to 40 years old, but one building had a building age of only 15 years;
- (b) the area to the south was occupied by Global Gateway and Dynamic Cargo Centre which were modern logistics and cargo handling centres. The manufacturing activities in the area were being phased out. The area was becoming a residential area;
- (c) the area to the immediate south-west of the industrial area was occupied by existing high-density residential developments, namely Chelsea Court, H Cube and Indi Home. These sites were previously zoned “CDA” and had been rezoned to “C” after completion of the developments. The former “CDA” was subject to a plot ratio of 9.5 to 10 which provided incentive for redevelopment. These residential developments under the previous “CDA” zoning shared similar locational characteristics with the representation site. However, the representation site was subject to a plot ratio of only 5, which was considered as an unfair treatment;
- (d) the existing industrial buildings within the “CDA(6)” zone had plot ratios ranging from 9.4 to 11.2. The plot ratio of 5 allowed under the “CDA(6)” zoning represented a 50% reduction in plot ratio being enjoyed by the owners. This low plot ratio affected the viability of redevelopment and provided no incentive for owners to redevelop;
- (e) owners of different lots had different development plans and programmes. The buildings were of different ages and had different occupancy rates.

Amalgamation of sites would involve lengthy discussion and possibility to reach agreement for redevelopment among owners was slim as it involved commercial interests and development risk;

- (f) since Leahander Centre was completed in 1996 and had a building age of only 15 years, the condition of the building was still good. There was no reason and no commercial incentive for the owner to join the other owners for comprehensive redevelopment;
- (g) however, the two blocks of Harrington Building and the Tung Cheong Industrial Building which were quite old had the need for redevelopment. They should be given a separate zoning to allow redevelopment on an individual basis;
- (h) the Board should increase the plot ratio to 8 to provide incentive for redevelopment. The proposed plot ratio of 8 was made with reference to the three residential developments to the south-west of the area with a plot ratio of about 10;
- (i) if the plot ratio was increased to 8, about 60% more flats could be provided and this was in line with Government's policy to increase housing supply; and
- (j) it was proposed that the "CDA(6)" site be rezoned to three "R(E)" sites. Since residential use was subject to planning permission by the Board, I/R interface problem could be addressed.

R5 (Luenmay Enterprise Company Limited)

37. With the aid of a Powerpoint presentation, Miss Regina Chang made the following main points:

- (a) the representation site was located at 368 to 370 Sha Tsui Road now occupied by Wong's Factory Building which had a building age of 34

years. The building was owned by the representer;

- (b) three out of the four lots, including the representer's lot, within the "CDA(3)" zone were under single ownership. The remaining lot was owned by 21 owners;
- (c) the representer had a plan for redevelopment of his lot in the near future and had submitted a rezoning application under s.12A of the Ordinance in December 2010 for rezoning his lot to "OU(Hotel)" to facilitate in-situ conversion of the existing building to hotel. The application was expected to be considered by the Board in August 2011;
- (d) the rezoning of the representation site to "OU(Hotel)" would create job opportunities in the area for the local residents;
- (e) the representer also proposed to rezone his lot or the whole "CDA(3)" site to "R(E)". Since the site was located away from Texaco Road and was buffered from the traffic noise by the open space and other "CDA" sites, it was not subject to serious traffic noise problem. It was also not subject to I/R interface problem as it was away from the industrial sites to the south of Yeung Uk Road;
- (f) the inclusion of the representer's lot within the "CDA(3)" zone was unfair to the owner as the representation site was large enough for redevelopment on its own. The owner's right to redevelop his site without amalgamating with other lots had been deprived;
- (g) the case of YTIA demonstrated that the "CDA" zoning mechanism was not desirable nor workable. The sites in the YTIA which had been rezoned to "R(E)" subsequent to representation hearing by the Board were redeveloped, but the remaining site zoned "CDA" was trapped by multiple ownership issues and failure in site assembly;

- (h) it was noted in the representation of R6 that there was no intention to acquire other lots for comprehensive development. It would be difficult to reach any agreement among owners in order to realize the planning intention of the “CDA(3)” zone;
- (i) to allow early implementation of the representation site of R5 and R6 along with the disposal of the adjacent ex-Tai Wo Hau Factory Estate site for residential development, the representation site should be allowed to redevelop on its own under a “R(E)” zoning;
- (j) the planning intentions of “R(E)” and “CDA” were similar, which were for redevelopment for residential use. The two zones had similar development parameters;
- (k) a “R(E)” zone would allow redevelopment of the representation site quickly and did not require preparation of PB and submission of MLP. However, the “R(E)” zone which required planning application for residential use would also enable the Board to have control over redevelopment of the site and to ensure no incompatible uses and I/R interface problem; and
- (l) the Board could also impose additional requirements such as provision of adequate supporting facilities, in the future planning permission or in the Notes of the OZP.

38. Mr. Vincent Sung made the following main points:

- (a) the owner of the representation site was 72 years old and residing overseas. He had owned the representation site since 1972;
- (b) the owner had just recovered from serious illness and he would like to see the redevelopment of his own lot by himself. He had no time to go through the long implementation process under the “CDA” zoning; and

- (c) the owner intended to redevelop his lot by himself and he had no money to purchase other lots within the “CDA(3)” zone. The inclusion of the representation site within the “CDA(3)” site meant that it would inevitably be purchased by a big developer at a very low price.

R6 (Tippon Investment Enterprises Limited)

39. With the aid of a Powerpoint presentation, Mr. Dickson Hui made the following main points:

- (a) the representation sites consisted of Edward Wong Industrial Centre and Asia Tone i-centre, both located within the “CDA(3)” zone. The two sites were under single-ownership, and Edward Wong Industrial Centre had already been vacant and was ready for redevelopment;
- (b) the planning intention of the “CDA” zones in TWEIA was to facilitate redevelopment for residential use to address the shortage in housing land supply in the short term through phasing out the existing industrial uses. However, the “CDA(3)” zone covering the representation sites could not achieve this objective as owners of individual lots had different plans of redevelopment and fragmented land ownerships (24 owners) were involved. Representative of R5 had just indicated that R5 had no intention to redevelop with other lots within the “CDA(3)” zone for residential use. The industrial uses in Bonsun Industrial Building which was also within the “CDA(3)” zone were in active operation;
- (c) the YTIA “CDA” site, which involved only 7 land titles, had yet to be redeveloped because of land assembly problem;
- (d) the representation sites were located adjacent to the ex-Tai Wo Hau Factory Estate site and had the potential to be redeveloped in the short term to act as catalyst to encourage land use restructuring in the area;

- (e) technical feasibility study demonstrated that the representer's initial development scheme with a domestic plot ratio of 5 and building height not more than 100mPD was feasible and would not generate any I/R interface problem;
- (f) there would not be any impact on development potential of the remaining lots within the "CDA(3)" zone, as R5 had the intention to redevelop the Wong's Factory Building for hotel use, and Bonsun Industrial Building was under multiple ownership and did not have any definite redevelopment intention;
- (g) while the sites, if developed individually, might be smaller and more constrained, there could be good building designs as indicated in many other schemes such as the MOD595 at Reclamation Street, i-home at Bedford Road/Larch Street, Vista at Fuk Wing Street/Fuk Wa Street and J Residence at Johnston Road;
- (h) it was acknowledged that PlanD had taken into account many factors including the site area, land status, ownership pattern, land use pattern and development constraints of the area in delineating the "CDA" sites in the area. However, site acquisition/land assembly was a practical implementation issue which had to be taken into account;
- (i) while phasing of development was allowed, according to TPB Guidelines No. 17, it was necessary for the developer to provide evidence to demonstrate that due effort had been made to acquire the remaining portion of the site but no agreement could be reached. This would be very difficult to achieve and it would take a very long time to gather the evidence required;
- (j) the representer welcomed the Government's intention to rezone the TWEIA to facilitate redevelopment for residential use to address the shortage in housing land supply. There was scope to adjust the boundaries of the "CDA" sites to allow realization of the planning

intention in the short-term; and

- (k) it was proposed that the representation sites be rezoned to a standalone “CDA” site. The rezoning would facilitate timely redevelopment of the sites to boost housing supply, act as an instant catalyst for land use restructuring in the area, and help achieve better utilization of valuable and vacant land resources. The Board would still have control over redevelopment proposals under the separate “CDA” zones.

40. Mr. Bill Chau made the following main points:

- (a) the owner had no objection to the “CDA” zoning and the development parameters including plot ratio and building height;
- (b) the owner intended to redevelop the representation sites very soon in response to Government’s policy to increase housing supply;
- (c) the proposed “CDA” zone to cover only the two representation sites allowed early redevelopment of the sites and there was initial understanding between two owners on the redevelopment plans; and
- (d) as the ex-Tau Wo Hau Factory Estate would be disposed and redeveloped for residential use shortly, it would be undesirable if the surrounding sites were still occupied by industrial use.

R7 (Top Merchant Investments Limited)

41. With the aid of a Powerpoint presentation, Mr. Dickson Hui made the following points:

- (a) the representation site was occupied by Jumbo i Advantage within the “CDA(5)” zone;

- (b) the representer proposed to exclude the site from “CDA(5)” and include it into the “CDA(6)” zone;
- (c) the main ground was that the “CDA(5)” zone involved fragmented land ownership (217 owners) which made land assembly for redevelopment unlikely. It should be noted that the YTIA “CDA” site, which involved only 7 land titles, had yet to be redeveloped because of land assembly problem;
- (d) as all lots within “CDA(6)” were under single-ownership and the representation site was also under single-ownership, the inclusion of the representation site into the “CDA(6)” zone would have a higher chance to realize the development potential of the site for housing supply;
- (e) the larger “CDA(6)” site would also provide more flexibility to have a better layout and design to address the serious traffic noise problem from Texaco Road. The remaining “CDA(5)” site with an area of 0.56 ha was still sizable and its L-shaped configuration was considered suitable for a standalone development;
- (f) it was acknowledged that PlanD had taken into account many factors including the site area, land status, ownership pattern, land use pattern and development constraints of the area in delineating the “CDA” sites in the area. However, site acquisition/land assembly was a practical implementation issue which had to be taken into account; and
- (g) while phasing of development was allowed, according to TPB Guidelines No. 17, it was necessary for developer to provide evidence to demonstrate that due effort had been made to acquire the remaining portion of the site but no agreement could be reached. This would be very difficult to achieve and it would take a very long time to gather the evidence required.

42. With the aid of a Powerpoint presentation, Ms. Cindy Tsang made the following main points:

- (a) the representer was the owner of 98 and 100 Texaco Road;
- (b) the representation was against the rezoning of a piece of land abutting Sha Tsui Road to “CDA(2)” and a piece of land at the junction of Yeung Uk Road and Texaco Road to “CDA(4)”. The boundaries of the two “CDA” zones unfairly prejudiced against the private sector;
- (c) according to TPB Guidelines No. 17, “CDA” sites involving private land were normally expected to have a major portion of the private land under single ownership at the time of designation. However, “CDA(4)” was under multiple ownership and the representer, who owned major portion of the representation site, had no plan to acquire other lots within the “CDA(4)” zone for redevelopment;
- (d) it would also be difficult to include the emergency vehicular access (EVA), which was at present owned by the Government, in a private development. This EVA should be included within the “CDA(2)” site which covered the ex-Tai Wo Hau Factory Estate site;
- (e) it was noted that PlanD would review implementation of “CDA” sites on a regular basis. However, the review process would unreasonably delay implementation. The zoning boundary of the “CDA(4)” zone would create implementation problem because of the fragmented ownership and this hindered the urban renewal process;
- (f) since the “CDA(4)” site had a long frontage along Texaco Road which was a major source of severe traffic noise, any residential development alongside the road would require substantial noise abatement measures and/or setback. There was limited scope to provide setback at Link Dyeing Works Limited and Hing Yip Centre because of the narrow configuration of the sites. Single-aspect building design would be

required to address traffic noise impact, resulting in wall-like development along Texaco Road. Since vehicular access might not be allowed at Texaco Road or Sha Tsui Road, possibly all domestic GFA would be located within the southern part of the site, resulting in congested and unfavourable scheme;

- (g) Link Dyeing Works Limited and Hing Yip Centre should be included into the “CDA(2)” zone to achieve a sensible site boundary and regular configuration and allow a better design flexibility to overcome the severe site constraints and address the severe traffic noise problem from Texaco Road;
- (h) the “CDA(4)” zone should cover only the representation site as the representer was the major landowner and redevelopment of the site in short term would be easier to realize;
- (i) the remaining area between the revised “CDA(2)” and “CDA(4)” zones could form a standalone “CDA” site. This site was of sufficient size and had a regular configuration to accommodate a comprehensive redevelopment with flexibility in site layout and design;
- (j) the representer also objected to the stipulation of a maximum plot ratio of 5 of which a minimum of 4.5 should be for domestic use for the site. The restriction had denied a legitimate domestic plot ratio of 0.237 if a composite plot ratio of 5 and 9.5 for composite building for the “Residential (Group A)” sites in the vicinity applied;
- (k) the representer proposed a maximum non-domestic plot ratio of 0.5 in association with a composite plot ratio of 5 and 9.5, in order to make sure that the redevelopment would be primarily for residential use; and
- (l) the representer had worked out a preliminary redevelopment scheme with a domestic plot ratio of 4.737 and a non-domestic plot ratio of 0.5, a building height of 91mPD (24 storeys). With improved design flexibility under

the revised “CDA” site boundary, the scheme could adopt a better layout design for larger communal spaces, sufficient building gap to improve air ventilation and a non-domestic podium along Texaco Road to shield against traffic noise and emission while providing commercial viability.

[Dr. James C.W. Lau, Mr. Andrew Tsang and Ms. Maggie M.K. Chan left the meeting at this point.]

43. As the representers’ representatives had completed their presentation, the Chairman invited questions from Members.

44. In response to the question from Mr. Jimmy Leung regarding R7’s proposal of Jumbo i Advantage in “CDA(5)” joining “CDA(6)”, Mr. Dickson Hui and Mr. Alnwick Chan said that there had not been any discussion among the concerned owners. Mr. K.L. Wong, lot owner of Leahander Centre within the “CDA(6)” site, said that there had been discussion among owners within the “CDA(6)” site and the only outstanding issues needed to be resolved for redevelopment of the sites were the status of the back lane and petrol filling station adjacent to the site. Mr. Wong said that the major problem was the low plot ratio allowed for redevelopment. The low plot ratio meant reduction in housing supply, and hence would result in further upsurge of housing prices. This was against public aspiration for more housing flat supply and lower housing prices.

45. In response to the question of a Member on whether the developers had sought assistance from the Development Opportunity Office (DOO), Mr. Dickson Hui said that the DOO was not responsible for private residential developments and might not offer any help in coordinating redevelopment of subject area for private residential development.

[Mr. Fletch Chan arrived to join the meeting at this point.]

46. A Member noted that R5 had submitted an application for hotel development at the site currently occupied by the Wong’s Factory Building within the “CDA(3)” site and in the oral presentation, R5 also suggested that the site should be rezoned to “R(E)” to allow redevelopment for residential use. He asked if R5 had any preference in the redevelopment plan of their lot. In response, Mr. Vincent Sung said that the owner intended to convert the

existing industrial building for hotel use. Building plan submission and application for rezoning the site for hotel use had been made. Miss Regina Chang said that the existing industrial building had a plot ratio of 15 and the building structure was of quite good condition. It was therefore their preference to retain the existing building and convert it for hotel use such that the owner could enjoy the existing GFA of the building. If the building was demolished for residential development, a plot ratio of only 5 would be allowed. However, if it was the intention of the Board to redevelop the area for residential use, the owner would accept a "R(E)" zoning in order to have the flexibility for individual redevelopment.

47. A Member noted that some representers had queried the feasibility of phased development of "CDA" zones. He asked if DPO/TWK could elaborate on the TPB Guidelines No. 17 on such aspect. Mr. Wilson Chan made the following main points:

- (a) the TPB Guidelines No. 17 were promulgated in 1999 to guide "CDA" developments. The guidance was effective and many MLP submissions for comprehensive development within "CDA" zones in the N.T. area had been approved since the promulgation of the guidelines;
- (b) according to the guidelines, for "CDA" sites which were not under single ownership, if the developer could demonstrate with evidence that due effort had been made to acquire the remaining portion of the site for development but no agreement could be reached with the landowners, allowance for phased development could be considered if the comprehensiveness of the proposed development would not be adversely affected and the development potential of the un-acquired lots would not be absorbed in the early phases; and
- (c) it was noted that some owners such as R6 had in fact worked out initial proposals for redevelopment of the sites. Developers could approach PlanD direct on redevelopment proposals and present their views for the preparation of the PBs for the "CDA" sites. However, it was acknowledged that time would be required for site assembly to facilitate comprehensive development within "CDA" site. The New Haven

development across Sha Tsui Road was an example of “CDA” development involving different landowners.

48. In response, Mr. Vincent Sung said that since commercial interests were involved, it would be very difficult for landowners to compromise on redevelopment, in particular if big and small developers were involved.

49. Mr. Phill Black said that while the TPB Guidelines No. 17 allowed for phased development, the “CDA” zone was under one blanket planning intention for comprehensive redevelopment and it would be difficult to ensure comprehensiveness through phased development. Instead of phased “CDA” development, it would be more appropriate to allow flexibility for individual development.

50. Mr. Dickson Hui said that the New Haven development quoted by DPO/TWK had taken a very long time to complete site assembly for redevelopment and the owners involved (four lots all under single ownership) were far less than that in the subject “CDA” sites. Another example was Liberte in Cheung Sha Wan which involved only two developers, but over 10 years had been taken for the development. If it was the intention of the Government to expedite redevelopment of the area for residential use, it could only be achieved through a more flexible zoning such as “R(E)”.

51. Mr. Alnwick Chan said that while there was benefit for large-scale comprehensive development in terms of its comprehensiveness, it would pose more difficulties for future redevelopment after 50 to 60 years in view of the scale of the existing development.

52. In response to a Member’s question, Mr. Wilson Chan said that one PB for each of the “CDA” sites would be prepared to guide the future development of the individual sites. The considerations commonly applicable to all the “CDA” sites in the area would also be taken into account.

53. A Member noted in paragraph 2.2 of the TPB Paper that DEP had concern on the potential I/R interface problem and the serious traffic noise generated from Texaco Road that could not be satisfactorily addressed through redevelopment of individual private industrial

buildings with uncertain redevelopment programming. He asked how the CDA approach which allowed for phased development could address the problem in view of the difficulties in site assembly. While it was argued by PlanD that land ownership related more to implementation matters rather than planning intention, it was necessary to take into account implementation issue such that the planning intention for comprehensive development could be achieved. He asked DPO/TWK to elaborate on this point.

54. In response, Mr. Wilson Chan made the following main points:

- (a) a “CDA” zoning would help achieve a better layout and environment by means of amalgamation of sites for comprehensive redevelopment;
- (b) as for a “R(E)” development, as some of the industrial buildings in the area were still in operation and different owners might have different development programmes, I/R interface problem was likely during the implementation process; and
- (c) under phased development within “CDA”, it had to be ensured that the comprehensiveness of the proposed development would not be adversely affected. The development potential of the un-acquired lots under later phases should not be compromised by the earlier phase of development and access to these lots should not be affected.

55. In response, Mr. Bill Chow said that if allowance for phased development within the “CDA” sites could solve fragmented ownership problem, there was no need to designate six “CDAs” in the area. The current zoning reflected that there might be land assembly problem which would affect implementation. The concern in land assembly should be seriously considered.

56. Mr. Phill Black said that in view of the lot owners’ concerns on implementation problem, it was suggested that the Board might allow some time, for about 3 months, for the owners to submit proposals to PlanD such that a more practical approach could be worked out to facilitate redevelopment of the area in a more effective manner.

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

Deliberation Session

58. In response to the Chairman's question, the Secretary said that if there were reasonable and sufficient grounds, the Board could defer a decision on the representations. However, the Board could not accept any new proposals from the representers as representers' submissions had to be published for public comments under the provision of the Ordinance. R2's proposal for deferral for three months to allow submission of proposals was not acceptable in this respect.

59. The Chairman said that a "CDA" zoning would allow comprehensive redevelopment while ad hoc redevelopment of individual sites could not address I/R interface problem in the redevelopment process. However, the redevelopment process would take time under the "CDA" zoning as site amalgamation was required. While most representers agreed that the area should be redeveloped to residential use, one representer (R5) proposed to convert his lot to hotel use. Members might wish to consider the appropriate zoning mechanism for the area, taking into account the planning intention for comprehensive redevelopment to improve the environment in the area.

60. Three Members were of the view that the proposed hotel development at R5's site was not objectionable. The Vice-chairman however considered that allowing piecemeal proposal for in-situ conversion for hotel use would set a precedent for other similar proposals in the area. Another Member also considered that to allow in-situ conversion of the existing building for hotel use was not in line with the overall planning intention of the area for comprehensive redevelopment for residential use.

61. A Member supported retaining the "CDA" zoning of the area, but there was scope to review and adjust the boundaries of the "CDA" sites to facilitate early implementation of the planning intention. However, this Member noted that there was a

mechanism to review the implementation of “CDA” sites.

62. The Vice-chairman noted the passion of DPO/TWK in presenting his planning vision for encouraging redevelopment of the area for residential use to improve the environment through a “CDA” zoning which would allow redevelopment in a comprehensive manner. However, there was practical implementation problem that needed to be addressed.

63. A Member said that the “CDA” zoning would allow integrated developments such that facilities such as shops and footbridges linking different developments could be provided in a cohesive manner.

64. Another Member shared the above views that there were implementation problem and that there was the need to expedite housing supply. PlanD should proactively review the land status and conditions of the sites as well as the proposals put forward by individual owners so as to work out a more effective zoning delineation of the area to facilitate early redevelopment.

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

65. In response to the Chairman’s request, the Secretary said that the “CDA” zoning would help achieve a better layout and environment by means of amalgamation of sites for comprehensive redevelopment. As the area was at present an industrial area and a lot of industrial activities were still in operation, piecemeal redevelopment of individual sites would create serious I/R interface problem. In this connection, EPD had raised concerns on potential I/R interface problem because of uncertain redevelopment programme of individual owners. A larger site under the “CDA” zoning would provide more scope for designing the layout including the road layout and the open area to achieve a better development and to address I/R interface and traffic noise problems in the area. This could not be achieved if individual building blocks in the area were redeveloped in an ad hoc manner. While six “CDAs” were at present delineated on the OZP, the zoning boundaries could be adjusted through the established “CDA” review exercise, taking into account the implementation programmes and proposals of developers.

66. Regarding phased development of one large “CDA” site as allowed under TPB Guidelines No. 17, the Secretary said that the developer could submit a MLP covering the whole site with different implementation phases. If the MLP was accepted by the Board, owners of different phases could proceed with the development according to the approved MLP. The “CDA” at Kai Yuen Street, North Point was an example of phased development. The Secretary also informed Members that the “CDA” zones at King Wah Road and Kai Yuen Street quoted by representative of R2 had a special background. The delineation of the “CDA” into two sites was a result of the Board’s deliberation on special considerations.

67. In response to a Member’s question, the Secretary said that the DOO would not provide assistance for private residential developments unless they would bring social benefits. However, DPO played an active role in liaising with developers to help work out practical development proposals to realize the planning intention.

68. Mr. Jimmy Leung said that while the policy on revitalizing industrial buildings promulgated by the Development Bureau was not within the purview of the Board, the rezoning of the industrial sites in the area for residential development based on the Area Assessment 2009 would help increase housing supply in Hong Kong. Mr. Leung said that some proposals raised by the representers such as the in-situ conversion of Wong’s Factory Building for hotel use and merging of the Jumbo i Advantage into the “CDA(6)” zone might be worth special consideration. While it might be too early to conclude that site amalgamation was not possible under the existing boundaries of the “CDA” sites, these proposals might be considered when the Board reviewed the implementation progress of the “CDA” sites.

69. In response, the Chairman said that as suggested by a Member above, DPO could be asked to proactively discuss with the individual owners to work out practical development proposals and report to the Board for the review of the “CDA” zone. While the Board normally reviewed progress of newly designated “CDA” sites in three years’ time, the Board might review the subject “CDA” sites earlier pending the report of DPO on the discussion with the landowners. Members agreed.

70. A Member supported retaining the “CDA” zoning of the area to achieve comprehensive redevelopment. However, he asked if the plot ratio could be relaxed to help

increase housing supply. Another Member also said that as the area had no preservation consideration, and there might be scope to allow a higher plot ratio in order to increase flat supply to address the housing problem in a wider perspective.

71. In response, the Secretary said that according to DPO/TWK and as stated in the TPB Paper, the infrastructure developments in the Tsuen Wan area had been planned based on a maximum domestic plot ratio of 5 or a maximum non-domestic plot ratio of 9.5. A total maximum plot ratio of 5 allowed for the subject “CDA” zones would ensure that the existing/planned supporting infrastructure would not be overloaded.

72. The Secretary said that the residential developments to the southwest of the subject area within the “C” zone quoted by R3 were previously approved for hotel developments, which were regarded as commercial use, and thus a plot ratio of 9.5 was permitted in the approved schemes. The sites were subsequently developed into service apartments. The current “C” zoning of the site was to reflect the approved schemes.

73. After further deliberation, the Chairman concluded Members’ view that the “CDA” zoning of the area should be retained. It was noted that whilst there was concern on site amalgamation, there had not been discussions among individual owners. In this connection, DPO should actively discuss with individual owners on their redevelopment plans and programmes, and try to work out practical redevelopment proposals for the area and report to the Board for an earlier review on the practicality of the “CDA” zones and the boundaries. It was not appropriate to defer a decision on the representations for three months as suggested by representative of R2. Members agreed.

74. The Secretary supplemented that the s.12A application for rezoning of Wong’s Factory Building for hotel development would be considered separately by the Board under the provision of the Ordinance after the approval of the subject OZP by the ExCo.

Representation No. R1

75. After further deliberation, the Board decided not to uphold the representation of R1 for the following reason:

the 15 m wide NBA under the “CDA(2)” zone was not designated for air ventilation purpose but for the provision of a landscaped walkway connecting Sha Tsui Road and the proposed public open space to the south of the “CDA(2)” site. Provision of adequate building permeability regarding the future development on the “CDA(6)” site would be safeguarded through the submission of a MLP for the development and consideration by the Board.

Representation No. R2

76. After further deliberation, the Board decided not to uphold the representation of R2 for the following reasons:

- (a) the Notes and ES of the Plan were to explain the general zoning intention and to specify important development parameters. The differences in locality, constraints and ownerships among the “CDA(2)” to “CDA(6)” sites did not constitute different planning intention for each of the concerned “CDA” site. The same planning intention for the “CDA(2)” to “CDA(6)” zones as stated in the Notes of the Plan and the ES was considered appropriate;
- (b) the potential problem induced by land ownership was one of the aspects that needed to be addressed during implementation. It was related to the implementation matters rather than planning intention of the “CDA” zones;
- (c) the conditions for phased development had clearly been set out in TPB Guidelines No. 17. It was not the practice of the Board to set out the requirements in a TPB Guideline in the Notes and ES of the OZP;
- (d) flexibility and development incentives for redevelopment in the form of minor relaxation of building height clause had been provided in the Notes of the “CDA(2)” to “CDA(6)” zones. In the absence of any justification or demonstration of design/planning merits of the schematic proposal, it would be undesirable to provide a blanket increase of 20m to the

maximum building height for the “CDA” zones; and

- (e) PlanD would prepare PBs for the “CDA” sites and consult the Tsuen Wan District Council (DC) in accordance with the TPB Guidelines No. 39. Detailed planning requirements, such as building setback for streetscape improvement, would be incorporated into the PBs, if required. Besides, during the course of PB preparation, landowners could submit their views and proposals through DC or to PlanD directly for consideration. It was considered not necessary to mention the role of PB and detailed planning requirements in the Notes and ES.

Representation No. R3

77. After further deliberation, the Board decided not to uphold the representation of R3 for the following reasons:

- (a) “CDA” was an appropriate zoning for the representation site taking into account the planning intention of land use restructuring and upgrading the environment of the northern part of TWEIA, the interim I/R interface problem, and the requirement for provision of adequate supporting facilities. To deal with the problem of site amalgamation, a phased development for the “CDA” zone might be allowed by the Board so that redevelopment of the representer’s property could be implemented as an integral part of the approved MLP for the entire “CDA” zone;
- (b) the proposed plot ratio of the “CDA” zones had taken into account the infrastructural developments of the Tsuen Wan area. A total maximum plot ratio of 5.0 would ensure that the existing/planned supporting infrastructure would not be overloaded; and
- (c) the proposed rezoning to “C” or “OU(B)” would defeat the Board’s planning intention of comprehensive redevelopment of the area primarily for residential use.

Representation No. R4

78. After further deliberation, the Board decided not to uphold the representation of R4 for the following reasons:

- (a) “CDA” was an appropriate zoning for the representation site taking into account the planning intention of land use restructuring and upgrading the environment of the northern part of TWEIA, the interim I/R interface problem, and the requirement for provision of adequate supporting facilities. To deal with the problem of site amalgamation, a phased development for the “CDA” zone might be allowed by the Board so that redevelopment of the representer’s property could be implemented as an integral part of the approved MLP for the entire “CDA” zone;
- (b) the proposed plot ratio of the “CDA” zones had taken into account the infrastructural developments of the Tsuen Wan area. A total maximum plot ratio of 5.0 would ensure that the existing/planned supporting infrastructure would not be overloaded. It was also in line with the plot ratio for other similar “R(A)” residential developments in the Tsuen Wan area. In the absence of any development proposal, there was no strong justification to support a plot ratio of 8 for the “CDA(6)” site; and
- (c) the proposed rezoning to “R(E)” was undesirable as the “R(E)” zoning, which allowed redevelopment of individual building, was less able to tackle the I/R interface problems and would not be able to achieve a comprehensive layout.

Representation No. R5

79. After further deliberation, the Board decided not to uphold the representation of R5 for the following reasons:

- (a) “CDA” was an appropriate zoning for the representation site taking into account the planning intention of land use restructuring and upgrading the

environment of the northern part of TWEIA, the interim I/R interface problem, and the requirement for provision of adequate supporting facilities. To deal with the problem of site amalgamation, a phased development for the “CDA” zone might be allowed by the Board so that redevelopment of the representers’ property could be implemented as an integral part of the approved MLP for the entire “CDA” zone;

- (b) the planning intention of the “CDA” zone did not rule out the possibility of separate developments by individual lot owners within a “CDA” site, provided that the comprehensiveness of the proposed development would not be adversely affected as a result of the phasing as demonstrated by the MLP submission;
- (c) the proposed rezoning to “R(E)” was undesirable as the “R(E)” zoning, which allowed redevelopment of individual building, was less able to tackle the I/R interface problems and would not be able to achieve a comprehensive layout; and
- (d) the proposed rezoning of the representation site only to “OU(Hotel)” would defeat the Board’s planning intention of comprehensive redevelopment of the area primarily for residential use.

Representation No. R6

80. After further deliberation, the Board decided not to uphold the representation of R6 for the following reasons:

- (a) the boundaries and configuration of the “CDA” sites were delineated after careful consideration taking into account the site area, land status, ownership pattern, land use pattern and development constraints of the area;
- (b) to deal with the problem of site amalgamation, a phased development for the “CDA” zone might be allowed by the Board so that the redevelopment

of the representer's property could be implemented as an integral part of the approved MLP for the entire "CDA" zone; and

- (c) the proposed excision of the representation site to become a standalone "CDA" would lead to the residual of the "CDA(3)" site being fragmented, constrained and small and thus reducing scope to refine the layout and disposition of the residential blocks without compromising good design solutions.

Representation No. R7

81. After further deliberation, the Board decided not to uphold the representation of R7 for the following reasons:

- (a) the boundaries and configuration of the "CDA" sites were delineated after careful consideration taking into account the site area, land status, ownership pattern, land use pattern and development constraints of the area;
- (b) to deal with the problem of site amalgamation, a phased development for the "CDA" zone might be allowed by the Board so that the redevelopment of the representer's property could be implemented as an integral part of the approved MLP for the entire "CDA" zone; and
- (c) the proposed exclusion of the representation site from the "CDA(5)" zone and including it in the "CDA(6)" zone would lead to an irregular "CDA(5)" zone which was less desirable for design flexibility and disposition of residential towers.

Representation No. R8

82. After further deliberation, the Board decided not to uphold the representation of R8 for the following reasons:

- (a) “CDA” was an appropriate zoning for the representation site taking into account the planning intention of land use restructuring and upgrading the environment of the northern part of TWEIA, the interim I/R interface problem, and the requirement for provision of adequate supporting facilities. To deal with the problem of site amalgamation, a phased development for the “CDA” zone might be allowed by the Board so that redevelopment of the representer’s property could be implemented as an integral part of the approved MLP for the entire “CDA” zone;
- (b) the planning intention of the “CDA” zone did not rule out the possibility of separate developments by individual lot owners within a “CDA” site, provided that the comprehensiveness of the proposed development would not be adversely affected as a result of the phasing as demonstrated by the MLP submission;
- (c) the boundaries and configuration of the “CDA” sites were delineated after careful consideration taking into account the site area, land status, ownership pattern, land use pattern and development constraints of the area;
- (d) the proposed plot ratio of the “CDA” zones had taken into account the infrastructural developments of the Tsuen Wan area. A total maximum plot ratio of 5.0 would ensure that the existing/planned supporting infrastructure would not be overloaded. It was also in line with the plot ratio for other similar “R(A)” residential developments in the Tsuen Wan area. The composite plot ratio (domestic/non-domestic) of 5/9.5 was considered inappropriate to be applied to the “CDA(4)” zone as it provided no guarantee that the future development would be primarily for residential purpose to tally with the planning intention for the site; and
- (e) the proposed rezoning to “R(E)” was undesirable as the “R(E)” zoning, which allowed redevelopment of individual building, was less able to tackle the interface technical problems and would not be able to achieve a comprehensive layout.

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

General

Agenda Item 5

[Open Meeting]

Proposed Amendments to the Master Schedule of Notes to Statutory Plans
and Proposed Amendments to Six Outline Zoning Plans with “I” Zones
(TPB Paper No. 8836)

[The meeting was conducted in Cantonese.]

83. The Chairman invited Ms. Donna Tam, CTP/TPB (Atg) to present the Paper.
84. With the aid of a Powerpoint presentation, Ms. Donna Tam made the following main points:
- (a) to cater for the structural changes in industrial activities, since 2001, the scope of uses permitted in the “Industrial” (“I”) zone of the Master Schedule of Notes (MSN) had been expanded to facilitate the development of IT and telecommunications industries and other non-manufacturing activities such as offices related to industrial uses;
 - (b) there were also new measures to promote revitalization of old industrial buildings through encouraging redevelopment and conversion of vacant or under-utilized industrial buildings;
 - (c) according to the Notes of the “I” zone, “Eating Place”, “Educational Institution”, “Exhibition or Convention Hall”, “Institutional Use (not elsewhere specified)”, “Off-course Betting Centre”, “Office”, “Place of Entertainment”, “Place of Recreation, Sports or Culture”, “Private Club”, “Public Clinic”, “Religious Institution”, “Shop and Services” and “Training Centre” were always permitted in the purpose-designed non-industrial portion on the lower floors of an existing building, provided that the uses were separated from the industrial uses located above by a buffer floor of non-hazardous occupancy, such as a parking or

loading/unloading floor. For fire safety reason, no industrial uses would be permitted to co-exist with the commercial uses in the non-industrial portion;

- (d) to increase flexibility and in line with the policy on revitalization of old industrial buildings, it was proposed to include “Eating Place”, Institutional Use (not elsewhere specified)”, “Public Clinic” and “Training Centre” uses in column 2 of the user schedule of the “I” zone. To address fire safety concern, it was proposed that the uses should only be permissible, upon application, in wholesale conversion of an existing industrial building only so that industrial and commercial uses would not co-exist after conversion;
- (e) relevant government departments, including Director of Fire Services, had been consulted and had no objection to the proposed amendments; and
- (f) it was proposed that among the 13 OZPs with “I” zone, 6 OZPs, namely the draft Kennedy Town & Mount Davis OZP No. S/H1/18, the approved Chai Wan OZP No. S/H20/17, the draft South West Kowloon OZP No. S/K20/25, the approved Fanling & Sheung Shui OZP No. S/FSS/14, the draft Sha Tin OZP No. S/ST/24, and the draft Ping Shan OZP No. S/YL-PS/12, could be amended in the first batch in accordance with the revised MSN.

85. In response to a Member’s question, Ms. Donna Tam said that “Training Centre” was already a column 2 use in the Notes of the “I” zone of the Ping Shan and Chai Wan OZPs. Therefore, there was no need to add the use in the current proposed amendments.

86. After deliberation, the Board agreed to the proposed amendments to the MSN. The Board also agreed that:

- (a) the 6 OZPs incorporated with the revised Notes of the “I” zones shown at Annex II(a) to II(f) of the Paper were suitable for exhibition for public inspection under s.5 or 7 of the Ordinance;

- (b) the updated ESs of the 6 OZPs incorporating the proposed amendments at Annex II(a) to II(f) should be adopted as an expression of the planning intention and objectives of the Board for the various land use zonings of the OZPs and issued under the name of the Board; and
- (c) the updated ESs were suitable for exhibition for public inspection together with the 6 draft OZPs.

Agenda Item 6

[Open Meeting]

Information Note and Hearing Arrangement for
Consideration of Representations and Comment to the Draft Tin Fu Tsai
Development Permission Area Plan No. DPA/TM-TFT/1
(TPB Paper No. 8840)

[The meeting was conducted in Cantonese.]

87. The Secretary briefly introduced the Paper. On 7.1.2011, the draft Tin Fu Tsai Development Permission Area (DPA) Plan No. DPA/TM-TFT/1 was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). During the publication periods, a total of 8 representations and 1 comment were received. Since the representations and comment were mainly related to the conservation of the natural and rural character of the Area, the land use zonings to be designated in the future Outline Zoning Plan (OZP), and concerns on the possible impact on the land/property owners' use and development of their private land in the Area, it was recommended that the representations and comment should be considered by the full Board. It was suggested that the Board considered the representations collectively as the representations and related comment were of a similar and related nature.

88. After deliberation, the Board agreed that the representations should be considered in the manner as proposed in paragraphs 2.1 and 2.2 of the Paper.

Agenda Item 7

[Open Meeting]

Information Note and Hearing Arrangement for

Consideration of Representations and Comment to the Draft To Kwa Peng and Pak Tam Au Development Permission Area Plan No. DPA/NE-TKP/1

(TPB Paper No. 8841)

[The meeting was conducted in Cantonese.]

89. Ms. Anna S.Y. Kwong had declared interest in this item as she was the Authorized Person responsible for a residential development project in the To Kwa Peng and Pak Tam Au areas. As the item was only procedural, Members agreed that Ms. Kwong could stay in the meeting for this item.

90. The Secretary briefly introduced the Paper. On 7.1.2011, the draft To Kwa Peng and Pak Tam Au DPA Plan No. DPA/NE-TKP/1 was exhibited for public inspection under s.5 of the Ordinance. During the publication periods, a total of 206 representations and 227 comments were received. Since the representations and comments were mainly related to the conservation of the landscape and natural environment of the Area, the land use zonings to be designated in future OZP and indigenous villager's right for Small House development, it was recommended that the representations and comments should be considered by the full Board. It was suggested that the Board consider the representations collectively as the representations and the related comments were submitted in respect of the "Specified Use" area and were closely related.

91. The Secretary also said that comment C227 indicated "N/A" in the submitted comments. As the comment was not related to any of the representations, it was considered that C227 should be regarded as invalid and treated as not having been made.

92. After deliberation, the Board agreed that the representations should be considered in the manner as proposed in paragraphs 2.1 and 2.2 of the Paper. The Board also agreed that C227 should be regarded as invalid and treated as not having been made.

Agenda Item 8

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

93. There being no other business, the meeting was closed at 1:25 p.m.