

TOWN PLANNING BOARD

**Minutes of 448th Meeting of the
Metro Planning Committee held at 9:00 a.m. on 19.8.2011**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. K.Y. Leung

Vice-chairman

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Professor P.P. Ho

Professor C.M. Hui

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Professor S.C. Wong

Ms. L.P. Yau

Assistant Commissioner for Transport (Urban),
Transport Department
Mr. David To

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

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Mr. Ken Y.K. Wong

Assistant Director/Kowloon, Lands Department
Mr. Gary Cheung

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

Secretary

Absent with Apologies

Dr. Winnie S.M. Tang

Mr. Maurice W.M. Lee

Ms. Julia M.K. Lau

In Attendance

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

Chief Town Planner/Town Planning Board
Miss H.Y. Chu

Town Planner/Town Planning Board
Ms. Cindy K.F. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 447th MPC Meeting held on 5.8.2011

[Open Meeting]

1. The draft minutes of the 447th MPC meeting held on 5.8.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Proposed Amendments to the Draft Wong Nai Chung Outline Zoning Plan (OZP)
No. S/H7/15

2. The Secretary said that she owned a property at Broadwood Road and declared an interest in this item. Members agreed that as the role of the Secretary was to provide information and advice on procedural matters and would not take part in decision-making, she could be allowed to stay in the meeting.

3. The Secretary said that MPC decided on 5.8.2011 that in addition to building height (BH) restrictions, appropriate development restrictions on the plot ratio, site coverage and building gap should be stipulated in the Notes for the “Government, Institution or Community” (“G/IC”) zone covering the Pioneer Memorial Church and former Hong Kong Sam Yuk Secondary School to reflect the merits of the redevelopment scheme. In accordance with the MPC’s decision, it was proposed to rezone the site to “G/IC(1)” with stipulation of the above development restrictions. The major proposed amendments to the OZP were:

(a) the BH restrictions for the northern and southern parts of the “G/IC(1)” zone would be amended from 2 and 8 storeys to 5 storeys and 90mPD (Amendment Items A1 and A2) respectively. In accordance with the redevelopment scheme, the demarcation line between the two BH restrictions for the “G/IC(1)” zone would be slightly shifted southwards by about 3m;

- (b) apart from the BH restrictions, it was proposed to stipulate a maximum plot ratio of 5 and a maximum site coverage of 62% (not exceeding 15m above ground level) and 46% (over 15m above ground level) for the “G/IC(1)” zone to contain the building bulk of the future development having regard to the submitted redevelopment scheme. In addition, a building gap with a minimum width of 4m in an east-west direction above 25mPD (except for fence wall not exceeding 2m in height) should be provided between the two buildings at the northern and southern parts of the zone to facilitate the penetration of prevailing wind through the site and provision of a visual break between the two buildings; and
- (c) remark in the Notes for the “Residential (Group B)9” zone was amended to stipulate the gross floor area control clearly, as agreed at the last meeting.

4. In response to the Chairman’s enquiry, the Secretary explained that the stipulation of the proposed BH, plot ratio and site coverage restrictions and the building gap requirement were to set out broadly the built form of the future redevelopment on the “G/IC(1)” site. Given the proposed senior hostel within the redevelopment proposal was regarded as ‘Residential Institution’ use and would require planning permission from the Board, senior hostel was not specifically mentioned in the planning intention stated in the Notes for the “G/IC(1)” zone. However, the intention of using the site for a church and elderly facilities and the planning permission requirement would be stated in the Explanatory Statement (ES).

5. A Member opined that the Pioneer Memorial Church, as a graded historical building, should be preserved and asked whether the requirement of preservation of this church could be included in the ES of the plan. The Secretary responded that preservation of historic buildings should be subject to the advice of the Antiquities Advisory Board. The Member’s view would be forwarded to the Antiquities and Monuments Office of the Leisure and Cultural Services Department for further liaison with the project proponent.

6. Members agreed to the above proposed amendments as detailed in the Matter Arising Paper and the amendments to the draft Wong Nai Chung OZP No. S/H7/15 would be gazetted under section 7 of the Town Planning Ordinance in due course.

Hong Kong District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H15/9 Application for Amendment to the
Approved Aberdeen & Ap Lei Chau Outline Zoning Plan No. S/H15/27
from “Residential (Group A)” to “Open Space”,
A Site at the Junction of Ap Lei Chau Drive
and Ap Lei Chau Praya Road, Ap Lei Chau
(MPC Paper No. Y/H15/9)

7. The Secretary reported that the application site was a land sale site and Mr. Gary Cheung, being the representative of the Lands Department, had declared an interest in this item. Since the application was for an amendment to the Outline Zoning Plan (OZP) and related to plan-making process, Members agreed that in accordance with the Town Planning Board’s established practice, Mr. Cheung could be allowed to stay at the meeting.

Presentation and Question Sessions

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

Ms. Brenda K.Y. Au - District Planning Officer/Hong Kong (DPO/HK)
Miss Isabel Y. Yiu - Senior Town Planner/Hong Kong (STP/HK)

9. The following applicants were also invited to the meeting at this point :

Mr. Lo Kin Hei
Mr. Au Nok Hin

10. The Chairman extended a welcome and explained the procedures of the hearing.

Ms. Brenda Au was then invited to brief Members on the background to the application. With the aid of a Powerpoint presentation, Ms. Au did so as detailed in the Paper and made the following main points :

Background

- (a) the applicants proposed to rezone the application site (about 4,210m²) from “Residential (Group A)” (“R(A)”) to “Open Space”(“O”). The application site was a piece of government land and was now occupied by the Water Supplies Department as a temporary works area;
- (b) the applicant argued that the application site was not suitable for residential use as it was located close to the boatyards in Ap Lei Chau. The proposed residential development would pose extra burden on the local road network, which was already very congested. The application site would induce adverse environmental impacts affecting sunlight penetration, air ventilation and view of the nearby school and residential developments. Furthermore, the population density of Ap Lei Chau was the highest in the territory and there was shortage of open space in the area;

Comments from relevant Government Departments

- (c) the District Lands Officer/Hong Kong West & South, Lands Department (DLO/HKW&S, LandsD) objected to the application. The application site (ApIL 135) had been included in the 2011-12 Land Sale Programme under the List of Sites for Sale by Application (Application List). The proposed sale of the site was to implement the planning intention for residential development. The proposed open space use did not accord with the planning intention and would affect the proposed land sale;

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

- (d) the Commissioner for Transport (C for T) had no in-principle objection to the proposed open space use. The traffic impact arising from the proposal would need to be assessed. Since the applicant had not submitted any information on the traffic impact, he reserved further comments on the

proposal until further information was available;

- (e) the Director of Environmental Protection (DEP) had no adverse comment on the application for amendment. Regarding the applicant's concerns on construction noise impact, the prospective developer was required to comply with the relevant pollution control ordinances;
- (f) the Director of Leisure and Cultural Services (DLCS) advised that the existing provision of open space in the Southern District was considered sufficient in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). The site was located near the existing leisure venues which had been furnished with different varieties of passive and active amenity facilities to cater for the need of the public in Ap Lei Chau. DLCS had no intention to take up the future development and management of the proposed open space;
- (g) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the rezoning the application site to "O" would help preserve existing trees;

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

Local Views

- (h) the District Officer (Southern), Home Affairs Department (DO(S), HAD advised that in its meeting on 24.1.2011, the Southern District Council (SDC) passed a motion indicating clear objection to putting the site into the Application List with main concerns on traffic impact of the proposed development, and requested to rezone the site to open space. A letter from the Management Services Office of Larvotto, a nearby private residential development was received, revealing that all their respondents to a questionnaire survey supported the proposed rezoning of the application site to "O";

Public Comments

- (i) 56 comments were received during the statutory publication period,

including one from Designing Hong Kong Limited, one from a Southern District Councillor and the remaining 54 from members of the general public/local residents. Their comments were summarized as follows:

- (i) Designing Hong Kong Limited urged the Town Planning Board to restrain new developments and increase in density in the Southern District until there was clarity on the future transport and traffic situation;
 - (ii) the supportive comments were largely similar to the justifications given by the applicant. Some public comments indicated that there was residential development planned in the Comprehensive Development Area site in Wong Chuk Hang and the proposed open space should feature the theme of fishing village to attract tourists;
 - (iii) the site was not suitable for residential use and the commenter suggested the site be developed as a car park or a museum;
 - (iv) the site had already been planned for residential development and had already been included in the Application List. It should be retained for such use as there was a lack of housing supply of small flats on Ap Lei Chau; and
 - (v) the site was too small for open space and there were already plenty of open spaces on Ap Lei Chau. Turning the land into an open space would increase illegal parking and crime. The SDC Member considered that the site should be retained for boatyards.
- (j) the Planning Department (PlanD)'s views - PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper which were summarized as follows:

Suitability for Residential Use

- (i) the application site had all along been zoned "R(A)" on the Aberdeen

& Ap Lei Chau OZP. Given the waterfront location and the close proximity of the site to the nearby private residential developments, namely Sham Wan Towers and Larvotto, residential use of the site was compatible with the surrounding land uses, and the current “R(A)” zoning was considered appropriate;

- (ii) while the site might be affected by some industrial noise from the boatyards located about 100m to the south of the site, adoption of suitable noise mitigation measures could be incorporated in the future residential development;

Traffic Impact

- (iii) the site was currently a Class B site and could be developed up to a maximum domestic plot ratio of 9 under the Building (Planning) Regulations. Having considered the capacity of the two existing junctions in the proximity of the site, and the population of Larvotto and that of the proposed development, the maximum PR of the proposed development would be restricted to 7. Moreover, road improvement works/measures at the two road junctions would be implemented under the South Island Line (East) (SIL(E)) project to cope with the anticipated traffic growth. The SIL(E), which was scheduled for completion in 2015, would likely be in operation by the time of the population intake of the proposed development;

Impacts on Surrounding Area

- (iv) the applicants had raised concern that the proposed development would block sunlight and the view of the adjacent school. Given the small scale of the development with a plot ratio of 7 and building height of 120mPD and that the slope at the south-western part of the site would be excluded from the development leaving at least 20m separation distance between the future development on the site and the adjacent school building, the proposed residential development on the site would not adversely affect natural lighting and visual permeability. Regarding the concern on the noise impact during the

construction stage, DEP had advised that the prospective developer was required to comply with relevant pollution control ordinances;

- (v) regarding the concern about the blockage of sea breeze, a non-building area would be stipulated in the land sale conditions for the site so that a clear width of about 30m from the podium of Sham Wan Towers would be maintained. The proposed residential development would not block the prevailing easterly wind along the existing air path as identified in the Air Ventilation Assessment conducted for the Aberdeen & Ap Lei Chau area. Regarding the concern on population density, the population density was not that high for this part of Ap Lei Chau;

Open Space Provision

- (vi) adequate open space had been planned and reserved in the Aberdeen and Ap Lei Chau area (the Area) in accordance with the HKPSG. Based on the planned population of 166,600 persons for the Area, a total of 33.3 hectares of open space were required. Taking into account the existing and planned open space provision, there were about 35 hectares of land for open space development, which were more than adequate to meet the requirement. As for Ap Lei Chau, about 17.4 hectares of open space would be required by the population of 87,000, while about 19.3 hectares of land had been provided or reserved for open space development. It included about 6.2 hectares of land along the northern coast of Ap Lei Chau already zoned "O", of which about 5 hectares had been developed as a waterfront promenade and parks. A performance venue was provided in the newly constructed Ap Lei Chau Wind Tower Park. Taking into account that different varieties of passive and active amenity facilities had already been provided to cater for the need of the public in the Ap Lei Chau area, DLCS currently had no plan to develop the application site as a leisure venue; and

Housing Demand

- (vii) there was a genuine need for the Government to maintain a stable

supply of housing sites to meet the housing demand of the community. Based on the above assessments, the applicant's proposal for rezoning the application site from "R(A)" to "O" was not supported.

11. The Chairman then invited the applicant to elaborate on the application. Mr. Lo Kin Hei made the following main points:

- (a) the application site was zoned "R(A)" and had been included in the Land Sale Programme under Application List. Once developed for residential use, the site could not be reverted to other uses. It would be more prudent to reserve the site for open space use at the moment pending clarification on the future transport and traffic situation;
- (b) the proposed residential development at the application site would pose extra burden on the local road network, which was already congested. The traffic condition of the area after the operation of the SIL(E) and the proposed junction improvements in the proximity of the site could not be accurately predicted at present as the traffic impact study conducted was based on a number of assumptions. To avoid perpetuating the adverse traffic impact, no new development should be proposed before the completion and operation of the SIL(E);
- (c) regarding the responses from the government departments, the DLO/HKW&S, LandsD was the only government department objecting to the application and his grounds of objection i.e. the inclusion of the subject site in the Land Sale Programme and residential use being in line with the planning intention of "R(A)" zone, were not sound;
- (d) in view of its waterfront location and high land value in the area, the subject site would only provide up-market flats which could not meet the housing demand of the general public;
- (e) the whole area had been reserved for residential use for more than 30 years and residential developments, namely Lei Tung Estate, Yue On Court, Sham Wan Towers and Larvotto had already been built. A comprehensive

review of the zoning for the area should be conducted;

- (f) given the waterfront location of the site, the proposed residential development with a building height of 120mPD would block the sun light and sea breeze and have adverse impacts on the surrounding areas. As the site had already been zoned “R(A)” on the OZP, there was no mechanism to ensure that the future residential development would be designed to minimize such impacts;
- (g) it was rather subjective for PlanD to say that the site would not be susceptible to industrial noise from the boatyards located about 100m away. In this regard, some of the units of Larvotto, a residential development adjacent to the application site, had non-openable windows so as to minimise the noise impact of the boatyards. Nevertheless, EPD was still not satisfied with such mitigation measures. Therefore, it was not convincing to say that the application site was not susceptible to industrial noise; and
- (h) it was stated in paragraph 10.5 of the MPC Paper that the population density of Ap Lei Chau was not that high. However, as compared to the built up areas of Kwun Tong, Shamshuipo as well as Tin Shui Wai, Ap Lei Chau had a higher population density of 66,775 person/km². Further increase in population density of the area was not desirable.

12. Mr. Au Nok Hin made the following main points :

- (a) although there was a need to increase flat supply to meet the housing demand in the territory, developing the subject site for residential use could not meet the housing demand for the general public as the site was small and would only provide up-market flats. He therefore doubted whether putting the site for sale could contribute to the stabilization of housing prices. Besides, there were some other sites in the area that could be developed for residential use;
- (b) the population intake of Larvotto and the likely relocation of some

boatyards in the area would increase traffic flow in the area. Such increase in traffic flow should also be taken into account in estimating the future traffic condition; and

- (c) the SIL(E) Lei Tung station was at some distance away from the subject site. Residents of the adjacent Sham Wan Towers and Larvotto would need to walk up a sloping access road in order to take the SIL(E). Feeder services connection with the MTR station might be required and thus further increasing burden on the local roads.

13. In response to a Member's query on the distance between the proposed open space on the site and the residential developments in the surroundings, Mr. Au Nok Hin replied that the site was close to the residential developments of Sham Wan Towers, Larvotto and Yue On Court. It had also been proposed to develop the site as part of the waterfront promenade in the Ap Lei Chau. Mr. Lo Kin Hei considered that the residents of Lei Tung Estate further up hill would also enjoy the open space facilities at the subject site.

14. In response to a Member's query on the population density, Ms. Brenda Au advised that the population density on the eastern part of Ap Lei Chau was around 45,000 persons/km² which was not that high when compared with the population density of the whole Ap Lei Chau (i.e. 66,775 persons/km²). Referring to some photos shown to Members, she said that the subject site, adjacent to the waterfront promenade with a green hill as the backdrop, was considered not so congested.

15. In response to a Member's query, Ms. Brenda Au replied that apart from redevelopment, there were no other "R(A)" sites on Ap Lei Chau that had yet to be developed.

16. In response to a Member's query, Mr. David To advised that traffic impact assessments would take into account all the existing and proposed developments in the area, not only the subject site. He further elaborated that the operation of SIL(E) would help ease the road congestion and traffic burden on major roads in the area. The residents of residential developments adjacent to the railway stations would likely choose to take SIL(E). It would help to release capacity of major roads, such as Ap Lei Chau Bridge Road, and hence would ease the traffic condition on the road network of the area. Moreover, in order to further enhance the road traffic condition, improvement works to the two junctions,

namely Ap Lei Chau Bridge Road/Ap Lei Chau Drive and Ap Lei Chau Drive/ Lei Tung Estate Road, would be undertaken. Mr. Lo Kin Hei said that as the traffic impact could not be projected accurately and the study on choice of transport mode had not been carried out, it would be prudent to reserve the area for open space at the moment. Mr. Au Nok Hin further elaborated that as the eastern side of Ap Lei Chau was still being developed and the traffic flow of the area could not be predicted accurately for the time being, the residential development proposed for the site should be withheld.

17. As the applicants had no further points to add and Members had no further questions to raise, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicants of the Committee's decision in due course. The Chairman thanked the applicants and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

18. Given that there was a general shortage of land to meet housing demand, the claim of high population density for the area by the applicants was rather subjective and that there was a lack of strong justifications for rezoning the application site to open space, a Member considered that the application should not be supported.

19. Another Member noted that the site was the only "R(A)" site that had not been developed in the area. Given that the scale of the residential development was not excessive and the residential development was unlikely to have significant adverse traffic impact on the surroundings, this Member considered that, the site should continue be zoned for residential use.

20. Another Member opined that the applicants' request for holding up the development of the site pending the completion of the SIL(E) was not justified as development and redevelopment in the area would be frozen if this argument was sustained.

21. The Chairman quoted the experience of the Tseung Kwan O (TKO) Line capturing a large share among different modes of transport in TKO area after its commencement of operation. Mr. David To supplemented that traffic congestion at TKO

Tunnel during peak hours was common before the operation of TKO Line. Improvement of the traffic condition was evident with the TKO Line in operation. Drawing the experience from a number of railway lines, Mr. David To said that it was unlikely that the opening of a railway would worsen the traffic condition of roads within its catchment area. With the availability of railway, people would be given a further option in choosing the rail mode of transport which could avoid traffic congestion on roads. With the completion of SIL(E), it was likely that residents in Ap Lei Chau would change their mode of transport if road traffic congestion became serious. Another Member concurred with Mr. To's view that people would change their transport mode having regard to the traffic condition.

[Mr. Andrew Tsang left the meeting at this point.]

22. A Member did not support the rezoning application as there was no strong ground to withhold the proposed residential development on the subject site pending the completion of the SIL(E), sufficient land had been reserved for "O" to serve the area and there was a shortage of land to meet housing demand.

23. Another Member did not support the rezoning application as the subject site had been zoned "R(A)" on the OZP for more than 30 years and the applicants had not submitted strong justification to support the rezoning application.

24. After further deliberation, the Committee decided not to agree to the application for amendment. Members then went through the reasons for rejecting the application as stated in paragraph 11.1 of the Paper and agreed to fine-tune the wording of rejection reasons. The rejection reasons were:

- (a) the current "Residential (Group A)" zoning for the application site was appropriate as residential use was compatible with the surrounding land uses and would not have adverse traffic and environmental impacts on the surrounding area;
- (b) there was adequate existing/planned open space provision to serve the population in the Aberdeen and Ap Lei Chau Planning Scheme Area as well as Ap Lei Chau alone; and

- (c) an appropriate balance should be struck between provision of extra open space and other relevant planning considerations including the need to maintain a stable supply of housing sites to meet the needs of the community.

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H15/8 Application for Amendment to the
Approved Aberdeen & Ap Lei Chau Outline Zoning Plan No. S/H15/27
from “Industrial” to “Other Specified Uses” annotated
“Open Space and Boatyard”,
A Strip of Land to the east of Ap Lei Chau Praya Road, Ap Lei Chau
(MPC Paper No. Y/H15/8)

25. The Secretary reported that the application site was the same of another application No. Y/H15/7 which was submitted by a subsidiary of Sun Hung Kai Properties Ltd (SHKP). Mr. Felix Fong and Mr. Raymond Chan had declared interests in this item as they had current business dealings with SHKP. Ms. Julia Lau had also declared an interest in this item as she was a former employee of SHKP from November 1994 to November 2008. Ms. Julian Lau had tendered an apology for not attending the meeting. Mr. Raymond Chan had not yet arrived and Mr. Felix Fong left the meeting temporarily.

Presentation and Question Sessions

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

Ms. Brenda K.Y. Au - District Planning Officer/Hong Kong (DPO/HK)
Miss Isabel Y. Yiu - Senior Town Planner/Hong Kong (STP/HK)

27. The following applicants were also invited to the meeting at this point :

Mr. Lo Kin Hei

Mr. Au Nok Hin

28. The Chairman extended a welcome and explained the procedures of the hearing. Miss Isabel Y. Yiu was then invited to brief Members on the background to the application. With the aid of a Powerpoint presentation, Miss Yiu did so as detailed in the Paper and made the following main points :

Background

- (a) the applicants proposed to rezone the application site (about 23,900m²) from “Industrial” (“I”) to “Other Specified Uses” (“OU”) annotated “Open Space and Boatyards”. Under the proposal, the application site would be divided into two portions. The northern portion would mainly be used as a public open space while the southern portion would be used as boatyards;
- (b) the applicants argued that some boatyards on the application site were vacant or changed to other uses. Rezoning part of the site from “I” to open space would benefit the local community and could reduce traffic as well as noise disturbance to the surrounding areas. The proposed open space on the subject site could also integrate with the existing promenades and planned open space along the waterfront of Ap Lei Chau;

Comments from Relevant Government Departments

- (c) the District Lands Officer/Hong Kong West & South, Lands Department advised that the application site fell entirely within government land which was currently occupied by 33 short term tenancies (STTs). Seven tenants had been served notice to terminate their tenancies soon. The other STTs were currently running on quarterly basis and all these tenancies could be terminated by serving a 3-month prior notice. The affected STTs did not contain any provision in relation to reprovision/reallocation. The Government had no programme for the proposed relocation of boatyards/sawmills STTs;
- (d) the Transport and Housing Bureau (THB) advised that it was THB’s policy to provide support for marine supporting industries and that the subject

boatyard sites should be retained to provide the necessary regular maintenance and repairing services locally, particularly for small and medium-sized vessels. THB considered that the boatyard sites were part of the operation of Aberdeen Harbour and an important heritage for Hong Kong as a fishing port historically;

- (e) the Director of Marine advised that the number of Hong Kong licensed fishing vessels was declining in the past decade, while the number of pleasure vessels was increasing. Both fishing vessels and pleasure vessels were the major potential customers of the boatyards. The number of vessels operating and remaining in Aberdeen South Typhoon Shelter (ABDSTS) had increased and consequently more vessel repair activities were expected;
- (f) the Director of Environmental Protection (DEP) advised that the application site could be contaminated by the operation of boatyards and vehicle repair/dismantling works carried out on the site. When the STTs were terminated, land contamination assessment and future land remediation should be carried out by the project proponent prior to the proposed open space development;
- (g) the Director of Leisure and Cultural Services (DLCS) advised that the existing provision of open space in the Southern District was considered sufficient in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). The application site was located near the existing leisure venues which had been furnished with different varieties of passive and active amenity facilities to cater for the need of the public in the Ap Lei Chau area. The application site was not at a convenient location to the majority of the residents from Lei Tung Estate and Yue On Court and was not a good site for open space development. DLCS had no intention to take up the future development and management of the proposed open space at this stage;

Local Views

- (h) the District Officer (Southern), Home Affairs Department (DO(S), HAD)

advised that two letters were received from the Southern District Ship-building Trade Owners Association and the management services office of Larvotto, a nearby private residential development. While the Southern District Ship-building Trade Owners Association opposed the rezoning application as it would have serious impacts on the fishery and marine industries, some residents of Larvotto were of the view that the application site should be used for a public light bus terminus, public car park, small-scale resort hotel, restaurant, convenient shops, jogging trail and/or greening;

Public Comments

- (i) 58 comments were received during the statutory publication period, including one from the Chairlady of SDC, one from a Southern District Councillor, two from Designing Hong Kong Limited and a Southern District Councillor, 15 from boatyard operators/marine industry related associations/organizations and the remaining 39 from members of the general public. The comments of the application were summarized as follows:

Supportive Comments

- (i) most of the boatyards were currently used for unrelated purposes. The proposed reduction in boatyard areas and introduction of open space could improve the environment and hygiene of the area, reduce traffic, fire risk and crime rate, and foster tourism development. There was a lack of open space in the surrounding areas, particularly fronting the harbour;

Opposing Comments

- (ii) reduction in boatyard areas would reduce the supply of boatyard services and affect the livelihood of workers. The marine serving industry was part of local culture which should be preserved and there should be full consultation before any change in the land use zoning of the boatyard site;

- (iii) the reduction in marine supporting facilities would have serious impacts on the fishery and marine industries. The proposed boatyards would not be sufficient to meet the demand for repair and maintenance of fishing boats and other boats mooring in Aberdeen Harbour and would hence affect the safety of marine operation. The costs for repair and maintenance of vessels and the time for waiting for such services would also increase. The relocation of boatyards would involve substantial time and costs and would severely affect their business operation. It would also result in job losses and affect the local economy. There were already adequate open spaces along the northern coast of Ap Lei Chau. The proposal would only benefit a small group of people and the closed boatyard sites should be re-tendered to ensure that the use of land would be optimized;

- (iv) the boatyards were offering a wide range of repair, dry storage and retail services for various vessel types. They should be retained to support the development of ship repairing industry, to provide essential repair and maintenance services for the vessels and to preserve jobs and local culture. Such supporting industry was entirely dependent on the availability of sites along the waterfront of sheltered water. Opportunities for marine supporting industry had dramatically reduced during the past five decades. Under the proposal, no reprovisioning sites had been identified to relocate the boatyards and marine supporting facilities. The adjacent residential development had been designed with measures to adequately mitigate and minimize the industrial/residential interface. Given that there were already large-scale open spaces around Aberdeen Harbour, there was no need for further open space in the area; and

General Comments

- (v) the boatyard operators required compensation for the removal and construction costs of boatyards, larger sites for business, a 3-month relocation period, longer tenancy and adequate water space be reserved outside the boatyards;

The Planning Department (PlanD)'s views

- (j) PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper which were summarized as follows:

Need for Ship Repairing Yards

- (i) the Director of Marine advised that although the number of licensed fishing vessels was declining in the past decade, the number of pleasure vessels was increasing. THB had also advised that it was THB's policy to provide support for marine supporting industries and the subject boatyard sites should be retained to provide the necessary regular maintenance and repairing services locally;
- (ii) the boatyards and engineering workshops at the application site were providing daily and routine supporting and maintenance as well as emergency repairing services to fishing and pleasure vessels, taking the advantage of the waterfront location and proximity to the ABDSTS and Marina Club. THB considered that the boatyard sites were part of the operation of Aberdeen Harbour and an important heritage for Hong Kong as a fishing port historically. The current "I" zoning of the application site was considered appropriate and should be retained to provide the necessary supporting services to the local fishing fleet and vessels;

Open Space Provision

- (iii) adequate open space had been planned and reserved in the Aberdeen and Ap Lei Chau Planning Scheme Area as well as Ap Lei Chau by itself in accordance with the HKPSG. Based on the planned population of 166,600 persons for the area, a total of 33.3 hectares of open space were required. Taking into account the existing and planned open space provision, there were about 35 hectares of land for open space development, which were more than adequate to meet the open space requirement. As for Ap Lei Chau, about 17.4 hectares of open space would be required by the population of 87,000 while about 19.3 hectares of land had been provided or reserved for open space development;

Location of the Proposed Open Space

- (iv) the application site was not at a convenient location to the majority of residents from Lei Tung Estate and Yue On Court. In this regard, DLCS considered that the site was not a good site for open space development;

Implementation Issues

- (v) having regard to the overall open space provision and the location of the open space proposed by the applicant, DLCS had no intention to take up the future development and management of the proposed open space. The implementation of the proposed scheme such as the relocation of the boatyards as well as the development, management and maintenance responsibilities of the proposed open space, etc. were uncertain. DLO/HKW&S also advised that the affected STTs did not contain any provision in relation to reprovision/re-allocation and the Government had no schedule or programme for the proposed relocation of the STTs; and
- (vi) the proposed “OU (Open Space and Boatyards)” zoning was considered inappropriate and the existing “I” zoning of the application site should be retained based on the above assessments.

29. The Chairman then invited the applicants to elaborate on the application. Mr. Lo Kin Hei made the following main points:

- (i) the submission of the current application was inspired by another application for rezoning the same site from “I” to “OU (Open Space and Boatyards)” (Application No. Y/H15/7) under Agenda Item 5 which would also be considered by the Committee in this meeting. The application would like to submit an alternative land use option for the subject site for the Committee’s consideration;
- (ii) given that fishing industry was declining and quite a number of boatyards terminated operation and the land had been turned into other business uses,

rezoning part of the site from “I” to open space would benefit the community. It could also reduce the noise disturbance to the surrounding residents; and

- (iii) as the existing boatyards were operated under STTs, there was no incentive for the boatyard operators to upkeep their sites and improve the environment of the area. There would be more incentives for doing so if the duration of the STTs could be lengthened.

[Professor C. M. Hui arrived to join the meeting at this point.]

30. Mr. Au Nok Hin made the following main points:

- (i) the submission for the rezoning application was not drawn up professionally and the demarcation line between the proposed boatyards and proposed open space was arbitrary; and
- (ii) according to the proposal submitted under the other rezoning application (Application No. Y/H15/7) under Agenda Item 5, the open space would be bisected by the boatyards and thus was not considered desirable. Due to poor accessibility of the proposed open space, in particular the one located in the southern end of the application site, it would become the private garden of the adjacent residential development of Larvotto.

31. In response to Member’s query, Ms. Brenda Au replied that the application site was zoned “I” years ago but was once rezoned from “I” to “Undetermined” (“U”) together with the rezoning of the adjacent site (now occupied by Larvotto) from “I” to “Residential (Group E)1” on the draft OZP No. S/H15/12 exhibited under the Town Planning Ordinance on 3.3.2000. The “U” zone at that time was to reflect the intention to undertake a land use review of the boatyards area. During the exhibition period, 40 objections mainly from the operators of the boatyards in respect of this amendment were received. After hearing the objections, the Objection Hearing Committee of the Board on 26.9.2000 decided to meet/partially meet the objections by reverting the zoning of the boatyards area from “U” to “I” mainly on the ground that the “I” zoning could be retained to reflect the existing use of the site. The zoning of the application site had remained unchanged since then. According

to her understanding, boatyards on government land, including those in the area, were usually operating under short term tenancies (STTs). The STTs of the boatyards within the application site were first granted for a fixed term of three to five years and renewed thereafter on a quarterly basis. All these tenancies could be terminated either by the Government or the tenants by serving a 3-month prior notice. Mr. Gary Cheung confirmed that boatyards on government land were usually operated under STT in the territories.

32. As the applicants had no further points to add and Members had no further questions to raise, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicants and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

33. In response to a Member's query, Mr. Gary Cheung advised that the tenants of the STTs were required to pay market rent which would be reviewed every three years. The same Member opined that there was no strong ground to relocate the boatyards as the tenants were still operating their business at the site and paying market rent for the use of the site.

34. The Chairman enquired about the number of STTs that would be terminated within the subject site, Mr. Gary Cheung said that he had no such information in hand.

35. In response to a Member's query, the Secretary advised that the other s12A application (Application No. Y/H15/7) under Agenda Item 5 for rezoning the subject site from "I" to "OU (Open Space and Boatyards)" was submitted by a subsidiary of Sun Hung Kai Properties Limited and was scheduled for the Committee's consideration after the subject rezoning application. A Member opined that as the application site of the subject rezoning application was the same as that of the other rezoning application (Application No. Y/H15/7) under Agenda Item 5 and both rezoning proposals involved changing the boatyards into open space, it would be prudent for the Committee to listen to the presentation of application No. Y/H15/7 first and decide the two rezoning applications together. The Committee agreed.

[Ms. Brenda Au, DPO/HK and Miss Isabel Yiu, STP/HK were invited to the meeting.]

Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H15/7 Application for Amendment to the
Approved Aberdeen & Ap Lei Chau Outline Zoning Plan No. S/H15/27
from “Industrial” to “Other Specified Uses” annotated
“Open Space and Boatyard”,
A Strip of Land to the east of Ap Lei Chau Praya Road, Ap Lei Chau
(MPC Paper No. Y/H15/7)

36. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd (SHKP). Mr. Felix Fong and Mr. Raymond Chan had declared interests in this item as they had current business dealings with SHKP. Ms. Julia Lau had also declared an interest in this item as she was a former employee of SHKP from November 1994 to November 2008. Ms. Julian Lau had tendered an apology for being not able to attend the meeting. Mr. Raymond Chan had not yet arrived and Mr. Felix Fong had left the meeting temporarily.

37. The Committee also noted that the applicant had indicated that he could not attend the meeting.

Presentation and Question Sessions

38. With the aid of a Powerpoint presentation, Miss Isabel Yiu, STP/HK, presented the application and covered the following aspects as detailed in the Paper:

The Proposal

- (a) the applicant proposed to rezone the application site (about 23,900m²) from “Industrial” (“I”) to “Other Specified Uses” (“OU”) annotated “Open Space and Boatyards”. Under the applicant’s proposal, the application site would be divided into three main portions. The northern and southern portions would mainly be used as public open space while the middle portion would accommodate the existing and relocated boatyards;

- (b) the applicant argued that there was a lack of open space in Ap Lei Chau. The open space could act as a buffer area between the boatyards and adjoining uses. The applicant intended to construct the proposed open space and hand it over to Director of Leisure and Cultural Services (LCSD) for management and maintenance upon completion;

Major Department Comments

- (c) the Director of Environmental Protection (DEP) advised that the current rezoning proposal was lacking in technical details and there were doubts on the practicality on its implementation, in particular the noise resistant enclosures. The site could be contaminated by the operation of boatyards and vehicle repair/dismantling works carried out on the site. When the STTs were terminated, land contamination assessment and future land remediation should be carried out by the project proponent prior to the proposed open space development;
- (d) the District Lands Officer/Hong Kong West & South, Lands Department advised that the application site fell entirely within government land which was currently occupied by 33 short term tenancies (STTs). Seven tenants had been served notice to terminate their tenancies soon. The other STTs were currently running on quarterly basis and all these tenancies could be terminated by serving a 3-month prior notice. The applicant had not provided details on the implementation of the proposed scheme such as the identification of implementation agents for the various proposals, the cost of funding of the engineering works and for relocating the boatyards, the subsequent maintenance responsibility of the proposed noise resistant enclosures. Besides, the affected STTs did not contain any provision in relation to reprovision/reallocation. The Government had no programme for the proposed relocation of boatyards/sawmills STTs;
- (e) the Transport and Housing Bureau (THB) advised that it was THB's policy to provide support for marine supporting industries and that the subject boatyard sites should be retained to provide the necessary regular maintenance and repairing services locally, particularly for small and medium-sized vessels. THB considered that the boatyard sites were part

of the operation of Aberdeen Harbour and an important heritage for Hong Kong as a fishing port historically;

- (f) the Director of Marine advised that the number of Hong Kong licensed fishing vessels was declining in the past decade, while the number of pleasure vessels was increasing. Both fishing vessels and pleasure vessels were the major potential customers of the boatyards. The number of vessels operating and remaining in Aberdeen South Typhoon Shelter (ABDSTS) had increased and consequently more vessel repair activities were expected;
- (g) the DLCS advised that the existing provision of open space in the Southern District was considered sufficient in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). The application site was located near the existing leisure venues which had been furnished with different varieties of passive and active amenity facilities to cater for the need of the public in the Ap Lei Chau area. The application site was not at a convenient location to the majority of the residents from Lei Tung Estate and Yue On Court and was not a good site for open space development. DLCS had no intention to take up the future development and management of the proposed open space at this stage;

Local Views/Public Comments

- (h) the District Officer (Southern), Home Affairs Department (DO(S), HAD) advised that the Southern District Council (SDC) members were very concerned about the rezoning application. They considered that the zoning of the site should remain unchanged and the SDC had all along been concerned about the latest development of the application. Separately, a SDC member had raised on different occasions that he considered it necessary to designate land for marine supporting services operation;
- (i) 39 public comments were received during the statutory publication period, including one each from a Legislative Councillor, a Southern District Councillor, the Democratic Party, Designing Hong Kong Limited and Green Sense, 15 from boatyard operators/marine industry related

associations/organizations, and the remaining 19 from members of the general public:

Supportive Comments

- (i) the proposed open space could improve the greening and open space environment of the area;

Opposing Comments

- (ii) the reduction in marine supporting facilities would have serious impacts on the fishing and marine industries. The proposed boatyards would not be sufficient to meet the demand for repair and maintenance from fishing boats and other boats mooring in Aberdeen Harbour and would hence affect the safety of marine operation. The costs for repair and maintenance would also increase;
- (iii) the southern part of the site was more suitable for boatyards in that it could accommodate larger boats since it was facing a wider and deeper water channel and less congested with berthed boats. To relocate the boatyards at the proposed location would reduce the variety and type of boats suitable for repair and maintenance and would have detrimental effect on the ship repairing industry;
- (iv) the present location of boatyards was chosen for its remoteness from residential developments to minimize environmental impact. There were no residential developments nearby in the past. The developer should be responsible for effectively reducing the noise impact on its own development;
- (v) there was already adequate open space along the northern coast of Ap Lei Chau. Given that the site was geographically remote and lacking in public transport provision, the proposed open spaces on the site would only benefit the developer of the nearby residential development but not the general public;
- (vi) the boatyard services should be retained as living testimony to Hong Kong's long and distinguished local maritime heritage;
- (vii) the boatyards were offering a wide range of repair, dry storage and retail services for various vessel types including the rapidly growing number of pleasure vessels and water sport craft. They should be

retained to support the development of ship repairing industry. In the 'Focus Study on Aberdeen Harbour 2003', the site was earmarked as the consolidation area for boatyards;

- (viii) the marine supporting industry was entirely dependent on the availability of sites along the waterfront of sheltered water. Opportunities for such industry had dramatically reduced during the past five decades with rezoning of waterfront sites to uses not dependent on waterfront access. Under the proposal, no reprovisioning sites had been identified to relocate the boatyards and marine supporting facilities;
- (ix) the adjacent residential development had been designed with measures to adequately mitigate and minimize the industrial/residential interface;
- (x) there were already large-scale open spaces around Aberdeen Harbour. The proposed layout with boatyards located between two open spaces would become a back garden of Larvotto, a private residential development nearby. The rezoning proposal would only protect the interests of the developer in selling its property development;

General Comments

- (xi) there was concern from boatyard operators that reduction in boatyard areas would reduce the supply of boatyard services which could not meet the demand for boat repair and maintenance;
- (xii) the closed boatyard sites should be re-tendered to ensure that the use of land had been optimized;
- (xiii) the proposal might result in public open space being 'privatized' to become a back garden serving the nearby private residential development. The Government should safeguard the right of the general public to use the public open space;
- (xiv) after the rezoning, the boatyards remained should be better planned and arranged and their operational environment should be improved;
- (xv) the provision of more open space to residents and a promenade linking up the eastern and western coasts of Ap Lei Chau were supported; and

- (xvi) after rezoning, the Planning Department should liaise with the existing/relocated operators on the location and size of the new boatyard sites. There should not be restrictions on the operation of the existing/relocated boatyards and the existing boatyards should only be demolished after they were relocated to the new sites.

The Planning Department (PlanD)'s views

- (j) PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper which were summarized as follows:

Need for Ship Repairing Yards

- (i) the Director of Marine advised that although the number of licensed fishing vessels was declining in the past decade, the number of pleasure vessels was increasing. THB had also advised that it was THB's policy to provide support for marine supporting industries and the subject boatyard sites should be retained to provide the necessary regular maintenance and repairing services locally;
- (ii) the boatyards and engineering workshops at the application site were providing daily and routine supporting and maintenance as well as emergency repairing services to fishing and pleasure vessels, taking the advantage of the waterfront location and proximity to the ABDSTS and Marina Club. THB considered that the boatyard sites were part of the operation of Aberdeen Harbour and an important heritage for Hong Kong as a fishing port historically. The current "I" zoning of the application site was considered appropriate and should be retained to provide the necessary supporting services to the local fishing fleet and vessels;

Open Space Provision

- (iii) adequate open space had been planned and reserved in the Aberdeen and Ap Lei Chau Planning Scheme Area as well as Ap Lei Chau by itself in accordance with the HKPSG. Based on the planned population of 166,600 persons for the area, a total of 33.3 hectares of open space were required. Taking into account the existing and

planned open space provision, there were about 35 hectares of land for open space development, which were more than adequate to meet the open space requirement. As for Ap Lei Chau, about 17.4 hectares of open space would be required by the population of 87,000 while about 19.3 hectares of land had been provided or reserved for open space development;

Location of the Proposed Open Space

- (iv) a major part of the open spaces proposed by the applicant was isolated from the existing open space facilities and the location was not convenient to the majority of residents from Lei Tung Estate and Yue On Court. Moreover, the proposed open space would be segregated into two portions by the boatyards and there was no connection between them. DLCS considered that the site was not a good site for open space development;

Implementation Issues

- (v) the implementation of the proposed scheme such as funding for engineering works and relocation of those boatyards, the practicality and maintenance responsibility of the proposed noise resistant enclosures at the boatyards as well as the management and maintenance responsibilities of the proposed open spaces, etc. were uncertain. Although the applicant intended to construct the open spaces and handed over to the LCSD upon completion, DLCS had no intention to take up the management and maintenance of the proposed open spaces;

Environmental Consideration

- (vi) the applicant claimed that the proposed open spaces could act as a buffer area between the industrial use and adjacent land uses. In this respect, it should be noted that a number of noise mitigation measures had been implemented at the residential development within the “Residential (Group E)1” zone in accordance with the planning application (No. A/H15/214) first approved by the Board on 25.11.2005; and

(vii) the proposed “OU (Open Space and Boatyards)” zoning was considered inappropriate and the existing “I” zoning of the application site should be retained based on the above assessments.

39. Member had no question on the application. The Chairman thanked PlanD’s representatives for attending the meeting. Miss Isabel Yiu and Ms. Brenda Au left the meeting at this point.

Deliberation Session

40. After deliberation, the Committee decided not to agree to the applications for amendment. Members then went through the reasons for not agreeing to the applications as stated in paragraphs 11.1 of the Paper Nos. Y/H15/8 and Y/H15/7 and considered that they were appropriate.

41. The rejection reasons for application No. Y/H15/8 were:

- (a) there was a need to retain the boatyards and engineering workshops to provide the necessary maintenance and repairing services to the local fishing fleet and pleasure vessels. The current “Industrial” zoning for the application site was appropriate;
- (b) there was adequate existing/planned open space provision to serve the population in the Aberdeen and Ap Lei Chau Planning Scheme Area as well as Ap Lei Chau alone. The location of the proposed open space was not desirable for open space development; and
- (c) implementation issues relating to the relocation of the boatyards as well as the development, maintenance and management responsibilities of the proposed open space were uncertain. The implementability of the proposal was doubtful.

42. The rejection reasons for application No. Y/H15/7 were:

- (a) there was a need to retain the boatyards and engineering workshops to provide the necessary maintenance and repairing services to the local fishing fleet and pleasure vessels. The current “Industrial” zoning of the application site was appropriate;
- (b) there was adequate existing/planned open space provision to serve the population in the Aberdeen and Ap Lei Chau Planning Scheme Area as well as Ap Lei Chau alone. The location of the proposed open spaces was not desirable for open space development; and
- (c) implementation issues relating to the funding for engineering works and relocation of the boatyards, the practicality of the noise resistant enclosures as well as the maintenance and management responsibilities of the proposed open spaces were uncertain. The implementability of the proposal was doubtful.

[The meeting adjourned for a break of 5 minutes.]

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

Agenda Item 6

Section 16 Application

[Open Meeting]

A/H11/100 Proposed Field Study/Education/Visitor Centre (“Caring Garden”)
in “Green Belt” zone,
Area under Short Term Tenancy (NHX-717) and
Adjacent Government Land at Hatton Road, Mid-levels West
(MPC Paper No. A/H11/100)

43. The Committee noted that on 2.8.2011, the applicant’s representative requested for deferment of the consideration of the application for two months in order to allow additional time for the applicant to address comments raised by various government departments and members of the public after the meeting with government departments on 29.7.2011.

44. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee also agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Tsuen Wan and West Kowloon District

[Mr. Y.S. Lee, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

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

Agenda Item 7

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/KC/2 Application for Amendment to the
Approved Kwai Chung Outline Zoning Plan No. S/KC/25
from “Industrial” to “Other Specified Uses” annotated “Hotel”,
No. 301-305 Castle Peak Road, Kwai Chung
(MPC Paper No. Y/KC/2)

45. The Secretary reported that Charterwealth Professional Limited, the consultant of the application, was operated by the brother of Mr. Raymond Chan. The Committee noted that Mr. Chan had left the meeting temporarily.

46. The Committee noted that the applicant had indicated that he could not attend the meeting.

Presentation and Question Sessions

47. With the aid of a Powerpoint presentation, Mr. Y. S. Lee, STP/TWK, presented the application and covered the following aspects as detailed in the Paper:

The Proposal

- (a) the applicant, owner of the application site, proposed to rezone the site from “Industrial” (“I”) to “Other Specified Uses” annotated “Hotel” (“OU (Hotel)”) to facilitate the development of a 28-storey hotel (including a 3-level basement) with 216 guest rooms at the site;
- (b) the applicant argued that due to the close economic partnership scheme between China and Hong Kong, the number of businessmen coming from China to Hong Kong had been increased. As there were numerous commercial, industrial and industrial/office (I-O) buildings in Kwai Tsing and Tsuen Wan districts, businessmen liked to have their accommodation in these districts. Therefore demand for hotel accommodation was boosting. The demand for hotel accommodation in Kwai Tsing and Tsuen Wan districts would increase after the completion of development surrounding Tsuen Wan West MTR station. There were only 4 hotels located at the Kwai Tsing and Tsuen Wan districts which were not able to provide enough accommodation for the visitors;
- (c) the applicant would apply to the Transport Department to relocate the bus lay-by away from the site in a separate submission. He would demonstrate that the capacity of the existing sewerage system at Yip Shing Street would be adequate in a separate submission;
- (d) the applicant would submit building plans and relevant licensing plans to the Buildings Department and other relevant government departments for approvals. The proposed hotel development would comply with the relevant ordinances and the impacts to the surrounding area would be minimized under the supervision of the various government departments.

Major Department Comments

- (e) the Commissioner for Transport (C for T) advised that the applicant

should submit a traffic impact assessment (TIA) to justify the proposed rezoning. The proposed vehicular access at Castle Peak Road to serve the proposed development was unacceptable and the feasibility of providing vehicular access at Yip Shing Street should be explored;

- (f) the Director of Environmental Protection (DEP) did not support the application. He advised that there would be potential problems such as air quality, noise and sewerage issues associated with the proposed hotel development. The applicant should submit relevant environmental impact assessments to demonstrate the acceptability of the proposed hotel;
- (g) the Commissioner for Tourism (C for Tourism) advised that the tourism development in Hong Kong was promising with continuing increase in the number of visitors. The government's policy was to enhance the appeal of Hong Kong as an international convention, exhibition and tourism centre. To this end, Hong Kong needed to ensure adequate hotel facilities. In this regard, he supported the application as the proposed development would increase the number of hotel rooms, broaden the range of accommodations for visitors, and supported the rapid development of convention and exhibition, tourism and hotel industries;
- (h) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. Given that the site was adjacent to a number of active industrial activities, the applicant had not provided sufficient justification to substantiate that the site was appropriate for hotel development. The existing building height profile in the surrounding area was primarily below 100mPD, except the building heights of two nearby buildings which were 128mPD and 137mPD respectively. The proposed hotel with building height over 158mPD was significantly higher than the buildings in its surrounding area and might appear to be out-of-context. However, there was no visual material in the submission of the application to demonstrate the possible visual impact of the proposed hotel development;

- (i) the District Officer (Kwai Tsing), Home Affairs Department (DO(K&T), HAD) advised that no comment was received on the application and there was no public comment received during the statutory publication period; and

The Planning Department (PlanD)'s views

- (j) PlanD did not support the application based on the assessments set out in paragraph 9 of the Paper which were summarized as follows:
 - (i) in terms of land use, the proposed hotel was considered not incompatible with the adjoining industrial developments. However, according to the 'Area Assessment 2009 of Industrial Land in the Territory' (the Area Assessment Study) endorsed, in-principle, by the Board on 17.9.2010, the "I" zone for the site and its adjoining areas was recommended to be retained given the prevalent active and established industrial uses in the area;
 - (ii) the applicant had not submitted a TIA and failed to demonstrate that the proposed development would not have adverse traffic impacts on the surrounding areas;
 - (iii) the proposed vehicular access for the hotel development would occupy a significant portion of the existing bus lay-by fronting the site at Castle Peak Road. The C for T advised that the proposed vehicular access at Castle Peak Road was unacceptable;
 - (iv) the DEP advised that there would be potential problems such as air quality, noise and sewerage issues associated with the proposed hotel development. The applicant should submit relevant environmental impact assessments to demonstrate the acceptability of the proposed hotel. The applicant failed to demonstrate the acceptability of the proposed development in terms of air quality, noise and sewerage aspects;
 - (v) the proposed building height of 158mPD was significantly higher

than the existing buildings in its vicinity. It would be out-of-context with the nearby buildings which were primarily below 100mPD and would have adverse visual impact on the surrounding area. In this regard, CTP/UD&L had reservation on the application from the urban design perspective; and

- (vi) the approval of the rezoning proposal would set an undesirable precedent for other similar rezoning applications in the area. The cumulative effect of approving such applications would lead to adverse traffic and environmental impacts on the surrounding areas.

48. With reference to Plan Z-2, a Member enquired about the feasibility of providing a vehicular access at Yip Shing Street for the proposed hotel development. Mr. Y. S. Lee responded that both the application site and the adjoining industrial buildings were currently having vehicular access through Yip Shing Street. Mr. David To advised that the section of Castle Peak Road was a major primary distributor so that it would be desirable to maintain a free traffic flow for cross-district traffic. As such, no ingress/egress point should be provided at Castle Peak Road as far as possible. The subject building and the surrounding industrial buildings were served by local road, i.e. Yip Shing Street and the egress/ingress point of the subject industrial building site was provided at a private access road via Yip Shing Street. As the type of vehicles using the road might be different arising from the change of use of the subject building, the applicant should provide technical assessment in this aspect.

49. As the Members had no further questions to raise, the Committee would further deliberate on the application. The Chairman thanked PlanD's representatives for attending the meeting. Mr. Y. S. Lee left the meeting at this point.

Deliberation Session

50. A Member enquired about the procedures in processing section 12A applications. In response, the Secretary said that according to the Town Planning Ordinance (the Ordinance), a section 12A application should be considered by the Board within three months upon receipt. However, if the applicant submitted further information in support of the application, the further information might need to be published for public comments

according to the provision of the Ordinance. The three months processing time would then need to be recounted. In addition, the application might also request the Board to defer consideration of the application in order to allow time for him to address departmental/public comments.

51. Noting that there had been a number of hotel applications recently approved by the Board, a Member asked whether PlanD had kept a record of the proposed hotel developments approved by the Board and whether it could be provided for Members' information. The Secretary replied in affirmative.

52. After further deliberation, the Committee decided not to agree to the application for amendment. Members then went through the reasons for rejecting the application as stated in paragraph 10.2 of the Paper. Mr. Ken Wong considered that the approval of the application for hotel use would not lead to cumulative environmental impact on the surrounding area and the rejection reason (d) would be revised to take into account of the comments. The reasons for rejection were :

- (a) the applicant had not demonstrated that the proposed development would not cause any adverse traffic impacts;
- (b) the applicant failed to address potential problems of air quality, noise and sewerage issues to demonstrate the acceptability of the proposed development in environmental terms;
- (c) the proposed building height was considered excessive and out-of-context with the surrounding areas, and the applicant failed to demonstrate that the proposed development would have no adverse visual impact on the surrounding areas; and
- (d) the approval of the rezoning proposal would set an undesirable precedent for other similar rezoning applications in the area. The cumulative effect of approving such applications would lead to adverse traffic and visual impacts on the surrounding area.

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

Agenda Item 8

Section 12A Application

[Open Meeting]

Y/TW/4 Application for Amendment to the
Draft Tsuen Wan Outline Zoning Plan No. S/TW/27
from “Green Belt” to “Government, Institution or Community (10)”,
Lots 233 S.A, 233 RP, 234, 235 in D.D.447
and Adjoining Government Land, Lo Wai, Tsuen Wan
(MPC Paper No. Y/TW/4)

53. The Committee noted that on 26.7.2011 the applicant’s representative had requested for deferment of the consideration of the application for two months in order to allow sufficient time to respond to comments of various government departments on the application and provide supplementary information for consideration.

54. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee also agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[Mr. Y.S. Lee, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KC/372 Shop and Services (Real Estate Agency)
for a Period of 43 Months (3 Years 7 Months)
in “Other Specified Uses” annotated “Business” zone,
Unit 1B, G/F, Well Fung Industrial Centre,
68 Ta Chuen Ping Street, Kwai Chung
(MPC Paper No. A/KC/372)

Presentation and Question Sessions

55. The Committee noted that a replacement page of P. 6 of the Paper was tabled at the meeting.

56. Mr. Y.S. Lee STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (real estate agency) for a temporary period of 43 months (3 years and 7 months);
- (c) departmental comments – no objection from concerned government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Kwai Tsing); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for a period of 43 months based on the assessments set out in paragraph 11 of the Paper. The shop and service use under application was considered not incompatible with the uses of the subject industrial

building. The use under application, with an area of about 24m², was not excessive in scale and would unlikely generate adverse traffic or environmental impacts on the surrounding areas. It was in line with the TPB PG-No. 22D in terms of fire safety, land use, traffic and environmental impacts. In this regard, government departments had no objection to the application. According to the Director of Fire Services, the subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on G/F and the applied use was accountable towards the aggregate commercial floor area. The aggregate commercial floor area of the previously approved applications (about 95.2m²) on G/F and the use under application (24m²), which amounted to about 119.2 m², was less than maximum permissible limit of 460m².

57. Members had no question on the application.

Deliberation Session

58. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 7 months until 19.3.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire service installation proposal and the implementation of fire service installations in the application premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 19.2.2012; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

59. The Committee also agreed to advise the applicant of the following :

- (a) prior planning permission should have been obtained before commencing the development at the subject premises;

- (b) to note the comments of District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (LandsD) to apply for a temporary waiver for the proposed change of use. Such waiver application, if approved by LandsD acting in the capacity as the landlord at its sole discretions, would be subject to such terms and conditions as considered appropriate by LandsD including inter alia, payment of waiver fee and administrative fee. The applicant was reminded that temporary waiver should be processed based on internal floor area;
- (c) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) to comply with the provisions of the Buildings Ordinance (BO), in particular: (i) the application premises should be separated from the remaining of the building with fire resistance period of not less than 2 hours; and (ii) an Authorised Person should be appointed to coordinate building works except exempted works as defined in the BO s.41;
- (d) to note the comments of Director of Fire Services that a means of escape which was completely separated from the industrial portion should be available and fire service installations (FSIs) should be provided to his satisfaction. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plans and regarding matters in relation to fire resisting construction requirements for the application premises, the applicant should comply with the requirements as stipulated in Code of Practice for Fire Resisting Construction which was administered by the BD; and
- (e) to note the TPB's 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for further information on the fulfillment of the approval conditions herein.

[The Chairman thanked Mr. Y.S. Lee, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Mr. K.T. Ng, STP/TWK, was invited to the meeting at this point.]

Agenda Item 10

[Open Meeting (Presentation and Question Sessions Only)]

Draft Planning Brief for the “Comprehensive Development Area (2)” Site
at the ex-Tai Wo Hau Factory Estate, Tsuen Wan
(MPC Paper No. 7/11)

60. The Secretary reported that the subject site was a land sale site covering the ex-Tai Wo Hau Factory Estate (ex-TWHFE). Mr. Gary Cheung, a representative of Director of Lands, had declared an interest in this item. The Committee agreed a preparation of the subject planning brief was part of the plan-making process, Mr. Cheung could be allowed to stay in the meeting after declaring interests.

Presentation and Question Sessions

61. With the aid of Powerpoint presentation, Mr. K.T. Ng, STP/TWK, presented the draft planning brief as detailed in the Paper.

Background

- (a) the site, (about 1.02 ha), covering the majority of the ex-Tai Wo Hau Factory Estate site, was a piece of government land and was readily available for development;
- (b) the Area Assessments 2009 of Industrial Land in the Territory (Area Assessments 2009) by the Planning Department, recommended rezoning the northern part of Tsuen Wan East Industrial Area (TWEIA) mainly to “Comprehensive Development Area” (“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 in the northern part of TWEIA and the existing industrial uses to the south of Yeung Uk Road. The findings and recommendations

of the Area Assessments 2009 were endorsed in principle by the Town Planning Board (the Board) on 17.9.2010. The ex-TWHFE site would be disposed of to serve as a catalyst to facilitate the redevelopment process of other parts of the northern part of TWEIA which were privately owned;

- (c) on 24.12.2010, the draft Tsuen Wan OZP No. S/TW/27, incorporating the rezoning of the ex-TWHFE site from “CDA(2)” and “O”, was exhibited under section 5 of the Town Planning Ordinance;

Draft Planning Brief

- (d) a draft planning brief (PB) for the site had been prepared to facilitate the preparation of a Master Layout Plan (MLP) submission by the future applicant to the Board;
- (e) in particular, a public open space in the form of a central plaza at the “O” site (about 0.4 ha) would be provided at the centre of the northern part of TWEIA for the enhancement of sense of place and neighbourhood. The main requirements for the “CDA(2)” site were highlighted below:

Development Parameters

- (i) the site was intended primarily for residential use with the provision of commercial facilities, open space and other supporting facilities. Development within the site was subject to a total maximum plot ratio (PR) of 5.0, of which a minimum PR of 4.5 should be for domestic use;
- (ii) the maximum BH was 16 mPD (i.e. about 11 m) for podium and 100mPD for residential towers. The maximum site coverage was 65% for the podium and not exceeding those stipulated in the Building (Planning) Regulations above podium;

Urban Design and Landscape Requirements

- (iii) urban design considerations including adoption of variation in building profile and building heights, stepped terrace design to the

podium, streetscape improvement and provision of a 15m-wide visual corridor above 16 mPD should be adopted for the future development on the site. In addition, a visual impact assessment and an air ventilation assessment should be included in the MLP submission to ensure better air ventilation and visual permeability;

- (iv) a 15m-wide non-building area (NBA) along the western boundary of the site as shown on the OZP was designated for the provision of a landscaped walkway to provide connectivity between Sha Tsui Road and the central plaza;
- (v) the applicant was also required to submit a landscape master plan as part of the MLP submission. Greenery should be provided at various levels and forms, including vertical greening, with priority for tree planting at-grade. A minimum coverage of greenery of 20% of the site area (excluding the landscaped walkway) should be provided with half of which at-grade;
- (vi) the proposed development at the site should be set back to provide a 3m-wide amenity planting strip along Sha Tsui Road for tree planting;
- (vii) private open space of 1m² per person should be provided to serve the residents of the proposed residential development;

Transport Requirements

- (viii) a comprehensive Traffic Impact Assessment (TIA) should be conducted to the satisfaction of the Commissioner for Transport (C for T);
- (ix) the provision of ancillary car parking spaces and loading/unloading bays for the proposed development should be provided in accordance with the Hong Kong Planning Standards and Guidelines. All parking and loading/unloading facilities should be provided in the basement;

GIC Facilities

- (x) a Day-care Centre for the Elderly with GFA of maximum 930 m² should be provided in the proposed development to the satisfaction of the Director of Social Welfare (DSW). The GIC facilities should be designed and constructed by the developer and handed over to DSW for management and maintenance upon completion;

Environmental, Drainage and Sewerage, Waterworks Requirements

- (xi) an environmental assessment (EA) should be conducted to examine any possible environmental problems that might be caused to or by the proposed development during and after construction and the proposed mitigation measures. The EA report should be completed to the satisfaction of the Director of Environmental Protection and submitted together with the MLP for consideration;
- (xii) a drainage and sewerage impact assessment should be carried out to examine any possible drainage and sewerage problems that might be caused by the proposed development and the proposed mitigation measures; and

Way Forward

- (f) subject to Members' agreement, PlanD would consult the Tsuen Wan District Council (TWDC) on the draft PB. The views collected together with the revised PB incorporating the relevant comments, where appropriate, would be submitted to the Committee for further consideration and endorsement.

62. A Member asked whether there was a mechanism to assure that the developer would provide the open space as required. Mr. K. T. NG. advised that the proposed public open space would be provided according to the design and management guidelines for public open space in private developments issued by the Development Bureau, and the developer was required to build and hand over the completed open space to the government for

management and maintenance.

63. A Member enquired about the ownership pattern of the various “CDA” sites, including the subject “CDA(2)” site, in the TWEIA, and how feasible these sites could be redeveloped under the “CDA” zoning. In response, Mr. K. T. Ng referred to a plan showing the ownership pattern of the “CDA” sites and said that some of the buildings in these sites were under single ownership and were ready for redevelopment. The subject “CDA(2)” sites was a piece of government land. Its disposal for residential use with the provision of commercial facilities, open space and other supporting facilities could serve as a catalyst to facilitate the redevelopment of the other parts in the TWEIA.

64. Noting that there were one proposed public open space (central plaza) in the central part of TWEIA and the other proposed open space adjacent to the “CDA(6)” site, a Member asked whether these two open spaces could be combined together or linked together. In reply, Mr. K. T. NG said that the proposed open space adjacent to the “CDA(6)” site at Yeung Uk Road was occupied by an existing petrol filling station, the lease on which would expire in 2025. The site was rezoned to “O” on the OZP to provide additional open space to serve the local people in the long run. Mr. K. T. Ng further elaborated that as the development of each of the “CDA” sites would be guided by a PB, the Member’s suggestion to provide a linkage between the two proposed open spaces could be considered in the preparation of PB of the “CDA(6)” site.

65. The Member enquired whether it was necessary to provide a podium for the future development on the “CDA(2)” site. This Member said that if there was no podium structure on the site, the open space could be provided on the G/F of the development, and the public could have easy access to the open space facilities. A good example in case was the open space provided at the G/F of Citywalk development in Tsuen Wan, which was well used by the public. This Member also pointed out that with such design, the open space on the “CDA(2)” site could be better connected to the open space in the central part (central plaza) for the enjoyment of the local community. In response, Mr. K. T. Ng said that as compared to the “CDA(2)” site, Citywalk development had a larger scale and was for commercial use. The Secretary added that a maximum site coverage of 65% for podium had already been proposed in the PB. However, she suggested to amend the PB to reflect the Member’s view on the option of having no podium structure on the “CDA(2)”. Members agreed.

66. In response to the Chairman's enquiry, Mr. K. T. Ng advised that upon the Committee's agreement, the draft PB would be submitted to the TWDC on 2.9.2011 for consultation.

67. After further deliberation, the Committee decided to agree that the draft PB, after incorporating the Member's view on the option of having no podium structure on the site, was suitable for consultation with the TWDC. The views collected together with the revised PB would be submitted to the Committee for further consideration.

[The Chairman thanked Mr. K. T. Ng, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Agenda Item 11

Any Other Business

68. There being no other business, the meeting closed at 11:45 a.m..