

TOWN PLANNING BOARD

Minutes of 601st Meeting of the Metro Planning Committee held at 9:00 a.m. on 6.4.2018

Present

Director of Planning
Mr Raymond K.W. Lee

Chairman

Mr Sunny L.K. Ho

Mr Stephen H. B. Yau

Mr Frankie W.C. Yeung

Dr Lawrence W. C. Poon

Mr Wilson Y. W. Fung

Mr Alex T. H. Lai

Professor T. S. Liu

Miss Sandy H. Y. Wong

Mr Franklin Yu

Mr Stanley T. S. Choi

Mr Daniel K. S. Lau

Professor John C. Y. Ng

Professor Jonathan W. C. Wong

Chief Traffic Engineer /Kowloon, Transport Department
Mr C.S. Lee

Chief Engineer (Works), Home Affairs Department
Mr Martin W.C. Kwan

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Mr Tony W.H. Cheung

Assistant Director (Regional 1), Lands Department
Mr Simon S.W. Wang

Deputy Director of Planning/District
Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Mr Lincoln L. H. Huang

Vice-chairman

Mr Thomas O.S. Ho

Ms Lilian S. K. Law

In Attendance

Assistant Director of Planning/Board
Ms April K.Y. Kun

Town Planner/Town Planning Board
Miss Kirstie Y.L. Law

Opening Remarks

1. The Chairman said that it was the first meeting of the Metro Planning Committee (MPC) for the term 2018-20. He was pleased to introduce the five new Members, Mr Stanley T.S. Choi, Mr Daniel K.S. Lau, Ms Lilian S.K. Law, Professor John C.Y. Ng and Professor Jonathan W.C. Wong and extended a welcome to them. The Committee noted that Ms Lilian S.K. Law had tendered apologies for being unable to attend the meeting. The Chairman also welcomed Mr Alex T.H. Lai who was a Member of the Rural and New Town Planning Committee last term and would join the MPC this term.

Agenda Item 1

Confirmation of the Draft Minutes of the 600th MPC Meeting held on 16.3.2018

[Open Meeting]

2. The draft minutes of the 600th MPC meeting held on 16.3.2018 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

Reconsideration of Section 12A Application No. Y/H3/6 for Proposed Amendments to the Approved Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/29 (HCAL 130/2015)

3. The Secretary reported that on 19.1.2018, the Town Planning Board (the Board) was briefed on the Court of First Instance (CFI)'s Judgment on the Judicial Review lodged by Jonnex International Limited against the Metro Planning Committee (MPC)'s decision in respect of a section 12A application No. Y/H3/6, which was related to rezoning a site zoned "Open Space" ("O") for proposed residential development at Tak Sing Lane, Sai Ying Pun. On 2.2.2018, the Board was further briefed on the Council's advice on the Judgment and decided not to appeal against CFI's Judgment. The CFI ordered that the application should be resubmitted to the MPC for reconsideration. The procedure would be as follows:

- (a) the application would be reconsidered based on the original submission and public consultation would not be required as it had already been conducted when the application was first submitted in 2014;
 - (b) the applicant and the Planning Department (PlanD)'s representative would be invited to attend the MPC meeting. PlanD would prepare a MPC paper for the meeting. The MPC paper would be distributed to the applicant a week before the MPC meeting in accordance with the established practice; and
 - (c) according to section 12A(13) of the Ordinance, the applicant might submit further information to the Board before the application was considered by the Board. The further information received, if any, would be processed in accordance with the Town Planning Board Guidelines No. 32.
4. The Secretary said that the Department of Justice had been consulted on the above procedure. The Town Planning Board Secretariat would issue a letter to the applicant informing him about the arrangement. Members agreed.

Hong Kong District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/H10/9 Application for Amendment to the Draft Pok Fu Lam Outline Zoning Plan No. S/H10/16, To Rezone the Application Site from “Residential (Group B)” to “Other Specified Uses” annotated “Eco-Heritage Park”, Government Land to the east of Chi Fu Fa Yuen, Pok Fu Lam, Hong Kong

(MPC Paper No. Y/H10/9D)

5. The Secretary reported that Mr C.Y. Lau and Ms Cindy Choi were two of the representatives of the applicant. Mr Alex T.H. Lai had declared an interest in the item as his firm was currently having business dealings with Mr C.Y. Lau and Ms Cindy Choi. As Mr

Alex T.H. Lai had no involvement in the application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

6. The following government representatives and the representatives of the applicant were invited to the meeting at this point:

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| Mr Louis K.H. Kau | - District Planning Officer/ Hong Kong (DPO/HK), Planning Department (PlanD); |
| Mr Derek P.K. Tse | - Senior Town Planner/Hong Kong (STP/HK), PlanD; |
| Mr José H.S. Yam | - Commissioner for Heritage, Commissioner for Heritage's Office of the Development Bureau (CHO, DEVB); |
| Ms Leonie H.L. Lee | - Assistant Secretary (Heritage Conservation) ³ , CHO, DEVB; |
| Mr C.W. Ng | - Curator (Historical Buildings) ² , Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD); |
| Mr C.C. Sau | - Applicant |
| Ms Annie Ki | } Applicant's representatives |
| Mr Arnold Kwok | |
| Mr C.Y. Lau | |
| Ms Cindy Choi | |
| Mr Joe Lau | |
| Ms Katty Law | |
| Mr Roy Ng | |
| Mr Charlton Cheung | |
| Mr Ken Borthwick | |

7. The Chairman extended a welcome and explained the procedure of the hearing. He then invited the representatives from PlanD to brief Members on the background of the application.

8. With the aid of a powerpoint, Mr. Derek P.K. Tse, STP/HK, presented the

application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed rezoning of the application site (the Site) from “Residential (Group B)” (“R(B)”) to “Other Specified Uses” annotated “Eco-Heritage Park” (“OU(Eco-Heritage Park)”);
- (c) departmental comments - departmental comments were set out in paragraph 9 of the Paper. CHO, DEVB had no in-principle objection as no demolition of historic structure was involved. There was no plan to put the five Grade 3 historic structures within the Site under the Revitalising Historic Buildings Through Partnership Scheme at the moment. AMO of LCSD, Transport Department (TD) and the Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD considered that they could not offer their comments on the proposed park from heritage conservation, traffic and landscape aspects at this stage as only limited information was available on the proposed Eco-Heritage Park. AMO might provide heritage conservation comments when the detailed works/design proposals of the park were available. The implementation and management of the proposed park did not fall within AMO’s purview. The Director of Leisure and Cultural Services (DLCS) and the Director of Agriculture, Fisheries and Conservation (DAFC) indicated that they would not take up the development and management of the proposed park. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, 5,083 comments were received from a Southern District Council member, some concern groups, a non-governmental organization (NGO), some local residents and the general public. Among them, 5,081 supported the application, 1 objected to the application and 1 provided comments. Major views were set out in paragraph 10 of the Paper; and

- (e) PlanD's views - PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The Site had been zoned "R(B)" since the first Pok Fu Lam Outline Zoning Plan (OZP) No. S/H10/1 was gazetted in 1986. It was one of the six government sites proposed for public housing development through the partial uplifting of the Pok Fu Lam Moratorium (PFLM) in 2014. It had subsequently been excluded from the public housing developments in order to minimise delay in the implementation of the proposed public housing development. Further technical assessments including heritage and ecological impact assessments would be required for future residential use of the Site. It was considered premature at this stage to conclude that the current "R(B)" zoning of the Site was not suitable without technical assessments. The applicant had not provided sufficient information on the implementation of the proposed park. Also, there was no policy support from the relevant bureaux. LCSD and AFCD indicated that they would not take up the development and management of the proposed park. The applicant failed to identify other agent to take the lead in the implementation of the proposed park. It was not clear how the proposed park could be implemented and rezoning the Site to "OU(Eco-Heritage Park)" zone was considered not appropriate. Regarding the public comments, the comments of the concerned departments and the planning assessments above were relevant.

9. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Mr C.C. Sau presented the background of the submission and an overview of the researches conducted by his team. He expressed that throughout their research and collection of information, it was discovered that the Site, the Chi Fu Valley (the Valley), contained great heritage and ecological value which was highly significant to Hong Kong. He made the following main points:

Ecological Significance

- (a) there was a considerable number of Old and Valuable Trees (OVTs) and Protected Trees in the Site. Many of them were rare species and the density of the OVTs in the Site was even higher than that of the Hong

Kong Botanic Garden and Kowloon Park;

- (b) a large number of birds and wildlife species were also observed in the Site, including rare and protected species like the Masked Palm Civet, White-bellied Sea Eagle and Crested Serpent Eagle, of which many of these observed species were listed as “Rare” or “Vulnerable” in the China Red Data Book of Endangered animals and protected under the Protection of Endangered Species of Animals and Plants Ordinance (Cap.586). In the letter written by Dr Y.H. Sung of the Hong Kong Baptist University in support of the application, he pointed out that the sighting of a number of animal species concerned highlighted the high ecological value of the Valley;
- (c) a baseline survey on the stream had been conducted with assistance from students of the University of Hong Kong (HKU). Out of the many fish and amphibian species discovered, many were regarded as endangered and vulnerable species and were listed in the Red List of the International Union for Conservation of Nature (IUCN), demonstrating high scientific importance;

Heritage/Architectural Significance

- (d) a number of the surviving structures of the Old Dairy Farm in the Site were important historic structures and the physical remains of the Hong Kong Dairy Farm Company. According to the Antiquities Advisory Board (AAB)’s grading assessment, 52% of the remains of the Dairy Farm had been accorded Grade 2 or 3. It represented a significant cultural value of the Dairy Farm remains which should be conserved in their totality;
- (e) these structures in the Valley were located in close proximity to The Bethanie and the Old Dairy Farm Senior Staff Quarters which were declared monument and Grade 1 historic building respectively. Since the old form of a working farm could be found in the Site, it was recommended to preserve the whole area in conjunction with The Bethanie;

Social Significance

- (f) Dr Patrick Manson, the founder of the Dairy Farm Company, who was regarded as “Father of Tropical Medicine”, established the Dairy Farm Company with a view to providing fresh, affordable and hygienic milk products for the people in the old days to improve their health condition. His research and work established a good foundation for the medical advancement and control of Malaria in Hong Kong and the Mainland China. He also co-founded three organizations that contributed to Hong Kong and China’s medical development;

- (g) the Dairy Farm Company was the largest modern scientific dairy farm in the Orient before World War II and it signified the development of dairy industry and public health in Hong Kong; and

Proposed Eco-Heritage Park

- (h) given the great ecological and heritage value of the Site, the area should be protected. With the setting up of an Eco-Heritage Park with a museum, it could also educate the public about this important part of Hong Kong’s history.

10. Ms Annie Ki then highlighted the supportive views from the local and overseas academics, including the views from Professor Steve N.S. Cheung, who supported the proposed Eco-Heritage Park and considered the damaging of the Valley would be a great loss to the society; Professor Essy Baniassad who considered the Valley as a unique place and the proposed Eco-Heritage Park would demonstrate a new model of education; Professor Brian Morton, who had conducted the ecological survey in support of this application, considered that joint effort and cooperation among various parties including the Government, NGOs and students could achieve a win-win situation and enabled the successful establishment of the Eco-Heritage Park; as well as Professor K.Y. Yuen, who recognized the achievement of Dr Patrick Manson and its importance to medical development of Hong Kong, considered that it was a golden opportunity to preserve the historical structures in the Valley and allow the public to understand more about Dr Patrick Manson’s achievement.

11. Mr Roy Ng, a representative from the Conservancy Association (CA), made the following points:

Condition of the Forest Area in the Valley

- (a) the Valley was located in an area zoned “R(B)”, yet according to CA’s observation, the area resembled the condition of a green belt zone, and apart from the many OVTs and large trees found in the Valley, a lot of local trees were also found;
- (b) unlike many other abandoned areas, the undesirable phenomenon of extensive invasion of invasive plants like *Mikania micrantha* (薇甘菊), *Leucaena leucocephala* (銀合歡) was not common in the Valley even though the past human activities in the area had made it vulnerable to such threat. In this connection, the ecological value of the Valley should not be underrated;
- (c) notwithstanding the above, appropriate management at this stage would be suitable in view of the impending threat from these invasive plants in this long-abandoned area;

Concerns over transplanting of trees in the area

- (d) transplanting of the trees in the Valley would not be easy given the steep slope of the Valley and existence of old and historical structures with many of the large trees attached to the structures or located on slopes; and
- (e) Members should note that any future development in the area would imply removal of many OVTs and precious trees as transplanting did not seem possible.

12. Ms Katty Law, a member of the Central and Western Concern Group, made the following points:

- (a) overseas scholars had offered views in support of the proposed Eco-Heritage Park. Professor S.M. Huang of the National Taiwan University considered that the historic structures and landscape in the Old Dairy Farm demonstrated the use of land that responded to the natural

setting during the colonial period. Members should consider evaluating the importance of the place as Cultural Landscape as defined by UNESCO. Damaging the landscape in the area would be a loss to Hong Kong. Ms Wu Bing-ling and Mr Wu Ren-bang of the Tainan Community University considered that the regenerated ecological system in the secondary forest at the Valley provided the most suitable habitat for various animals and plants. In view of the accelerated extinction rate since the 19th century, the Government had the obligation to protect the biodiversity observed in the area;

- (b) the remains found in the area was an integral part of the development history of the Old Dairy Farm. Despite the structures were graded by AAB individually, the area should be protected as a whole;
- (c) retaining the area as “R(B)” zone would bring potential threats to the area; and
- (d) the Housing Department (HD)’s decision of not developing public housing development at the Site indicated the ecological and heritage value of the area, and collaborative efforts from various parties including the Government, NGOs, university and the society were required to implement the Eco-Heritage Park.

13. Mr Arnold Kwok made the following points in response to PlanD’s assessment in the Paper:

- (a) according to the two letters from HD to the applicant dated 12.5.2017 and 18.8.2017, the reason for not developing public housing development at the Site was mainly to “lessen the impact of the proposed development on the ecological environment, natural stream courses, hiking trails and the Old Dairy Farm remains”. This was different from the views as stated in the Paper to avoid delay in the implementation of the public housing project;
- (b) the rejection reasons recommended by PlanD in the Paper were considered irrelevant to the application, and as compared with the MPC paper for the

application prepared for the meeting originally scheduled for 11.11.2016, discrepancies regarding the rejection reasons were observed;

- (c) the suitability of the Site for housing development was in doubt as there was no programme for development after the Site had been zoned as “R(B)” for 32 years;
- (d) he did not consider it necessary for the applicant to demonstrate that the Site was not suitable for residential development in support of this application. Since the Site was on government land (GL), the Government, instead of the applicant, should take lead in investigating the implementation of the proposed Eco-Heritage Park. He believed that policy support would be obtained once the proposal of Eco-Heritage Park was accepted by the Board;
- (e) he considered AFCD and LCSD irresponsible as shown in their comments on the application which stated that they would not take up the development and management of the proposed park; and
- (f) he hoped that the application would be approved and the setting up of the first Eco-Heritage Park could facilitate the next generation to understand the development history of Hong Kong.

14. Mr Charlton Cheung, Mr C.C. Sau and Mr C.Y. Lau made the following points as closing remarks for the presentation:

- (a) the design of the remaining structures and stone walls in the Valley, including their shape, form and construction method should be preserved as those structures could have been constructed as early as the 1910s;
- (b) the Valley had significant historical and ecological value which was not commonly found in Hong Kong. To prevent the Site from potential damage as a result of future developments, deterioration and threat from invasive plant, appropriate management was required to maintain the area and to preserve its rich biodiversity.

15. As the presentations of PlanD's representatives and the applicant's representatives were completed, the Chairman invited questions from Members.

Background and status of the Site

16. Some Members raised the following questions:

- (a) details regarding the guided tours to the Valley previously organized;
- (b) current status of the Site and its management;
- (c) whether the existing condition of the Site would be affected if the rezoning application was not agreed; and
- (d) whether there were any planned programmes for development at the Site.

17. Mr C.C. Sau and Ms Cindy Choi, the applicant and his representative, made the following responses:

- (a) a number of tours to the Valley were organized in the past two years, including those co-organized with the Association for Geoconservation and those conducted for data collection in preparation of this rezoning application. All those tours were free-of-charge. The Pokfulam Village Cultural Landscape Docent Tour had also arranged guided tours to the Site and the nearby Pok Fu Lam Village; and
- (b) the Site was currently abandoned. There was no signage providing direction for access, and part of the major pathway in the Site was covered by vegetation and trash.

18. Mr Louis K.H. Kau, DPO/HK, made the following points:

- (a) the Site was a piece of unallocated GL under the jurisdiction of the Lands Department (LandsD) and it was not managed by a particular government

department;

- (b) currently the public could access the Site and using the Site for general leisure purpose would not be prohibited by its existing “R(B)” zoning. However, if the proposal involved converting the Site into a venue for operation of educational programmes, workshops, etc, planning permission might be required depending on the details of the proposal; and
- (c) currently there was no programme for development at the Site. Should there be any proposed housing development on site, the proponent would be required to demonstrate if there would be any unacceptable adverse impact in terms of ecology and heritage preservation. Furthermore, as the Site was governed by PFLM, relevant technical assessments would have to be conducted to support partial uplifting of PFLM.

Heritage Preservation

19. Some Members raised the following questions:

- (a) how the government-owned historic buildings/structures would be used and the government’s policy on preservation of heritage in general and at the Site;
- (b) how to assess whether historic structures at the Site should be graded individually or collectively; and
- (c) whether there were any long-term plans for preserving the area as a whole or developing a heritage trail similar to that of Ping Shan to link up the historic structures.

20. Mr José H.S. Yam, CHO, DEVB, made the following responses:

- (a) government-owned historic buildings/structures were utilized in various ways depending on factors such as their conditions, location, commercial viability, etc. Some of them were used by government departments or

rented out for commercial purposes; some were put in the “Revitalising Historic Buildings Through Partnership Scheme” (Revitalisation Scheme). For those which were not suitable for adaptive re-use, they could be preserved in-situ. For the structures in the Valley, currently there was no plan to include them in the Revitalisation Scheme;

- (b) as regards the prevailing mechanism for assessing the heritage value of historic buildings/structures, apart from declaration of statutory monuments, a grading system was adopted to assess the heritage significance of the buildings/structures. Notwithstanding that, such grading system was an administrative measure to provide an objective basis for determining the heritage value, and hence the preservation need of historic buildings/structures in Hong Kong. The grading of the buildings/structures would not affect the ownership, usage, management and development rights of the historic buildings/structures;
- (c) the assessment of historic buildings/structures was conducted through well established and transparent procedures. Heritage value of the historic buildings/structures was assessed based on six assessment criteria, namely historical interest, architectural merit, group value, social value and local interest, authenticity and rarity;
- (d) based on the thorough research carried out by the AMO, LCSD, the AAB had completed grading assessment of the remaining structures of the Old Dairy Farm in Pok Fu Lam area (totally 63 items). Six of these 63 items had been accorded Grade 2 status, 27 accorded Grade 3 status, and remaining were not graded. Ten out of these 63 items (including five items with Grade 3 status, and the other five Nil Grade status) were located within the Site. The heritage value and significance of the remaining structures of the Old Dairy Farm was reflected in the grading status;
- (e) upon thorough discussion, the AAB had considered it not appropriate to assess the heritage value of the structures in the Valley as a whole given their scattered locations without a defined boundary and diverse

architectural styles;

- (f) in pursuing the Old Dairy Farm Senior Staff Quarters project under the Revitalisation Scheme, the selected operator would present the history of the Old Dairy Farm to the public;
- (g) there was currently no plan to create a heritage trail. The Site was different from that of Ping Shan Heritage Trail where declared monuments and graded historic buildings were more centralized and could be linked up with a trail; and
- (h) should there be any public works at the Site, thorough assessments were required including assessing the heritage impact on the historic buildings/structures under the Heritage Impact Assessment mechanism for the AAB's consideration.

Value of the Site

21. A Member enquired about the overall value of the Site from ecological conservation and heritage preservation point of view and whether such values were ascertained.

22. Mr Louis K.H. Kau, DPO/HK responded that according to the preliminary ecological assessment conducted by the Civil Engineering and Development Department for the proposed public housing development previously at the Site, certain species and trees with conservation and ecological value were found in the area. Nevertheless, AFCD did not indicate that the ecological value of the Site was at such a high level that should prohibit any development. Having considered the ecology at the Site, HD revised its development proposal to move the development further away from the stream so as to minimize the possible impacts, though HD finally decided not to use the Site for public housing development to minimize delay to the implementation programme of the proposed public housing developments.

Implementation and Operation

23. Some Members raised the following questions:
- (a) implications of leaving the area as it currently was without introducing any management and maintenance programme;
 - (b) should the application be agreed by the Committee, whether the applicant would take up the implementation of the proposed Eco-Heritage Park;
 - (c) the details of the proposed Eco-Heritage Park and whether its operation would have adverse impact on the Site; and
 - (d) whether the applicant had reached out for other relevant parties including the Dairy Farm Company, government departments and NGOs so as to realize the concept of Eco-Heritage Park.
24. In response, Messrs C. C. Sau, C.Y. Lau, Arnold Kwok and Ms Cindy Choi, the applicant and his representatives, made the following responses:
- (a) without appropriate management, they believed that the historic structures would be further deteriorated and the ecology of the Site would suffer from potential threats from weeds and invasive plants. AFCD's view as stated in para. 9.1.3 of the Paper also pointed out that preserving the natural habitats of a limited scale would, without doubt, be more favourable from nature conservation perspective;
 - (b) they had previously contacted the Dairy Farm Company and collected some information regarding the history of the Site. While they had yet to reach out to the Jardine Matheson Group to further explore on the implementation of the proposed Eco-Heritage Park, three parties including the Students Association of R.C. Lee Hall of HKU, the Geoconservation Association and the Sai Wan Concern showed interests in future collaboration in its implementation;
 - (c) while the proposal was still in a conceptual stage, they aimed to connect the century-old elements of the Dairy Farm Company with the heritage of

Dairy Farm at The Bethanie Site to form a heritage trail and serve as an “open-air museum” with the purpose of conserving the area and enabling knowledge-transfer among various sectors;

- (d) under their proposal, no new development would be added to the Site and the proposal would not bring damages to the existing stream and the ecology of the Site;
- (e) the implementation of the proposed Eco-Heritage Park required collaborative effort among different parties including the Government; and
- (f) to preserve the Site, imminent measures would be required to clear the trashes and weeds from the existing path (shown in yellow on Drawing Z-4 of the Paper). Directional signs and information boards providing background information should be set up. As stated in the submitted further information, the remains of the Old Dairy Farm were in a dilapidated state and restoration work was proposed to restore the surviving remains to their original state as far as possible. Also, guided tours covering a more comprehensive area should be organized.

25. Some Members raised the following further questions:

- (a) whether there were examples of similar Eco-Heritage Park in Hong Kong;
- (b) the level of details required for a section 12A application to be agreed by the Committee and whether the applicant had submitted sufficient information to support this rezoning application; and
- (c) should relevant groups and/or government departments have agreed to provide assistance and take the lead in further developing this conceptual plan, whether this would facilitate the Committee in agreeing to this rezoning application.

26. Mr José H.S. Yam, CHO, DEVB responded that a heritage-themed park was proposed in the Kai Tak area.

27. Mr Louis K.H. Kau, DPO/HK, made the following responses:

- (a) in assessing a section 12A application, the applicant was required to provide sufficient information to justify the proposed use and demonstrate the technical feasibility of the proposal. For this application, in view of the limited information provided by the applicant, government departments like TD and UD&L, PlanD were unable to provide comments and assess the feasibility of the proposal. In particular, the applicant had not provided sufficient information on the implementation aspect for the proposed park; and
- (b) should there be an implementation agent identified, a more comprehensive implementation framework should be formulated for the proposed Eco-Heritage Park for the assessment and consideration by the Committee.

[Mr Alex T.H. Lai left the meeting at this point]

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

[The applicant provided copies of supplementary information including the email correspondence between HD and the applicant dated 12.5.2017 and 18.8.2018, which were distributed to Members at the meeting.]

Deliberation Session

29. Members in general appreciated the applicant's effort in preparing the submission and presenting the preservation concept. Members considered that the effort of the applicant together with AAB's grading assessment had provided a foundation for the future ecological conservation and heritage preservation work for the Site. Some Members made

the following points:

Conservation Value at the Site

- (a) agreed that the Site had certain historical and ecological value, but had not reached the level that should prohibit and pre-empt any future development, particularly if it could be a combined development while preserving the historical sites;
- (b) the historical value of the Site should be considered in a holistic manner since all structures were related to the history of the Old Dairy Farm; and
- (c) the conservation value of the Site in terms of ecology and heritage aspects should be ascertained collectively so as to provide the basis for future ecological conservation and heritage preservation work. Noting the conservation value of the Site, the Environment and Conservation Fund might be possible source of funding to better conserve the area.

Appropriateness of current "R(B)" zoning

30. Notwithstanding the above, Members in general considered that the grounds for rezoning of the Site could not be established at this stage. Main points were as follows:

- (a) in submitting a section 12A application, the applicant should provide sufficient details, such as implementation programme and operation mechanism, of the proposal and comprehensive assessments in support of the rezoning application. However, the applicant's submission was insufficient to demonstrate the technical feasibility and implementability of the proposed Eco-Heritage Park;
- (b) there was currently no planned programme for development at the Site, nor was there any sponsor who would progress the ecological and heritage preservation into realisation except to say that the Government should take the initiatives up;

- (c) the current “R(B)” zoning might not be inappropriate as its technical feasibility and relevant considerations and concerns had been established when the Site was zoned “R(B)” back in 1986;
- (d) any future development would require partial uplifting of the PFLM and undergoing thorough assessment to ensure no adverse impact in terms of ecological and heritage conservation; and
- (e) development options to combine housing development, recreation and conservation could be further explored in view of the acute demand of land for housing development so as to achieve a balance between optimizing utilization of land resources and conservation.

31. Nevertheless, some Members raised concern on the existing situation of the Site since there was no active management and maintenance and members of the public could enter the Site freely and this might degrade the general environment. Some members suggested that some short-term measures might be introduced to protect the Site.

32. In response to a Member’s question, Mr Simon S.W. Wang, Assistant Director (Regional 1), LandsD, stated that to ensure public safety, should there be any part of the Site being considered not suitable for public access, LandsD could erect fences to stop people from entering. Nevertheless, the implementation and management of the Site as an Eco-Heritage Park were outside LandsD’s jurisdiction. LandsD could arrange land allocation should an agent be identified for implementing and managing the proposed Eco-Heritage Park.

33. Noting that ecological conservation and heritage preservation were under the jurisdiction of different departments, a Member considered it appropriate to convey Members’ view to the Development Bureau (DEVB) for more proactive action to protect the Site from potential threats due to the general public’s visits. The Member also requested DEVB to assess the integrated ecological and heritage value of the Valley, to consider the regional significance of the Old Dairy Farm remains in the Pok Fu Lam area, and to explore possible preservation or/cum development options. Other Members concurred with the suggestion.

34. The Chairman summarised Members' views that while the application site was currently zoned as "R(B)", there was currently no programme for residential development at the application site. If the Site was to be developed for residential use, there would be adequate means to safeguard the ecological and heritage value of the Site. Members in general appreciated the applicant's initiatives and effort in preparing the application to pursue preservation of the ecology and heritage in the Site. Notwithstanding this, Members generally considered the proposed rezoning could not be agreed as the proposal was still at a conceptual stage and the implementation arrangement of the proposed "Eco-Heritage Park" use had not been clearly established. This was agreed by Members.

35. Members then went through the rejection reasons as stated in paragraph 12.1 of the Paper. Members considered that the reasons should emphasize the lacking of details on the technical feasibility and implementation arrangement for the proposed Eco-Heritage Park as the proposal in fact was conceptual in nature. Another Member said that it was premature to conclude that the current "R(B)" zoning of the Site was not suitable.

36. After further deliberation, the Committee decided not to agree to the application for the following reasons:

- “(a) the applicant fails to provide sufficient details to demonstrate the technical feasibility of the proposed Eco-Heritage Park;
- (b) the applicant fails to provide sufficient information to ascertain that implementation of the proposed Eco-Heritage Park was feasible; and
- (c) it is premature to conclude that the current "R(B)" zoning of the site is not suitable.”

[Mr Wilson Y.W. Fung, Dr Frankie W.C. Yeung and Professor Jonathan W.C. Wong left the meeting at this point.]

40. 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 agreed that the application should be submitted for its consideration within two months from the date of the receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the second deferment and a total of four months had been allowed for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

[Mr. Anthony K.O. Luk, Senior Town Planner/Hong Kong (STP/HK) was invited to the meeting at this point.]

Hong Kong District

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H5/410 Proposed Public Utility Installation (Telecommunications Radio Base Station and Antenna) in "Comprehensive Development Area" Zone, Portions of LG/F and 1/F, Wan Chai Market, 258 Queen's Road East, Wan Chai, Hong Kong
(MPC Paper No. A/H5/410)

41. The Secretary reported that the application site was located in Wan Chai. The application was submitted by Hong Kong Telecommunications Ltd., which was a subsidiary of PCCW Ltd. (PCCW). The following Members had declared interests on this item:

Mr Alex T.H. Lai - his firm having current business dealings with PCCW; and

Mr Stephen H.B. Yau - his office locating at Southorn Centre, Wan Chai.

42. The Committee noted that Mr Alex T.H. Lai had already left the meeting. The Committee agreed that as the office of Mr Stephen H.B. Yau did not have a direct view of the application site, he could stay in the meeting.

Presentation and Question Sessions

43. With the aid of a PowerPoint presentation, Mr. Anthony K.O. Luk, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (telecommunications radio base station and antenna);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of 242 comments were received. Among which, 207 objected to the application, 34 raised concerns on the application and the remaining one had not indicated whether he/she supported or objected to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. As the proposed telecommunication radio base station was small in scale and mostly mounted on ceilings, it would not block the circulation area in the Wan Chai Market. No adverse impacts on the existing users in the

Premises and the surrounding areas were anticipated. Relevant government departments had no in-principle objection to or no comment on the application. Regarding health concerns raised in the public comments, the Department of Health advised that with compliance with the relevant ICNIRP guidelines, the proposed installations would not pose any significant adverse health effects. Besides, the Director-General of Communication advised that the proposed works should comply with the licence condition as stated in the telecommunication licence. Regarding other adverse public comments, the comments of government departments and planning assessments above were relevant.

44. Some Members enquired if similar public utility installation in other places like shopping mall also required permission by the Board, and whether similar installations with smaller size and fewer number of antennae would necessitate planning permission from the Board or not.

45. Mr Anthony K.O. Luk responded that there were over 30,000 similar installations in Hong Kong and planning permission was not required for most of them. As the subject premises fell within an area zoned “Comprehensive Development Area” (“CDA”), the proposed telecommunications radio base station was regarded as ‘Public Utility Installation’ use which was a Column 2 use under “CDA” zone and planning permission was required. Upon rezoning the “CDA” zone to reflect the completed development according to the Town Planning Board Guidelines No. 17A, appropriate uses might be included as a Column 1 use which planning permission from the Board would not be required.

46. Members had no further questions on the application.

Deliberation Session

47. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.4.2022, 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.

48. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper.

[The Chairman thanked Mr. Anthony K.O. Luk (STP/HK) for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Miss Jessica K.T. Lee, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H18/82	Renewal of Planning Approval for Temporary “House (Conversion of Existing Building)” for a Period of 3 Years in “Government, Institution or Community (1)” Zone, Former Government Staff Quarters of Water Supplies Department, Tai Tam Tuk Raw Water Pumping Station, Tai Tam, Hong Kong (MPC Paper No. A/H18/82)
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49. The Secretary reported that the application was submitted by Government Property Agency (GPA). Fook Lee Construction Co. Ltd. (FLC) was one of the consultants of the applicant. Mr Alex T.H. Lai had declared an interest as his firm was having current business dealings with GPA and FLC. The Committee noted that Mr Lai had already left the meeting.

Presentation and Question Sessions

50. With the aid of a PowerPoint presentation, Miss Jessica K.T. Lee, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning permission for temporary ‘house (conversion of

existing building)’ use for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication periods, one public comment was received. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The renewal application complied with the Town Planning Board Guidelines No. 34B that there were no change in planning circumstances and land uses of surrounding areas since granting of last temporary approval. There was no adverse planning implication arising from the renewal of the planning approval and the Commissioner for Heritage had no objection to the renewal application. The approval condition under the previous approval was complied with and incorporated in the tenancy agreement. Other concerned bureaux/departments had no adverse comments on the application. Regarding the public comment, comments of government departments and planning assessments above were relevant.

51. Members had no question on the application.

Deliberation Session

52. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 12.5.2018 until 11.5.2021, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition:

“the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

53. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper.

[The Chairman thanked Miss Jessica K.T. Lee, STP/HK, for her attendance to answer Members' enquiries. She left the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting]

A/H19/77 Proposed Minor Relaxation of Building Height Restriction for Permitted Hotel Development within "Commercial (1)" Zone and Proposed 'Hotel' Use within an area shown as 'Pedestrian Precinct/ Street' in "Commercial (1)" Zone, 7 Stanley Market Road and 78 and 79 Stanley Main Street, Stanley (Stanley Inland Lot 124 and Stanley Lot 427 and 428), Hong Kong
(MPC Paper No. A/H19/77)

54. The Secretary reported that Barrie Ho Architecture Interiors Ltd. (Barrie Ho) was one of the consultants of the applicant. Mr Alex T.H. Lai had declared an interest in the item as his firm was having current business dealings with Barrie Ho. The Committee noted that Mr Alex T.H. Lai had already left the meeting.

55. The Committee noted that the applicant's representative requested on 19.3.2018 deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments from government departments. It was the first time that the applicant requested deferment of the application.

56. 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 agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could

be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation and submission of the further information, and no further deferment would be granted unless under very special circumstances.

Kowloon District

Agenda Item 8

Section 16 Application

[Open Meeting]

A/K15/119 Proposed Flat (Comprehensive Residential Development) in "Comprehensive Development Area (3)" Zone and an area shown as 'Road', Yau Tong Inland Lots 4B and 9, Yau Tong Marine Lot 57, and Adjoining Government Land, Tung Yuen street, Yau Tong, Kowloon (MPC Paper No. A/K15/119C)

Presentation and Question Sessions

57. The Secretary reported that the application was submitted by Charm Smart Development Ltd., Glory Mission Development Ltd., Hoover (China) Ltd. and Lucken Ltd., which were subsidiaries of Yuexiu Property Company Ltd. (Yuexiu). MAA Engineering Consultants (HK) Ltd., (MAA), T.K. Tsui & Associates Ltd. (TKT), Ove Arup & Partners Hong Kong Ltd. (Arup) and Woo Chow Wong & Partners (H.K.) Ltd. (WCWP) were four of the consultants of the applicants. The following Members had declared interests on this item:

Mr Alex T.H. Lai - his firm having current business dealings with Yuexiu, MAA, TKT, Arup and WCWP; and

Mr Franklin Yu - having past business dealings with Arup.

58. The Committee noted that Mr Alex T.H. Lai had already left the meeting. The Committee noted that the applicant had requested deferment of consideration of the

application and agreed that Mr Franklin Yu could stay in the meeting as he had no involvement in the application.

59. The Committee noted that the applicant's representative requested on 21.3.2018 deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments from government departments. It was the fourth time that the applicant requested deferment of the application. Since the last deferment, the applicant had liaised with relevant departments in updating relevant technical assessments, and submissions were made to the Transport Department for consideration.

60. 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 agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the fourth deferment and a total of eight months had been allowed for preparation and submission of further information, it would be the last deferment and no further deferment would be granted.

Agenda Item 9

Section 16 Application

[Open Meeting]

A/K18/326 Proposed Minor Relaxation of Plot Ratio Restriction from 0.6 to 0.6873 and Minor Relaxation of Building Height Restriction to Allow for One Storey of Basement for Two Car Parking Spaces and Ancillary Plant Room Use for the Permitted House Development in “Residential (Group C)1” Zone, 147 Waterloo Road, Kowloon Tong, Kowloon
(MPC Paper No. A/K18/326)

61. The Secretary reported that the application site was located in Kowloon Tong. The following Members had declared interests on this item:

Dr Lawrence W.C. Poon - living in the City University of Hong Kong’s quarters in Kowloon Tong; and

Mr Stanley T.S. Choi - owning several properties and parking spaces in Kowloon Tong.

62. The Committee noted that the applicant had requested deferment of consideration of the application and agreed that Dr Lawrence W.C. Poon and Mr Stanley T.S. Choi could stay in the meeting as the said properties had no direct view of the application site.

63. 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 agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 10

Section 16 Application

[Open Meeting]

A/K22/20 Proposed Comprehensive Development for Office, Shop and Services, Eating Place and Public Transport Terminus in “Comprehensive Development Area (1)” and “Open Space” Zones and an area shown as ‘Road’, New Kowloon Inland Lot 6556, Muk Yuen Street, Kai Tak, Kowloon

(MPC Paper No. A/K22/20A)

64. The Secretary reported that Ove Arup & Partners Hong Kong Ltd. (Arup), Ronald Lu & Partners (HK) Ltd. (RLP), and Urbis Ltd. (Urbis) were three of the consultants of the applicant. The following Members had declared interests on this item:

- Mr Alex T.H. Lai - his firm having current business dealings with Arup;

- Mr Franklin Yu - having past business dealings with Arup and Urbis; and

- Mr Thomas O.S. Ho - his firm having current business dealings with Urbis and RLP.

65. The Committee noted that Mr Thomas O.S. Ho had tendered an apology for being unable to attend the meeting and Mr Alex T.H. Lai had already left the meeting. The Committee also noted that the applicant had requested deferment of consideration of the application and agreed that Mr Franklin Yu could stay in the meeting as he had no involvement in the application.

66. The Committee noted that the applicant’s representative requested on 21.3.2018 deferment of the consideration of the application for two weeks so as to allow time for preparation of further information to address the comments from government departments. It was the second time that the applicant had requested deferment of the application. Since last deferment, the applicant had submitted further information to address the comments of

relevant government bureau/departments.

67. 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 agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two weeks were allowed for preparation of the submission of the further information. Since it was the second deferment and a total of two months and two weeks were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 11

Any Other Business

Section 16A Application

[Open Meeting]

A/K13/303-3 Application for Extension of Time for Compliance with Planning Conditions, Unit 1C, G/F, Kowloon Bay Industrial Centre, 15 Wan Hoi Road, Kowloon Bay, Kowloon

68. The Secretary reported that the application was approved with conditions by the Committee on 7.4.2017. Upon two approved applications for extension of time, the deadline for compliance with approval condition (a) was 7.4.2018. An application for extension of time for compliance with approval condition (a) for an additional six months up till 7.10.2018 was received by the Town Planning Board on 23.3.2018. It was recommended not to consider the application as there was insufficient time to obtain departmental comments before the expiry of the specified time limit for compliance with condition (a) which was essential for the consideration of the application.

69. A Member enquired about the original time limit for the applicant to comply with

approval condition (a). In response, the Secretary said that the original time limit for compliance was 6 months (i.e. before 7.10.2017).

70. After deliberation, the Committee agreed not to consider the section 16A application. .

71. There being no other business, the meeting closed at 12:50 p.m..