

**Minutes of 1012th Meeting of the
Town Planning Board held on 25.5.2012**

Present

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

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Professor S.C. Wong

Mr. Timothy K.W. Ma

Professor Edwin H.W. Chan

Professor K.C. Chau

Mr. Rock C.N. Chen

Mr. H.W. Cheung

Mr. Ivan C.S. Fu

Mr. Sunny L.K. Ho

Professor P.P. Ho

Mr. Lincoln L.H. Huang

Professor Eddie C.M. Hui

Ms. Janice W.M. Lai

Mr. Dominic K.K. Lam

Dr. C.P. Lau

Mr. Patrick H.T. Lau

Ms. Julia M.K. Lau

Mr. H.F. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Dr. W.K. Yau

Deputy Director of Environmental Protection
Mr. Benny Wong

Assistant Director (2), Home Affairs Department
Mr. Eric Hui

Director of Lands
Miss Annie Tam

Director of Planning
Mr. Jimmy Leung

Deputy Director of Planning/District
Miss Ophelia Wong

Secretary

Absent with Apologies

Ms. Bonnie J.Y. Chan

Dr. Wilton W.T. Fok

Ms. Christina M.S. Lee

Mr. Maurice W.M. Lee

Mr. Clarence W.C. Leung

Dr. W.K. Lo

Ms. Anita W.T. Ma

Mr. Stephen H.B. Yau

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

In Attendance

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

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse

Senior Town Planner/Town Planning Board
Mr. Raymond H.F. Au

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1011th Meeting held on 11.5.2012

[The meeting was conducted in Cantonese.]

1. The Secretary informed that a replacement page regarding amendments to paragraph 110 of the draft minutes of the 1011th Meeting was tabled at the meeting.
2. The minutes of the 1011th Meeting held on 11.5.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[The meeting was conducted in Cantonese.]

(i) [Closed Meeting]

3. This item was recorded under confidential cover.

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

(ii) Approval of Draft Plans

[Open Meeting]

4. The Secretary reported that, on 8.5.2012, the Chief Executive in Council approved the following draft Outline Zoning Plans (OZPs), Development Permission Area (DPA) Plans and Development Scheme Plan (DSP) under section 9(1)(a) of the Town Planning Ordinance:

- (a) Sai Ying Pun and Sheung Wan OZP (to be renumbered as S/H3/27);
- (b) Ping Shan OZP (to be renumbered as S/YL-PS/14);

- (c) Man Kam To DPA Plan (to be renumbered as DPA/NE-MKT/3);
- (d) Ta Kwu Ling North DPA Plan (to be renumbered as DPA/NE-TKLN/3);
and
- (e) Urban Renewal Authority Staunton Street/Wing Lee Street DSP (to be renumbered as S/H3/URA1/4).

5. Approval of the above plans was notified in the Gazette on 18.5.2012.

(iii) Abandonment of Town Planning Appeals

[Open Meeting]

Town Planning Appeal No. 17 of 2010

Proposed House (New Territories Exempted House (NTEH) – Small House) in
“Agriculture” zone, Government Land in D.D. 15, Shan Liu Village, Tai Po
(Application No. A/NE-TK/301)

6. The Secretary reported that an appeal (No. 17/2010) had been abandoned by the appellant of his own accord. Town Planning Appeal No. 17/2010 was received by the Appeal Board Panel (Town Planning) on 20.12.2010 against the decision of the Board on 19.11.2010 to reject on review the planning application No. A/NE-TK/301 for a proposed house (NTEH - Small House) in “Agriculture” (“AGR”) zone on the Ting Kok Outline Zoning Plan No. S/NE-TK/17. On 4.5.2012, the appeal was abandoned by the appellant.

7. On 7.5.2012, the Appeal Board Panel (Town Planning) formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations of the Town Planning Ordinance.

Town Planning Appeals No. 10 of 2011 (10/2011) and 11 of 2011

Temporary Open Storage of Used Vehicles and Vehicle Parts for a Period of 3
Years in “Agriculture” Zone, Various Lots in D.D. 113 and Adjoining

Government Land, Pat Heung, Yuen Long

(Application No. A/YL-KTS/522)

Temporary Open Storage of Construction Materials (H-Shaped Iron) with Ancillary Workshop for a Period of 3 Years in “Agriculture” and “Village Type Development” Zones, Various Lots in D.D. 113, Pat Heung, Yuen Long

(Application No. A/YL-KTS/523)

8. The Secretary reported that two appeals (No. 10 and 11/2011) had been abandoned by the appellant of his own accord. The subject two appeals were received by the Appeal Board Panel (Town Planning) on 5.8.2011 against the decision of the Board on 27.5.2011 to reject on review the planning application No. A/YL-KTS/522 for temporary open storage of used vehicles and vehicle parts for a period of 3 years in “AGR” zone and application No. A/YL-KTS/523 for temporary open storage of construction materials (H-shaped iron) with ancillary workshop for a period of 3 years in “AGR” and “Village Type Development” zones on the Kam Tin South Outline Zoning Plan No. S/YL-KTS/11. On 14.5.2012, the two appeals were abandoned by the appellant.

9. On 14.5.2012, the Appeal Board Panel (Town Planning) formally confirmed that the two appeals were abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations of the Town Planning Ordinance.

Appeal Statistics

10. The Secretary reported that as at 25.5.2012, 25 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows:

Allowed	: 28
Dismissed	: 122
Abandoned/Withdrawn/Invalid	: 158
Yet to be Heard	: 25
<u>Decision Outstanding</u>	<u>: 1</u>
Total	: 334

Sai Kung & Islands District

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/SK-CWBN/19

Proposed Holiday Camp and Filling of Land (i.e. Levelling of Maximum 0.5m) and Environmental Education Centre within 2 Structures in “Green Belt” zone, Lot Nos. 72RP, 73, 75, 76, 77s.A, 77s.B, 77RP, 78, 79(Part), 80s.A, 80s.B, 80RP, 81, 82, 83RP, 84RP, 96RP, 97RP, 98, 99RP, 100, 101, 102, 103, 104, 105, 106, 107, 121, 122, 123, 124, 126, 127, 129s.A (Part), 129s.B (Part), 129RP (Part), 130, 132, 133 and Adjoining Government Land in D.D. 229, Sai Kung
(TPB Paper No. 9092)

[The meeting was conducted in Cantonese.]

11. The following Members declared interests in this item:

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|----------------------|--|
| Mr. Patrick H.T. Lau | - had business dealings with the consultants of the applicant, i.e. Kenneth To & Associates Ltd., BMT Asia Pacific Ltd. and MVA Hong Kong Ltd. |
| Mr. Ivan C.S. Fu | - had business dealings with the consultants of the applicant, i.e. AGC Design Ltd. and MVA Hong Kong Ltd. |
| Ms. Janice W.M. Lai | - had business dealings with the consultant of the applicant, i.e. Kenneth Ng & Associates Ltd. |
| Mr. Dominic K.K. Lam | - had business dealings with the consultants of the applicant, i.e. Kenneth Ng & Associates Ltd., AGC Design Ltd. and MVA Hong Kong Ltd. |
| Prof. P.P. Ho | - Director of the School of Architecture, |

the Chinese University of Hong Kong
(CUHK)

- Prof. K.C. Chau - Associate Professor, Department of
Geography and Resource Management,
CUHK
- Mr. Roger K.H. Luk - Council member of CUHK

12. Since the above Members had no direct involvement in the subject application, the Board agreed that they could stay in the meeting.

Presentation and Question Session

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

- Mr. Ivan Chung - District Planning Officer/Sai Kung & Islands
(DPO/SKIs), PlanD
- Mr. Raymond Chan]
- Mr. Rupert Law]
- Mr. Kenneth To]
- Ms. Camille Lam] Applicant's Representatives
- Dr. Michelle M.S. Cheung]
- Ms. Cecilia Lam]
- Mr. Jack Yung]

14. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/SKIs to brief Members on the review application.

15. With the aid of a Powerpoint presentation, Mr. Ivan Chung, DPO/SKIs, presented the review application and covered the following main points as detailed in the review paper:

- (a) the applicant sought planning permission to use the southern part of a site zoned "Green Belt" ("GB") on the approved Clear Water Bay

Peninsula North Outline Zoning Plan (OZP) No. S/SK-CWBN/4 for a 2-storey holiday camp with recreational facilities, multi-function hall, function room, dormitory and ancillary facilities to be used by the staff of the Shaw associated companies, with associated site formation (land levelling up to a maximum of 0.5m), whilst the remaining part of the site would be put under a Green Belt Restoration Plan/Scheme (GBRP) with an Environmental Education Centre (EEC);

- (b) the southern portion of the application site was the subject of a previous s.16 planning application (No. A/SK-CWBN/13) for holiday camp use and associated filling of land (up to 3m) within the “GB” zone. The application was rejected by the Rural and New Town Planning Committee (RNTPC) on 10.9.2010;
- (c) during the consideration of the subject application on 7.10.2011, some RNTPC Members opined that the opening of the holiday camp and EEC for public use could be regarded as a planning gain and sympathetic consideration might be given. The RNTPC decided to defer the consideration of the application and requested the applicant to provide further information (FI) to substantiate its proposals. On 18.11.2011 and 16.12.2011, the applicant provided FI regarding the objective, cost and expenditure, establishment and operation of the EEC and the mode of opening the holiday camp for public use;
- (d) the RNTPC rejected the application on 20.1.2012 for the reasons that the development was not in line with the planning intention of the “GB” zone; the proposed development did not meet the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for ‘Application for Development within “GB” Zone under section 16 of the Town Planning Ordinance’ in that there were no exceptional circumstances to approve the proposed development within the “GB” zone and the proposed development would cause adverse landscape impact on the area; and the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone;

- (e) the applicant had not submitted any written representation in support of the review;
- (f) the application site, with an area of about 1.16 hectares, was mainly private land with about 500m² of Government land including an existing stream and the proposed access road branching off from the access road to Clear Water Bay School. The site was currently used as a plant nursery named 'Bluet Garden' with a channelised stream flowing along its eastern side. The nursery was mainly occupied by trees and shrubs. To the immediate north and northwest of the application site was a piece of flat land under plant nursery use. The surrounding areas mainly comprised planned "Government, Institution or Community" ("G/IC") uses and "Residential (Group C)" ("R(C)") zones on the OZP intended for low-rise low-density residential uses;
- (g) the planning intention of "GB" zone was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlet. There was a general presumption against development within this zone. The TPB PG-No. 10 for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance' was relevant to this application;
- (h) departmental comments – the departmental comments were summarised in paragraph 4 of the review paper. Relevant Government departments had no further comments on the review application and maintained their previous views/comments on the s.16 application. The District Lands Officer/Sai Kung advised that whether the current proposals on the opening of the proposed holiday camp and EEC could be included in the lease would be under the jurisdiction of Sai Kung District Lands Conference and there was no guarantee that the application would be approved and, if approved, would be subject to premium/administration fee and other conditions as might be considered appropriate. The Chief

Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) maintained his objection on landscape and urban design perspectives as the overall scale of development was excessive and was not in line with the zoning intention of “GB” zone; the proposed development was considered not complying with the TPB PG-No. 10 in that the proposed development would cause adverse landscape impact on the surrounding area; approval of the application would set an undesirable precedent; and the proposed holiday camp with vehicular access and loading/unloading facilities would significantly affect the landscape resources of the site. The Director of Agriculture, Fisheries and Conservation (DAFC) had no objection to the application and commented that the site of the GBRP was disturbed and if left would return to a natural state in time. The proposed GBRP including tree preservation, planting of native seedling, modification of concrete ponds would speed up ecological succession processes. The Chief Engineer/Main South, Drainage Services Department (CE/MS, DSD) commented that the applicant should provide sufficient information to demonstrate that the proposed drainage works and the downstream drainage systems had adequate capacity and were in good conditions to accommodate the runoff collected from the site and all upstream catchments;

- (i) public comments - during the statutory publication period of the review application, 3 public comments were received from Designing Hong Kong Ltd., the operator of the plant nursery (‘Bluet Garden’) at the site and a member of the public. All commenters objected to the application mainly because it was not in line with planning intention of “GB” zone and there were concerns on adverse impacts of the proposed development on the surrounding area and the ‘fung shui’ of an ancestral grave;
- (j) PlanD’s views – PlanD did not support the review application based on the planning considerations and assessments as set out in paragraph 6 of the review paper and summarised below:

- (i) the site fell within an area zoned “GB” where there was a general presumption against development within this zone. The site was being used as a plant nursery and was mainly covered with vegetation including trees and shrubs. The proposed development of holiday camp for private use was not in line with the planning intention of the “GB” zone and did not comply with the TPB PG-No. 10 in that the proposed development would cause adverse landscape impact on the surrounding area. CTP/UD&L of PlanD maintained objection to the application;
- (ii) CE/MS, DSD pointed out that the applicant should provide sufficient information to demonstrate that the proposed drainage works and the downstream drainage systems had adequate capacity and were in good conditions to accommodate the runoff collected from the site and all upstream catchments;
- (iii) approval of the application might set an undesirable precedent for attracting other similar applications within the “GB” zone on the OZP. The cumulative effect of approving such proposals would bring about adverse landscape impact on the area, adversely affect the integrity of the “GB” as an effective green buffer, and result in a general degradation of the environment;
- (iv) despite the applicant’s proposal to open the EEC (GFA of 80m²) for public use, the applicant had not provided strong planning justifications to justify a departure from the planning intention of the “GB” zone and sufficient information to demonstrate that there would be no adverse landscape impact; and
- (v) according to the TPB PG-No. 10, development within the “GB” zone would only be considered in exceptional circumstances and had to be justified with very strong planning grounds. The crux of the matter was whether the proposed EEC and the occasional

use of the holiday camp for charitable events and for school groups and other members of the public could be regarded as a planning gain and the application, within the “GB” zone, could be approved under exceptional circumstances given that there was a presumption against development within this zone.

16. The Chairman then invited the applicant’s representatives to elaborate on the review application. With the aid of a Powerpoint presentation, Mr. Kenneth To made the following main points:

Background of the Applicant

- (a) the applicant was a 100% subsidiary of The Sir Run Run Shaw Charitable Trust (the Trust), a charitable body under s.88 of the Inland Revenue Ordinance;
- (b) since its establishment in 1995, the Trust had made over HK\$4.1 billion charitable donations in areas such as education and medical services in Hong Kong, as well as the Mainland, including the Shaw Prize;

History of the Site

- (c) according to an aerial photo taken in 1964, the site was abandoned agricultural land without any trees and was surrounded by hill slopes and cultivated land;
- (d) according to an aerial photo taken in 1979, there were signs that the northern part of the site was under cultivation, possibly for plant nursery since ‘Bluet Garden’ was already in operation;
- (e) before 1990, the site had already been rented out for plant nursery purpose. An aerial photo taken in 1990 showed that the surrounding areas were mostly occupied by film studios;

- (f) according to an aerial photo taken in 2002 when the first statutory plan was published for the area, the site was covered with trees while the Hong Kong University of Science and Technology (HKUST) and Clear Water Bay School to its east were completed;

Land-use Zonings of the Site and Surrounding Areas

- (g) according to the OZP, the site was surrounded by large area zoned “G/IC” and occupied by HKUST and Clear Water Bay School to its east, land zoned for residential use along the access road nearby, and two sites zoned “Comprehensive Development Area” (“CDA”) to the north and south-east, covering an area adjoining Tai Po Tsai Village and the former Shaw Brothers’ Studio respectively, which were intended for comprehensive residential and commercial developments. The application site and the adjoining area occupied by the plant nursery was a residual area left in between;

Existing Conditions of the Site

- (h) the site was occupied by a plant nursery, with lots of area hard-paved for use as vehicular access for lorries. Trees were planted in between the hard-paved areas, including some grown temporarily for sale and other bigger ones which might have been existed for a long time;
- (i) there was a stream within the site which fell on Government land. One side of the stream had been channelised by the plant nursery;
- (j) there were two one-storey village houses within the site;

The Proposal

- (k) the purpose of the proposal was to establish a holiday camp, which was a Column 2 use within the “GB” zone, for recreational purpose for the staff of the Shaw Group and to provide a venue to support charitable

functions of the Trust. The proposal also aimed at restoring the “GB” area damaged by the plant nursery and promoting environmental education to the public;

- (l) the proposal consisted of three major components, i.e. the holiday camp, the GBRP and the EEC. Based on a site area of about 1.16 hectares, the plot ratio (PR) of the proposed development was about 0.091 (site coverage (SC) of about 7.15%), including PRs of 0.088 for the holiday camp (SC of about 6.46%) and 0.007 for EEC (SC of about 0.69%). [According to the applicant’s submission, the proposed PR for the holiday camp was 0.084.] The proposed building heights were 10.6m for the holiday camp and 1 storey for the EEC. The total footprint of the proposed development was 1,732m² including the proposed access road and circulation area and 80m² for the EEC, and the GBRP would occupy about 85% of the site;
- (m) since 2010, the proposed holiday camp scheme had been refined several times in order to reduce the scale of development. The proposed holiday camp would be situated at the southern end of the site to minimise tree felling. It comprised 6 dormitory rooms, a multi-purpose hall for dining and activities, a function room, a kitchen, plant rooms and a loading/unloading area;
- (n) the northern part of the site, constituting about 85% of the total area, was proposed for GBRP under which vegetation management and restoration, pond and watercourse restoration, placement of nest boxes and bat boxes and long-term monitoring would be implemented to restore the “GB” area and to improve the ecological environment;
- (o) during the process of discussion with Clear Water Bay School, it was understood that there was strong interest in education programme on greening. Discussion had been held with Green Power which indicated that the GBRP area had the potential to become a venue for environmental education. Therefore, the idea to make use of the two

existing houses as the EEC and the GBRP area for environmental education programmes had been incorporated into the current development scheme. The applicant had also invited CUHK to take part in the environmental education programme;

- (p) the EEC could receive a maximum of 10,000 students per year assuming that there would be 40 students per session and five sessions per week. For night-time sessions, the holiday camp facilities could be opened to public upon prior arrangement with the applicant; and
- (q) after rejection of the s.16 application, the applicant had invited the Eco-Education and Resources Centre (ERC) to act as the operator of the proposed EEC. A management committee for the EEC comprising representatives from the applicant, ERC, Green Power and CUHK would be formed to manage and supervise the operation of the EEC. The EEC would include an educational and conservation manager, an arborist, and educational and conservation officers from ERC, with Green Power and CUHK as technical advisors.

17. Dr. Michelle M.S. Cheung then made the following main points:

- (a) ERC was a non-governmental organisation founded in 2002 with the vision to promote eco-education through eco-tourism and to support local baseline studies by eco-tourism. ERC had been providing education programmes for local students and exchange programmes with overseas universities, as well as undertaking ecological projects and baseline studies in Sai Kung area. Its working partners included green groups, local and overseas universities;
- (b) there was a lack of venue providing environmental education venue in the New Territories East. The only existing facility was the Lions Nature Education Centre in Sai Kung but since it was built more than 10 years ago, its contents were not in keeping with the current ecological education programmes; and

- (c) the site was suitable for an EEC since it possessed several ecological characteristics such as the co-existence of local and exotic species in the stream, and the presence of habitats for amphibians and reptiles. Night tours could be organised in the proposed EEC to observe nocturnal wildlife and such activities would be supported by overnight accommodation to be provided at the holiday camp. There could also be collaboration programmes with universities to conduct systematic local insect surveys on the site. The EEC would help achieve the objective of eco-education through eco-tourism, while not much change to the environment of the site would be required.

18. Mr. Kenneth To then made the following main points in response to the reasons of rejection:

- (a) most Government departments, except CTP/UD&L of PlanD, had no in-principle objection to the application;

Not in Line with the Planning Intention of the “GB” Zone

- (b) there were no existing landscape features, areas of scenic value or areas of recognised “fung shui” importance that were worthy of conservation within the site, since it had been disturbed by the presence of a plant nursery. Under the proposed GBRP, the existing hard-paved area would be reduced and replaced by grasscrete and hence there would be no net increase in the proportion of the overall hard-paved area within the site. DSD had no objection to the application and drainage impact was not a reason of rejection for the s.16 application. Over 90% of the existing trees would be retained and additional trees would be planted within the site;
- (c) the limit of urban development had already been defined by the existing vegetated slopes to the east of Clear Water Bay Road. With most of the existing trees retained, the holiday camp proposal would not create

adverse impact on the function of the “GB” zone as a green buffer;

- (d) the existing plant nursery did not provide any passive recreational outlet. Under the current proposal, over 85% of the site would be used for GBRP and EEC and it was in line with the planning intention to provide passive recreational outlets. No active recreation uses were proposed in the holiday camp so as to ensure compatibility with the surrounding area;
- (e) there had been strong demand for provision of other learning experience from students. There were 28 primary and 27 secondary schools in Sai Kung. The site was within 5 minutes travelling distance from Tseung Kwan O, which had 27 primary and 24 secondary schools;

Adverse Landscape Impact

- (f) the proposed development would not entail significant change to the landscape of the site. For most part of the site, very little land filling (ranged from 0m to 0.3m) would be required for site levelling, and the maximum depth of fill would be 1m at the existing pond of the plant nursery. It should be noted that the pond had a concrete base and was used for water storage of the nursery;
- (g) under the current proposal, 30 existing trees would be felled and 39 new compensatory trees would be planted, resulting in a net increase of 9 trees, amounting to a total of 462 trees within the site. Seedling trees would also be planted in the disturbed areas. Further planting of trees would not be desirable given the size of the site and the objective to improve the mix, quality and spacing of trees;

[Mr. Eric Hui left the meeting at this point.]

Visual Impact

- (h) the proposed development would have no adverse visual impact on the

surrounding area. Since the existing trees along the periphery of the site would be retained, only the upper part of the proposed holiday camp would be visible from a hiking trail to its south. The proposed development would not be visible from Clear Water Bay Road; and

Undesirable Precedent

- (i) the proposed development would not set an undesirable precedent. On the contrary, it would be a win-win proposal for beneficial use of private land within the “GB” zone since the staff of the Shaw companies, the general public, students and green groups would benefit from the recreational and education uses proposed. Given that there was a presumption against development in “GB” zone, private land within “GB” zone would normally be left abandoned or disturbed by other uses. The proposed development, comprising both recreational and educational elements while at the same time did not create adverse impact on the green environment, would serve as a good precedent case for provision of passive recreational outlet within “GB” zones.

[Mr. Roger K.H. Luk returned to join the meeting at this point.]

- 19. The Chairman and Members had the following comments and questions:

Proportion of Government Land

- (a) what was the proportion of Government land within the site?

Operation and Management of the GBRP Area and EEC

- (b) what would be the opening hours of the EEC and whether there were any criteria to ensure that the EEC would be used by the public?
- (c) would the GBRP area be opened to the public without prior reservation?

- (d) noting that many eco-tourism centres had a very low patronage during weekdays and a high patronage only at weekends, how would the applicant ensure the sustainability of the EEC from an operational point of view? Was there any estimation on the demand for such facilities?
- (e) given that the site was zoned “GB”, the applicant would have to demonstrate to the Board that the holiday camp proposal would provide sufficient planning gain to justify the approval of the application. In this regard, the Board would have to balance against the public benefit brought about by the EEC and the use for a “GB” site for the holiday camp. Would the applicant provide further information on the guarantee of funding to support the EEC, the detailed planning of the EEC and whether the type of activities offered met the needs of the students?
- (f) was there any signed agreement between the applicant and the joint venture partners to guarantee long-term commitment of the concerned parties in managing the EEC?
- (g) would there be any classrooms and laboratories in the EEC?
- (h) was there a concrete plan on the operation of the EEC, such as the target number of students received?
- (i) would primary school students and disable persons be received by the EEC?
- (j) would night-time activities be organised?
- (k) would overnight stay of visitors in the holiday camp be allowed and whether it was necessary to promote eco-education?
- (l) would the proposed holiday camp with only 6 dormitories be adequate to accommodate a group of 40 students for overnight stay, as claimed by

the applicant?

Holiday Camp Facilities

- (m) would the holiday camp facilities including the multi-purpose hall be opened to the public?
- (n) could the scale of the proposed holiday camp be further reduced?
- (o) would any green building design be adopted for the proposed holiday camp to integrate with the environment in the “GB” zone?

Existing Trees within the Site

- (p) were the trees within the site owned by the plant nursery and would they be removed upon development of the holiday camp proposal?
- (q) noting that most of the existing trees were species of relatively low conservation value, would they be useful for eco-education purpose?

Relationship between Holiday Camp and EEC

- (r) would the holiday camp and the EEC need to co-exist?

Others

- (s) what was the total number of staff of the Shaw Group and the Television Broadcasts Ltd. (TVB)?
- (t) what was the relationship between the applicant, the Trust, the Shaw Group and TVB?
- (u) was policy support from the relevant bureaus obtained on the proposed EEC?

Proportion of Government Land

20. In response to question (a), Mr. Kenneth To said that about 95% of the site was private land whilst the remaining 5% was Government land comprising mainly the channelised stream (about 200m²) and the proposed access road (about 310m²).

Operation and Management of the GBRP Area and EEC

21. In response to question (b), Mr. Kenneth To said that a management committee would be established comprising not only the applicant and ERC but also representatives from CUHK and Green Power so as to provide an open platform and to ensure transparency in the management of EEC. Both CUHK and Green Power had accepted the invitation to sit on the committee. ERC would regularly report the patronage of the EEC to the management committee. The target patronage was about 10,000 students per year assuming that there would be 5 weekday sessions per week, i.e. about 250 sessions per year, and 40 students per session. The weekday sessions would be for students and during weekends, staff of the Shaw Group using the holiday camp could also attend education programme at the EEC. The EEC was a project under the Trust and it was expected to achieve the target patronage. If a booking to the EEC was rejected, a reason would be provided.

22. In response to question (c), Mr. Kenneth To said that participants of a eco-tour would visit both the EEC and the GBRP. It was not the intention to operate the GBRP as a park with unrestricted access. The GBRP area would be opened to pre-booked groups or organisations, most probably schools, through the education and conservation manager of the EEC. A guided tour would be provided for visitors.

23. In response to question (d), Dr. Michelle M.S. Cheung said that the proposed EEC would be different from the other eco-tourism centres in that the EEC would make use of the ecological resources available locally at the site. In fact, many schools were looking for different types of other learning experience and liberal studies programmes for their students. These programmes of the EEC would be conducted at weekdays which suited the schools and ERC had been organising many similar activities. She expected

that the proposed EEC would be more attractive to schools than the other recreation-oriented eco-tourism centres and there would be sufficient number of students visiting the EEC during weekdays.

24. In response to question (e), Mr. Kenneth To said that both the applicant and the joint venture partners were very familiar with the Clear Water Bay and Tseung Kwan O area. The proposed EEC would be attractive to schools in Tseung Kwan O since it would take only 5 minutes to travel from Tseung Kwan O to the EEC. Regarding the funding issue, Mr. Kenneth To said that similar organisations had been consulted. The estimated expenses of the EEC would be over \$1 million per year and the applicant was committed to continue funding the operation of EEC.

25. In response to question (f), Mr. Kenneth To said that an invitation for expression of interest had been issued by the applicant to the joint venture partners. Since the applicant did not have the necessary expertise, the restoration of the GBRP area and the operation of the EEC would be entrusted to ERC which would deploy full-time staff to manage the GBRP area and the EEC and undertake scientific researches. The commitment for long-term management had been vested in the proposed organisational structure.

26. In response to question (g), Dr. Michelle M.S. Cheung said that the 2 houses within the site would be used for the EEC. They would serve as classrooms and temporary laboratories if necessary. The houses would also provide a venue for handling samples collected during on-site surveys. Sophisticated laboratory equipment would not be necessary.

27. In response to question (h), Mr. Kenneth To said that the EEC would receive about 10,000 visitors per year based on the assumptions of 5 sessions per week and 40 visitors per session. The figure was a reasonable estimate, taking account of 27 primary and 24 secondary schools in Tseung Kwan O. Mr. Ivan Chung, DPO/SKIs, supplemented that the estimated patronage and operation of EEC had been provided in the FI submitted by the applicant which was attached to the TPB paper.

28. In response to question (i), Mr. Kenneth To said that the proposed

development would adopt a barrier free design to meet the needs of visitors with disabilities since a vehicular access would be provided for the holiday camp and the existing hard-paved tracks within the site would be improved with grasscrete which was suitable for wheelchair access. In addition, apart from secondary students, both primary school students and students with disabilities would be welcome by the EEC. The programmes would be adjusted according to the age and education level of visitors.

29. In response to question (j), Dr. Michelle M.S. Cheung said that night tours would be organised and overnight accommodation would be provided, if necessary.

30. In response to question (k), Dr. Michelle M.S. Cheung said that the need for overnight stay would depend on the nature of the night-time activity. The choice would be left to the participants. Mr. Kenneth To said that the holiday camp would only be opened to those visitors participating in the night-time education programmes such as the observation of moths but not just for recreational purpose. There would be on average one night-time session per week, depending on the season. According to his understanding, schools would not organise night-time sessions very frequently.

31. In response to question (l), Mr. Kenneth To said that he was uncertain of the group size for the night-time programme and whether the whole group would stay overnight. The number of dormitory rooms was planned before the introduction of the EEC. Since there would only be 24 beds in the dormitories, the multi-purpose hall might be converted for temporary accommodation, if necessary. The need for overnight accommodation would be about 1 to 2 nights per week but that would be subject to more detailed consideration. The Chairman raised concern on the fire safety aspect if the multi-function hall was used for residential purpose.

Holiday Camp Facilities

32. In response to question (m), Mr. Kenneth To said that the multi-purpose hall would mainly be used for dining purpose although some other kinds of activity might also take place. Whilst the use of EEC would be managed by ERC, the use of the holiday camp facilities by the public would be subject to the agreement of the applicant, taking into consideration the nature and objective of the proposed activities.

33. In response to question (n), Mr. Kenneth To said that the proposed dormitory, with 6 rooms and a footprint of 180m², was considered the minimum provision for overnight accommodation. As for the multi-purpose hall, the scale had been reduced several times and the scope for further reduction would be limited. Mr. Kenneth To also said that the proposed kitchen, corridor, and disabled lift were already the minimum provisions necessary to support the operation of the holiday camp and the hard-paved area including the emergency vehicular access and loading/unloading area had also been reduced to the minimum after several revisions. The proposed plant rooms were also necessary to support the holiday camp though their scale could be further reviewed upon detailed design. The scale of the proposed holiday camp, with a PR of less than 0.1, was very minimal and the proposed development would not have significant visual, landscape and environmental impacts.

34. In response to question (o), Mr. Kenneth To said that the proposed holiday camp comprised mainly 4 components, namely a multi-purpose hall, a dormitory block, a kitchen block and a corridor. For the largest multi-purpose hall building in the holiday camp, a pitched roof design would be adopted to reduce the mass and the visual impact. Green roof design would be employed for the other 3 flat roof blocks.

[Dr. C.P. Lau left the meeting at this point.]

Existing Trees within the Site

35. In response to question (p), Mr. Kenneth To said that the existing trees on-site were mostly grown by the plant nursery for commercial purpose including some which existed over 10 years. There were native trees along the periphery of the site. According to the tree felling proposal, only those trees directly affected by the proposed buildings would be felled. In this regard, the applicant would buy the trees currently grown on the site from the plant nursery.

[Ms. Julia M.K. Lau left the meeting at this point]

36. In response to question (q), Mr. Kenneth To said that whilst the existing trees

were of relatively low conservation value, they were part and parcel of the existing habitats on the site. As such, wholesale removal of the existing trees upon commencement of development was considered undesirable. Instead, the mix, quality and spacing of trees would be improved progressively.

Relationship between Holiday Camp and EEC

37. In response to question (r), Mr. Kenneth To said that if there was no holiday camp, there would not be the EEC. In many cases, private land within “GB” zone would be left abandoned. For the subject site, the applicant proposed to develop a holiday camp which was relatively compatible with the surrounding area, and at the same time took the opportunity to restore the site for environmental education purpose. It would not be realistic to expect the private landowners to restore their land and only put that into education use for the public. In that sense, the holiday camp and the EEC could not be separated. The proposal under application was a way forward for beneficial use of private land within “GB” zones.

Others

38. In response to question (s), Mr. Raymond Chan said that the total number of staff of the Shaw Group was about 400 to 500. He said that the Shaw Group was still one of the major shareholders of TVB and therefore over 4,000 staff of TVB could also use the proposed holiday camp.

39. In response to question (t), Mr. Raymond Chan said that the applicant was a 100% subsidiary of the Trust and was part of the Trust. The Shaw Group still owned about 4% of the shares of TVB and had maintained close relationship with TVB.

[Mr. Rock C.N. Chen left the meeting at this point.]

40. In response to question (u), Mr. Ivan Chung, DPO/SKIs said that no policy bureaux were consulted on the proposal and DAFC had no particular comment on the proposed EEC.

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

[Mr. Roger K.H. Luk left the meeting temporarily at this point.]

Deliberation Session

42. A Member opined that the basic principle of eco-education was to make use of the existing ecological resources available. It would be undesirable to construct any buildings and to make changes to the site, unless it was absolutely necessary. The Member said that if the applicant intended to ensure participation from schools, support from the schools should be obtained to convince the Board. The Member also pointed out that the management committee of the proposed EEC comprised mainly technical officers, possibly paid staff, and opined that a wider representation should be considered. The same Member also said that researches on moths might not require overnight stay.

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

[Mr. Roger K.H. Luk returned to join the meeting at this point.]

43. A Member had doubt on whether the proposed holiday camp with GBRP and EEC was the only solution for ecological restoration. Noting the small size of the site and existence of a plant nursery, the Member opined that biodiversity of the site was low.

[Prof. P.P. Ho left the meeting at this point.]

44. The Vice-chairman said that according to the application, the EEC would not be provided without the holiday camp. While the patronage and operation of the proposed EEC would be relevant considerations, the proposal under application was basically a holiday camp within the "GB" zone. The question was whether the public

benefit brought about by the EEC would justify the deviation from the planning intention of the “GB”. He did not support the review application.

45. A Member shared the views of the Vice-chairman. The Member had recently visited another EEC which consisted of classrooms and laboratories. That EEC had the support of the Education Bureau (EDB) and was financially viable and well participated. The same Member was of the view that the proposed EEC did not provide the necessary supporting facilities and the holiday camp proposal was packaged as an EEC to solicit support.

46. A Member said that the applicant had only claimed that the EEC would provide education services to the public, without providing any specific evidence. The Member considered that the proposed EEC could not constitute sufficiently a planning gain to support approval of the application. The Member did not support the review application.

47. A Member commented that the low patronage of the existing EECs was a result of inadequate support from EDB to encourage schools to participate in outdoor activities. The education system in Hong Kong was far behind other countries in promoting education in ecology.

48. Another Member also shared the views of the Vice-chairman and said that the applicant could not produce sufficient assurance that the proposal would be sustainable. The applicant had linked up the provision of welfare facilities to its staff with the provision of eco-education to the public.

49. A Member had doubt on the objective of the holiday camp considering the small number of staff of the applicant. The Member noted that many companies had sold off their holiday camp properties in Hong Kong as this kind of benefit was not well received by staff. This Member also shared the views of the Vice-chairman.

50. The Chairman concluded by saying that there was a presumption against development under the “GB” zone and an application for development would only be considered in exceptional circumstances and justified with very strong planning grounds.

For the subject application, Members agreed that there was insufficient planning gain to justify a departure from the planning intention of the “GB” zone and there was no policy support to the proposed EEC.

51. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 7.1 of the review paper and considered that they were appropriate. The reasons were:

- (a) the proposed development of a holiday camp and environmental education centre was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone. No strong planning justifications had been provided in the submission for a departure from this planning intention;
- (b) the proposed development did not comply with the Town Planning Board Guidelines No. 10 in that there were no exceptional circumstances to approve the proposed development within the “GB” zone and the proposed development would cause adverse landscape impact on the area. There was insufficient information to demonstrate that the proposed holiday camp use, filling of land and environmental education centre would not create adverse impacts on the surrounding areas; and
- (c) approval of this application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar proposals would result in a general degradation of the environment and bring about adverse landscape impact on the area.

Kowloon District

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comment to the Draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan No. S/K13/27

(TPB Paper No. 9078)

[The hearing was conducted in Cantonese.]

R1 to R184 and C1

52. The following Members declared interests in this item:

Mr. Patrick H.T. Lau]

Mr. Dominic K.K. Lam] had business dealings with Ove Arup & Partners Ltd. (OAP) (**R82**)

Prof. S.C. Wong]

53. As the above Members had no direct involvement in OAP's submission, the Board agreed that they could stay in the meeting.

Presentation and Question Session

54. The Chairman said that sufficient notice had been given to invite the representers to attend the hearing, but they had either indicated not to attend the hearing or made no reply. As sufficient notice had been given to the representers, Members agreed to proceed with the hearing in their absence.

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

Miss Fiona Lung - District Planning Officer/Kowloon

(DPO/K), PlanD

Mr. Richard Siu - Senior Town Planner/Kowloon (STP/K),
PlanD

56. The Chairman extended a welcome and invited the representatives from PlanD to brief Members on the background to the representations.

57. With the aid of a Powerpoint presentation, Miss Fiona Lung, DPO/K, made the following main points as detailed in the Paper:

Background

- (a) on 14.10.2011, the draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan (OZP) No. S/K13/27 was exhibited for public inspection under section 7 of the Town Planning Ordinance. A total of 184 representations and 1 comment were received;

Amendment Items and Representers

- (b) Amendment Item A involved the rezoning of three sites at Tai Yip Street and Wai Yip Street from areas shown as 'Road' to "Other Specified Uses" annotated "Business" ("OU(Business)") and stipulation of a building height restriction (BHR) of 100mPD for the three sites. The three strips of land had been developed as parts of the existing buildings. The amendment was technical in nature to reflect the as-built development. A total of 155 representations (No. R1 to R155) opposing to this amendment item were received;
- (c) Amendment Item B involved the rezoning of a site along Choi Hei Road from "Residential (Group A)" ("R(A)") to "Open Space" ("O"). The representation site had been developed as part of Choi Hei Road Park since open space was always permitted within "R(A)" zone. It was physically separated from the housing development by a road. A total

of 110 representations (No. R1 to R81 and No. R156 to R184) opposing to this amendment item were received;

Grounds of Representations and Representers' Proposals

- (d) **R1 to R155** opposed to Amendment Item A and their grounds of representations as detailed in paragraph 2.3.1 of the Paper were summarised below:

Justification for Rezoning

- (i) there was a lack of detailed planning as the amendment was simply reflecting the as-built conditions. Only the lot owners would be benefitted from the amendment and there was suspicion of collusion between Government and commercial entity;

Tai Yip Street's Environment and Traffic Congestion

- (ii) the amendment would lead to an increase in gross floor area (GFA) upon redevelopment. The already congested traffic along Tai Yip Street would aggravate, especially during peak hours;
- (iii) the amendment would not improve the condition of Tai Yip Street. The original 'Road' area as building setback would reduce site coverage of the adjoining factory buildings and thus alleviate the congested environment of Tai Yip Street;

Urban Design, Air Ventilation, Open Space Improvement and Permeability

- (iv) the original planned alleys adjoining Fortune Industrial Building and Yeung Yiu Chung (No. 5) Industrial Building and shown as 'Road' in the previous OZP were strategic in terms of urban design, and would serve as solution space allowing setback of building lines of about 6m to 8m;

- (v) rezoning the representation sites to “O” and transforming the area as a focal point/Business Piazza would bring convenience, quality environment and vibrancy to this isolated area in Kowloon East, as well as being in line with the Chief Executive’s 2011-12 Policy Address of Energizing Kowloon East;
- (vi) the proposed amendment would create urban canyon effect due to the narrow street of less than 10m wide as a result of the augmented scale, and would block air ventilation;
- (vii) the amendments were not in line with the Sustainable Building Design (SBD) Guidelines of the Buildings Department and the Urban Design Guidelines of PlanD;
- (viii) the proposed amendment would limit the opportunities for open space improvement through building setback, employment of a coherent thematic design to transform the Tai Yip Street area into a focal point and for image building of the business area;
- (ix) the “OU(Business)” zone with a high-rise building upon redevelopment limited opportunities for enhancements of visual permeability through setbacks and footpath improvement. The representation sites were the only available pieces of visual relief adjoining a sitting-out area and a Government, institution or community (G/IC) site with a BHR of 15mPD; and

Town Planning Procedures

- (x) confusing procedures might contravene the Ordinance as when the draft OZP No. S/K13/26 was still being considered for representations and further representations, a revised OZP No. S/K13/27 was gazetted in October 2011;

- (e) major proposals put forth by **R1 to R155** in respect of Amendment Item A as detailed in paragraph 2.3.2 of the Paper were summarised below:
- (i) to remove the amendment item from the draft Ngau Tau Kok and Kowloon Bay OZP or retain the three sites under Amendment Item A as areas shown as ‘Road’ (**R1 to R28 and R82 to R95**);
 - (ii) to clearly explain the reasons of rezoning those three “OU(Business)” sites and not to transfer benefits without adequate justification and consultation (**R2 to R28 and R83 to R95**);
 - (iii) to rezone the three “OU(Business)” sites from areas shown as ‘Road’ to “O” (**R82**);
 - (iv) to further rezone the existing sitting-out area adjacent to those three “OU(Business)” sites to “O” to develop a business piazza (**R82**);
 - (v) to clarify the relationship between the draft OZP No. S/K13/26 and draft OZP No. S/K13/27 and to defer the amendments to the draft OZP No. S/K13/27, if necessary (**R83 to R95**); and
 - (vi) to designate three sites shown as ‘Road’ as building setbacks and stipulate more stringent restrictions to achieve a better environment upon redevelopment of the buildings on Tai Yip Street (**R96**);
- (f) **R1 to R81 and R156 to R184** opposed to Amendment Item B and their grounds of representations as detailed in paragraph 2.3.3 of the Paper were summarised below:

Strong Demand and Suitable for Public Housing

- (i) retaining the “R(A)” zone would provide about 11,525.4m² GFA, which amounted to about 250 Public Rental Housing (PRH) flats. It was unjustified to reduce the “R(A)” zone in view of the strong

demand for PRH in Hong Kong;

- (ii) the representation site was close to the junction of Choi Ha Road and Choi Hei Road, and was being linked with the upper hills on Jordan Valley through the pedestrian lift. It was also within walking distance to Kowloon Bay MTR Station. As such, it should be for PRH development;
- (iii) Choi Hei Road Park only accommodated a pergola and a toilet. The area should be redeveloped for 4 to 5 blocks of PRH buildings; and

Town Planning Procedures

- (iv) the grounds of representations were the same as those against Amendment Item A above (paragraph 75(d)(x));
- (g) major proposals put forth by **R1** to **R81** and **R156** to **R184** in respect of Amendment Item B as detailed in paragraph 2.3.4 of the Paper were summarised below:
- (i) to retain the area along Choi Hei Road as “R(A)” area or remove Amendment Item B (**R1** and **R156**);
 - (ii) to further extend the boundary of the “R(A)” zone into the existing open space to allow provision of more PRH flats in the area (**R1**);
 - (iii) to develop the existing Choi Hei Road Park into PRH and build more PRH around Choi Ying Estate and Choi Ha Estate (**R156**); and
 - (iv) the site should be retained for PRH estates (**R157** to **R184**);

Grounds of Comment

- (h) C1 supported R1, and suggested retaining the 'Road' area of the representation sites;

PlanD's Responses to Representations and Representers' Proposals

- (i) PlanD's responses to the grounds of representations and representers' proposals in respect of Amendment Item A as detailed in paragraphs 4.4.1 to 4.4.10 of the Paper were summarised below:

Justification for Rezoning

- (i) the concerned lots were sold in 1974 and developed as three industrial buildings in accordance with the lot boundary and lease conditions in 1976/77. The lot boundaries of the concerned lots followed the zoning boundaries of the Kowloon Bay Outline Development Plan (ODP) prepared in 1970;
- (ii) the first Ngau Tau Kok and Kowloon Bay OZP No. S/K13/1 was published in 1986. The zoning boundaries under the OZP should have followed that of the ODP. However, probably due to the broad brush nature and scale of the OZP, there were slight discrepancies between the zoning boundaries on the ODP and that on the OZP. The proposed rezoning of the three strips of land to "OU(B)" was to rectify the discrepancies and reflect the as-built condition. The 9.1m service lane between the buildings and the G/IC site would not be affected;
- (iii) there had never been the planning intention to require the setting back of these buildings for road works or other purposes, as confirmed by the Commissioner for Transport (C for T);

Tai Yip Street's Environment and Traffic Congestion

- (iv) the three strips of land had been developed as part of the industrial buildings and there would be no increase in GFA upon redevelopment. There would not be any adverse impact on traffic as a result of inclusion of the strips of land in the "OU(Business)" zone;

Urban Design, Air Ventilation, Open Space Improvement and Permeability

- (v) rezoning of the three sites would not increase the existing footprint of these buildings. Redevelopment would be subject to the prevailing SBD Guidelines with respect to building separation and setback requirements. Rezoning of the three sites to "OU(Business)" would not affect future compliance of the SBD Guidelines;
- (vi) there was sufficient open space provision in the OZP area and the Kwun Tong District Council area. Open space development in this location would be severely constrained by traffic noise and adverse air impact. The Director of Leisure and Cultural Services (DLCS) had concerns on any open space development for the sites and their adjoining areas. The concerned areas were also not suitable for a business piazza as the areas were surrounded by industrial buildings and major roads, and would be subject to traffic noise and adverse air impact;
- (vii) the final report of the Air Ventilation Assessment (AVA) for Ngau Tau Kok and Kowloon Bay OZP conducted by PlanD's consultant in 2010 did not suggest that the sites were along major air paths or fell within an area of concern from air ventilation perspective;

Town Planning Procedures

- (viii) it was clearly the legislative intent of the Ordinance to provide for amendments to a draft plan after publication of the plan under section 5;
- (ix) in the judgment of judicial review for the Kai Tak Mansion handed down by the Court of First Instance on 11.5.2012, the Judge confirmed the Board's power to make amendment to the OZP pursuant to section 7 of the Ordinance and that OZP No. S/K13/27 merely indicated amendments made to OZP No. S/K13/26 pursuant to section 7. It did not profess to be a new plan created under section 5;
- (x) the proposed amendments to the draft OZP No. S/K13/26, upon further representation hearing, had become effective since 3.2.2012 and had then formed part of the draft OZP No. S/K13/27. Such amendments had no direct connection with the current amendments;

Responses to Representatives' Proposals

- (xi) rezoning of the three sites was to make it clear that they formed part of the "OU(Business)" zone. Reserving the sites as areas shown as 'Road' were not required, as confirmed by C for T, while rezoning the sites to "O" or for a business piazza development was not considered suitable as the area was subject to traffic noise and adverse air impact, as confirmed by DLCS; and
- (xii) as shown on the ODP, there was a 9.1m wide service lane between NKIL 5591 and the lot boundary of the Government Land Transport Agency Transport Pool zoned "G/IC(1)". To rectify the boundary discrepancies between the OZP and ODP, it was proposed to rezone the strip of land within the "G/IC(1)" zone to

an area shown as 'Road' on the OZP to reflect the as-built condition and the planning intention of the ODP to provide a service lane of 9.1m;

- (j) PlanD's responses to the grounds of representations and representers' proposals in respect of Amendment Item B as detailed in paragraphs 4.4.11 to 4.4.14 of the Paper were summarised as follows:

Strong Demand and Suitable for Public Housing

- (i) in planning the Choi Hei Road Park development, the representation site and its adjoining open space site had been reserved and earmarked for open space development in the Ngau Tau Kok ODP and were allocated to the Leisure and Cultural Services Department for open space development in 2009;
- (ii) the site formed an integrated part of the park and was physically separated from Choi Ha Estate by Choi Hei Road;
- (iii) as advised by the Director of Housing (D of H), the site was far from ideal for public housing development given its small size (1,280.6m²) and elongated shape;
- (iv) rezoning the site from "R(A)" to "O" was to show the planning intention for the site was for public open space use;
- (v) as advised by DLCS, reverting the site as "R(A)" zone would seriously affect the integrity and operation of Choi Hei Road Park;

Town Planning Procedures

- (vi) responses to the grounds of representations regarding Amendment Item A above (paragraphs 75(i)(viii) to (x)) were relevant;

Responses to Representatives' Proposals

(vii) rezoning the site from “O” to “R(A)” did not mean that the site could be used as an in-fill site for PRH development. D of H advised that the site was not suitable for PRH development given its small size and elongated shape; and

(viii) rezoning the whole park for public housing development would severely reduce local open space provision for the existing residents and adversely affect the local environment;

Responses to Comment (C1)

(k) responses to **R1** above regarding Amendment Item A (paragraphs 76(i)(i) to (vii)) were relevant;

Departmental Consultation

(l) concerned bureaus/departments had been consulted and their comments had been incorporated in the Paper;

PlanD's Views

(m) PlanD proposed to partially meet 155 representations (**R1 to R155**) by rezoning the strip of land within the “G/IC(1)” zone to an area shown as ‘Road’ to reflect the as-built situation and the planning intention to provide a service lane of 9.1m between NKIL 5591 and the “G/IC(1)” zone; and

(n) PlanD did not support **R156 to R184** and the remaining part of **R1 to R155** for the following reasons:

Amendment Item A

(i) the amendment was to reflect the as-built condition and make it clear that the long term planning intention of these sites was for

general business uses. They formed part of the private lot and the existing industrial building. It was not the planning intention to require the setting back of these buildings for road works or other purposes (**R1, R2 to R58, R82 to R155**);

- (ii) the amendment was only technical in nature to rectify the boundary discrepancies and would not have any adverse traffic and air ventilation impacts on the nearby areas (**R1, R2 to R58, R82 to R155**);
- (iii) as there was adequate provision of open space in the district, there were no strong justifications to rezone the sites, which were private lots, for open space development (**R1, R29 to R58, R82, R83 to R155**);

Amendment Item B

- (iv) given the small size and elongated shape, the site was not suitable for public housing development. The amendment was to make it clear that the long term planning intention of site was for open space development (**R1 to R81, R156 to R184**); and
- (v) the site had been developed for public open space development and formed part of Choi Hei Road Park for enjoyment by local residents. There were no strong justifications to develop the site for public housing development (**R1 to R81 and R156 to R184**).

58. As the presentation from PlanD's representative had been completed, the Chairman invited questions from Members. Members had no questions.

59. As the government representative had finished her presentation and Members had no further questions, the Chairman said that the hearing procedures had been completed and that the Board would deliberate on the representations in the absence of the representers and inform them of the Board's decision in due course. The Chairman

thanked the government's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

60. The Chairman invited Members to consider the representations taking into consideration all the written submissions. Members had no questions.

61. After deliberation, Members agreed to partially meet 155 representations (No. R1 to R155) by rezoning the strip of land within the "G/IC(1)" zone to an area shown as 'Road' to reflect the as-built condition and the planning intention of providing a service lane of 9.1m between NKIL 5591 and the "G/IC(1)" zone. The proposed amendment to the draft Ngau Tau Kok and Kowloon Bay OZP No. S/K13/27 was suitable for publication for further representations in accordance with the provisions of section 6C(2) of the Ordinance. Members also agreed not to uphold Representations No. R156 to R184 and the remaining part of Representations No. R1 to R155. Members then went through the reasons for not upholding the representations as stated in paragraph 6.2 of the Paper.

Representations No. R1, R29 to R58 and R82 to R155

62. After further deliberation, the Board agreed to partially meet Representations No. R1, R29 to R58 and R82 to R155 but decided not to uphold the remaining part of Representations No. R1, R29 to R58 and R82 to R155 for the following reasons:

Amendment Item A

- (a) the rezoning of three sites at Tai Yip Street and Wai Yip Street from area shown as 'Road' to "OU(Business)" was to reflect the as-built condition and make it clear that the long term planning intention of these sites was for general business uses. They formed part of the private lot and the existing industrial building. It was not the planning intention to require the setting back of these buildings for road works or other purposes;
- (b) rezoning of the three sites from areas shown as 'Road' to

“OU(Business)” zone was only technical in nature to rectify the boundary discrepancies and would not have any adverse traffic and air ventilation impacts on the nearby areas;

- (c) as there was adequate provision of open space in the district, there were no strong justifications to rezone the sites, which were private lots, for open space development;

Amendment Item B

- (d) given the small size and elongated shape, the site was not suitable for public housing development. Rezoning of the site to “O” was to make it clear that the long term planning intention of site was for open space development; and
- (e) the site had been developed for public open space development and formed part of Choi Hei Road Park for enjoyment by local residents. There were no strong justifications to develop the site for public housing development.

Representations No. R2 to R28

63. After further deliberation, the Board agreed to partially meet Representations No. R2 to R28 but decided not to uphold the remaining part of Representations No. R2 to R28 for the following reasons:

Amendment Item A

- (a) the rezoning of three sites at Tai Yip Street and Wai Yip Street from area shown as ‘Road’ to “OU(Business)” was to reflect the as-built condition and make it clear that the long term planning intention of these sites was for general business uses. They formed part of the private lot and the existing industrial building. It was not the planning intention to require the setting back of these buildings for road works or other purposes;

- (b) rezoning of the three sites from areas shown as ‘Road’ to “OU(Business)” zone was only technical in nature to rectify the boundary discrepancies and would not have any adverse traffic and air ventilation impacts on the nearby areas;

Amendment Item B

- (c) given the small size and elongated shape, the site was not suitable for public housing development. Rezoning of the site to “O” was to make it clear that the long term planning intention of site was for open space development; and
- (d) the site had been developed for public open space development and formed part of Choi Hei Road Park for enjoyment by local residents. There were no strong justifications to develop the site for public housing development.

64. After further deliberation, the Board agreed to partially meet Representations No. R59 to R81 but decided not to uphold the remaining part of Representations No. R59 to R81 for the following reasons:

Amendment Item B

- (a) given the small size and elongated shape, the site was not suitable for public housing development. Rezoning of the site to “O” was to make it clear that the long term planning intention of site was for open space development; and
- (b) the site had been developed for public open space development and formed part of Choi Hei Road Park for enjoyment by local residents. There were no strong justifications to develop the site for public housing development.

65. After further deliberation, the Board decided not to uphold Representations No. R156 to R184 for the following reasons:

Amendment Item B

- (a) given the small size and elongated shape, the site was not suitable for public housing development. Rezoning of the site to “O” was to make it clear that the long term planning intention of site was for open space development; and
- (b) the site had been developed for public open space development and formed part of Choi Hei Road Park for enjoyment by local residents. There were no strong justifications to develop the site for public housing development.

Agenda Item 5

[Open Meeting]

Request for Deferral for Review of Application No. A/NE-LT/440

Proposed Four Houses in “Agriculture” and “Village Type Development” zones

Lots 1583, 1584, 1585, 1586, 1587, 1588, 1589 and 1590 in D.D. 10

Ng Tung Chai, Lam Tsuen, Tai Po

(TPB Paper No. 9093)

[The meeting was conducted in Cantonese.]

66. Ms. Janice W.M. Lai declared interest in this item as she had business dealings with the applicant’s solicitor.

67. As the item was a request for deferral, the Board agreed that Ms. Lai could stay in the meeting.

68. The Secretary said that this was the second request for deferral for the review of application. On 26.3.2012, the applicant’s representative wrote to the Secretary of the

Board and requested the Board to defer making a decision on the review application as the applicant would not be able to attend the hearing. On 27.4.2012, the Board decided not to accede to the applicant's request for deferment as the justification for deferment did not meet the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33) in that the reason given was personal and not related to the substance of the case. On 9.5.2012, the applicant's representative wrote to the Secretary of the Board again requesting the Board to defer making a decision on the review application for a period of 2 months to 25.7.2012 as the applicant had been awaiting response from District Lands Office/Tai Po on legal issue which was critical and crucial for the applicant to prepare and submit further information to the Board for consideration. The justifications for deferment met the criteria for deferment as set out in the TPB PG-No. 33.

69. After deliberation, the Board agreed to defer a decision on the review application and the review application would be submitted for its consideration within 3 months upon receipt of further submission from the applicant. The Board also agreed to advise the applicant that the Board had allowed a period of 2 month for preparation of submission of further information. No further deferment would be granted unless under very special circumstances.

Agenda Item 6

[Open Meeting]

Request for Deferral for Review of Application No. A/H11/99

Proposed Minor Relaxation of Plot Ratio Restriction from 5 to 5.1 and Building Height Restriction from 230mPD to 240.15mPD for a Residential Development in "Residential (Group B)" zone, 23, 25, 27D, E and F Robinson Road, Mid-levels
(TPB Paper No. 9094)

[The meeting was conducted in Cantonese.]

70. The application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson). The following Members declared interests in this

item:

- Mr. Dominic K.K. Lam - had business dealings with Henderson and its consultant, ADI Ltd.
- Mr. Patrick H.T. Lau - had business dealings with Henderson
- Ms. Janice W.M. Lai - had business dealings with Henderson
- Mr. Clarence C.W. Leung - director of a non-governmental organisation which had previously received a private donation from a family member of the Chairman of Henderson
- Mr. Lincoln L.H. Huang - lived next to the application site

71. As the item was a request for deferral, the Board agreed that the above Members could stay in the meeting. The Board also noted that Mr. Leung did not attend the meeting.

72. The Secretary reported that on 2.5.2012, the applicant's representative wrote to the Secretary of the Board requesting the Board to defer making a decision on the review application to 27.7.2012 in order to allow more time to prepare details answering the stated grounds of rejection. The justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33).

73. After deliberation, the Board agreed to defer a decision on the review application and the review application would be submitted for its consideration within 3 months upon receipt of further submission from the applicant. The Board also agreed to advise the applicant that the Board had allowed a period of 2 month for preparation of submission of further information. No further deferment would be granted unless under very special circumstances.

Agenda Item 7

[Open Meeting]

Request for Deferral for Review of Application No. A/YL-TYST/564

Temporary Open Storage of Construction Machinery, Construction Materials and Recycled Materials (including Metal and Plastic) with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Lots 2428 RP (Part), 2429 S.D (Part), 2685 (Part), 2686 (Part), 2687 (Part), 2688 (Part), 2689, 2690 (Part), 2700 (Part), 2701 (Part), 2702, 2703 (Part), 2704 S.A & S.B (Part), 2705, 2712 (Part), 2713 (Part), 2714, 2716 RP, 2717 RP (Part) and 2718 RP (Part) in D.D. 120 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long (TPB Paper No. 9095)

[The meeting was conducted in Cantonese.]

74. The Secretary reported that on 4.5.2012, the applicant wrote to the Secretary of the Board requesting the Board to defer making a decision on the review application for 1 month so as to allow time for him to prepare further information to support the review application. The justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33).

75. After deliberation, the Board agreed to defer a decision on the review application and the review application would be submitted for its consideration within 3 months upon receipt of further submission from the applicant. The Board also agreed to advise the applicant that the Board had allowed a period of 1 month for preparation of submission of further information. No further deferment would be granted unless under very special circumstances.

Procedural

Agenda Item 8

[Open Meeting]

Draft Chai Wan Outline Zoning Plan No. S/H20/19
Information Note and Hearing Arrangement for Consideration of Representations
(TPB Paper No. 9097)

[The meeting was conducted in Cantonese.]

76. Mr. Sunny L.K. Ho declared interest in this item as he co-owned a flat and a car park with his spouse in the area. As the item was procedural in nature, the Board agreed that Mr. Ho could stay in the meeting.

77. The Secretary briefly introduced the Paper. On 11.11.2011, the draft Chai Wan Outline Zoning Plan No. S/H20/19 was exhibited for public inspection under section 7 of the Town Planning Ordinance. During the two-month exhibition period, a total of 2 representations were received. On 3.2.2012, the representations were published for public comments, and no comment was received. As the representations were similar in nature, it was recommended that the representations should be heard by the full Board collectively in one group.

78. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations as detailed in paragraph 2 of the Paper.

Agenda Item 9

[Open Meeting]

Draft Tai Po Outline Zoning Plan No. S/TP/23
Confirmation of Proposed Amendments and Submission of Draft Plan
to the Chief Executive in Council for Approval
(TPB Paper No. 9098)

[The meeting was conducted in Cantonese.]

79. The following Members declared interests in this item:

- | | | |
|-----------------------|---|--|
| Mr. Stanley Y.F. Wong | - | co-owned with spouse a flat in Deerhill Bay |
| Dr. W. K. Yau | - | owned a flat and a shop at Kwong Fuk Road, three pieces of land and a house at Cheung Shue Tan Village |
| Dr. W.K. Lo | - | co-owned with spouse 2 houses in Hong Lok Yuen |

80. As the item was procedural in nature, the Board agreed that the above Members could stay in the meeting. The Board also noted that Dr. Lo did not attend the meeting.

81. The Secretary briefly introduced the Paper. She said that after consideration of the representations and comments to the draft Tai Po Outline Zoning Plan (OZP) No. S/TP/23 by the Board, on 20.4.2012, the proposed amendment in respect of the rezoning of a site near Classical Gardens II from “Residential (Group B)” to “Government, Institution or Community” (“G/IC”) and stipulation of BHRs for the “G/IC” zone was published under section 6C(2) of the Ordinance for three weeks for further representations. No further representation opposing to the proposed amendment was received. There was one supportive further representation which was subsequently withdrawn on 22.5.2012. In accordance with section 6G of the Ordinance, the draft OZP should be amended by the proposed amendment which was not the subject of any further representation. As the plan-making process had been completed, the draft Tai Po OZP was ready for submission to the Chief Executive in Council (CE in C) for approval.

82. After deliberation, the Board:

- (a) noted that there was no further representation on the proposed amendments to the draft OZP. In accordance with section 6G of the Ordinance, the draft OZP should be amended by the proposed amendments;

- (b) agreed that the draft Tai Po OZP No. S/TP/23A and its Notes were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (c) endorsed the updated ES for the draft Tai Po OZP No. S/TP/23A as an expression of the planning intention and objectives of the Board for the various land-use zones on the draft OZP and issued under the name of the Board; and
- (d) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 10

[Confidential Item. Closed Meeting.]

83. This item was recorded under confidential cover.

Agenda Item 11

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

84. There being no other business, the meeting closed at 1:20 p.m.