

**Minutes of 1041st Meeting of the
Town Planning Board held on 13.9.2013**

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

Mr Rock C.N. Chen

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Roger K.H. Luk

Ms Anita W.T. Ma

Dr W.K. Yau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr Stephen H.B. Yau

Ms Bernadette H.H. Linn
Director of Lands (from 12:15 p.m. onwards)

Mr Jeff Lam
Deputy Director of Lands (until 12:00 noon)

Director of Planning
Mr K.K. Ling

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

Secretary

Absent with Apologies

Mr Maurice W.M. Lee

Mr Laurence L.J. Li

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Mr H.F. Leung

Mr F.C. Chan

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Miss Winnie M.W. Wong

Deputy Director/Environmental (1)
Environmental Protection Department
Mr C.W. Tse

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

In Attendance

Assistant Director of Planning/Board
Ms Brenda K.Y. Au

Chief Town Planner/Town Planning Board
Ms Donna Y.P. Tam (a.m.)
Mr Edward W.M. Lo (p.m.)

Senior Town Planner/Town Planning Board
Ms Doris S.Y. Ting (a.m.)
Mr J.J. Austin (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1040th Meeting held on 23.8.2013

[The meeting was conducted in Cantonese.]

1. The minutes of the 1040th meeting held on 23.8.2013 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

(i) **Reference Back of Approved Outline Zoning Plans (OZPs)**

2. The Secretary reported that on 3.9.2013, the Chief Executive in Council referred the approved Sha Tin OZP No. S/ST/28 and the approved Mui Wo Fringe OZP No. S/I-MWF/8 to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the above OZPs was notified in the Gazette on 13.9.2013.

Hong Kong District

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations to the Draft Shouson Hill & Repulse Bay Outline Zoning Plan No. S/H17/12

(TPB Paper No. 9424)

[The hearing was conducted in English and Cantonese.]

Presentation and Question Session

3. The Chairman declared an interest in this item as he resided in the government quarters in the Shouson Hill area. Members considered that the Chairman's interest was remote as his residence was not his own property and agreed that the Chairman could stay for the discussion.

[Professor P.P. Ho arrived to join the meeting at this point.]

4. As reasonable notice had been given to the representers to invite them to attend the meeting, Members agreed to proceed with the hearing in the absence of the other representers who had indicated that they would not attend or made no reply to the invitation to the hearing.

5. The following government representatives, representers and their representatives were invited to the meeting at this point:

- | | | |
|-----------------|---|--|
| Ms Ginger Kiang | - | District Planning Officer/Hong Kong, Planning Department (DPO/HK, PlanD) |
| Ms Isabel Yiu | - | Senior Town Planner/Hong Kong, (STP/HK), PlanD |

R1 – David Jones

Mr David Jones - Representer

R8 – Church of All Nations, Lutheran

Mr Dickhudt David John - Representer's representative

R9 – Michael Robert Augustine Tse

Mr Michael Robert Augustine Tse - Representer

R10 – Fung Se Goun, Fergus, Southern District Councillor

R78 – Tung Wai Man, Winnie

Mr Fung Se Goun, Fergus - Representer and Representer's representative

R11 – The Incorporated Owners of Springfield Gardens

Mr Lam Sum Chee - Representer's representative

R12 – Gregory Laurence De 'Eb, Crown Wine Cellars Ltd.

Mr Gregory Laurence De 'Eb - Representer

R13 – Dean Anthony Young

R14 – Georgia Sophia Hablutzel

R15 – Rebecca U. Villeran

R97 - Alain Le Pichon

R98 - Kwok Doreen Maria

R130 - Countess Elizabeth von Pfeil

R150 - Gary Kwok

R152 - Enzo Graf von Pfeil

R173 - Rosamond Cassidy Elizabeth

R174 - Lindy Ruth Smyth

R179 - Cineven Leung

R192 - Cheryl Kwok

Ms Kwok Doreen Maria - Representer and representers' representative

R60 - Ho Chiu Fung Daisy

Mr Li Ka Sing, Charles - Representer's representative

R61 – Nicolas Yvon Gontard

R72 - Rosanna Tsui

R101 - Frances Gairns

Ms Frances Gairns - Representer and representers' representative

R69 – Ho Chi Kin, Simon

R86 – Mary Allison Clark

R112 - Yuen Chan

R126 – Octo Gerginel O. Occasion

R132 – Elvira Tabuada

R134 – Jeffrey James Roskell

R136 – Sun Well Development Ltd.

R141 – Ka Shui Ping, Francis Xavier

R143 - Hui Chiu Kwai

R147 - Freida Hui

R155 – Leung G. Daryl

R163 – Vanessa Post

R166 - Tan Lim Heng

R168 – David Post

R169 – Ka Yue See Eugene

R178 - Leung Suk Ching

R183 – Leung Sau Sun Duncan

R196 - Hui Hung Kwong

R206 - Vivian Lam

R207 –Wong Yuet Ching

R208 - Wong Mook Por

Mrs Freida Hui - Representer and representers' representative

R88 – R. T. Gallie

Ms Philippa Vizzone - Representer's representative

R90 – Jennifer Rockowitz

R120 - Bruce Rockowitz

Ms Jennifer Rockowitz - Representer and representer's representative

R94 – Anne Charron

Ms Anne Charron - Representer

R107 – Erna Kurniasih

Erna Kurniasih - Representer

R113 – Chow Chun Yin

Ms Chow Chun Yin - Representer

R115 – Dannok Ruam

Dannok Ruam - Representer

R138 – Allan Jones

Mr Allan Jones - Representer

R146 – Timothy Hui

Mr Timothy Hui - Representer

R149 - Philippe Guillo

Mr Philippe Guillo - Representer

R160 – So Shuk Lin, Mona

Ms So Shuk Lin, Mona - Representor

R164 – Modern Sense Ltd.

Ms Ng Lai Wan - Representor's representative

R167 – Maryann Jones

Mrs Maryann Jones - Representor

6. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representatives of PlanD to brief Members on the representations.

7. Members noted that replacement pages of the Paper and its Annex V rectifying the typographical error regarding the estimated trip generation of the proposed development from 35 trips per day to 35 trips per hour were tabled at the meeting and distributed to the representors present at the meeting.

8. With the aid of a Powerpoint presentation, Miss Isabel Yiu made the following main points as detailed in the Paper:

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

Background

- (a) on 22.3.2013, the draft Shouson Hill & Repulse Bay Outline Zoning Plan (OZP) No. S/H17/12, incorporating amendments mainly to rezone a site at the junction of Shouson Hill Road West and Wong Chuk Hang Path (the Site) from "Government, Institution or Community" ("G/IC") to "Residential (Group C)3" ("R(C)3") (Amendment Item A), was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);

- (b) the Site was a piece of government land (about 1.27 ha) at Shouson Hill West which was previously zoned “G/IC” on the OZP. It was one of the 36 “G/IC” sites identified by the Government for rezoning to residential use to increase the housing land supply in the short to medium term. The Site was previously occupied by a temporary works depot of the Drainage Services Department (DSD) and a plant nursery of the Leisure and Cultural Services Department (LCSD). The Site had not been reserved for other permanent Government, institution or community (GIC) uses and LCSD’s plant nursery had been relocated. There was no deficit in major GIC facilities in the district, and concerned departments consulted had no requirement for using the Site for any specific GIC use. After consideration of the characteristics of the Site and the surrounding areas, it was considered appropriate to rezone it to “R(C)3” to meet the demand for housing land. It was estimated that the proposed residential development, based on a maximum plot ratio (PR) of 0.75, site coverage (SC) of 25% and building height of 3 storeys over one storey of carports, which were the same as those applicable to the residential developments in the surrounding areas, could have a gross floor area (GFA) of about 8,100m² providing about 32 houses;
- (c) a total of 210 representations were received. No comment was received on the representations. The 210 representations, which were submitted by members of the public including mainly local residents, incorporated owners of housing estates in the area and individual members of the Southern District Council (SDC), were all related to Amendment Item A. Two representations (R1 and R2) supported the amendment item and they asked for increasing the development intensity and GFA of the Site. The remaining 208 representations (R3 to R210) opposed Amendment Item A in respect of rezoning the Site. R8 also opposed the PR of the Site;

Public Consultation

- (d) during the two-month exhibition period, the amendments incorporated into the OZP were presented to the District Development and Environment Committee (DDEC) of SDC on 15.4.2013. The major views of DDEC in respect of Amendment Item A were summarized below:
- (i) while basically understood the overall demand for land and housing supply in Hong Kong, it was hoped that the need for district development and environmental quality could be balanced;
 - (ii) the proposed residential development would induce additional traffic, particularly during construction stage and would cause adverse traffic impact and affect road safety;
 - (iii) the increased traffic flow would cause more traffic accidents if a carriageway would be built to connect Shouson Hill Road West and Deep Water Bay Drive; and
 - (iv) the Site was unsuitable for residential developments due to air quality issue as it was close to the Aberdeen Tunnel Portal;

Major Grounds of Representations and Representers' Proposals

- (e) R1 generally supported the amendment and proposed to develop the Site to a residential development of about 20 to 30 residential storeys with shops on ground floor. Moreover, the development should be used by Hong Kong citizens only;
- (f) R2 supported the amendment to increase land supply to meet the market demand. R2 proposed to increase the density of the Site so that a higher GFA could be achieved, subject to the satisfactory result of a traffic impact assessment;

- (g) R9 considered that the amendment was too piecemeal and a comprehensive review of potential housing sites in the area should be carried out. The residential zone should be extended to cover part of the adjoining “Open Space” (“O”) zone to the southwest of the Site (the suggested site) by rezoning it to “R(C)3” or “R(C)10” with ‘Flat’ and ‘House’ uses under Column 2 of the OZP if the Board was concerned about the technical feasibility of the increased housing development near Aberdeen Tunnel. R9’s other main grounds were as follows:
- (i) there was a need to review the whole “O” zone. The existing use within the “O” zone was not for open space use and there were many other existing open areas for sports and recreation uses in the Wong Chuk Hang area; and
 - (ii) to rezone the suggested site for residential use could provide additional land for housing in the short term and to provide incentives for environmental upgrading. It could also serve as a catalyst for future upgrading of Wong Chuk Hang San Wai Village to the south;
- (h) the main grounds and proposals of R3 to R8 and R10 to R210 was set out in paragraphs 3.2.4 and 3.2.5 of the Paper and summarised below:

Development Need and Suitability for Residential Use

- (i) the proposed development could not help much in providing housing for the general public. There was enough supply of luxury housing for the future 10 years and no such need in the Shouson Hill area;
- (ii) the Site was not suitable for residential development due to its close proximity to the Aberdeen Tunnel Portal;

Disturbances to the Surroundings

- (iii) the proposed development would disturb the peaceful environment and change the character of Shouson Hill. The natural beauty and amenity in the area would be affected;
- (iv) the proposed development would encroach upon the green area and threaten East Asian Porcupines and birds in the area. The nurseries and orchards near the Site would be disturbed. Tree felling and excavation works would be needed for the construction of the proposed development;

Traffic Impacts

- (v) Shouson Hill Road West, which was narrow without proper pavement, was not suitable for heavy vehicles and could not support the services required for an emergency vehicular access (EVA) for the proposed development. There would be insufficient road space to accommodate the traffic generated from the proposed development and the increase in traffic would create danger to the nearby residents and students. No traffic assessment was conducted to justify the feasibility of the proposed development;
- (vi) the construction of a through road between Shouson Hill Road West and Deep Water Bay Drive would cause irreversible damage to the Central Ordnance Munitions Depot (COMD);
- (vii) R8 also opposed the PR of the Site because it would induce additional traffic on Shouson Hill Road West which would cause dangers to pedestrians and vehicles;

Environmental Impacts

- (viii) increase in traffic and trucks would create various pollution problems, such as noise and air, etc., particularly during the construction stage; and

Technical Suitability

- (ix) there were concerns about the stability of the slope between Springfield Gardens and Shouson Hill Road West as it would not be able to support additional traffic, in particular that of the heavy construction vehicles generated by the proposed development. Moreover, the existing infrastructure such as sewerage, drainage and water supply would be overstrained and burdened by the proposed development. Wong Chuk Hang Path was too narrow to support service vehicles in cleaning the government manholes;

Representers' Proposals (R3 to R8 and R10 to R210)

- (x) to rezone the Site to "O" for recreational facility, park, garden, pet garden or children playground, to a 'protected green zone', or develop the Site into an environmental learning centre;
- (xi) to conduct a heritage impact assessment (HIA), noise impact and environmental assessments prior to rezoning;
- (xii) to conduct a wider zoning review with a view to identifying more appropriate access to/from the Site;

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

Responses to Grounds of Representations and Representers' Proposals

- (i) PlanD noted R1's and R2's support for the OZP amendment;
- (j) PlanD's responses to the grounds of representations and representers' proposals was set out in paragraphs 4.4 and 4.5 of the Paper and summarised below:

Development Need and Suitability for Residential Use

- (i) the Site was one of the 36 "G/IC" sites identified by the Government for residential use to boost housing supply. It was previously occupied by DSD's temporary works depot and LCSD's plant nursery. There was no deficit in major GIC facilities in the district and no requirement for using the site for any specific GIC use. Given the residential nature in the surroundings, the Site was considered suitable for residential development. Taking into account the low-rise low-density residential character of the area, the "R(C)3" zone was considered not incompatible with the surrounding land uses. While housing land supply was a policy objective, it was equally important to ensure that demand for different housing types could be satisfied;
- (ii) as the Site was located in close proximity to the Aberdeen Tunnel Portal, the Director of Environmental Protection (DEP) advised that the western part of the Site should be restricted to non-air sensitive uses and the residential development should be located towards the eastern boundary of the Site. With the above measures and taking into consideration the site terrain condition, adverse air quality and traffic noise impact on the residential development were not anticipated;

Disturbances to the Surroundings

- (iii) the Site was located at the fringe of Shouson Hill West residential neighbourhood, which was characterized by low-rise low-density developments and mainly zoned “R(C)3” on the OZP. The proposed low-density residential development on the Site would be compatible with the adjoining residential neighbourhood and would not adversely affect the existing character of the residential neighbourhood in terms of scale and building height;
- (iv) the proposed development would be substantially or entirely screened off by the neighbouring developments and existing trees and vegetation. The proposed development would in overall terms be compatible with its surroundings and have insignificant visual impact;
- (v) the Director of Agriculture, Fisheries and Conservation (DAFC) advised that there was no record of East Asian Porcupine at the Site. Relevant tree preservation and landscape clauses would be incorporated into the lease document for future residential development, as appropriate, to preserve the existing trees, particularly the mature ones, within the Site;

Traffic Impacts

- (vi) the Commissioner for Transport (C for T) had carried out a traffic review and estimated that about 35 trips (pcu/hr) would be generated by the proposed development of about 32 housing units. C for T had no objection to the rezoning as the proposed development would unlikely induce adverse traffic impact to local road networks and considered that a Traffic Impact Assessment (TIA) was not necessary.

- (vii) C for T confirmed that there was no programme to implement the link road between Shouson Hill Road West and Deep Water Bay Drive. The link road, if implemented in future, would not require demolition of the historic COMD;
- (viii) C for T also advised that the traffic impact during construction stage could be addressed at the building plan submission stage and the applicant would be required to demonstrate that the construction traffic would not cause unacceptable adverse traffic impact to the local roads;
- (ix) the Director of Fire Services (D of FS) had no comment on the EVA issue. It would be addressed at detailed building design stage;
- (x) the Antiquities and Monuments Office, LCSD (AMO, LCSD) advised that COMD was a Grade 3 historic site, which fell outside the Site. The proposed development at the Site would not affect the historic site;
- (xi) regarding R8's view on the PR restriction, it should be noted that the Site would follow the PR under the "R(C)3" zone. R8's concern on traffic impact due to the increase in population was addressed in response (vii) above;

Environmental Impacts

- (xii) on noise aspect, the prospective developer would be required under the lease to submit a Noise Impact Assessment (NIA) and to implement the mitigation measures recommended in the NIA;
- (xiii) the developer should comply with all statutory control under various pollution control ordinances during the construction

stage;

Technical Suitability

- (xiv) relevant departments consulted had confirmed that there was no insurmountable infrastructure problem arising from the proposed residential development. Noting C for T's advice that there was no change to the existing 3-ton weight traffic restriction on Shouson Hill Road West and no plan to upgrade traffic/load-carrying capacity of the existing road system, the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department advised that there was no need to reassess the stability condition of the slopes along the road owing to the proposed development. In case the existing road required upgrading, the slopes affecting or to be affected by the proposed works would need to be assessed as part of the road improvement project;

- (xv) there was an existing sewerage system at Wong Chuk Hang Path in the vicinity of the Site. A Sewerage Impact Assessment (SIA) clause would be incorporated into the lease document to ensure proper sewer connection and sewage discharge. The Chief Engineer/Hong Kong & Islands (CE/HK&I), DSD advised that any future development on the Site would not affect the private sewerage system of Springfield Gardens;

- (xvi) on the drainage aspect, CE/HK&I, DSD advised that there was an existing drainage system for connection with the proposed development. The prospective developer might be required to carry out a Drainage Impact Assessment (DIA) and implement drainage improvement/mitigation measures as identified therein;

- (xvii) Wong Chuk Hang Path had a width of not less than 3m. CE/HK&I, DSD advised that there were adequate parking space and turning space for the maintenance vehicles. According to C for T, the proposed ingress/egress for the proposed development at the Site would make use of Shouson Hill Road West instead of Wong Chuk Hang Path;

Representers' Proposals

- (xviii) majority of the existing developments in the Shouson Hill area were low-rise low-density residential developments which were under "R(C)3" zone and subject to a maximum building height of 3 storeys in addition to 1 storey of carports. The proposed "R(C)3" zone for the Site was compatible with the surrounding developments in terms of scale and development intensity;

R1 and R2

- (xix) the proposals of R1 and R2 to increase the development intensity of the Site would require infrastructure upgrading and improvement works to meet the additional demand. C for T advised that the proposed intensification of the development would set a precedent in the Shouson Hill area causing potential intensification of development of the whole area and inducing extensive cumulative traffic impact. Moreover, road widening proposal might not be feasible as most of the roads in the Shouson Hill area were in gradient with lots of bends and run-in/out or access roads. The proposed increase in development intensity was not desirable from the traffic point of view. The Chief Architect/Central Management Division 2, Architectural Services Department advised that a residential development of at least 20 storeys might not be compatible with the existing surrounding low-rise developments from a visual impact point of view;

R9

- (xx) R9's suggested site for residential development fell outside the Site, which was not the subject of the OZP amendment. C for T advised that there was no proper vehicular access to the suggested site. Suitable reprovisioning site for the existing LCSD's plant nursery at the suggested site should be identified before considering alternative use. Planning assessment would need to be carried out in a separate exercise;

R3 to R8 and R10 to R210

- (xxi) there was no deficit in major GIC facilities and open space in the district. Based on the planned population of 16,000 persons of the Shouson Hill & Repulse Bay planning scheme area, a total of 3.14 ha of open space was required. Taking into account the existing and planned open space provision, there was about 13 ha of land for open space development, which was adequate to meet the demand. Moreover, there was no information or justification for the proposed 'protected green zone' and environmental learning centre. Concerned departments consulted had no particular comment on or no objection to the proposed residential development;
- (xxii) there were no insurmountable traffic, infrastructure and environmental problems anticipated from the "R(C)3" zoning of the Site as confirmed by concerned departments. The prospective developer would be required to carry out technical assessments to ensure that the proposed development would not have unacceptable adverse impacts on the environment. The Site was not a heritage site and AMO, LCSD confirmed that HIA was not required;
- (xxiii) the rezoning was a result of a government effort to comprehensively review the undesignated "G/IC" sites with a

view to identifying new residential land. The Government would continue to review and identify more suitable housing sites in accordance with the policy objective to increase housing land supply;

PlanD's Views

(k) based on the planning considerations and assessment in paragraph 4 of the Paper as summarised above, PlanD's views were as follows:

- (i) the support of R1 and R2 to the OZP amendments were noted. However, their proposed amendments were not supported for reasons given in paragraph 6.2 of the Paper; and
- (ii) the adverse representations of R3 to R210 were not supported and the Plan should not be amended to meet the representations for the reasons given in paragraph 6.2 of the Paper.

9. The Chairman then invited the representers and their representatives to elaborate on their representations.

R1 – David Jones

10. Mr David Jones made the following main points:

- (a) he had originally submitted a supportive representation as he had mistakenly considered that the amendment was related to another site on the opposite side of Aberdeen Tunnel. Having noted the exact location of the Site, he would no longer propose to have a residential development of 20 to 30 storeys at the Site;
- (b) the Shouson Hill area was a small residential area with a friendly neighbourhood. The proposed residential development to be developed

by major developers would bring in more Mainland people who might not communicate with the existing residents. This would affect the harmonious social environment of the area; and

- (c) the proposed residential development at the Site would block Wong Chuk Hang Path which was frequently used by the local residents and domestic helpers for accessing to the public transport facilities on the other side of Aberdeen Tunnel. He therefore strongly objected to the amendment.

R8 – Church of All Nations, Lutheran

11. With the aid of some photos, Mr Dickhudt David John made the following main points:

- (a) he had been living in Hong Kong for 25 years and he understood that Hong Kong was a unique place with narrow roads and hilly terrain;
- (b) by referring to some photos showing different sections of Shouson Hill Road West, it was revealed that Shouson Hill Road West was a very narrow road (with the width of less than 6m) without proper pedestrian pathways. It had sharp bends and was not served by any public transport. Hence, it was very dangerous for the pedestrians, including local residents, domestic helpers, school children, street cleaners and security guards, etc., who were forced to walk along the road to take public transport on Shouson Hill Road;
- (c) moreover, there were dangerous slopes along the road pending investigation and repair;
- (d) based on C for T's estimation, the number of trips generated by the proposed residential development at the Site was 35 vehicles per hour. This amount of additional traffic would increase the possibility of traffic

accidents along the road; and

- (e) currently there were 72 households living along Shouson Hill Road West. The addition of 32 households at the Site would lead to an increase in traffic flow by more than 40%. This would pose further threat to the pedestrians, particularly during the construction period when heavy construction vehicles would be used.

R10 – Fung Se Goun, Fergus, Southern District Councillor

R78 – Tung Wai Man, Winnie

12. Mr Fung Se Goun, Fergus made the following main points:

- (a) he was a Southern District Councillor serving the Shouson Hill area. He was representing himself, R78 and all the local residents in the Shouson Hill area to raise objection to the amendment;
- (b) he reiterated SDC's stance as mentioned in paragraph 2.3.1 of the Paper that there was a need to increase housing supply in short, medium and long terms. However, the proposed residential development at the Site, which would only produce about 32 luxury houses, did not address the housing need of the general public;
- (c) Shouson Hill Road West was a quiet cul-de-sac and there were 72 residential dwellings along the road. The Site, located to the east of the Aberdeen Tunnel Portal and to the west of COMD, a United Nations Educational, Scientific and Cultural Organization (UNESCO) heritage site, was not suitable for residential development;

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

- (d) the representers did not agree to the following responses of PlanD as detailed in paragraph 4.4 of the Paper:

- (i) paragraph 4.4.2 – while DEP advised that the western part of the Site should be restricted to non-air-sensitive uses and the residential development should be located towards the eastern boundary of the Site, the Site was only 0.6 ha in area and in close proximity to the Aberdeen Tunnel Portal, and it was not suitable for residential development;
- (ii) paragraph 4.4.4 – the proposed residential development would adversely affect the existing greenery within the Site which currently served as a buffer for the local residents against the air pollution of the Aberdeen Tunnel. PlanD's responses in paragraph 4.5.8 that technical assessments would be carried out by the prospective developer at a later stage did not give adequate protection to the existing residents. An independent Environmental Impact Assessment should be conducted at an early stage to demonstrate the environmental acceptability of the proposed residential development at the Site;
- (iii) paragraph 4.4.7 – the estimated vehicular trips generated by the proposed development (i.e. 35 pcu/hour), as just found out in the replacement pages, would bring in more traffic to the area. Given that the existing capacity of the junction of Shouson Hill Road West and Shouson Hill Road was already inadequate to serve the existing 72 households, the addition of 32 households at the Site would increase the traffic flow by more than 40%. This would further worsen the traffic situation of the local road networks. However, no TIA was conducted to demonstrate the acceptability of the proposal in traffic terms. It was noted that when the proposed OZP amendment was discussed at the meeting of the Metro Planning Committee (MPC) held on 9.11.2012, a Member had raised a similar concern on the traffic capacity of Shouson Hill West Road and Shouson Hill Road to accommodate additional population. At the meeting, C for T responded that

there would be technical difficulties in widening the two roads as land on both sides of the roads was under private ownership;

- (iv) there was also grave concern on the stability of the slope along Shouson Hill Road West. Although there was a 3-tonne weight restriction for Shouson Hill Road West and vehicles over 3 tonnes required a permit to access the road, it was likely that the Transport Department (TD) would issue permits to those heavy construction vehicles which might adversely affect the slope stability and the existing road bridge;
- (v) paragraph 4.4.18 – DSD advised that Wong Chuk Hang Path had adequate parking space and turning space for the maintenance vehicles to clean the public manholes. However, in 2008, when the residents requested for an improvement of the drainage system of the area, DSD advised that there was inadequate area for maintenance vehicles;
- (e) while it was noted that the proposed development on the Site would not directly affect COMD, there was a concern that the proposed link road between Shouson Hill Road West and Deep Water Bay Drive, currently shown on the OZP, might need to be constructed to cater for the additional traffic generated by the proposed residential development and would adversely affect the heritage site. It was therefore important that a TIA be conducted at this stage to ascertain the sustainability of the proposed development in traffic terms based on the existing road network; and
- (f) while meeting housing demand was important, the Site was not suitable for residential development given the many unresolved issues on traffic, environmental and infrastructural aspects.

R11 – The Incorporated Owners of Springfield Gardens

13. With the aid of a Powerpoint presentation, Mr Lam Sum Chee made the following main points:

- (a) he was the Chairman of the Incorporated Owners (IO) of Springfield Gardens (SG) and had been living in SG for 35 years;
- (b) Shouson Hill Road West was about 300m in length with about 60% of the road built on two slopes maintained by SG. SG was the only estate situated below the slopes of the road;
- (c) in 2000, the IO of SG received a warning letter from the Geotechnical Engineering Office (GEO) requiring it to carry out urgent maintenance for the two slopes located to the east of SG. Since then, the IO had carried out annual maintenance of the slopes following the Government's guidelines;
- (d) in 2012, the building plans submitted by IO for the construction of a simple-designed boundary wall on the road were rejected by the Building Authority due to the lack of detailed stability assessment and a ground investigation report for the slopes. However, for the proposed residential development which would induce additional traffic on the road including heavy construction vehicles, GEO advised that there was no need to assess the slope stability along the road. The Government adopted double-standard on the slope stability issue for facilitating the sale of the Site;
- (e) Shouson Hill Road West was a restricted road to any vehicles exceeding 3 tonnes in weight. However, if the rezoning was allowed to proceed, TD would issue permits to heavy construction vehicles of over 10 tonnes to access Shouson Hill Road West during the construction period. This might damage the existing utility installations under the road and

adversely affect the stability of the slopes, and would result in massive landslide. The issue of slope instability should be seriously considered by the Board; and

- (f) the existing sewer of SG, which was more than 400m in length, was connected to a government manhole on Shouson Hill Road. The IO had previously explored the possibility of diverting the sewer to a closer government manhole on the footpath between the western boundary of SG and the Aberdeen Tunnel Portal. A meeting with concerned government departments including Buildings Department, Environmental Protection Department, LandsD and DSD was held in 2008 to discuss the proposal. However, DSD objected to the proposal on the ground that the location of the manhole on the footpath was not accessible by service vehicles for regular maintenance. However, it was noted that DSD had given a different advice in paragraph 4.4.18 of the Paper that there was sufficient parking space and turning space for the maintenance vehicles to clean the manhole.

R12 – Gregory Laurence De ‘Eb, Crown Wine Cellars Ltd.

14. Mr Gregory Laurence De ‘Eb made the following main points:

- (a) he was the project proponent of ‘Little Hong Kong’ (the Crown Wine Cellar) at COMD, a heritage site awarded by UNESCO;
- (b) there were many errors in the Paper and the departmental comments were quoted out-of-context;
- (c) during the consultation with SDC on 22.3.2013, the proposal put forward by PlanD was a residential development with a total GFA of 4,500m² producing about 15 flats. However, the development proposal had now been revised to a total GFA of 8,100m² producing 32 flats and SDC was not further consulted on the current proposal;

- (d) the typographical error about the estimated trip generation of the proposed development, which was just corrected before the meeting and had substantially increased from 35 vehicle trips per day to 35 vehicle trips per hour, was unacceptable. Resubmission of the rezoning proposal to the Board for consideration was considered necessary;
- (e) while DAFC advised that there was no record of East Asian Porcupine on the Site was literally correct as the Site was basically a concrete platform with few greenery, the representers actually said that they had frequently seen porcupines in the area, not the Site;
- (f) although TD advised that there was no programme to construct the link road between Shouson Hill Road West and Deep Water Bay Drive, the possibility of constructing the road could not be ruled out as the road alignment was clearly shown on the OZP. The approach of approving the rezoning proposal prior to the carrying out of technical assessments would create a fait accompli situation. The OZP should be amended if the link road would not be constructed;
- (g) the area to the north of the heritage site should not be designated as “O” zone. The proposed “O” zone covered an existing pathway and an underground area where the original security guard house built by the Japanese and three bunkers were found. The three underground bunkers and the existing pathway built in 1937 were an essential and intrinsic part of the heritage site. ‘Little Hong Kong’ was awarded a heritage site by the UNESCO mainly due to its adaptive reuse as a wine storage area. The construction of the proposed link road would encroach onto the heritage site and split ‘Little Hong Kong’ into two parts. It would also cause vibration to the wine storage area and adversely affect the adaptive reuse of the site. Such illogical planning would be widely reported in the media and might affect the status of the heritage site;

- (h) PlanD stated in page 6 of Annex V of the Paper that a planning assessment on the land use of the “O” zone would be carried out in a separate exercise. This implied that the proposed link road, which would have impact on the “O” site to the north of the heritage site, would be constructed. This was contradictory to TD’s comments that there was no programme to implement the link road;
- (i) referring to page 8 of Annex V of the Paper, C for T said that the implementation of the link road in future would not require demolition of the historic site. The link road would require the demolition of the existing pathway which was an intrinsic part of the heritage site. Hence, the heritage site would be adversely affected;
- (j) being a Professional Member of the Hong Kong Institute of Architectural Conservationists (HKICON), he considered AMO’s comment that a HIA for the rezoning was not required was made on the premise that the proposed link road would not be constructed. As the possibility of constructing the link road was not completely ruled out by TD and the proposed road works would destroy the existing footway which formed an integral part of the heritage site, there was a need for a HIA at this stage unless a TIA was carried out to ascertain that Shouson Hill Road West had sufficient capacity to cater for the additional traffic generated from the proposed development. AMO should be consulted again on the rezoning proposal, in particular on the potential adverse impact of the link road on the heritage site;
- (k) by referring to Plan H-9 of the Paper which showed the two Special Control Areas (SCAs) in the Shouson Hill area (i.e. SCA/H16/2 and SCA/H16/3), it was noted that SCA/H16/2 mainly covered sites with low-rise, low-density residential developments while SCA/H16/3 mainly covered two sites with higher development intensity in the north-eastern part of the area, viz. Carmina Place, a 20-storey residential development and Glendale which would be redeveloped to a new residential

development of 17 to 20 storeys high. The Board now considered that the Site was suitable for low-rise, low-density residential development as it would not change the character of the residential neighbourhood within SCA/H16/2. In future, when the proposed link road between Shouson Hill Road West and Deep Water Bay Drive was constructed to cater for the proposed new development at the Site, similar ground of compatibility with the surrounding residential neighbourhood within SCA/H16/3 could be used by the Government to justify the increase of development intensity of the Site;

- (l) the assessment of the capacity of Shouson Hill Road West conducted by TD was inaccurate and the estimated trip generation of the proposed residential development was changing all the time;
- (m) it was unreasonable for the Government to use large amount of resources to resolve the technical and infrastructural problems in order to provide 32 luxury houses; and
- (n) although PlanD said that the existing and planned open space provision was adequate to meet the demand of the population in the Shouson Hill Road and Repulse Bay area in accordance with the HKPSG, there was a lack of children playgrounds and fitness areas to serve the local residents of the Shouson Hill area. The green belt areas which were well vegetated were not accessible to the local residents for recreational use.

R13 – Dean Anthony Young

R14 – Georgia S. Hablutzel

R15 – Rebecca U Villeran

R97 - Alain Le Pichon

R98 - Kwok Doreen Maria

R130 - Countess Elizabeth von Pfeil

R150 - Gary Kwok

R152 - Enzo Graf von Pfeil

R173 - Rosamond Cassidy Elizabeth

R174 - Lindy Ruth Smyth

R179 - Cineven Leung

R192 - Cheryl Kwok

15. With the aid of a Powerpoint presentation, Ms Kwok Doreen Maria made the following main points:

- (a) it was noted from paragraph 4.4.7 of the Paper that C for T had conducted a traffic review and had no objection to the rezoning as it would unlikely induce adverse traffic impact to the local road network. However, there was no detailed information on when the review was conducted and its methodology. TD's estimation on the number of trips to be generated by the proposed development, which had been substantially changed, was just made known to the representers shortly before the meeting and the figures were subject to query;
- (b) a few short videos were presented to show the existing traffic condition of Shouson Hill Road West and the potential hazards faced by the pedestrians. Shouson Hill Road West was a very narrow road with no proper footpath. Sharp bends and pre-war bridges were found along the road. Its intersection with Shouson Hill Road had a very sharp bend of more than 300 degrees and poor sightlines, and there was insufficient manoeuvring space for two-way traffic. The existing road design had posed great danger to the pedestrians and local residents;
- (c) the proposed development of 32 houses at the Site would increase the traffic flow of Shouson Hill Road West by 44 %. This would overstrain the capacity of the existing road network. There was no room for road widening as land on both sides of the road was under private ownership;

- (d) the 3-tonne restriction of Shouson Hill Road West indicated that the road could not support heavy vehicles including construction vehicles and emergency vehicles. The traffic impact generated by the proposed residential development should be assessed before the Site was rezoned. It was irrational to defer the traffic assessment to the detailed building plan submission stage. A decision to rezone the Site based on this approach was ‘Wednesbury unreasonable’; and
- (e) the Board should adopt a responsible approach in the matter by deferring a decision on the rezoning pending the completion of all the necessary technical assessments. The Board should only approve the rezoning upon its confirmation that the required infrastructure would be in place to support the proposed residential development.

R60 – Ho Chiu Fung, Daisy

16. With the aid of a Powerpoint presentation, Mr Li Ka Sing, Charles made the following main points:

- (a) the proposed development at the Site would generate additional traffic in the area. This would lead to the creation of two additional traffic blackspots at the junction of Shouson Hill Road and Wong Chuk Hang Road and the junction of Deep Water Bay Road and Deep Water Bay Drive;
- (b) the increase in development density in the area might necessitate the construction of the link road between Shouson Hill Road West and Deep Water Bay Drive. This would have adverse impact on ‘Little Hong Kong’ which was awarded a UNESCO heritage site in 2007;
- (c) there were already some new developments and redevelopment projects in the area including the new residential development of Nam Fung which would provide about 100 units. The provision of 32 luxury

houses at the Site could not help to meet the housing need of the general public;

- (d) a comprehensive review supported by relevant impact assessments including TIA, EIA, NIA, Air Impact Assessment and HIA should be conducted to assist the Board in considering the rezoning proposal; and
- (e) the average number of vehicles using Aberdeen Tunnel in 2012 was more than 64,000 per day. The Site, which was located less than 100m from the portal and vent shaft of Aberdeen Tunnel, would be subject to adverse air quality and was not suitable for residential development.

R61 – Nicolas Yvon Gontard

R72 - Rosanna Tsui

R101 - Frances Gairns

R149 - Philippe Guillo

17. Ms Frances Gairns made the following main points:

- (a) she had been living in Shouson Hill Road West for more than 20 years;
- (b) Shouson Hill Road West and Shouson Hill Road were a very friendly residential area. Residents frequently walked along the road to visit their friends nearby;
- (c) the estimated trip generation of the proposed development, as revised from 35 trips per day as stated in the Paper to 35 trips per hour as shown on the replacement pages, was not a small error, and the error was only brought to her attention a few minutes before the meeting. Such substantial increase in traffic would pose threat to the local residents;
- (d) Shouson Hill Road West was a dead-end road. Children used to play regularly at the small piece of land next to the Site as there was no

children playground in the area. The proposed residential development at the Site, which would generate significant amount of construction and regular traffic, would pose threat to the safety of children; and

- (e) the Board was urged to promote the health, safety and general welfare of the general public.

R88 – Philippa Vizzone

18. Ms Philippa Vizzone made the following main points:

- (a) the representers were provided with replacement pages of the Paper showing the revised estimate on trip generation of the proposed residential development shortly before the meeting. The substantial increase in estimated traffic flow from 35 vehicles per day to 35 vehicles per hour represented a 23-fold increase. TD did not provide any information on the estimated traffic flow and its estimation should be carefully reviewed;
- (b) the traffic chaos frequently found along Ocean Park Road and Police School Road situated close to the Shouson Hill area was the result of an under-estimation of traffic in the area. Similarly, the Times Square development in Causeway Bay had also led to heavy traffic flow around Aberdeen Tunnel;
- (c) in the absence of a comprehensive traffic review, it would be difficult for the Board to make a reasonable decision on the rezoning;
- (d) the rezoning would result in increasing encroachment onto the already limited greenery of the area. The Site served as an outdoor area and an environmental buffer against the air pollution of Aberdeen Tunnel. While there were two LCSD playgrounds in Ap Lei Chau and Repulse Bay, no such facility was provided in the Shouson Hill area;

- (e) the Board was urged to defer making a decision on the rezoning pending the completion of the review on the provision of open space in the Shouson Hill area by LCSD. The interest of 16,000 residents in the area should not be inferior to that of the 32 households of the proposed residential development.

R94 – Anne Charron

19. Ms Anne Charron made the following main points:

- (a) if rezoning of the Site was to meet the demand for housing land, evidence should be given to demonstrate that there was a genuine need to provide more land for luxury housing whether in the short, medium or long terms;
- (b) based on her quick research, the demand and pricing/rent of luxury housing was decreasing recently in the territory. It was not necessary to build more luxury housing in the Shouson Hill area as there were ongoing development and redevelopment projects in the area. There was an over-supply of luxury homes in the area;
- (c) to rezone the Site for residential use would bring in additional traffic to the extremely dangerous junction of Shouson Hill Road West and Shouson Hill Road. This would further endanger the lives of local residents;
- (d) the Board should rezone the Site for open space, recreational uses or community farm to meet the demand of the local residents; and
- (e) the rezoning was against the Board's function to promote the health, safety, convenience and general welfare of the community. The Board was urged to fulfil its mandate and to protect the well-being of the local residents.

[Mr Stephen H.B. Yau left the meeting at this point.]

R90 – Jennifer Rockowitz

R120 - Bruce Rockowitz

20. Ms Jennifer Rockowitz made the following main points:

- (a) she was representing herself and her family;
- (b) there was absolutely no need to build more luxury housing the area noting that the new residential development of Shouson Peak was largely unsold and two redevelopment projects would be completed in a few years' time;
- (c) Shouson Hill Road West was situated in a valley where the pollutants from Aberdeen Tunnel and the nearby roads were concentrated;
- (d) her residence was located in close proximity to Aberdeen Tunnel and was subject to adverse air quality impact. The health of her children and other residents was badly affected. The existing greenery around the Site was needed to screen off the air pollution of Aberdeen Tunnel. The redevelopment of the Site for residential development would aggravate the environmental problem;
- (e) DEP advised in paragraph 4.4.2 of the Paper that the western part of the Site should be restricted to non-air sensitive uses but there was no clear demarcation of the eastern and western portion of the Site. DEP should conduct an extensive environmental review on the air quality of the Site to demonstrate its suitability for residential development;
- (f) given the limited capacity of the existing Shouson Hill Road West to serve the proposed residential development at the Site and that the construction of the link road between Shouson Hill Road West and Deep

Water Bay Drive would have adverse impact on the heritage site, there was concern that an alternative access route from Nam Fung Road might be contemplated. This would create significant adverse impact on the existing environment as substantial deforestation was unavoidable and homes/habitats of numerous birds and animals including the porcupines would be destroyed;

- (g) porcupines were regularly spotted in the area at night even at Shouson Hill Road West. DAFC was urged to conduct a night-time survey to verify his record of East Asian Porcupines; and
- (h) the Site should be designated as a park for the community or an environmental education centre for the school children.

R146 – Timothy Hui

21. Mr Timothy Hui made the following main points:

- (a) he was representing himself and his parents;
- (b) Shouson Hill Road West was a very narrow road and its junction with Shouson Hill Road was very dangerous due to the sharp bend and insufficient manoeuvring space for two-way traffic;
- (c) minor traffic accidents occurred occasionally along the road. The drivers settled the disputes themselves without reporting to the Police as it was time-consuming and police investigation on the traffic accidents might require closure of the road thus creating inconvenience to the residents. This explained why there was no record of any traffic accident on the road;
- (d) he could not agree to C for T's comments that the rezoning would unlikely induce adverse traffic impact to the local road network and that

a TIA was not necessary. Given the existing condition of the road, the increase in traffic flow by 35 vehicles per hour might result in more traffic accidents;

- (e) a video was presented to show the situation of a garbage truck travelling along Shouson Hill Road West which required the taking up of the entire road surface. There was concern that the additional traffic brought about by the proposed residential development would increase the potential of road blockage and further affect the emergency services to the area;
- (f) the pre-war bridges along the road could not withstand heavy vehicles, including emergency vehicles. There would, however, be more emergency vehicular traffic generated by the proposed residential development; and
- (g) the Board was urged to consider the safety and security of the local residents in considering the rezoning.

R113 – Chow Chun Yin

22. Ms Chow Chun Yin made the following main points:

- (a) she had been residing in Shouson Hill Road West for 17 years and the living room of her residence directly overlooked Aberdeen Tunnel. There was always very heavy traffic at Aberdeen Tunnel even during non-peak hours. TD's comments that the rezoning would unlikely induce adverse traffic impact to local road network and that a TIA was not necessary was totally unrealistic;
- (b) the points presented by the representers at the meeting regarding the traffic and environmental impacts of the rezoning should be carefully considered by the Board. The existing infrastructure and air pollution

problems would have important ramifications on the health and safety of the existing and new population of the area;

- (c) the Board should take a responsible approach by requiring the concerned departments to carry out all the required studies in order to avoid the possibility of huge legal liabilities in future. A comprehensive study including an environment assessment was required to be carried out to ascertain that the Site, which was located in close proximity to Aberdeen Tunnel, was suitable for residential developments. The environmental review should assess the air quality of the area in year 2015 and beyond by taking into account the cumulative impacts of other major developments in the area including new hotel developments in the Wong Chuk Hang area, and the operation of the Mass Transit Railway lines;
- (d) a medical report issued by the University of Hong Kong stated that one out of ten kids in Hong Kong had asthma starting from the age of three. The adverse impact of poor air quality on children's health would be more significant for those living close to the tunnels. Hong Kong, being a developed city, should be comparable to other developed nations in the world in terms of legal liability, social responsibility and environmental protection for the citizens;
- (e) she cited an article published in Southern California in 2012 which reported that the Environmental Protection Authority (EPA) was involved in legal proceedings with 1.2 million residents for ignoring their health as EPA had not carried out any necessary assessment for a development in close proximity to a heavily trafficked highway even though the authority was well aware of the potential health threat to the residents; and
- (f) the designation of the Site in front of Aberdeen Tunnel for residential use would require the carrying out of studies to confirm the environmental acceptability of the proposal. The Board would be held

responsible for the rezoning and be accountable to the public.

23. As the presentation from PlanD's representative, representers and their representatives had been completed, the Chairman invited questions from Members.

Traffic Impacts

24. The Chairman asked whether the estimated trip generation of 35 trips per hour was adopted by TD in its traffic review, and whether the feasibility of using the Site for residential development in traffic terms was contingent upon the construction of the proposed link road between Shouson Hill Road West and Deep Water Bay Drive.

25. Ms Ginger Kiang replied that TD had confirmed that the estimated trip generation rate for the proposed development was 35 trips per hour and the traffic review was conducted on the basis of this estimation. According to TD, the proposed residential development would unlikely induce unacceptable adverse traffic impact to the local road networks and there was no need to construct the proposed link road for the purpose of allowing the proposed residential development to proceed.

26. In response to the Chairman's enquiry on whether a TIA for the rezoning proposal was conducted, Ms Ginger Kiang said that TD had carried out a traffic review to assess the traffic impacts of the proposed residential development at the Site before the rezoning proposal was submitted to MPC for consideration on 1.3.2013. TD had confirmed that there was no need for a TIA to be conducted.

27. In response to a Member's question, Ms Ginger Kiang said that 35 trips per hour was the estimated peak hour traffic generated by the proposed residential development. According to TD, the 3-tonne weight restriction was imposed on Shouson Hill Road West due to its slope gradient. Vehicles exceeding 3 tonnes in weight required a permit from TD to use the road. TD would specify in the permit the frequency and time period allowed for those heavy vehicles using Shouson Hill Road West.

28. In response to the Chairman's enquiry on whether the videos presented at the meeting was a mock-up situation, Ms Kwok Doreen Maria (R98) said that the videos were filmed on the day before and the residents' private cars were used to illustrate the actual situation of the roads which were very narrow and with sharp bends.

29. A Member remarked that the problem of insufficient manoeuvring space for two-way traffic at the junction of Shouson Hill Road West and Shouson Hill Road, as shown on the videos, was not uncommon in the Mid-levels of Hong Kong. The existing traffic problem could be mitigated if the drivers could adopt a cautious and responsible attitude in driving. The Member asked how the addition of 32 houses in Shouson Hill Road West would generate significant traffic impact on the road junction.

30. Ms Kwok Doreen Maria said that the adjacent Shouson Peak development, which was yet to be fully occupied, had already increased the traffic flow along Shouson Hill Road. There was always a long queue of vehicles along Shouson Hill Road West waiting to turn into Shouson Hill Road, particularly during the peak hours. Such turning movement was very dangerous due to the lack of traffic lights, the sharp turning angle and poor visibility at the junction. Any increase in traffic volume brought about by the proposed residential development would further worsen the existing situation. Furthermore, the lack of pavements along Shouson Hill Road West put the pedestrians at risk, in particular for those school children and domestic helpers who had to walk all the way up to Shouson Hill Road to take school buses and public transport. Ms Kwok said that in the absence of information on the traffic review conducted by TD, it would be hard for the representers to make very exact comments on the traffic impact of the proposed residential development. All the comments made by the representers concerning the traffic aspect were based on their own daily experience.

31. Mr Fung Se Goun, Fergus (R10) said that the videos and photos were taken on the day before to illustrate the actual situation of the road junction. It was extremely dangerous for the drivers to make a left or right turn from Shouson Hill Road West to Shouson Hill Road due to the poor sightlines at the road junction. Many minor traffic accidents happened in this junction but they were not reported to the Police. While it would be difficult to change the drivers' behaviour, it was considered more effective if

some traffic management measures could be implemented at the junction to improve the safety of drivers and pedestrians. He had been working closely with TD in the past six years to explore ways to improve the road junction. Shouson Hill Road West was already overstrained by the existing 72 households and there was no room for road widening. The increase of traffic flow along the road by 44% would further worsen the existing traffic situation.

32. Given that a number of representers had reiterated that Shouson Hill Road West was a restricted road not suitable for heavy vehicles, the Chairman enquired about the arrangement for construction vehicles in the event that major renovation works had to be carried out at the existing developments in the area. Ms Kwok Doreen Maria said that there had not been any major construction works in the area for many years and the last residential development was completed more than 15 years ago. Although the construction vehicles of Shouson Peak did not require access to Shouson Hill Road West, the construction activities had already brought a lot of inconvenience to the local residents.

The Heritage Site

33. A Member asked how the proposed link road would affect the wine storage area at the COMD site.

34. Mr Li Ka Sing, Charles (R60) said that he was a Member of HKICON. According to his understanding, one of the reasons for UNESCO to award the COMD site a heritage site status in 2007 was related to the adaptive reuse of the site as a wine storage area. Hence, he concurred with R12 that the heritage site status would be affected if it was not used as a wine cellar. Noting that the proposed link road was shown on the OZP, there was concern on the implementation of the link road to support the proposed residential development. While TD advised that there was no programme to build the road, the need for the link road and its possible impact on the heritage site should be taken into account in the TIA.

35. The Chairman said that as stated in the Paper, TD confirmed that there was no programme to construct the proposed link road between Shouson Hill Road West and

Deep Water Bay Drive, and the proposed residential development would unlikely induce unacceptable adverse traffic impact on the local road networks.

Open Space Development

36. The Chairman noted that a number of representers proposed to designate the Site for open space or recreational purpose. He asked if the representers had considered the potential traffic impact of the proposed open space which might be frequented by people other than local residents.

37. In response, Ms Kwok Doreen Maria said that the local residents of the Shouson Hill area were in need of a local open space. The Site was easily accessible by local residents on foot via different routes, i.e. Wong Chuk Hang Path, Deep Water Bay Drive and Shouson Hill Road. There was no need for the local residents to drive to the proposed local open space at the Site.

Other Concerns

38. In response to a Member's questions on DSD's works depot and LCSD's plant nursery on the Site, Ms Ginger Kiang said that there was no information in hand about the completion date of those structures within the Site. When DSD's works depot was still in operation, there were goods vehicles carrying some maintenance equipment/materials the Site sometimes. There was no record of complaints concerning the Site.

39. Ms Kwok Doreen Maria said that LCSD's plant nursery had been relocated and the Site had been vacant for a long time. There were some temporary buildings of DSD found on the Site but the buildings were vacant without any activities. She had never seen any trucks but only two vehicles of ordinary size accessing the Site.

40. As the representers and their representatives had finished their presentations and Members had no further question, the Chairman said that the hearing procedure had been completed and the Board would deliberate on the representations in their absence and inform the representers of the Board's decision in due course. The Chairman thanked the

representers and their representatives, and PlanD's representatives for attending the hearing. They all left the meeting at this point.

41. The meeting was adjourned for a short break of five minutes.

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

Deliberation Session

42. The Chairman invited Members to consider the representations, taking into consideration all the written submissions and the oral presentations and materials presented at the meeting.

Housing Supply

43. Given that the rezoning of the Site for residential development would only produce 32 luxury houses which would have insignificant impact on housing supply, and that strong objections were received from the local residents, a Member remarked that it might be worthwhile to reconsider the pros and cons of the rezoning.

[Dr Wilton W.T. Fok left the meeting at this point.]

44. The Chairman said that the Board should objectively assess whether the Site was suitable for residential development irrespective of the price or types of houses to be developed and consider whether the concerns raised by the representers were valid.

Traffic and Environmental Impacts

45. A Member said that the Board should adopt the same standard in considering the suitability of a site for residential development in terms of environmental and traffic impacts, as well as the living quality regardless of the geographical district of the site. While the representers objected to additional development in the area in order to preserve their existing lifestyles, the proposed residential development at the Site would not

adversely affect the existing character of the area or the living quality enjoyed by the local residents.

46. Another Member shared the above views and considered that the rezoning of the Site, which was no longer required for GIC use, for residential development was an optimisation of valuable land resources.

47. The Vice-chairman said that the Site, being located in a residential neighbourhood, was suitable for residential development. Taking into account the limited capacity of the existing road network, the Site was not suitable for high-density residential development. It was noted that the main concerns of the representers were related to the traffic problem of Shouson Hill Road West which was narrow and without pavements. Similar road condition was not uncommon in the Mid-levels or the Peak areas. As revealed in the videos presented by the representers, the traffic along Shouson Hill Road was not busy. The additional traffic generated by the proposed 32 houses at a peak trip rate of 35 vehicles per hour would unlikely cause significant adverse impact on the existing road networks.

48. A Member considered that the existing traffic problem at the junction between Shouson Hill Road West and Shouson Hill Road could be addressed by suitable traffic management measures such as the installation of traffic signals to regulate the traffic flow at this junction.

49. To address the traffic concern of the representers, in particular on the design of road junction of Shouson Hill Road West and Shouson Hill Road, another Member suggested requesting C for T to conduct a review to see if junction improvement works could be carried out.

50. A Member considered that the environmental and traffic concerns raised by the representers were not insurmountable and some improvement measures could be explored to mitigate the existing problems in collaboration with DEP and C for T. The proposed residential development of 32 houses would not cause significant environmental and traffic impacts on the surrounding area.

51. Another Member said that the potential environmental impacts of the Site due to its proximity to Aberdeen Tunnel could be appropriately mitigated by sensitive building design and layout. As construction activities carried out along Shouson Hill Road in the past did not have significant adverse traffic impacts on the area and there were other redevelopment projects on the same road, it was anticipated that the traffic impacts generated by the proposed residential development during the construction period should not be significant.

52. As the Site was distant from Wong Chuk Hang, a Member opined that it was unlikely that redevelopment of industrial buildings and new hotel developments in Wong Chuk Hang, and the opening of the MTR South Island Line would have adverse impact on the air quality of the Site. The rezoning of the Site for residential development would not worsen the existing environmental quality of the Shouson Hill area.

Heritage Site

53. Regarding the representers' concern that the proposed link road connecting Shouson Hill Road West and Deep Water Bay Drive as shown on the OZP would adversely affect the heritage site of 'Little Hong Kong', a Member said that COMD was not an UNESCO heritage site. It was the revitalisation project of the COMD site that was presented an Award of Merit of the UNESCO Asia-Pacific Heritage Awards for Culture Heritage Conservation in 2007. The award was not related to the conservation value of the depot site. This Member and another Member opined that given COMD was a purpose-built facility for the storage of weapons and ammunitions, it was unlikely that the construction of proposed link road, if going ahead, would have any adverse impact on the COMD site.

Open Space Development

54. Regarding the representers' proposal to use the Site for an open space serving the local residents, a Member envisaged that the utilisation rate of the proposed open space would not be high.

55. The Chairman concluded the discussion by summarising the following major views:

- (a) in R1's original submission, R1 indicated support for the amendments to the OZP. In his oral presentation at the meeting, R1 explained that he had mistakenly considered that Amendment Item A was related to another site and clarified that he actually objected to the amendment item. However, the new information presented by R1 at the meeting, including his grounds of objection, was not related to his original supportive representation and had not been published for comments. Hence, it could not be accepted. Members noted R1's clarification on the nature of his representation and that R1 could refer to PlanD's responses and the Board's deliberation on the other representations which were based on similar grounds;
- (b) R2's proposal to increase the development intensity of the Site would require infrastructure upgrading and have extensive cumulative traffic impact. C for T considered it not desirable from traffic point of view;
- (c) TD had advised that the traffic impact of the proposed residential development during construction stage would be addressed at the building plan submission stage. The 3-tonne weight restriction on Shouson Hill Road West would be closely monitored by TD. Vehicles over 3 tonnes would require permits to access the road to ensure safety. Moreover, any potential noise and air emissions due to the construction activities were subject to statutory control under various pollution control ordinances;
- (d) prior to rezoning the Site for residential development, TD had carried out a traffic review and estimated that about 35 trips per hour would be generated by the proposed development. TD considered that the rezoning would unlikely induce unacceptable adverse traffic impact to local road networks, hence, a TIA was not necessary;

- (e) D of FS advised that the issue of EVA would be addressed at the detailed building design stage;
- (f) although the proposed residential development on the Site would be subject to potential air quality and traffic noise impacts, DEP had advised that with the non-air sensitive use restriction on the western part of the Site, no unacceptable adverse air quality and traffic noise impacts on the proposed residential development were anticipated;
- (g) DAFC advised that there was no record of East Asian Porcupine at the Site. The proposed residential development at the Site would not have adverse impact on its habitat;
- (h) given there was no change in the existing traffic restriction on Shouson Hill Road West and no plan to upgrade the existing road, there was no need to reassess the stability of the slopes;
- (i) the proposed residential development on the Site was not dependent on the construction of the proposed link road between Shouson Hill Road West and Deep Water Bay Drive. TD had confirmed that there was no programme to construct the proposed link road. Hence, the COMD site would not be affected by the proposed residential development at the Site and no HIA was required; and
- (j) there was adequate provision of open space in the area to meet the demand. There was concern that the development of a public open space at the Site, which was not easily accessible, would attract additional vehicles and pose more burden on the existing road network.

56. In view of the above, Members noted R1's clarification on the nature of the representation and decided not to uphold R1. Members noted the supportive views of R2 but did not support his proposal. Members also did not support R3 to R210 and considered that the draft plan should not be amended to meet these representations.

Members then went through the reasons for not upholding R3 to R210 and not supporting R1 and R2's proposals as detailed in paragraph 6.2 of the Paper. Members considered that given R1 had clarified the nature of his representation, the reasons for not upholding R1 should be suitably amended. Members also considered that the reasons for not upholding R3 to R210 and not supporting R2's proposal were appropriate.

Representation No. R1

57. After further deliberation, Members noted R1's clarification on the nature of the representation and decided not to uphold R1 for the following reason:

“the representation site is suitable for low-density housing development and is not required for government, institution or community development, and it is considered appropriate to rezone the site for residential use to meet the housing needs of the community. The proposed residential development with a maximum plot ratio of 0.75, site coverage of 25% and building height of 3 storeys in addition to 1 storey of carports under the “Residential (Group C)3” (“R(C)3”) zone is considered appropriate to ensure compatibility with the adjoining “R(C)3” zone.”

Representation No. R2

58. After further deliberation, the Board noted the support of Representation R2 but decided not to support R2's proposal for the following reasons:

- “(a) any intensification of the development will form a precedent in the area and cause potential intensification of the whole area in Shouson Hill and has extensive cumulative traffic impact; and
- (b) the proposed residential development with a maximum plot ratio of 0.75 and site coverage of 25% and building height of 3 storeys in addition to 1 storey of carports under the “Residential (Group C)3” (“R(C)3”) zone is considered appropriate to ensure compatibility with the adjoining

“R(C)3” zone.”

Representation No. R9

59. After further deliberation, the Board decided not to uphold R9 for the following reason:

“suitability of the suggested site for residential use as proposed by the representer should be reviewed separately.”

Representations No. R3 to R8 and R10 to R210

60. After further deliberation, the Board decided not to uphold R3 to R8 and R10 to R210 for the following reasons:

- “(a) land suitable for development in Hong Kong is scarce and there is a pressing need for increasing housing supply. As the representation site is suitable for low-density housing development and is not required for Government, institution or community development, it is considered appropriate to rezone the site for residential use to meet the housing needs of the community;
- (b) taking into account the residential character in the area, the proposed low-rise and low-density residential development is considered appropriate to ensure compatibility of the future development at the site with the surrounding area; and
- (c) the rezoning to residential use with appropriate development restrictions will not result in adverse traffic, environmental, visual, air ventilation and infrastructural impacts on the area.”

[Mr Jeff Lam left the meeting and Mr H.W. Cheung left the meeting temporarily at this point.]

Sai Kung and Islands District

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to the Draft Peng Chau Outline Zoning Plan

No. S/I-PC/11

(TPB Paper No. 9426)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

61. As reasonable notice had been given to the representers and commenters to invite them to attend the meeting, Members agreed to proceed with the hearing in the absence of the other representers and commenters who had indicated that they would not attend or made no reply to the invitation to the hearing.

62. The following government representatives and representer/commenter were invited to the meeting at this point:

Mr Ivan Chung - District Planning Officer/Sai Kung and Islands, Planning Department (DPO/SKIs PlanD)

Mr T.C. Cheng - Senior Town Planner/Sai Kung and Islands (STP/SKIs), PlanD

R51 & C2 – Fung Kam Lam

Mr Fung Kam Lam - Representer and commenter

63. The Chairman extended a welcome and explained the procedure of the hearing. He then invited the representatives of PlanD to brief Members on the representations.

64. With the aid of a Powerpoint presentation, Mr T.C. Cheng made the following main points as detailed in the Paper:

Background

- (a) on 22.3.2013, the draft Peng Chau Outline Zoning Plan (OZP) No. S/I-PC/11 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The OZP had incorporated the following major amendments:
 - (i) rezoning of the northern portion of the former Chi Yan Public School site (the Site) from “Government, Institution or Community” (“G/IC”) to “Residential (Group C)4” (“R(C)4”) for private residential development (*Amendment Item A1*);
 - (ii) rezoning of two pieces of land adjoining the Site from “Village Type Development” (“V”) to “R(C)4” (*Amendment Item A2*); and
 - (iii) rezoning of two pieces of land adjoining the Site from “G/IC” to “V” to reflect the as-built features (*Amendment Item B*);
- (b) during the 2-month statutory publication period, a total of 57 representations and two comments were received. Among the 57 representations, 56 representations (R1 to R56) opposed the amendment items and the remaining representation (R57) provided comments on the OZP amendments. Of these 56 adverse representations, 32 representations opposed Amendment Item A1 and the remaining 24 representations opposed Amendment Items A1, A2 and B;
- (c) the former Chi Yan Public School (the school) was located at high ground near Tung Wan. It comprised the northern and southern portions. The northern portion was on government land and the school building were built in 1960, while the southern portion was of mixed government land and private lots and the building built in 1935 was a

Grade 2 historic building. The school ceased operation in 2007. The Site (about 0.17ha) had been identified by the Government as having potential for housing development. The Secretary for Education (SED) had confirmed that the school was no longer required for educational use. Relevant departments confirmed that the Site was also not required for any government, institution or community (GIC) use. The southern portion of the school (about 0.17ha) was retained for possible GIC use;

Major Grounds of Representations and Representers' Proposals

- (d) the main grounds of the representations as detailed in paragraph 3.2 of the Paper were summarised as follows:

Historic value and local culture

- (i) the school had significant historic value for preservation and had been accorded Grade 2 historic building by the Antiquities Advisory Board (AAB) since 2009. There was no information from AAB to show that the grading only covered the southern portion of the school;
- (ii) the school had contributed to the growth of the community and the school buildings had been used as public space by the local residents. It was a collective memory of the local people. The northern and southern portions of the school formed a compound and should be preserved together;

Land supply and housing need

- (iii) there was still a large amount of undeveloped land to meet the housing demand in different districts. There were still vacant housing units on Peng Chau and the Government had already sold several pieces of land for residential development on Peng Chau;

- (iv) the residential development at the Site could only provide a small number of flats which could hardly meet the housing demand of the Hong Kong people;

Provision of GIC facilities

- (v) the provision of public services and basic facilities on Peng Chau, such as ferry services and public library, was considered inadequate;

Public consultation

- (vi) the Government did not respect the views of the local residents because the Site was included in the Land Sale Programme without consultation with residents and before the rezoning was approved by the Board;

Environmental concerns

- (vii) residential development would create adverse environmental impacts, including noise and air pollutions, to the existing residents;

Adverse landscape impact

- (viii) the existing vegetation at the Site should be preserved;
- (e) the proposals put forward by the representers as detailed in paragraph 3.3 of the Paper were summarised as follows:

Retain the "G/IC" zone and preserve the school buildings

- (i) to retain the original "G/IC" zone and preserve the buildings on

the entire school site. The southern portion of the school must be preserved and properly maintained as a historic building and scenery on Peng Chau;

Alternative uses

- (ii) the following alternative uses were proposed:
- campsite, hostel, water sports centre, spa hostel/hotel, exhibition hall, museum or gallery, mini-community hall and/or a temporary boarding house for visitors and public space for the enjoyment of Peng Chau residents as well as visitors;
 - hub of creativity and community for local talents and artists; and
 - social community centre for promoting local light industries and heritage museum to promulgate the history of Peng Chau;

Restrictions on maximum building height and basement development

- (iii) to incorporate a building height restriction of not more than 9m to avoid dispute and no basement development should be permitted;

Proposal not directly related to the amendment items (R49)

- (iv) to convert the residential buildings adjacent to the Site into spa hostels/hotels;

[Ms Bernedette Linn arrived to join the meeting at this point.]

Responses to Grounds of Representations and Representers' Proposals

- (f) PlanD's responses to grounds of representations as detailed in paragraphs 4.5 of the Paper were summarised as follows:

Historic value and local culture

- (i) the Antiquities and Monuments Office (AMO) had assessed the historic value of the whole school in accordance with the practice for the grading assessment of historic buildings in Hong Kong, which focused on the pre-1950 buildings. As the school buildings in the northern portion were built in 1960, only the building constructed in 1935 in the southern portion was selected for assessment. The historic building accorded Grade 2 by AAB in 2009 referred and was confined to the building built in 1935 in the southern portion of the school. Moreover, no suggestion for assessing other buildings on the school site was received by AAB during the public consultation period on the assessment of the school in 2009;
- (ii) AMO had no objection to rezone the Site from "G/IC" to "R(C)4" for residential development. The rezoning would not affect the preservation of the historic building in the southern portion and was not against the heritage conservation policy. The "G/IC" zone had been retained for the southern portion to preserve the Grade 2 historic building for appropriate community use;

Land supply and housing need

- (iii) as the Site was suitable for housing development and was not required for GIC development, it was considered appropriate to rezone the Site for residential use to meet the housing needs of

the community;

- (iv) having regard to the residential setting in the neighbourhood, it was appropriate to rezone the Site to “R(C)4”. The development of the “R(C)4” zone (subject to a maximum plot ratio of 0.75, maximum site coverage of 40% and maximum building height of 3 storeys) was considered compatible with the surrounding developments which were mainly 2-3 storey village houses;

Provision of GIC facilities

- (v) the proposed rezoning would not have any adverse impact on the provision of GIC facilities on Peng Chau. Except for the slight deficits of primary and secondary school classrooms and hospital beds, which could be met in other districts within the same School Net and same Hospital Cluster, the provision of GIC facilities was generally adequate on Peng Chau. Government bureaux/departments consulted had confirmed that the Site was not required for GIC development. There were still some undesignated “G/IC” sites on Peng Chau (including the southern portion of the school) to meet the demand for GIC facilities in future;

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

Public consultation

- (vi) the statutory plan-making process, which involved the exhibition of OZP amendments for public inspection and the hearing of representations and comments received, was itself a public consultation process under the Ordinance. The Board would take into account the relevant planning considerations and the representations and comments received before making a decision.

Although the Site had been included in the Land Sale Programme, the Site would only be disposed of after the statutory plan-making process had been completed and the OZP was approved by the Chief Executive in Council (CE in C);

Environmental concerns

- (vii) the proposed residential development at the Site was considered not incompatible with the surrounding residential developments. It was anticipated that the proposed residential development would not have adverse environmental impacts on the surrounding areas. The Director of Environmental Protection had no objection to the residential development at the Site;

Adverse landscape impacts

- (viii) the Site was covered by trees of common species in fair to poor condition. There was no old and valuable tree at the Site. Significant landscape impact within the Site was not anticipated. The Director of Agriculture, Fisheries and Conservation, Director of Leisure and Cultural Services (DLCS) and Chief Town Planner/Urban Design & Landscape, PlanD had no objection to or no adverse comment on the rezoning. Besides, appropriate landscape clause would be incorporated as part of the sale conditions of the Site;

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

- (g) PlanD's responses to the representers' proposals as detailed in paragraph 4.6 of the Paper were summarised as follows:

Retain the “G/IC” zone and preserve the school buildings

- (i) SED had confirmed that the Site was no longer required for school use while government departments consulted had also confirmed that the Site was not required for any GIC use. It was considered appropriate to rezone the Site to “R(C)4” for residential development to meet the housing demand. AMO had no objection to the rezoning. The “G/IC” zoning of the southern portion of the school with a Grade 2 historic building had been retained;

[Mr H.W. Cheung returned to join the meeting at this point.]

Alternative uses for the school site

- (ii) in respect of the proposal to convert the school buildings into tourist related facilities or community facilities, the southern portion of the school site had been retained as “G/IC” to preserve the historic building for community facilities or other uses. The Site, which was located in an upland area and only accessible by a narrow footpath, was not conducive to the development of tourist related facilities;

Restrictions on maximum building height and basement development

- (iii) the building height restriction of 3 storeys for the “R(C)4” zone without specifying the height in terms of metres was to allow flexibility for building design at the Site which would also be subject to the requirements of the Buildings Ordinance. Basement development would be counted as a storey and no exemption would be given; and

Proposal not directly related to the amendment items

- (iv) regarding the proposal to convert the residential areas adjacent to the school site into spa hotels, it should be noted that the concerned residential areas were not related to the current amendment items;

Comments and Responses to Comments

- (h) C1 opposed all amendment items. The responses to the grounds of representations above were relevant;
- (i) C2, which was submitted by R51, supported representations R1, R45, R46 and R53 in that the Board should stop the rezoning procedure until AMO had reassessed the historic value of all buildings in the school. Responses (i) and (ii) to the grounds of representations above were relevant;

PlanD's Views

- (j) PlanD did not support R1 to R57 for reasons as detailed in paragraph 6.1 of the Paper.

65. The Chairman then invited the representer/commenter to elaborate on his representation.

R51 & C2 – Fung Kam Lam

66. Mr Fung Kam Lam made the following main points:

- (a) while the statutory planning procedures which involved the publication of OZP for public inspection and the submission and hearing of representations and comments seemed to be an open and fair process, the

administrative arrangement of holding a hearing on Friday, which was a working day for most Hong Kong people, would affect the fairness of the process. The representation hearing arrangement should be reviewed;

- (b) the statutory planning process had already commenced upon the reference back of the approved Peng Chau OZP by CE in C on 5.2.2013 to the Board for amendment, which was followed by the announcement of the list of land sale sites on 28.2.2013 and the consideration of the proposed amendments to the OZP by the Rural and New Town Planning Committee (RNTPC) on 1.3.2013. However, the public could only participate in the planning process until the gazetting of the OZP amendments on 22.3.2013. The local residents were therefore dissatisfied with the procedures;
- (c) as reported in the Hong Kong Economic Times the day before, it was estimated that the Site could provide 10 houses (about 30 units). While there was no information on the estimated population of the Site, the small number of units at the Site could not meet the housing demand of the general public;
- (d) the following responses made by PlanD in the Paper were not convincing:
 - (i) paragraph 4.5(d) – PlanD said that the Site was suitable for housing development given the residential neighbourhood and there was no alternative GIC use for the Site. The residents would argue that since the Site was located in the midst of residential developments, it should be retained for GIC uses to serve the local residents;
 - (ii) paragraph 4.6(b) – PlanD said that the Site was located in an upland area and only accessible by a narrow footpath, it was not conducive to tourist-related facilities to attract visitors. The

residents, on the contrary, considered that given the above constraint, the Site was not conducive for residential development and not appealing to developers;

- (e) two photos were put on the visualiser to show that the footpath connecting the southern portion and the northern portion of the school was too narrow for construction vehicles to access the Site. Hence, there was concern that the southern portion of the school might be affected during the construction of the proposed residential development at the Site. The access arrangement for construction vehicles was not addressed by PlanD in the Paper;
- (f) according to the Notes of the OZP, specific building height restrictions in terms of metres were imposed for sites under different residential zonings of “R(A)”, “R(B)” and “R(C)”. However, no such restriction was imposed on the Site in order to allow flexibility for building design which would be subject to the requirements of the Buildings Ordinance. The imposition of specific building height restriction in terms of metres for the Site would create certainty in the future building design and could plug the potential loophole of too much flexibility which might result in a very tall building that was incompatible with the surrounding 3-storey buildings of 9m in height;
- (g) while PlanD said that the provision of major community facilities on Peng Chau, as shown on Annex V of the Paper, was generally adequate in accordance with Hong Kong Planning Standards and Guidelines (HKPSG), he did not understand why elderly services/facilities were not included in the table at Annex V;
- (h) according to 2011 Census, the elderly population (i.e. aged 65 or above) on Peng Chau was 17.7%. The figure was comparable to that of Sham Shui Po and Wong Tai Sin Districts which had a respective elderly population of 17% and 17.6%. The elderly services on Peng Chau were

currently provided by two integrated family and youth services centres. Given the demographic characteristics of Peng Chau, the demand for and provision of dedicated elderly facilities should be assessed;

- (i) according to the assessment report of the former Chi Yan Public School published by AMO, the school was built in 1935 but was destroyed in 1937 by a typhoon. However, the information might not be factually correct as it was reported in an old newspaper that the school was destroyed in August 1936. Hence, he had doubt on the credibility of AMO's information. AMO should be consulted again on the accuracy and source of the information provided to PlanD, including the construction years of the school buildings within the Site, and the historic value of the entire school site; and
- (j) noting the function of the Board was to promote the health, safety, convenience and general welfare of the community, he wondered if the Board would consider the above points as relevant.

67. As the presentation from PlanD's representatives and representer/commenter had been completed, the Chairman invited questions from Members.

68. As Members had no question, the Chairman said that the hearing procedure had been completed and the Board would deliberate on the representations in their absence and inform the representers and commenters of the Board's decisions in due course. The Chairman thanked the representer/commenter, and PlanD's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

69. The Chairman invited Members to consider the representations, taking into consideration all the written submissions and the oral presentations and materials presented at the meeting.

70. Some Members had the following views:

- (a) the buildings at the Site were not graded historic building and AMO had no objection to rezone the Site for residential development. The southern portion of the Site including a Grade 2 historic building would be preserved for future GIC uses;
- (b) prior to the rezoning of the Site for residential development, concerned government departments/bureaux were consulted and confirmed that the Site was not required for GIC development. As there were still some undesignated GIC sites on Peng Chau to meet the demand for GIC facilities in future, rezoning of the Site was appropriate for better land utilisation and to meet the housing demand; and
- (c) the statutory plan-making process was a public consultation process. The current representation hearing process which complied with the statutory provisions was considered appropriate. Moreover, the Islands District Council and Peng Chau Rural Committee were consulted and they had no objection to the OZP amendments.

71. The Chairman said that in view of the demand for housing land, it was important to identify more suitable sites for residential development. While the Site could only provide a small number of residential units, it would usefully contribute to the overall housing supply.

72. In response to a Member's question on the inclusion of the Site in the land sale list prior to the zoning amendment as mentioned by the representer, the Chairman said that the Secretary for Development had stated on various occasions that the land sale sites would only be disposed of after the statutory plan-making process was completed.

73. After further deliberation, Members did not support Representations R1 to R57 as well as the proposals from the representers and considered that the draft plan should not be amended to meet the representations. Members then went through the reasons for not

supporting Representations R1 to R57 as well the proposals from the representers, as detailed in paragraph 6.1 of the Paper, and considered that they were generally appropriate subject to some minor amendments.

Representations No. R1 and R57

74. After deliberation, the Board decided not to uphold R1 to R57 for the following reasons:

- “(a) the structure of the former Chi Yan Public School which has been accorded a Grade 2 historic building status explicitly refers and confines to the building built in 1935 in the southern portion of the school. The “Government, Institution or Community” (“G/IC”) zoning would be retained for the southern portion of the school to preserve the Grade 2 historic building for appropriate government, institution or community (GIC) use. The buildings in the northern portion of the former Chi Yan Public School are not graded historic buildings. The rezoning of the northern portion to “Residential (Group C)4” (“R(C)4”) would not affect the preservation of the historic building in the southern portion of the school site;
- (b) the rezoning of the site from “G/IC” to “R(C)4” for residential development is in line with the 2013 Policy Address to meet housing demand. As the school at the site has ceased operation and there is no alternative GIC use at the site and it is amidst residential developments, rezoning the site to “R(C)4” is compatible with the residential setting of the neighbourhood both in terms of use and scale. The type of residential development at the site would be subject to market demand;
- (c) the proposed rezoning would not have any adverse impact on the provision of GIC facilities on Peng Chau. The provision of major community facilities on Peng Chau is generally adequate and the slight deficit in the provision of primary and secondary classrooms and hospital beds can be

met by relevant facilities available in other districts within the same School Net and Hospital Cluster. The southern portion has been retained as “G/IC” and there are still undesignated “G/IC” sites on Peng Chau to meet the future GIC demand;

- (d) the statutory plan-making process, which involves the exhibition of outline zoning plan amendments for public inspection and the hearing of representations and comments received, is itself a public consultation process under the Town Planning Ordinance;
- (e) the “R(C)4” zoning for residential development at the site is considered compatible with the residential neighbourhood and adverse environmental impacts are not anticipated;
- (f) the site is covered by trees of common species in fair to poor condition. There is no old and valuable tree at the site. Significant landscape impact is not anticipated;
- (g) it is considered not appropriate to retain the “G/IC” zone for the site as there is no requirement for education and other GIC uses. The “G/IC” zone for the southern portion of the school site has been retained;
- (h) the site is located at an upland area, within a residential neighbourhood and is separated from the coastal areas by village houses. Residential development at the site is considered appropriate. It is not conducive to tourism- related development;
- (i) the building height restriction of 3 storeys is to allow flexibility for building design at the site which will also be subject to the requirements of the Buildings Ordinance. Basement development will also be counted as a storey and no exemption will be given, which is in line with other “Residential (Group C)” sub-zones on Peng Chau Outline Zoning Plan; and

- (j) the residential areas adjacent the school site proposed to be converted into spa hotels are not related to the current amendment items.”

[Mr Stanley Y.F. Wong and Mr Rock C.N. Chen left the meeting, and Ms Julia M.K. Lau left the meeting temporarily at this point.]

Agenda Item 5

[Open Meeting]

Further Consideration of the New Pak Lap Outline Zoning Plan No. S/SK-PL/C
(TPB Paper No. 9420)

[The meeting was conducted in Cantonese.]

75. Mr Ivan Chung, District Planning Officer/Sai Kung and Islands, Planning Department (DPO/SKIs, PlanD) was invited to the meeting at this point. A letter dated 12.9.2013 submitted by World Wide Fund Hong Kong (WWF) providing further comments on the scale of ‘Village Type Development’ zone at Pak Lap and a replacement page rectifying a typographical error in Annex III of the Paper was tabled at the meeting.

76. The Chairman extended a welcome and invited DPO/SKIs to brief Members on the Paper.

77. With the aid of a Powerpoint presentation, Mr Ivan Chung made the following main points as detailed in the Paper:

Background

- (a) the Planning Scheme Area (the Area) of Pak Lap covered a total of about 6.8 ha. The Area was located at the southern coast of Sai Kung

peninsula and was completely encircled by the Sai Kung East Country Park (SKECP);

- (b) on 30.9.2010, the draft Pak Lap Development Permission Area (DPA) Plan No. DPA/SK-PL/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). In accordance with section 20(5) of the Ordinance, the DPA Plan was effective for three years until 30.9.2013;
- (c) on 11.1.2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an Outline Zoning Plan (OZP) to cover the Area;
- (d) on 26.4.2013, the Town Planning Board (the Board) gave preliminary consideration to the draft Pak Lap OZP No. S/SK-PL/B and agreed that the draft OZP was suitable for submission to the Sai Kung District Council (SKDC) and the Sai Kung Rural Committee (SKRC) for consultation;
- (e) three major land use zones were designated on the draft OZP No. S/SK-PL/B, namely "Conservation Area" ("CA") (3.44 ha and 50.6%), "Village Type Development" ("V") (2.36 ha and 34.7%); and "Agriculture" ("AGR") zones (1 ha and 14.7%);
- (f) SKRC and SKDC were consulted on the draft OZP No. S/SK-PL/B on 30.4.2013 and 7.5.2013 respectively. SKDC requested the expansion of "V" zone and provision of vehicular access within the Area. SKRC expressed objection to the draft OZP as the proposed zoning would affect development rights of the villagers. The Village Representative (VR) of Pak Lap Village had submitted a counter proposal for the land use zonings on the draft OZP. Environmental and other concern groups (including Designing Hong Kong Limited, WWF, Conservancy

Association, Kadoorie Farm and Botanic Garden, Eco-Education & Resources Centre, Green Power and Friends of Sai Kung) in general supported the draft OZP as woodland areas at the periphery had been covered with conservation zoning;

Comments of SKRC, SKDC and VR

- (g) the general comments of STRC and STDC as detailed in paragraph 3.1 of the Paper were summarised as follows:

Inadequate Infrastructure

- (i) the Area was not served by any road and other infrastructure and utility services. Facilities such as public toilet, television and/or radio transmitter installation should be provided;

Small House Development in "V" zone

- (ii) due respect to 'fung shui' should be given in planning the "V" zone. Some local villagers had no private land for Small House development. Hence, expansion of the "V" zone to the south-western part of the existing village and including government land within the zone was required;

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

"CA" zone

- (iii) the relevant departments, including the Agriculture, Fisheries and Conservation Department (AFCD), had not conducted any consultation exercise nor elaborated on their conservation intention. No assessment report was made available to the local people; and

“AGR” zone

- (iv) as vehicles and farmers’ carts were restricted within the Country Park area, they questioned how agricultural land could be rehabilitated;

Specific Proposals of VR

- (h) the specific proposals of VR of Pak Lap Village on the draft OZP were as follows:
 - (i) to rezone the north-western part (8,000 m²) of the Area from “CA” to “GB” and the south-western part of the Area from “CA” to “GB” (2,300m²) and “V” (2,250m²);
 - (ii) to rezone the two house lots (Lots No. 70 and 93 in D.D. 368) and its surrounding area at the north-eastern part of the Area, with a respective area of 260m² and 130m², from “CA” to “V” for Small House developments; and
 - (iii) to rezone two pieces of land at the southern part of the Area from “CA” to “Government, Institution or Community” (“G/IC”) for the provision of public toilet (235m²) and television and/or radio transmitter installation (240m²);

Comments of Environmental and Other Concern Groups

- (i) the general comments of the environmental and other concern groups, as detailed in paragraph 3.2 of the Paper, were summarised as follows:

Designation as Country Park

- (i) to protect the valuable species and important habitats within the

Area, it was proposed to incorporate the Area into SKECP;

Reduction of “V” zone

- (ii) the proposed “V” zone (about 2.36ha) was to meet the latest outstanding and 10-year forecast for Small House demand in the Pak Lap area, which were 7 and 72 (total 79) in 2012, but the forecast demand was only 15 in 2009. The relevant authority should verify the forecast and particularly investigate why there was a substantial increase within three years;
- (iii) the 79 Small Houses would seriously pollute the existing stream course flowing across the proposed “V” zone and adversely affect the water quality of Pak Lap Wan. The size of the “V” zone should be reduced;
- (j) the specific proposals of environmental and other concern groups as detailed in paragraph 3.2 of the Paper were summarised as follows:

Exclusion of the stream and its riparian zone from “V” zone

- (i) buffer zone should be set up to separate the stream from the Small House development within the “V” zone to minimise its construction and sewerage impacts;
- (ii) Pak Lap Wan was a habitat for Amphioxus (lancelet) (文昌魚). Chinese Striped Terrapin (中華花龜) and Chinese Bullfrog (虎皮蛙) had been found in the stream. The stream leading to Pak Lap Wan and its riparian areas (i.e. at least 30m buffer distance from both sides of the stream) within the “V” zone should be rezoned to “CA”;

Rezoning the “AGR” to “CA” or “GB”

- (iii) Pak Lap was one of the natural habitats for birds. The area zoned as “AGR” was previously a forest. The species of Rufous-gorgeted Flycatcher (橙胸姬鶯) and White-bellied Sea Eagle (白腹海鷗) had been recorded. Agricultural activities including pond filling, soil excavation and stream diversion could cause significant ecological impacts on natural habitats. Hence, it was suggested to rezone the area from “AGR” to “CA” or “GB”;

Rezoning the area with water fern from “V” to “CA”

- (iv) some isolated water ferns were found within the wet abandoned field which fell within the “V” zone. It was suggested to rezone the wet abandoned field from “V” to “CA”;

Restricting provision of vehicular traffic

- (v) the provision of direct vehicular road or emergency vehicular access to Pak Lap to serve the Small Houses would bring about excessive pollution and pressure on the existing Country Park infrastructure. Hence, vehicular traffic in the Area should be restricted;

PlanD’s Responses

- (k) PlanD’s responses to the comments and proposals of the locals and the environmental and other concern groups as detailed in paragraph 4.1 of the Paper were summarised as follows:

Small House Developments within “V” zone

- (i) the locals and environmental concern groups held conflicting views on the currently proposed “V” zone for Pak Lap Village. Pak Lap Village was the only recognized village in the Area and its village ‘environs’ (‘VE’) covered an area of about 6.85 ha extending slightly beyond the boundary of the draft OZP. The District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) advised that the outstanding and 10-year forecast for Small House demand for Pak Lap Village was 7 and 72 respectively. As explained by the VR, the updated 10-year forecast demand had taken account of the male descendants residing overseas. The boundaries of the “V” zone, in general, were drawn up having regard to the ‘VE’, local topography, existing settlement pattern, site constraints, approved and outstanding Small House applications as well as the estimated Small House demand. Areas of difficult terrain, dense vegetation and stream courses had been avoided as far as possible. However “fung shui” was not a material planning consideration;
- (ii) the proposed “V” zone had a total area of about 2.36 ha including 0.56 ha of land covering the existing village settlements, areas for approved Small House/NTEH developments, and 1.8 ha of additional land for 79 Small Houses which was sufficient to meet the outstanding and 10-year forecast demand;
- (iii) the area of the currently proposed “V” zone could therefore fully meet the Small House demand and respect the development right of the indigenous villagers whilst taking account of the relevant planning considerations;

Exclusion of the stream and its riparian zone from “V” zone

- (iv) the Director of Water Supplies advised that Pak Lap did not fall within Water Gathering Grounds. Moreover, Pak Lap Wan was not a gazetted beach and the stream flowing to Pak Lap Wan was neither an Ecologically Important Stream nor a Site of Special Scientific Interest. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the water course flowing through Pak Lap had largely been modified;
- (v) to avoid potential impacts on the stream courses and Pak Lap Wan, paragraph 9.1.5 of the Explanatory Statement (ES) of the draft OZP had been further refined to reflect the need for the Small House applications near existing streams and the design and construction of on-site septic tank system to observe the relevant standards, regulations and guidelines including the Environmental, Transport and Works’s Bureau Technical Circular (Works) No. 5/2005 and Environmental Protection Department’s Practice Notes for Professional Persons No. 5/93;
- (vi) DAFC advised that development in the future “V” zone was not anticipated to have direct impact on the nearby amphioxus community in Pak Lap Wan. To address the concern of the environmental concerns groups on control of any development which might require diversion of the existing streams in the area, restriction on diversion of stream had already been stated in the Notes of the “V” zone;

Rezoning the area with water fern from “V” to “CA”

- (vii) while water ferns were found scattered in the wet abandoned agricultural land on the eastern side of Pak Lap, DAFC advised that the colony was small and its occasional occurrence was

subject to site conditions. DAFC had no strong view on maintaining the “V” zone for this area;

“AGR” zone

- (viii) DAFC advised that the fallow terraced field and artificial ponds currently found on the land had good potential for agricultural rehabilitation. This area should be designated as “AGR”. To ensure development within “AGR” zone would not result in adverse environmental impact, the Notes of the OZP had stipulated that diversion of stream, and filling of land/pond within the “AGR” zone were subject to the Board’s approval. DAFC advised that there might not be strong ecological grounds to rezone this area to “CA”;

“CA” zone

- (ix) according to DAFC, the wooded areas at the periphery of the Area formed a continuous stretch of well-established vegetation with those located in the adjoining SKECP and were ecologically-linked to the natural habitats therein. In particular, a protected plant species, *Pavetta Hongkongensis* (香港大沙葉), had been recorded in the woodland near the village. Designation of these wooded area as “CA” was considered appropriate to preserve the natural environment and its natural resources;
- (x) regarding the VR’s proposal to rezone the south-western part of the Area from “CA” to “V” for Small House development, DAFC advised that the wooded areas at the periphery of Pak Lap consisted of relatively undisturbed, native woodland where a high diversity of plants, including protected species, could be found. Encroachment of the “V” zone on the woodland was not

supported from nature conservation point of view;

- (xi) DAFC advised that the two “CA” areas proposed by the VR for rezoning to “GB” consisted of woodland of similar quality and there was little ecological ground to differentiate these “CA” from the rest of the “CA” areas which in fact formed a continuous woodland integrated with the adjoining SKECP. DAFC considered that there was no strong justification to rezone part of “CA” to “GB”;

- (xii) the two house lots (i.e. Lot No. 70 and Lot No. 93 in DD 368) proposed to be rezoned from “CA” to “V” by VR were surrounded by natural vegetation, forming part of the wider “CA” zone. DLO/SK advised that the area of Lot No. 70 (60m²) and Lot No. 93 (14m²) under the lease was much smaller than that proposed by the VR, i.e. 260m² and 130m² respectively. Approval for redevelopment of the two house lots was given on 22.8.2006. DAFC considered that rezoning of these two lots to “V” for Small House development would cause adverse impact on the “CA” zone. The Government’s intention of protecting natural resources within the “CA” zone would be undermined. According to the Notes of OZP, ‘House (Redevelopment only)’ was a Column 2 use. Through the planning application mechanism, the Board could maintain effective control on any undesirable development within the “CA” zone. Rezoning of these two lots from “CA” to “V” was considered not necessary;

“G/IC” zone

- (xiii) regarding the VR’s request for provision of television and/or radio transmitter installation, the Office of the Communications Authority would keep in view the needs and forward the requests to the services providers when necessary;

- (xiv) for the provision of public toilet, the Director of Food, Environment and Health (DFEH) advised that a government refuse collection point (RCP) and a public toilet would be provided in Pak Lap to serve the needs of the local residents and tourists. The site area required was about 170m² and should be located close to the sea for easy disposal of refuse and sewage by water transport. The Director of Environmental Protection (DEP) advised that the proposed site for RCP and public toilet should not be located within 30m from the existing stream and within 50m from high-water mark of Pak Lap Wan. Hence, the site suggested by the VR was considered not suitable. Taking into account DEP's comments as well as DFEH's locational criteria, a piece of government land (170m²) to the south of the existing village cluster was proposed to be rezoned from "CA" to "G/IC";
- (xv) apart from the above, it was also proposed to rezone another site from "CA" to "G/IC" to reflect an existing temple;

Inadequate Infrastructure

- (xvi) according to the 2011 Census, the total population of the Area was less than 50 persons. The "V" zone in the draft OZP could accommodate a planned population of around 230. At present, the Area was supplied with potable water, electricity and telephone services. There were neither committed/planned sewerage and drainage systems nor gas supply projects for the Area. Relevant works departments would keep in view the need for infrastructure in future subject to availability of resources;

Vehicular Access to Pak Lap

- (xvii) with regard to the access to Pak Lap, the District Officer/Sai

Kung advised that there was already proposal under the minor works project to re-align the footpath and improve the pathway by providing ramps to facilitate the transportation of goods to Pak Lap. The width of the proposed footpath would not exceed 1.2m. The proposal was supported by the Country and Marine Parks Board (CMPB) on 17.10.2012;

Designation as Country Park

(xviii) DAFC advised that the suitability of Pak Lap enclave for country park designation would be assessed in due course by drawing reference to criteria such as conservation value, landscape and aesthetic value, recreation potential, existing scale of human settlement, etc. Views of the CMPB would also be sought in due course;

Land Use Proposals

- (l) as compared with the previous draft OZP No. S/SK-PL/B, the following amendments had been proposed to the current draft OZP (renumbered as No. S/SK-PL/C):
 - (i) rezoning a site (about 30m²) currently occupied by a temple from “CA” to “G/IC” to reflect the existing use; and
 - (ii) rezoning a site (about 170m²) to the south of the existing Pak Lap Village from “CA” to “G/IC” for the provision of RCP and public toilet;
- (m) in view of the above, the area of the “CA” zone on the current OZP was correspondingly reduced by 0.02 ha (from 3.44 ha to 3.42 ha). Other proposed land use zonings on the current draft OZP were considered appropriate;

- (n) the details of the proposed land use zonings on the draft OZP were given in paragraph 5 of the Paper;
- (o) SKDC and the SKRC would be consulted during the publication of the draft Pak Lap OZP under section 5 of the Ordinance;
- (p) Members were invited to note the comments from and responses to SKDC, SKRC, the local villagers and the environmental and other concern groups on the draft Pak Lap OZP No. S/SK-PL/B, and consider the draft Pak Lap OZP No. S/SK-PL/C.

78. Noting from the site photos that Lot 70 in D.D. 368 was not covered by mature vegetation and was a house lot with approval for redevelopment already granted by the Lands Department (LandsD), the Chairman asked about the reason for zoning it as “CA”.

79. Mr Ivan Chung said that the lot was covered with shrubs and grass. It was on a slightly elevated ground and was surrounded by natural vegetation. The proposed development on the lot would affect the adjacent mature trees and have possible adverse impact on the “CA” zone. Moreover, the lot was distant from the existing village cluster. The “CA” zoning was therefore considered appropriate for the lot.

80. In response to the Chairman’s enquiry, Mr Ivan Chung confirmed that ‘House (Redevelopment only)’ was a Column 2 use within the “CA” zone.

81. Ms Bernedette Linn, Director of Lands, said that LandsD had already granted approval to the land owners of Lots No. 70 and 93 in D.D. 368 for redevelopment of the house lots. She said that the land owners might be aggrieved by the “CA” zoning of their lots due to the need to apply for planning permission from the Board for house redevelopment. She wondered if there was strong justification to zone the two lots as “CA”.

82. The Chairman asked whether the concerned departments including AFCD had any adverse comments on the redevelopment of the two house lots when LandsD

previously circulated the proposals. Ms Bernedette Linn said that the redevelopment proposals had been scrutinised by LandsD in consultation with concerned departments before approvals were granted in 2006.

83. Mr Ivan Chung said that the Pak Lap area was not covered by any statutory plan when approvals for redevelopment of the two house lots were granted by LandsD in 2006. During the preparation of the draft OZP for the Area, site inspection revealed that Lot No. 70 was located on a slightly sloping ground surrounded by natural vegetation, and Lot No. 93 was in the midst of a woodland within the wider “CA” zone. Hence, DAFC agreed to the designation of the two lots and their surrounding areas as “CA”. DAFC was consulted again on the VR’s proposal to rezone the two house lots and their adjoining areas from “CA” to “V”, which were much larger than the respective lot area of 60m² and 14m². DAFC considered that rezoning of the two house lots for Small House development would cause adverse impact on the “CA” zone.

84. The Secretary said that the retention of the “CA” zoning of the two lots had taken into account DAFC’s comments and was to avoid differential treatment for the two house lots. The Board might consider whether the “CA” zoning for the two house lots, as currently proposed by PlanD, was appropriate taking into account relevant planning considerations. The following options might be considered:

- (i) to retain the “CA” zoning for the two lots. This option would be in line with DAFC’s advice and would avoid the problem of differential treatment for the two house lots. However, it might cause inconvenience to the land owners of the lots due to the need to submit planning application to the Board for redevelopment of their house lots;
- (ii) to rezone the two lots from “CA” to “V” as proposed by the VR, but there was concern that future redevelopment on Lot No. 93 would have significant adverse impact on the existing mature woodland as the lot was amidst the “CA” zone; and

- (iii) to rezone Lot No. 70, which was covered with shrubs and grass, to “V” but retain Lot No. 93 within the “CA” zone having regard to the physical characteristics of the two lots and their surrounding areas.

85. Having regard to the different site conditions of the two lots, namely Lot No. 70 was only covered with shrubs and grass while Lot No. 93 was located amidst mature woodland forming part of the wider “CA” zone, the Chairman said that there were reasonable planning grounds to adopt the third option by suitably amending the boundary of the “V” zone to incorporate Lot No. 70. Members agreed.

86. After deliberation, Members noted the comments from and responses to SKRC, SKDC, VR and the environmental and other concern groups on the draft Pak Lap OZP No. S/SK-PL/B. Members also agreed, subject to adoption of the third option mentioned above, that:

- (a) the draft Pak Lap OZP No. S/SK-PL/C (to be renumbered as S/SK-PL/1 upon gazetting) and its Notes were suitable for exhibition for public inspection under section 5 of the Ordinance subject to the amendment as stated in paragraph 84 above;
- (b) to adopt the ES as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Pak Lap OZP No. S/SK-PL/C; and
- (c) that the ES was suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

87. The meeting was adjourned for lunch break at 1:20 p.m.

88. The meeting was resumed at 2:30 p.m.

89. The following Members and the Secretary were present in the afternoon session:

Mr Thomas Chow Chairman

Professor S.C. Wong

Mr Timothy K.W. Ma

Professor Edwin H.W. Chan

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Roger K.H. Luk

Ms Anita W.T. Ma

Mr H.W. Cheung

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Ms Christina M. Lee

Ms Bernadette Linn

Mr K.K. Ling

Agenda Item 6

[Open Meeting]

Further Consideration of the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/D

(TPB Paper No. 9430)

[The meeting was conducted in Cantonese]

90. The following representatives of Planning Department (PlanD) were invited to the meeting at this point.

Ms Jacinta Woo - District Planning Officer/Shau Tin, Tai Po and North (DPO/STN), PlanD

Mr David Ng - Senior Town Planner/New Plans (STP/NP), PlanD

91. The Chairman extended a welcome and invited PlanD's representatives to brief Members on the Paper.

92. Mr David Ng informed Members that a replacement page for Page 9 of Annex III to the Paper had been tabled for Members' reference. He also invited Members to note six letters/e-mails received from two individuals (Mr Thomas Hou and Mr Ruy Baretto) and four Green Groups (the Friends of Hoi Ha (FOHH), the Friends of Sai Kung (FOSK), the Kadoorie Farm and Botanic Garden Corporation (KFBG), and the World Wide Fund Hong Kong (WWF-Hong Kong)) after the issue of the Paper which were tabled for Members' reference. The additional comments and proposals received would be elaborated in his presentation.

93. With the aid of a Powerpoint presentation, Mr David Ng made the following main points as detailed in the Paper:

Background

- (a) on 28.6.2013, the Town Planning Board (the Board) gave preliminary consideration to the draft Hoi Ha OZP No. S/NE-HH/C (TPB Paper No.

9368) and agreed that the draft OZP was suitable for submission to the Tai Po District Council (TPDC) and the Sai Kung North Rural Committee (SKNRC) for consultation, subject to the refinement to the boundary of the “Village Type Development” (“V”) zone. On 12.7.2013, the Board noted the revised boundary of the “V” zone in the draft Hoi Ha OZP No. S/NE-HH/D (the draft OZP);

- (b) SKNRC and TPDC were consulted on the draft OZP on 8.7.2013 and 10.7.2013 respectively. Submissions from the Village Representatives (VRs), an indigenous villager, KFBG, the Professional Commons, local concern groups including FOHH and the Hoi Ha Action Group, and 32 individuals were received. Proposals from the Tolo Adventure Centre were also received;

Views of TPDC, SKNRC and VRs

- (c) the comments and proposals of TPDC, SKNRC and VRs were summarised as follows:

Central Sewage Treatment System

- (i) a micro central sewage treatment system should be provided in Hoi Ha Village so that land close to streams and the Hoi Ha Wan Marine Park (HHWMP) could be made available for Small House development;

“V” zone Designation

- (ii) although about 2.6 ha of land was proposed to be zoned “V”, it was smaller than the village ‘environs’ (‘VE’) which was about 2.9 ha. The size of the “V” zone was inadequate as it would only provide land to meet 67% of the 10-year Small House demand. Moreover, most of the land within the “V” zone was owned by developers and the amount of Government land within the “V” zone was inadequate. There was concern that the land within the “V” zone might not be

made available for indigenous villagers to build Small Houses;

- (iii) SKNRC proposed that the “V” zone should be extended westwards to cover part of the area currently proposed as “Conservation Area” (“CA”);

Public Utility Installation

- (iv) placing ‘Public Utility Installation’ under Column 2 of the Notes of the “V” zone was inappropriate as villagers might need to install electricity transformer rooms for Small Houses which would require the submission of planning applications and add to the costs of installation; and
- (v) a TPDC Member proposed that ‘Public Utility Installation’ should be moved from Column 2 to Column 1 under the Notes of the “V” zone;

Views of KFBG, Professional Commons, local concern groups and individuals

- (d) the comments and proposals of KFBG, Professional Commons, local concern groups and individuals were summarised as follows:

Country Park/Conservation Area Designation

- (i) except for land zoned for the village and its expansion, all land in the Area should be designated as Country Park as there was no solid scientific justification for the delineation of the proposed “Green Belt” (“GB”), “CA” and “Coastal Protection Area” (“CPA”) zones;
- (ii) some members of the public objected to any property development in Hoi Ha as it would cause damage to the environment in Sai Kung. They urged the Government to include the remaining country park enclaves into country parks or zone them as conservation area to preserve the environment;

Rezoning from “GB” to “CA”

- (iii) KFBG and FOHH commented that the “GB” zone, with parts of it only 20m wide, did not provide proper protection to the rocky stream, the riparian zone, and HHWMP. As Small House developments were allowed through the planning permission system, the “GB” zone did not adequately protect the stream, the upper stretch of which was an ecologically important stream. The stream and its riparian zone should be zoned “CA” rather than “GB” to provide a more meaningful protection for the stream;

Rezoning from “V” to “CA”

- (iv) the “V” zone would undermine the “High” landscape value of Hoi Ha, threaten the water quality of HHWMP, strain the limited infrastructure and services, and impact on a secondary woodland to the west of the village, which was ecologically linked to the Sai Kung West Country Park. Furthermore, the proposed “V” zone would not benefit the indigenous villagers as the land was mostly owned by developers. Besides, the Board should not make major planning decisions based on the 10-year forecast demand for Small Houses which had not been verified;
- (v) the western part of the “V” zone should be zoned “CA” to protect the secondary woodland which was assessed by FOHH as having moderate to high ecological value. New village expansion areas could be considered in areas to the south of the mini roundabout and westward, along the south side of Hoi Ha Road;
- (vi) the seasonal streams in Hoi Ha would flow through the proposed “V” zone into HHWMP, posing danger of polluting the marine park. These streams should be accorded protection as part of the DPA/OZP process;

Rezoning from “V” and “CA” to “Comprehensive Development Area” (“CDA”)

- (vii) the Professional Commons proposed that the existing village and a suggested village expansion area (to the east and south of the village) should be designated as “CDA” where planning restrictions should apply when applications for improvement and developments were made to ensure that the potential environmental impacts were properly addressed. They also suggested land swap with the villagers so that land in the centre of the village could be released for provision of supporting facilities (e.g., playground), whereas government land in the east and south could be developed for Small Houses;

[Ms Bernadette Linn returned to join the meeting at this point.]

“CPA” boundary

- (viii) FOHH commented that the proposed boundary of the “CPA” zone should be contiguous with HHWMP, moving along with the boundary of HHWMP in response to natural changes in the coastline. However, as the landward boundary of the “CPA” zone was fixed on the OZP, the actual buffer provided by the zone between the sensitive HHWMP and the “V” zone was too narrow under the draft OZP and was inadequate to protect the coastal environment. The “CPA” zone should be widened by moving the landward boundary inland to include part of the old Hoi Ha Village. This would be an added benefit as the “CPA” zone would help to protect the area; and

Recreation, Education, Eco-tourism

- (ix) the Professional Commons proposed that recreation, education and eco-tourism uses at Hoi Ha (including Hoi Ha Wan) should be encouraged and undertaken in a sustainable way. To this end, key infrastructure facilities such as an Education Facility of the Agriculture, Fisheries and Conservation Department (AFCD), a

proper set of educational nature trails, a proper toilet and changing area near the beach, and a proper waste water system would need to be provided. Improvement works on the footpaths, parking, boat ramp and mooring buoys would need to be carried out. Moreover, training should be provided so that local residents should be encouraged in eco-tourism and nature-tourism. Eco-based projects would also need to be established, including bird-watching and rubbish collection;

Views of the Tolo Adventure Centre

(e) the proposals of the Tolo Adventure Centre were summarised as follows:

Rezoning the area surrounding the Tolo Adventure Centre from “CA” to “Other Specified Uses” annotated “Water Sports Recreation Centre” (“OU(WSRC)”)

- (i) to extend the “OU(WSRC)” zone by 20m to the northeast to cater for their future expansion;
- (ii) to extend the “OU(WSRC)” zone by 3m along the boundaries to allow for maintenance of the surrounding vegetation in order to prevent hill fire hazard and mosquitoes; and
- (iii) to rezone the footpath leading to the Centre to “OU(WSRC)” or “Government, Institution or Community” (“G/IC”) to allow for maintenance and repair;

[Mr H.W. Cheung returned to join the meeting at this point.]

Additional Views Received before the Meeting

(f) further views were received from two individuals (Mr Thomas Hou and Mr Ruy Baretto), FOHH, FOSK, KFBG, and WWF-Hong Kong. Their

main comments/proposals were summarised as follows:

- (i) in view of the environmental sensitivity of Hoi Ha, 'Agricultural Use' should be moved from Column 1 to Column 2 under the Notes of the "CA" and "CPA" zones to avoid wildlife habitat from being ruined in the pretext of 'farming';
- (ii) as the area covered by the "V" zone was too large and the "GB" zone did not confer adequate protection to Hoi Ha stream against development, it was proposed that the "GB" zone and the extended "V" zone be deleted from the draft OZP;
- (iii) the whole of Hoi Ha should be zoned as "CA" or "CPA" with a view to eventual inclusion into the Sai Kung West Country Park;
- (iv) the "GB" zone adjacent to Hoi Ha stream should be rezoned to "CA". Moreover, the riparian zone of the main Hoi Ha stream and the woodlands surrounding the existing village area should be zoned "CA";
- (v) before a detailed plan to address the potential water quality impacts from Small House developments in Hoi Ha on HHWMP was prepared, the "V" zone for the draft OZP should be restricted to the existing village cluster;
- (vi) the planned population in Hoi Ha would increase road traffic in the area and cause significant risks to wildlife. The increase in Small House developments would also trigger demand for car parking spaces in the village and the adjacent County Park area;
- (vii) the secondary forest area to the north of Hoi Ha Road should be rezoned from "V" to "GB". Moreover, for the disturbed area within the young forest in the proposed extended "V" zone, 'House

(New Territories Exempted House only)' use should be moved from Column 1 to Column 2 to prevent the nearby stream and HHWMP from being affected by uncontrolled site runoff from such developments ; and

(viii) the "CPA" zoning in the draft OZP and the "CA" zoning of the native woodlands on the hillsides behind Hoi Ha Village and on the gentle slope at the western part of the Area were supported;

PlanD's Responses

(g) PlanD's responses to the comments and proposals as detailed in paragraph 4.1 of the Paper were summarised as follows:

"V" zone Designation

- (i) the proposed "V" zone was about 2.6 ha, of which about 1.58 ha of land was still available for Small House development. This was equivalent to about 63 Small House sites, meeting 67% of the total Small House demand of 94 houses;
- (ii) although there was a shortfall of 0.77 ha of land (or 31 Small House sites) within the "V" zone to meet the future demand, an incremental approach for designation of "V" zone for Small House development had been adopted in view of the development constraints of the area and inadequate infrastructural provision;
- (iii) there was provision under the OZP for planning application for Small House development which would be considered by the Board on individual merits;
- (iv) regarding the villagers' concern on land ownership within the proposed "V" zone, it should be noted that land ownership was subject to change. The planning intention of the "V" zone, as set out

in the Notes of the draft OZP, was primarily for development of Small Houses by indigenous villagers. If an application for Small House was received on the private land, the applicant's status (including whether he was an indigenous villager) would be ascertained;

Proposals to Extend the "V" zone

- (v) on the proposal to extend the "V" zone to cover the area currently zoned "CA" at the western end of the Area as well as the area to the south of Hoi Ha Road and the roundabout, the Director of Agriculture, Fisheries and Conservation (DAFC) advised that these areas consisted of relatively undistributed native woodland that was contiguous with the adjoining Sai Kung West Country Park where plant species of conservation interest such as *Aquilaria sinensis* (土沉香) and *Morinda cochinchinensis* (大果巴戟) could be found. To preserve the native woodland and maintain a buffer between the village area and the adjoining Country Park, expansion of the "V" zone into these areas was not supported from the nature conservation point of view;

Rezoning from "V" to "CA"

- (vi) on the proposal to rezone the western part of the "V" zone to "CA", DAFC advised that the western part of the existing village consisted of relatively disturbed, young woodland that had developed from abandoned agricultural land. DAFC considered it acceptable to zone the area to "V" to cater for village expansion;

- (vii) to address the need to avoid potential impacts on the stream courses and HHWMP, paragraph 9.1.5 of the Explanatory Statement (ES) of the draft OZP had already set out that in accordance with the Environmental, Transport and Works Bureau's Technical Circular (Works) (ETWBTC(W)) No. 5/2005, there was an administrative practice requiring the approving/processing authorities for any development proposal/submission that might affect natural streams/rivers to consult and collate comments from AFCD and

relevant authorities and incorporate relevant comments/advice as conditions of approval wherever possible;

- (viii) for protection of the water quality in the Area, the design and construction of on-site septic tank system for any development proposal/submission would need to comply with relevant standards and regulations, such as the Environmental Protection Department's (EPD) Practice Note for Professional Person (ProPECC) No. 5/93. When processing Small House applications in close proximity to existing stream course, the District Lands Officer/Tai Po (DLO/TP) would consult concerned departments including EPD, AFCD and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications;

Rezoning from "V" and "CA" to "CDA"

- (ix) for the area within the "V" zone, DLO/TP would consult concerned departments including EPD, AFCD and PlanD when processing Small House applications in close proximity to existing stream course. In this regard, requirements to safeguard the environment, including those prescribed in ETWBTC(W) No. 5/2005 and EPD's ProPECC No. 5/93 would be observed;
- (x) for the area within the "CA" zone, DAFC advised that the area consisted of relatively undistributed native woodland where plant species of conservation interest such as *Aquilaria sinensis* (土沉香) and *Morinda cochinchinensis* (大果巴戟) could be found. In this regard, it was appropriate to zone the area as "CA" to serve as a buffer between the village area and the adjoining Sai Kung West Country Park;
- (xi) on the land swap proposal, formulation of land policy and revision to the Small House Policy were outside the purview of the Board;

Rezoning from “GB” to “CA”

- (xii) there was a general presumption against development within the “GB” zone. In this regard, any Small House development would require planning permission from the Board, and each case would be considered on its individual merits, taking into account views of various departments;
- (xiii) DAFC confirmed that the proposed “GB” zone was considered appropriate since the area consisted of relatively disturbed, young woodland that had developed from abandoned agricultural land. The “GB” zone was considered appropriate to serve as a buffer between the rocky stream and village development;

“CPA” boundary

- (xiv) DAFC advised that the northern boundary of the “CPA” coincided with the boundary of HHWMP while the landward boundary of the “CPA” zone had been drawn up making reference to the boundary of the existing village cluster, existing topographic features and site conditions, including footpath and trails. The proposed “CPA” consisted of sandy beaches, rock features, mangroves, mangrove-associated plants and backshore vegetation and the planning intention was to protect these natural coastal features;
- (xv) the current “CPA” zoning along the northern boundary of the draft OZP was considered appropriate from the nature conservation point of view and was sufficient to serve as a buffer between the village and HHWMP. The proposal to extend the “CPA” to cover the old Hoi Ha village had not been substantiated with sufficient justifications;

Rezoning the area surrounding the Tolo Adventure Centre from “CA” to “OU(WSRC)”

- (xvi) flexibility had been provided in the covering Notes of the draft OZP for maintenance or repair of road (including footpath), which was

always permitted in the “CA” zone

(xvii) in view of DAFC’s advice that the area surrounding the Tolo Adventure Centre consisted of relatively undistributed, native woodland, the proposal to extend the “OU(WSRC)” zone to the surrounding area was not supported from the nature conservation perspective as it would encroach onto the woodland. Notwithstanding this, minor relaxation of the development restrictions of the Centre for future development, if required, could be considered by the Board through the planning permission system;

Country Park/Conservation Area Designation

(xviii) whether an area should be incorporated into the country park was under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) and was outside the purview of the Board;

(xix) as announced in the 2010-11 Policy Address, the Government would either include the country park enclaves into country parks, or determine their proper uses through statutory planning. In this regard, PlanD was preparing statutory town plans for country park enclaves where appropriate and would prepare DPA plans, with replacement OZPs to follow;

Recreation, Education, Eco-tourism

(xx) the sustainable use of Hoi Ha for recreation, education and eco-tourism uses was supported. For the proposed works to enhance such uses, e.g., improvements to nature trails, footpaths, etc., flexibility had been provided in the covering Notes of the draft OZP in that local public works, road works, environmental improvement works, and such other public works co-ordinated or implemented by Government, were always permitted on land falling within the boundaries of the draft OZP;

(xxi) the other proposals such as an AFCD Education Facility, training programmes for the local villagers, and eco-based projects would fall within the remit of relevant Government departments. In this regard, the proposals had already been referred to the relevant Government departments, including the Tai Po District Office, AFCD, etc. for further consideration;

Central Sewage Treatment System

(xxii) as there was no existing sewer or planned public sewer to serve the Area, each house was typically provided with its own on-site septic tanks and soakaway system. The design and construction of on-site septic tanks and soakaway system for any development proposals/submissions would need to comply with relevant standards and regulations, such as EPD's ProPECC 5/93. When processing Small House grants and applications in close proximity to the existing stream courses and HHWMP, DLO/TP would consult concerned departments including EPD, AFCD and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications;

(xxiii) on the proposed central sewage treatment system, EPD advised that it was not the Government's policy to build sewage treatment plants (STP) for private developments. Should a private STP be considered by the villagers, the proponent had to pay for the construction and maintenance expenses. Besides meeting the statutory requirements of the Water Pollution Control Ordinance (WPCO) on the design and operation of the STP, there should be a mechanism to guarantee the proper installation and maintenance of the STP in compliance with WPCO; and

Public Utility Installation

(xxiv) flexibility was provided in the covering Notes of the draft OZP for

small-scale pillars or meter boxes for the supply of electricity, as they could be regarded as ‘Public Utility Pipeline’ (‘PUP’) which was always permitted on land within the Area;

Land Use Zonings

- (h) the details of the proposed land use zonings on the draft OZP were set out in section 5 of the Paper: and

Consultation

- (i) TPDC and SKNRC would be consulted after the Board’s agreement to the publication of the draft Hoi Ha OZP under section 5 of the Ordinance during the exhibition period of the OZP.

94. The Chairman then invited questions and comments from Members. As Members had no questions or comments to raise, the Chairman thanked PlanD’s representatives for attending the meeting. They left the meeting at this point.

95. After deliberation, Members agreed to note the comments from and responses to TPDC, SKNRC, local villagers, residents, environmental and local concern groups, other organizations and public views on the draft Hoi Ha OZP No. S/NE-HH/D. Members also agreed that:

- “(a) the draft Hoi Ha OZP (to be renumbered as S/NE-HH/1 upon gazetting) and its Notes at Annexes I and II of the Paper are suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) the Explanatory Statement at Annex III of the Paper should be adopted as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Hoi Ha OZP No. S/NE-HH/D; and
- (c) the Explanatory Statement is suitable for exhibition for public inspection

together with the draft OZP and issued under the name of the Board.”

Agenda Item 7

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/ST/808

Proposed Shop and Services in “Industrial” Zone, Workshop A, LG/F, Valiant Industrial Centre, Nos. 2-12 Au Pui Wan Street, Fo Tan, Sha Tin

(TPB Paper No. 9408)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

96. The following Members had declared interests in this item :

Mr Clarence W.C. Leung	-	His spouse owned a flat in Fo Tan
Professor Eddie C.M. Hui	-	owned a flat in Sha Tin
Professor K.C. Chau	-	owned a flat in Fo Tan

97. Members noted that Professor Eddie C.M. Hui’s property had no direct view to the subject site and agreed that he could stay in the meeting and participate in the discussion. Members noted that Mr Clarence W.C. Leung had already left the meeting and Professor K.C. Chau had tendered apologies for not attending the meeting.

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

Ms Jacinta Woo	-	District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), PlanD
Mr Shin Yeung Bor)	Applicant’s representatives
Mr Fong Siu To)	

99. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/STN to brief Members on the background of the application.

[Professor Eddie C.M. Hui left the meeting at this point.]

100. With the aid of a Powerpoint presentation, Ms Jacinta Woo made the following main points as detailed in the Paper:

- (a) the applicant applied for planning permission for shop and services use at the application premises which fell within an area zoned “Industrial” (“I”) on the Sha Tin Outline Zoning Plan (OZP);
- (b) the application was rejected by RNTPC on 1.3.2013 for the following reasons:
 - (i) the proposed development did not comply with the TPB Guidelines No. 25D in that the aggregate commercial floor area of the existing industrial building would exceed the maximum limit of 460m². The proposal was unacceptable from the fire safety point of view; and
 - (ii) there was no information in the submission to demonstrate that inclusion and operation of the proposed commercial use would not adversely affect the traffic conditions of the local road network;
- (c) the further justifications in support of the review submitted by the applicant were set out in paragraph 3 of the Paper and summarised as follows:
 - (i) according to TPB Guidelines No. 25D, the 230m²/ 460m² criteria did not apply to cases where the commercial portion was completely separated from the industrial or I-O portion on the upper floors by a

buffer floor of non-hazardous occupancy such as a car-parking floor. The immediate floor above the lower ground floor was a car park floor and it would fall into the ambit of the said exception;

- (ii) the applicant agreed that fire safety should come first. The proposed shop and services use with a floor area of 427.77m^2 was within the 460m^2 limit and should have been approved if not because of the quota nearly used up by other owners (amounting to 423.64m^2). The application was however rejected owing to fire safety reason;
- (iii) fire safety could be enhanced through installation of fire safety measures or structural change to the building. Professionals would be engaged to advise on the fire protection measures;
- (iv) the ground floor area of Valiant Industrial Centre ($5,823\text{m}^2$) was exceptionally large compared with $1,380\text{m}^2$ to $1,965\text{m}^2$ of the adjacent industrial buildings. Unifying and limiting the aggregate commercial floor area to 460m^2 for all industrial buildings was not scientific;
- (v) owing to the large footprint of Valiant Industrial Centre, each of the four façades of the building faced access roads. The application premises abutted Min Fong Street and adjoined no other industrial premises. There were three entrances to the lower ground floor;
- (vi) there were a few units on the ground floor of the subject industrial building. However, owing to the sloping ground on which Valiant Industrial Centre was located, these units were also fronting Min Fong Street, same as the application premises but at the far end;
- (vii) compared with the first application, the area applied for had been substantially reduced from 680.034m^2 to 427.77m^2 (a reduction of

252.26m²). The subdivision of the premises into 39 small units had gone through proper building plan submission procedures;

- (viii) it was questionable as to why FSD had approved the operation of canteens with seating accommodation at Units C, B and H on the same lower ground floor;
- (ix) Fo Tan Industrial Area was well served by public transport such as railway and minibus. All the shops under application were small (only 6-8 m² in size) and would generate limited logistic needs. The proposed shops were not located at a main street and only had limited pedestrian flow. There were sufficient parking spaces for goods vehicles and the proposed shops should generate less traffic compared with the previous godown uses. TD had no objection to the last application (No. A/ST/779) which had a larger application premises. It was unreasonable for TD not supporting the application;
- (x) the Government should relax the current controls in order to facilitate industrial transformation and support small and medium enterprises; and
- (xi) the public comments on hygiene, light pollution and blockage of corridor were unfounded as Valiant Industrial Centre was well managed;

[Professor Edwin H.W. Chan arrived to join the meeting at this point.]

- (d) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. The District Lands Officer/Shu Tin, Lands Department commented that the use under application was not permitted under the lease and that lease modification or temporary waiver would be required if the application was approved by the Board. The Chief

Building Surveyor/New Territories East 2 & Rail, Buildings Department commented that the proposed use should comply with the requirements under the Buildings Ordinance (BO) and the subdivision of the unit/premises should comply with the provisions of BO or the Building (Minor Works) Regulations. The Commissioner for Transport (C for T) did not support the application as no further information was provided to demonstrate that there were adequate car parking spaces and loading/unloading facilities to cater for the operational needs of the development. The Director of Fire Services (D of FS) objected to the application as the 230m²/460m² criteria was applicable to the subject application and the aggregate commercial floor area of the building would exceed 460m² should the application be approved;

- (e) public comments – during the statutory publication period of the review application, two public comments were received. One commenter queried why the review application was accepted as the applicant had already applied several times while the other commenter raised similar queries and considered that the applicant was using delaying tactics; and
- (f) PlanD's view – PlanD did not support the application based on the assessment in paragraph 7 of the Paper, which were summarised below:
 - (i) the planning intention of the “I” zone was to reserve land primarily for general industrial uses to ensure adequate supply of industrial floor space to meet demand from production-oriented industries. While commercial uses in industrial buildings within the “I” zone might be permitted on application to the Board based on individual merits and the planning assessment criteria set out in TPB PG-No. 25D, it should be demonstrated that the proposed use would be acceptable in terms of land use, traffic, fire safety and environmental concerns. Moreover, the aggregate commercial area upon approval of the application should not exceed the maximum permissible limit specified;

- (ii) according to TPB-PG No. 25D, D of FS should be satisfied on the fire risks likely to arise or increase from the proposed commercial use under application. The aggregate commercial floor area on the ground floor of an existing industrial building with and without sprinkler systems should as a general principle not exceed 460 m² and 230 m² respectively. The application premises (i.e. 427.77m²) together with other approved cases (i.e. an aggregate of 351.73 m²) would exceed the maximum permissible limit of 460 m²;
- (iii) TPB-PG No. 25D specified that the 230m²/460m² criteria would not apply to cases where the commercial portion was completely separated from the industrial portion on the upper floors by a buffer floor of non-hazardous occupancy such as a car-parking floor. While the applicant claimed that the immediate floor above the LG/F of the subject building was a car park floor so that the application premises should be exempted from the 460m² criterion, D of FS considered that the application premises was not completely separated from the industrial portion by a buffer floor. The subject industrial building was on a sloping site with LG/F and part of G/F fronting onto streets, and G/F was currently occupied by car parking spaces as well as industrial and shop and services uses. In this regard, D of FS maintained that the application premises was subject to the maximum permissible limit of 460m² for aggregate commercial floor area;
- (iv) the aggregate commercial floor area limit under TPB PG-No. 25D did not apply to fast food counter which was sited at street level without seating accommodation and licensed as food factory. However, as the applicant had not included any information on the detailed use of the 39 sub-divided units within the application premises, the entire application premises would need to be counted towards the aggregate commercial floor area. Regarding the

applicant's queries on the planning permission that was granted for the operation of three canteens in Units H, B and C on the same LG/F, it should be noted that under the Notes of the "I" zone, 'Eating Place (Canteen, Cook Food Centre only)' was always permitted;

- (v) C for T did not support the application as the applicant had not demonstrated that the car parking spaces and loading/unloading facilities were adequate, or such facilities would be provided within the site to cater for the operational needs. There was no information in the submission to demonstrate that the proposal would not adversely affect the traffic conditions in the local road network; and
- (vi) the application premises was the subject of a previous application (A/ST/779) for proposed shop and services (retail shop and fast food shop) use submitted by the same applicant and other owners. The previous application, with an area of 680.034m², was rejected by the Board on 1.6.2012 mainly on fire safety reason in that it would exceed the maximum permissible limit in aggregate commercial floor area of 460m². The current proposal was the same as the previous one except for a reduction in the floor area under application from 680.034m² to 427.77m² due to the exclusion of the internal corridor and toilets from floor area calculation. Since the rejection of the previous application, there was no change in planning circumstances that would merit departure from the previous decision of the Board.

101. The Chairman then invited the applicant's representatives to elaborate on the application. Mr Shin Yeung Bor made the following main points:

- (a) in accordance with TPB PG-No. 25D, the 460m² criterion was not applicable to the application premises as the floor immediately above the

application premises was mainly occupied by car parking spaces which would serve as a buffer floor;

- (b) the applicant would comply with all the requirements of Government departments such as the submission and implementation of fire safety measures and the design and provision of parking and loading/unloading facilities should planning permission be granted; and
- (c) it was not justified for C for T to say that the proposed development would adversely affect the traffic conditions in the local network. Noting that planning permission had been granted for 35 similar applications for 'Shop and Services' use, the amount of traffic generated by these applications would be more than that generated by the subject application.

102. Mr Fong Siu To made the following main points:

- (a) as the property owner, he had spent 3 years to prepare for the proposed change of use of the application premises;
- (b) the proposal was in line with the Chief Executive's policy to revitalize vacant or under-utilized industrial buildings in Hong Kong;
- (c) the application premises had been left vacant for nearly 30 years as the premises was located on LG/F and was subject to flooding during the rainy season;
- (d) professionals had been engaged to carry out the revitalization of the application premises and to overcome the various technical difficulties and constraints; and
- (e) the current intention was to sub-divide the application premises into small units to cater for young people with an entrepreneurial spirit to start their

venture in creative industries such as design and software development, etc. His intention was to help nurture young entrepreneurs by providing them with affordable shop space.

103. At this juncture, the Chairman reminded Mr Fong to focus his presentation on the reasons why he considered the application was in line with TPB PG-No. 25D and should be approved.

104. Mr Fong noted the Chairman's advice and continued to make the following main points:

- (a) it was appreciated that safety was of paramount importance;
- (b) however, as there was a buffer floor immediately above the application premises, the proposal to change the application premises into 'Shop and Services' use would not bring about any fire safety concerns; and
- (c) shops within the application premises were small in size and would unlikely generate any significant traffic impact. Preparing a traffic impact assessment (TIA) would have additional costs. However, if the submission of a TIA was an approval condition, he was prepared to engage consultants to prepare and submit the TIA to fulfill the approval condition.

105. As the applicant's representatives had finished the presentation, the Chairman invited questions from Members.

106. Noting from Plan R-4b of the Paper that the application premises had already been sub-divided into small units, a Member enquired whether the alteration works were done without prior approval. In response, Mr Fong Siu To said the alteration works were carried out based on a proposal to sub-divide the application premises into small industrial units that was approved by the Buildings Department (BD). Ms Jacinta Woo supplemented that the applicant had submitted a previous planning application (A/ST/779)

for proposed shop and services (retail shop and fast food shop) use at the same premises which was rejected by the Board. However, the applicant subsequently submitted building plans to BD for minor alteration works to sub-divide the application premises into smaller units for workshop use as shown in the layout plan at Plan R-3b of the Paper. The building plans were approved by BD and the alteration works were subsequently completed.

107. In response to a Member's enquiry on whether there was a buffer floor immediately above the application premises, Ms Jacinta Woo said that the floor immediately above the application premises (i.e. G/F) was not considered to be a buffer floor by D of FS as it was not entirely devoid of industrial uses. As shown in Plan R-3c of the Paper, the floor was not entirely used for car parking purposes but included commercial and industrial uses such as a cake shop and a warehouse. D of FS was concerned that the floor on which the application premises was located (i.e. LG/F) was not entirely used for commercial purposes but mixed with warehouse uses which would cause fire safety concerns.

108. Mr Fong Siu To however considered that D of FS's comment was not justified in view of the fact that the cake shop and warehouse uses on G/F were located at the other end of the industrial building, which had a large floor plate of about 5,800m², and faced directly onto streets.

109. As the applicant's representatives had no further comment to make and Members had no further question to raise, the Chairman informed them that the hearing procedure for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant's representatives and DPO/STN for attending the meeting. They all left the meeting at this point.

Deliberation Session

110. The Chairman said that the application was not in line with TPB PG-No. 25D in that the aggregate commercial floor area of the existing industrial building would exceed the maximum limit of 460m². He also noted that the 460m² criterion was applicable to the

application premises as it was not completely separated from the industrial portion on the upper floors by a buffer floor according to the advice of D of FS. Members agreed.

111. While agreeing that the application could not be approved based on the existing guidelines, a Member said that there might be a need to review whether it was appropriate to apply the 230m²/460m² criteria to all industrial buildings without regard to the size of the floor plate instead of adopting the fire engineering approach which would divide the premises into different compartments. In response, the Secretary said that the Secretariat would consult D of FS on whether a review/update of TPB PG-No. 25D was required, given that it was prepared in 2007.

112. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the proposed development does not comply with the Town Planning Board Guidelines No. 25D in that the aggregate commercial floor area of the existing industrial building will exceed the maximum permissible limit of 460m². The proposal is unacceptable from fire safety point of view; and
- (b) there is no information in the submission to demonstrate that inclusion and operation of the proposed commercial use would not adversely affect the traffic conditions in the local road network.”

Agenda Item 8

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/K3/547

Proposed Hotel (Guesthouse) in “Residential (Group A)’ Zone, 2nd Floor, Block A, Wah May Building, Nos. 36A – 36B Shantung Street, Mong Kok

(TPB Paper No. 9413)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

113. The following representative of Planning Department (PlanD), the applicant and his representatives were invited to the meeting at this point.

Mr Tom Yip - District Planning Officer/Tsuen Wan & West Kowloon (DPO/TWK), PlanD

Mr Tsang Chun Keung - Applicant

Mr Wong Wai Ho) Applicant's representatives

Mr Leung Kwok Ling)

114. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/TWK to brief Members on the background of the application.

115. With the aid of a Powerpoint presentation, Mr Tom Yip made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for a proposed hotel development on 2/F of the site (the application premises) which fell within an area zoned "Residential (Group A)" ("R(A)") on the Mong Kok Outline Zoning Plan (OZP);
- (b) the application was rejected by the Metro Planning Committee (MPC) on 3.5.2013 and the reasons were:
 - (i) the application involved partial conversion of an existing commercial/residential building for hotel use. As there was no separate access to exclusively serve the proposed hotel, its operation would create nuisances to the residents on the upper floors of the same building. The security measures proposed in the application

were considered not effective to avoid the shared use of the common entrance and lift of the building by the hotel guests and residents;

- (ii) the internal design and layout of the proposed hotel development were not acceptable as some of the guestrooms were not provided with windows; and
 - (iii) the approval of the application would set an undesirable precedent for similar application for partial conversion of an existing commercial/residential building for hotel use without separate access;
- (c) the applicant had not submitted any written representation in support of the review application;
- (d) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. The concerned Government departments had no objection to or no comment on the application;
- (e) public comments – two public comments were received during the statutory publication period. The Incorporated Owners (IO) of Wah May Building Block A (the subject building) expressed no objection to the proposed development because the subject hotel had maintained a good relationship with the residents of the building over the years and had positive effect on the hygiene, appearance, fire safety and security of the building. The other comment submitted by Designing Hong Kong Ltd. objected to the application on grounds that the proposed development would trigger traffic congestion; cause disturbance to the residents living in the same building; and that land zoned “R(A)” should be reserved for housing development to address shortfall of housing land; and
- (f) PlanD’s views – PlanD did not support the application based on the assessment as stated in paragraph 7 of the Paper, which were summarized

below:

- (i) the application was for proposed hotel use at the 2/F of the non-domestic podium of a commercial/residential building. As the building was only served by one lift, a common entrance on G/F facing Shantung Street and two staircases, it was considered undesirable for the residents and hotel guests to share the use of the G/F entrance and the lift. Without any separate entrance and lift for the exclusive use of the proposed hotel on 2/F, the operation of the proposed hotel might cause nuisance and inconvenience to the residents of the same building;
- (ii) the measures proposed to address the security concern including setting aside the front staircase mainly for the customers of commercial premises on the lower floors (including the proposed hotel), reserving the lift mainly for the residents, installation of a metal gate at the lift lobby to restrict the use by customers of commercial premises at night, installation of security cameras at public areas, installation of an alarm system for the exits of staircases on 2/F and installation of clear signage were considered not effective. It might not be practical to require the hotel guests who might carry large luggage to use the front staircase to access the application premises on 2/F instead of using the lift, which remained accessible to the hotel guests;
- (iii) the internal layout of the proposed guesthouse development was considered unacceptable in that two guestrooms in the middle of the application premises were not provided with windows. This was in breach of the Building (Planning) Regulations (B(P)Rs) where every room used for habitation should be provided with natural lighting and ventilation; and
- (iv) regarding the claim that the guesthouse had been in operation at the

application premises since 1980 and should be considered as an “existing use”, no concrete evidence had been provided to demonstrate that the use existed before the site was rezoned from “Commercial/Residential” to “R(A)” on the OZP on 9.10.1987 and had continued since it came into existence. The two guesthouse licences for the application premises expired in 2011 and 2012, and the application premises was currently vacant. According to the Occupation Permit of the building issued in 1972, the application premises was for office use.

116. The Chairman then invited the applicant and his representatives to elaborate on the application.

117. Mr Wong Wai Ho made the following main points:

- (a) the application was for the continued use of the existing guesthouse at the application premises which had been in operation since the 1980s;
- (b) the guesthouse had to cease operation in 2011 due to the death of the licensee and failure to renew the guesthouse licence in time;
- (c) the subject building was a composite building and the application premises was located at the commercial portion of the composite building. Owners and residents of the building were well aware of the composite nature of the building and that the lower floors of the building were for commercial uses;
- (d) the nuisance to residents caused by the shared use of the G/F entrance and lift was not related to building or fire safety as neither the Buildings Department (BD) nor Fire Services Department (FSD) required the provision of a separate access to exclusively serve the proposed guesthouse;

- (e) the guesthouse had been in operation at the application premises for over 30 years and the operator had a good relationship with the IO of the building. The guesthouse operator and the IO of the building had worked together to deal with the various management issues such as cleanliness and security. The IO supported the continued operation of the guesthouse at the application premises;
- (f) there was an agreement between the guesthouse operator and the IO that should a hotel guest and a resident be waiting for the lift at the same time, the resident would have priority in using the lift. For hotel guests with luggage, the guesthouse would provide assistance to carry the luggage using the staircase; and
- (g) there was no change to the internal layout of the guesthouse and the two guest rooms without natural lighting and ventilation were existing guest rooms. Notwithstanding this, after obtaining planning permission, the operator would still need to submit the internal layout to the licensing authority for approval. If necessary, the operator could change the use of the two guestrooms to store rooms.

[Ms Anita W.T. Ma left the meeting temporarily and Dr C.P. Lau returned to join the meeting at this point.]

118. Mr Tsang Chun Keung made the following main points:

- (a) he was the nephew of the previous owner of the guesthouse. As his uncle died without leaving a will, it caused problems in renewing the licence for the existing guesthouse;
- (b) the guesthouse mainly catered for local people with little luggage. The guestrooms were rented out on hourly rates and only for overnight stay after midnight. The residents would not be affected by the operation of the guesthouse;

- (c) the IO of the building welcomed the operation of the guesthouse as it would provide them with supplementary income; and
- (d) the two guest rooms without natural lighting and ventilation could be converted to store rooms.

119. Noting that the two guest rooms without natural lighting and ventilation was in breach of B(P)Rs, the Chairman enquired whether a licence had actually been issued for the guesthouse previously. In response, Mr Wong Wai Ho said that the guesthouse had been in operation since the 1980s. At that time, there was no licensing requirement and any person with a business licence could operate a guesthouse. In the 1990s, in order to obtain a Certificate of Exemption for the guesthouse, artificial lighting and ventilation were provided for the two guest rooms to address the concerns of relevant Government departments. Mr Tom Yip supplemented that since the enactment of the Hotel and Guesthouse Accommodation Ordinance in 1991, it became a statutory requirement for a guesthouse to obtain a licence from the Licensing Authority. Any guesthouse that was in existence at that time was allowed to continue its operation provided that a Certificate of Exemption was issued to the operator upon upgrading of the design of the guesthouse to meet certain minimum standards. For the subject premises, the guesthouse operator obtained a Certificate of Exemption from the Licensing Authority.

120. Mr Tom Yip said that the site where the application premises was located was rezoned from “Commercial/Residential” (“C/R”) to “R(A)” on 9.10.1987. While hotel/guesthouse use was previously always permitted within the “C/R” zone, planning permission for such use was required within the “R(A)” zone. If the guesthouse use was in existence before 9.10.1987 and had continued its operation since it came into existence, it could be considered as an ‘existing use’ under the Ordinance and would be tolerated. However, the applicant was unable to provide proof that the guesthouse was in existence before 9.10.1987. In response to the Chairman’s enquiry, Mr Wong Wai Ho said that as all the documents concerning the guesthouse was held by the licensee who died all of a sudden, the applicant was unable to find any documentary proof to substantiate his claim that the guesthouse was in existence before 1987.

121. In response to a Member's enquiry on the expiry date of the licence, Mr Tom Yip said that in 1991, the Licensing Authority issued two Certificates of Exemption for the operation of two guesthouses at the application premises viz. Kam Do Hotel (5 guest rooms) and Ngan Do Hotel (8 guest rooms). On 1.2.1997 and 1.8.1997, two licences were issued respectively to Kam Do Hotel and Ngan Do Hotel for operation as a guesthouse. The two licences respectively expired on 31.1.2012 and 31.7.2011. According to the site visits conducted by PlanD, the two guesthouses had ceased operation since the expiry of the licences. Mr Wong Wai Ho supplemented that the guesthouse operator was abided by the law to cease the operation of the guesthouses upon the expiry of the licences. Nevertheless, the internal layout of the guesthouses had remained intact as the operator had been trying to renew the licences or apply for new licences to continue to operate the guesthouses.

122. As the applicant and his representatives had no further comment to make and Members had no further question to raise, the Chairman informed them that the hearing procedure for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant and his representatives and DPO/TWK for attending the meeting. They left the meeting at this point.

[Ms Anita W.T. Ma returned to join the meeting at this point.]

Deliberation Session

Existing Use Status

123. A Member considered whether the guesthouse was in operation before 1987 and that it had continued its operation since then would be a relevant consideration. In response, the Chairman said that the onus of proof of the 'existing use' status of the guesthouse would rest on the applicant but the applicant was unable to provide such proof to substantiate his claim. This view was shared by a Member who noted that the applicant failed to provide any record to substantiate the claim that the guesthouse had been in operation before 1987.

124. A Member enquired whether the guesthouse could still be considered as an 'existing use' given that it had already ceased operation and would no longer meet the requirement that the use 'had continued since it came into existence'. In response, the Secretary said that even though the guesthouse had ceased operation temporarily, its 'existing use' status might remain valid provided that the use had not been abandoned. Whether the use had been abandoned would need to be determined on the facts and circumstances of each case, including the reasons for suspending the use temporarily, the period of cessation of use and any change of use during the cessation period. However, for the subject case, the Board would not need to consider the issue of 'existing use' and 'abandonment' as there was no proof to substantiate the applicant's claim that the guesthouse was in existence before 1987.

Rejection Reasons of MPC

125. The Chairman said that although no separate access was provided to serve the proposed guesthouse, the nuisance caused by the guesthouse to residents might not be a significant problem at present as the IO of the subject building had no objection to the proposal. Regarding the design and internal layout of the proposed guesthouse where two guest rooms were not provided with natural lighting and ventilation, it could be dealt with by the Licensing Authority when processing the application for a guesthouse licence. A Member agreed with the Chairman and also appreciated that the applicant had abided by the law and ceased the operation of the guesthouses pending the result of the planning application.

126. In response to the Chairman's comment, the Secretary said that the application was for the use of the premises as a guesthouse on a permanent basis. The established practice of the Board was to require the provision of a separate access to the proposed guesthouse in order to avoid causing nuisance to residents of the building. For the subject case, as the IO did not raise any objection to the proposal, if Members considered the case approvable, a temporary instead of permanent approval might be given so as to monitor the situation.

127. A Member considered that a temporary approval of three years could be considered to monitor the situation and ensure that the guesthouse would not cause nuisance to existing and future residents of the building. This was supported by another Member as the guesthouse had been in existence for a long time and the IO had expressed no objection.

Separate Access

128. A Member, however, considered that as it was an established practice to require the provision of a separate access to exclusively serve a guesthouse, the Board should adhere to the requirement. This was supported by another Member who opined that as the two guesthouses had ceased operation and their previous licences had already expired, the current application should be considered as a new application for guesthouse use and the proposed use should meet the planning requirements. As the purpose of requiring a separate access was to avoid causing nuisance to residents of the building, this Member considered that the applicant should provide proof that no nuisance would be caused.

129. A Member considered that the Board should uphold the guidelines in respect of requirement of the provision of a separate access to exclusively serve the proposed guesthouse. Even though the IO of the building indicated no objection to the application at this juncture, there was no way to guarantee that future residents of the building would agree with the IO's view.

130. At this point, the Secretary clarified that the Board had not formulated specific Town Planning Board Guidelines for the consideration of proposed guesthouse use and the established requirement of the provision of a separate access to exclusively serve a proposed guesthouse was a principle adapted from the Town Planning Board Guidelines for Application for Commercial Bathhouse and Massage Establishment (TPB PG-No. 14B), given the similar nature of commercial bathhouse/massage establishment and guesthouse. The main purpose of requiring a separate access for the proposed guesthouse use was to avoid creating nuisance to residents of the same building.

131. Noting that the purpose of requiring a separate access was to minimize disturbance to the residents of the building, a Member said that sympathetic consideration

should not be given to the current application in view of the specific mode of operation of the guesthouse as explained by the applicant at the meeting since it would very likely create nuisance to the residents. This view was echoed by another Member who considered that the mode of operation of the guesthouse was not compatible with the residential use in the same building.

132. A Member considered that it was a valid planning consideration to require a separate access to be provided in order to minimize disturbance to residents. This requirement should be adhered to.

133. A Member considered that even though the application premises had been used as guesthouse in the past, it was undesirable from the planning point of view for guesthouse use without a separate access to be mixed with residential use and the Board should take the opportunity to rectify the situation. As the guesthouse had ceased operation, it should be required to meet the planning requirements before planning permission could be granted. A Member concurred with this view.

The IO's views

134. A Member considered that the views of the IO should not be given too much weight in considering the application as it was not known how representative the IO was and whether the residents held different views from the IO's.

135. Noting that the planning application had been published for public comments and that during the statutory publication period, other residents of the building had not submitted any public comments on the application, a Member considered that the IO's views might represent the views of the residents.

136. A Member considered that the IO of a building was only authorized under the Deed of Mutual Covenant to carry out certain tasks such as on cleaning, repair and renovation matters. It might not have the authority to represent the residents in commenting on the application. The situation was quite ambivalent as the residents had not indicated their views.

137. A Member considered that the IO could to a certain extent represent the residents as the IO needed to be elected and was responsible to the owners of the building.

138. A Member was concerned that there might be residents who did not raise objection because they were not familiar with planning matters. This Member also considered that it might not be appropriate to assume that the views of the IO represented the views of all residents in the building.

139. A Member considered that the Board's consideration of the subject application should focus on whether the proposed guesthouse use without a separate access was acceptable from the planning point of view.

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

Conclusion

140. The Chairman concluded the discussion and said that Members generally agreed that the Board should not depart from its established practice to require the provision of a separate access to exclusively serve the proposed guesthouse. Members also agreed that it was undesirable for the guests of the guesthouse and residents to share the lift for access, which would cause nuisance to the residents.

141. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the application involved partial conversion of an existing commercial/residential building for hotel use. As there is no separate access to exclusively serve the proposed hotel, its operation will create nuisances to the residents on the upper floors of the same building. The security measures proposed in the application are considered not effective to avoid the shared use of the common entrance and lift of the building by the hotel

guests and residents;

- (b) the internal design and layout of the proposed hotel development are not acceptable as some of the guestrooms are not provided with windows; and
- (c) the approval of the application will set an undesirable precedent for similar application for partial conversion of an existing commercial/residential building for hotel use without separate access.”

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

Agenda Item 9

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/ YL-KTS/599

Temporary Warehouse and Ancillary Office and Open Storage (Power Generator, Machinery and Parts) for a Period of 3 Years in “Residential (Group D)” Zone, Lot 496 S.B RP (part) in D.D. 109 and Adjoining Government Land, Shek Kong Airfield Road, Kam Tin, Yuen Long

(TPB Paper No. 9412)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Mr W. S. Lau	-	District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), PlanD
Mr Raymond Leung)	
Mr Lam Tim Kit)	Applicant’s representatives
Mr Liu Chung Law)	

143. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/TMYL to brief Members on the background of the application.

144. With the aid of a Powerpoint presentation, Mr W.S. Lau made the following main points as detailed in the Paper:

- (a) the applicant applied for planning permission for temporary warehouse and ancillary office and open storage (power generator, machinery and parts) use for a period of 3 years on the application site which fell within an area zoned “Residential (Group D)” (“R(D)”) on the Kam Tin South Outline Zoning Plan (OZP);
- (b) the application was rejected by RNTPC on 24.5.2013 for the following reasons:
 - (i) the development was not in line with the planning intention of the “R(D)” zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
 - (ii) the application did not comply with the TPB Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) in that the development was not compatible with the surrounding land uses comprising agricultural land and residential dwellings/structures and there was no previous approval granted at the site;
 - (iii) the applicant failed to demonstrate that the development would not

generate adverse landscape and drainage impacts on the surrounding areas; and

- (iv) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area;
- (c) the further justifications in support of the review submitted by the applicant were summarised as follows:
 - (i) the site was in existence before the construction of Shek Kong Airfield Road. It was changed for use as a heavy truck garage and storage yard for spare parts of truck before 1990. The site situation remained unchanged up to this moment; and
 - (ii) a landscape and tree preservation proposal had been submitted in response to departmental comments;
- (d) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had reservation on the application from the landscape planning perspective. The site was vegetated with trees until around 2010 when significant vegetation clearance occurred. The site was now fully paved and fenced. The approval of the application might encourage similar development and lead to further degradation of landscape quality in the area. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) commented that the drainage plan submitted was not satisfactory. Approval conditions requiring the submission and implementation of drainage proposals should be included if the application was approved; and
- (e) PlanD’s view – PlanD did not support the application based on the

assessment in paragraph 7 of the Paper, which were summarised below:

- (i) the proposed temporary warehouse and ancillary office and open storage (power generator, machinery and parts) use was not in line with the planning intention of the “R(D)” zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. There was no strong planning justification given in the submission for departure from the planning intention, even on a temporary basis;
- (ii) the proposed development was not compatible with the surrounding land uses comprising agricultural land and residential dwellings/structures. Although there were open storage yards and workshops adjacent to and in the vicinity of the site, all of them were suspected unauthorised developments (UDs) subject to enforcement actions by the Planning Authority;
- (iii) while the applicant claimed that the site was used as a heavy truck garage and storage yard for spare parts for trucks before 1990 and the site situation remained unchanged under the current application, the site was previously rural in character and overgrown with vegetation based on the aerial photos in November 2009. The vegetation was subsequently cleared and the site was formed/paved and built with structures in 2010. The vegetation clearance/site formation and erection of structures creating a fait accompli should not be tolerated. Besides, the site was currently subject to enforcement action as the storage use on-site was a UD. Any claim for ‘existing use’ status would be a matter for the Court to decide;
- (iv) the site fell within Category 3 areas under TPB PG-No. 13E where

existing and approved open storage use should be contained and further proliferation of such use was not acceptable. In this regard, the application did not comply with TPB PG-No. 13E and did not warrant sympathetic consideration. There was no previous approval for open storage use granted at the site and the applicant had failed to demonstrate that the development would not generate adverse impacts;

(v) from the landscape planning perspective, CTP/UD&L, PlanD had reservation on the application as approval of the application might encourage similar development/vegetation clearance and lead to further degradation of landscape quality in the area. Besides, the drainage plan submitted by the applicant was not satisfactory and not yet accepted by CE/MN, DSD. In this regard, the applicant had failed to demonstrate that the proposed development would not generate adverse landscape and drainage impacts on the surrounding areas; and

(vi) similar applications approved by the Committee were located to the further southeast of the site within the same “R(D)” zone and had previous approvals granted. Approval of the application with no previous approval for similar open storage use, even on a temporary basis, would set an undesirable precedent for similar uses to proliferate into the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

145. The Chairman then invited the applicant’s representatives to elaborate on the application. Mr Raymond Leung made the following main points:

(a) the applicant was mainly involved in the import, installation and commissioning of electricity generators in China and other developing countries in Asia. The application site was bought by the applicant in

2009;

- (b) the application site was used mainly for office use (24%) with an ancillary warehouse (23%) and open storage space (7%) to store back-up starters and equipment for the power generators. The open storage use was not related to the storage of containers or other port back-up uses;
- (c) as the site was surrounded by rural industries, car repair workshops and open storage uses, the proposed warehouse use was compatible with the surrounding land uses in the vicinity of the site and approval of the application for a period of 3 years would not frustrate the long-term planning intention of the “R(D)” zoning of the site;
- (d) no sensitive receivers were found within 100m of the site and the Director of Environmental Protection had no objection to the application;
- (e) in view of the strong demand for land for high-density residential development and the proximity of the site to Shek Kong Airfield, it was likely that the current “R(D)” zoning of the area subject to a maximum plot ratio of 0.2 would be reviewed. Granting a temporary planning permission to the application would allow time for the Government to review the appropriateness of the present zoning and development intensity of “R(D)” zone;
- (f) unlike port back-up and open storage uses, the proposed office/warehouse use would not generate adverse noise, air pollution or visual intrusion to the surrounding area;
- (g) the purpose of TPB PG-No. 13E was mainly to control the proliferation of open storage and port back-up uses. As the proposed temporary use on the application site was predominantly for office and a warehouse for the storage of back-up generators with only a minor portion (7%) for open storage of its own materials, the said TPB Guidelines might not be

applicable to the currently proposed use;

- (h) compared with the other existing open storage uses in the vicinity, the applicant's site was clean and tidy. The proposed development was acceptable to the local community and did not generate adverse impacts on the surrounding areas. It would bring economic benefit and employment opportunities to the community;
- (i) the site had been used in the 1990s for open storage. To address the landscape concerns, the applicant had submitted a landscape and tree preservation proposal to the Board for consideration. The applicant had also submitted a drainage proposal to address the drainage concerns;
- (j) the applicant was willing to further improve the site condition by deleting the ancillary open storage facilities and to comply with all the approval conditions imposed by the Board, should the application be approved. The applicant was also willing to accept a shorter approval period.

146. Mr Liu Chung Law made the following main points:

- (a) the company was moved to the site in short notice as the original site/warehouse was affected by the Express Rail Link project;
- (b) as the application site was specified on the DD sheet as open storage, the applicant misunderstood that the land could be used for open storage purposes when it was bought;
- (c) the company used to serve the Mainland in providing power generators for various projects. However, the demand for power generators had shifted from the Mainland to other overseas countries and the company was facing difficulties in finding business. To help Hong Kong's small and medium enterprises, the Board should give sympathetic consideration to the application;

- (d) as there was no previous record of flooding at the subject site, the applicant did not consider that a drainage proposal was necessary. Moreover, the proposal would not cause any sewerage, fire safety and traffic issues;
- (e) the application site would only be used for the storage of components that were small in size, awaiting use in overseas projects; and
- (f) no complaints were received on the proposed use and the traffic impact would not be significant.

147. As the applicant's representatives had finished the presentation, the Chairman invited questions from Members.

148. A Member enquired whether TPB PG-No. 13E was relevant to the application if the proposed use was mainly for office and warehouse use. In response, Mr W.S. Lau said that according to TPB PG-No. 13E, the definition of open storage uses included temporary structures made of galvanized sheeting as these did not radically differ from the appearance, nature or impact of operations carried out in open accommodations. As the proposed office and warehouse uses in the application site were accommodated in a temporary structure which had not been approved by the Building Authority (BA), TPB PG-No. 13E would be applicable.

149. Contrary to the applicant's claim that no sensitive receivers were found within 100m of the site, Mr W.S. Lau pointed out that domestic structures were found in the vicinity to the east and to the south of the site. Making reference to aerial photos taken in 1990 and 1991 shown on the visualizer, Mr W. S. Lau continued to say that there was some vegetation, some paved areas and some areas for car parking use on the application site at the time. No large scale open storage uses were found. In 2009, as shown on Plan R-3c of the Paper, the site was still mostly vegetated. The site was only cleared and used for open storage use in 2010. In this regard, the applicant's claim that open storage was an 'existing use' was unsubstantiated. In response, Mr Raymond Leung said that he had

never claimed that the open storage use was an 'existing use' at the site. The point he wanted to make was that the use of the site had changed in the last few years and the site was not always covered by vegetation.

150. The Chairman asked the applicant to clarify whether the application was for open storage use as indicated in the application form or, as stated at the meeting, the site was not used for open storage but was mainly for office and warehouse use. In response, Mr Raymond Leung said that although the application was for open storage use, he wanted to emphasize that only a small part of the site was used for the open storage of equipment and that office and warehouse were the main uses at the application site.

151. A Member enquired whether the 2-storey structure currently found on the site was approved by the relevant authorities. In response, Mr Liu Chung Law said that they had not submitted any building plans to Buildings Department (BD). However, he understood from the previous owner of the site that temporary structures could be built and, based on his own experience, he only needed to pay rates for the temporary structures. Mr Raymond Leung supplemented that even though the temporary structures were without BD's approval, BA would not carry out enforcement action against the unauthorized structures if a Short Term Waiver was obtained from the District Lands Officer.

152. In response to the Chairman, Ms Bernadette Linn said that the subject site was an agricultural lot and the approval of the Director of Lands (D of Lands) was required for the development of any structures on the lot. She said that there was no record of any approval having been granted by the Lands Department for the development of temporary structures on the site.

153. As the applicant's representatives had no further comment to make and Members had no further question to raise, the Chairman informed them that the hearing procedure for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant's representatives and DPO/TMYL for attending the meeting. They left the meeting at this point.

Deliberation Session

154. The Chairman said that the proposed temporary warehouse and ancillary office and open storage use was not in line with the planning intention of the “R(D)” zone. Moreover, the application did not comply with TPB PG-No. 13E as the development was not compatible with the surrounding land uses comprising agricultural land and residential dwellings. Members agreed.

155. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the development is not in line with the planning intention of the “R(D)” zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with TPB Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) in that the development is not compatible with the surrounding land uses comprising agricultural land and residential dwellings/structures and there is no previous approval granted at the site;
- (c) the applicant fails to demonstrate that the development would not generate adverse landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative effect of approving such applications would result in a general

degradation of the rural environment of the area.”

Agenda Item 10

[Open Meeting]

Request for Deferral of Review of Application No. A/YL-PH/665

Temporary Tabernacle Camp and Picnic Sites for a Period of 3 Years in “Conservative Area” and “Residential (Group D)’ Zones, Lots 153 (Part), 157 (Part), 158 (Part) and 159 (Part) in D.D. 108 and Adjoining Government Land, Pat Heung, Yuen Long

(TPB Paper No. 9410)

[The meeting was conducted in Cantonese.]

156. The Secretary reported that on 22.8.2013, the applicant wrote to the Secretary of the Town Planning Board (the Board) requesting the Board to defer making a decision on the review application for a period of two months in order to allow time for preparation of further information to support the review application. This was the first request for deferral by the applicant for the review application.

157. Members noted that 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) in that the applicant needed more time to prepare documentation for the review, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

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

[Ms Anita W.T. Ma left the meeting at this point.]

Agenda Item 11

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-KTN/405

Temporary Open Storage of Construction Machinery for a Period of 3 Years in “Agriculture” Zone, Lot 1207 (Part) in D.D. 109, Kam Tin, Yuen Long

(TPB Paper No. 9411)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

159. The following representative of Planning Department (PlanD) was invited to the meeting at this point.

Mr. W.S. Lau - District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), PlanD

160. The Chairman extended a welcome and explained the procedure of the review hearing. As the applicant had decided not to attend the hearing, the Chairman indicated that the Board would proceed with the review hearing in the absence of the applicant. He then invited DPO/TMYL to brief Members on the background of the application.

161. With the aid of a Powerpoint presentation, Mr. W.S. Lau made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary open storage of construction machinery for a period of 3 years at the application site which fell within an area zoned “Agriculture” (“AGR”) on the Kam Tin North Outline Zoning Plan (OZP);

- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 24.5.2013 and the reasons were:
- (i) the development was not in line with the planning intention of the “AGR” zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
 - (ii) the application did not comply with the TPB Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” in that the development was not compatible with the surrounding land uses which were predominantly rural in character; there was no previous approval granted at the site and there were adverse comments from the relevant Government departments and public objections against the application;
 - (iii) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
 - (iv) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area;
- (c) no written representation was submitted by the applicant in support of the review application;
- (d) departmental comments – the departmental comments were summarized

in paragraph 4 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there were active agricultural activity in the vicinity and the site had high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application as sensitive receivers were located to the immediate east (about 2m away) and in the vicinity of the site, and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD also did not support the application. The site had recently been paved and was currently used for open storage for construction materials and machinery. The proposed open storage use was considered incompatible with the surrounding agricultural setting. The approval of the application might set an undesirable precedent for other similar applications in the area, resulting in further degradation of landscape quality within the “AGR” zone;

- (e) public comments – two public comments were received from Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation objecting to the application on the grounds that the development was incompatible with the zoning intention and the surroundings, agricultural land should be preserved to safeguard the food supply for Hong Kong, there was sufficient supply of land for storage use, and approval of the application would set an undesirable precedent; and
- (f) PlanD’s views – PlanD did not support the application based on the assessment as stated in paragraph 6 of the Paper, which were summarized below:
 - (i) the development was not in line with the planning intention of the “AGR” zone which was to retain and safeguard good quality agricultural land for agricultural purpose. This zone was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC did not support the application as there was active

agricultural activity in the vicinity and the site had high potential for agricultural rehabilitation. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis;

- (ii) the current application was a “Destroy First, Build Later” case. The Planning Authority had issued an Enforcement Notice (EN) and a Reinstatement Notice (RN) to the concerned parties requiring the discontinuance of the relevant operation and reinstatement of the concerned land by removing the miscellaneous objects, the hard paving, debris and fill materials on the land, and to grass the land. As the RN requirements had not been fulfilled, the notice recipients were now subject to prosecution action. In this regard, the application should be assessed based on the expected state of the site upon compliance with the RN, whereby the site would be covered by grass. As the development would require site formation and paving, it would change the state of the site from grassland to paved land. The open storage use would not be compatible with the surrounding land uses which were rural in character predominated by agricultural land and scattered residential structures/dwellings;

- (iii) the application did not comply with TPB PG-No. 13E in that there was no previous approval for open storage use granted at the site. Moreover, DEP did not support the application as there were sensitive receivers (residential structures) to the immediate east (about 2m away) and in the vicinity of the site and environmental nuisance was expected. The application was also not supported from the landscape point of view as the proposed development was incompatible with the surrounding agricultural setting and would result in further degradation of the landscape quality. Besides, no submission was made to demonstrate that the development would not generate adverse drainage impact. In this regard, the applicant had failed to demonstrate that the development would not generate

adverse environmental, landscape and drainage impacts on the surrounding areas; and

- (iv) although similar applications within the same “AGR” zone had been approved with conditions, they were located at the eastern portion of the zone about 700m to 1km away from the site. Most of the approved similar applications fell within Category 2 areas under TPB PG-No. 13E, where temporary planning permission could be granted subject to no adverse departmental comments and no local objections or the concerns of the departments and local residents could be addressed by appropriate approval conditions. While three applications (A/YL-KTN/343, A/YL-KTN/363 and A/YL-PH/618) fell within Category 3 areas, they were approved mainly on the consideration that their original sites were resumed for the Express Railway project and the developments were not incompatible with the surrounding open storage uses. In comparison, the current application site fell within Category 3 areas without previous approval and was located in an area which was predominantly rural in character.

162. As Members had no question to raise, the Chairman said that the hearing procedure for the review had been completed and the Board would deliberate on the application and inform the applicant of the Board’s decision in due course. The Chairman thanked DPO/TMYL for attending the meeting. He left the meeting at this point.

Deliberation Session

163. The Chairman noted and Members generally agreed that the proposed temporary open storage of construction machinery was not in line with the planning intention of the “AGR” zone and did not comply with TPB-PG No. 13E. Members also noted that the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas.

164. 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 Paper and considered that they were appropriate. The reasons were:

- “(a) the development is not in line with the planning intention of the “AGR” zone which is to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with TPB Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” in that the development is not compatible with the surrounding land uses which are predominantly rural in character; there is no previous approval granted at the site and there are adverse comments from the relevant Government departments and public objections against the application;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

Agenda Item 12

[Open Meeting]

Request for Deferral of Review of Application No. A/H10/84

House (Private Garden and Swimming Pool) in “Green Belt” Zone, Government Land

Adjoining House B1, Villa Cecil, 200 Victoria Road, Pok Fu Lam

(TPB Paper No. 9414)

[The meeting was conducted in Cantonese.]

165. The Secretary said that Mr Ivan C.S. Fu had declared interest in this item as he owned a flat in the Cyber Port area. Members noted that Mr Fu had tendered his apology for being unable to attend the meeting.

166. The Secretary said that on 15.8.2013, the applicant wrote to the Secretary of the Town Planning Board (the Board) requesting the Board to defer making a decision on the review application for a period of three months in order to allow time for preparation of supplementary information in support of the review application. This was the first request for deferral by the applicant for the review application.

167. Members noted that 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) in that the applicant needed more time to prepare documentation for the review, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties. Members, however, noted that the request for deferment of 3 months did not tally with the general practice of allowing a deferment of 2 months as set out in TPB PG-No. 33.

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

Agenda Item 13

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations to the Draft Ho Chung Outline Zoning Plan No. S/SK-HC/10

(TPB Paper No. 9428)

[The meeting was conducted in Cantonese.]

169. The Secretary briefly introduced the Paper. On 10.5.2013, the draft Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/10 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The proposed amendments were mainly related to the rezoning of a site at Nam Pin Wai Road from “Residential (Group C)1” (“R(C)1”) to “Village Type Development” (“V”), the addition of two symbols on the Plan for linking three sites zoned “V” at Wo Mei, and related amendments to the Notes of the Plan. During the two-month exhibition period, one representation was received related to the rezoning of the site at Nam Pin Wai Road. On 19.7.2013, the representation was published for public comments and, in the first three weeks of the publication period, no public comment was received.

170. As the representation was related to the rezoning of a site for village type development, it was considered more effective and efficient for the representation to be considered by the full Board. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. The hearing was tentatively scheduled to be held on 1.11.2013.

171. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of the representation as detailed in paragraph 3 of the Paper.

Agenda Item 14

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations to the Draft Clear Water Bay Peninsula North Outline Zoning Plan No. S/SK-CWBN/5

(TPB Paper No. 9429)

[The meeting was conducted in Cantonese.]

172. The Secretary briefly introduced the Paper. On 10.5.2013, the draft Clear Water Bay Peninsula North Outline Zoning Plan (OZP) No. S/SK-CWBN/5 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The proposed amendments were mainly related to the rezoning of a piece of land at the junction of Pik Sha Road and Clear Water Bay Road from “Green Belt” (“GB”) to “Residential (Group C)10” (“R(C)10”), the rezoning of a piece of land at Pik Sha Road from “GB” to “Government, Institution or Community” (“G/IC”), and the related amendments to the Notes of the Plan. During the two-month exhibition period, two representations were received. On 19.7.2013, the representations were published for public comments and, in the first three weeks of the publication period, no public comment was received.

173. As both representations were related to the rezoning of the two sites mentioned above, it was considered more efficient and appropriate for the representations to be considered by the full Board. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. As the two representations were similar and inter-related in nature, it was suggested that the Board should consider the representations collectively in one group. The hearing was tentatively scheduled to be held on 18.10.2013.

174. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of the representations as detailed in paragraph 3 of the Paper.

Agenda Item 15

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations to the Draft Tsuen Wan Outline Zoning Plan No. S/TW/30

(TPB Paper No. 9438)

[The meeting was conducted in Cantonese.]

175. Ms Christina M. Lee had declared interest in this item as she owned an industrial building in the area. As this was a procedural matter and deliberation was not required, Members agreed that Ms Lee could be allowed to stay at the meeting.

176. The Secretary briefly introduced the Paper. On 16.5.2013, the draft Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/30 was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). The proposed amendments were mainly related to the rezoning of Tsuen Wan Town Lot (TWTL) 393 from “Undetermined” (“U”) to “Comprehensive Development Area (7)” (“CDA(7)”) with the stipulation of building height and gross floor area restrictions, the designation of a non-building area on the Plan and the requirement for the provision of a public open space, and the rezoning of two pieces of land at Sheung Kwai Chung Village from “Open Space” (“O”) to “Village Type Development” (“V”). During the two-month exhibition period, 24 representations were received, all of which were related to the rezoning of TWTL 393. On 26.7.2013, the representations were published for public comments and, in the first three weeks of the publication period, no public comment was received.

177. As all the representations were related to the rezoning of TWTL 393, it was considered more efficient for the representations to be considered by the full Board. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. As the representations were all concerned with the same site and were similar in nature, it was suggested that the Board should consider the representations collectively in one group. The hearing was tentatively scheduled to be held in October 2013.

178. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of the representations as detailed in paragraph 3 of the Paper.

Agenda Item 16

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Further Representations to the Draft Pak Sha O Development Permission Area Plan No. DPA/NE-PSO/1

(TPB Paper No. 9442)

[The meeting was conducted in Cantonese.]

179. The Secretary briefly introduced the Paper. On 7.12.2012, the draft Pak Sha O Development Permission Area (DPA) Plan No. DPA/NE-PSO/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, 41 representations were received. On 1.3.2013, the representations were published for public comments and, in the first three weeks of the publication period, 20 public comments were received.

180. On 26.7.2013, the Town Planning Board (the Board) considered the representations and comments and decided to partially uphold representations R6 to R41 by:

- (a) amending the Covering Notes and the Remarks of the Notes of the “V” zone” stating that any demolition of or any addition, alteration and/or modification to or redevelopment of an existing building would require planning permission from the Board; and
- (b) amending the Notes of the “V” zone by deleting “House (New Territories Exempted House only)” in Column 1 and “House (not elsewhere specified)” in Column 2 and by adding “House” in Column 2 so that any house development including NTEH within the “V” zone would require planning permission from the Board.

181. On 9.8.2013, the proposed amendments to partially uphold the representations were exhibited for public inspection under section 6C(2) of the Ordinance. Upon expiry of the three-week exhibition period, 12 further representations were received.

182. In accordance with section 6D(1) of the Ordinance, “any person, other than that who has made any representation or comment after the consideration of which the proposed amendments were proposed, may make further representation to the Board in respect of the

proposed amendments”. As further representations F5 to F12 were submitted by the Village Representative of Pak Sha O, Sai Kung North Rural Committee, local villagers, Designing Hong Kong Limited and an individual, who were the original representers and commenters, they were considered as invalid and should be treated as not having been made. In this regard, there were only four valid further representations, i.e. F1 to F4.

183. As the representations and comments were considered by the full Board on 26.7.2013, it was considered more appropriate for the full Board to hear the further representations. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. As the subjects of further representations were all concerned with the provisions of the “V” zone in the Notes, it was suggested that the Board should consider the further representations collectively in one group. The hearing was tentatively scheduled to be held on 4.10.2013. The original representers R1 to R41, the related commenters C1 to C20 and the further representers F1 to F4 would be invited to the hearing.

184. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of the representations as detailed in paragraph 3 of the Paper. Members also agreed that further representations F5 to F12 were invalid and should be treated as not having been made.

Agenda Item 17

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations to the Draft Wan Chai North Outline Zoning Plan No. S/H25/3

(TPB Paper No. 9450)

[The meeting was conducted in Cantonese.]

185. The Secretary briefly introduced the Paper. On 24.5.2013, the draft Wan Chai North Outline Zoning Plan (OZP) No. S/H25/3 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The proposed amendments

were mainly related to the rezoning of a site to the north of Great Eagle Centre and Harbour Centre to “Comprehensive Development Area” (“CDA”), the rezoning of an area between Hong Kong Exhibition and Convention Centre (HKCEC) and HKCEC Extension to “Other Specified Uses” annotated “Exhibition Centre” (“OU(Exhibition Centre)”), the rezoning of the Harbour View International House from “Government, Institution or Community” (“G/IC”) to “G/IC(5)”, the rezoning of a strip of land at Tonnochy Road from an area shown as ‘Road’ to “G/IC(1)”, and related amendments to the Notes. During the two-month exhibition period, one representation was received related to the Notes of the “CDA” and “G/IC(5)” zones and the revision to the Notes of the G/IC” zone. On 2.8.2013, the representation was published for public comments and, in the first three weeks of the publication period, no public comment was received.

186. As there was only one representation, it was considered more efficient for the representation to be considered by the full Board. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. The hearing was tentatively scheduled to be held on 18.10.2013.

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

Agenda Item 18

A.O.B.

[The meeting was conducted in Cantonese.]

- (i) Consideration of Representations and Comments to the Tsim Sha Tsui Outline Zoning Plan S/K1/27

[Open Meeting]

188. The Secretary said that at the consideration of the representations and comments to the Tsim Sha Tsui OZP No. S/K1/27, Members requested PlanD to consult the relevant Government departments on the need to provide community and social welfare facilities at

the Middle Road Multi-Storey Car Park site. The Social Welfare Department and Home Affairs Department were subsequently consulted and they indicated that they did not require the provision of social welfare facilities or community facilities at the site. The Chairman supplemented that although there was a need for the provision of a community hall in the area, the Government would find an alternative site for the proposed community hall.

189. There being no other business, the meeting closed at 5:15 p.m.