

**Minutes of 1100th Meeting of the  
Town Planning Board held on 27.11.2015**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Mr Michael W.L. Wong

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor Eddie C.M. Hui

Ms Julia M.K. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Deputy Director of Environmental Protection  
Mr C.W. Tse

Deputy Director of Lands  
Mr Jeff Y.T. Lam

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

Director of Planning  
Mr K.K. Ling

Deputy Director of Planning/District  
Mr Raymond K.W. Lee

Secretary

**Absent with Apologies**

Professor P.P. Ho

Dr C.P. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Bonnie J.Y. Chan

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Ms Christina M. Lee

Principal Assistant Secretary for Transport and Housing

Ms Winnie M.W. Wong

**In Attendance**

Assistant Director of Planning/Board

Ms Lily Y.M. Yam

Senior Town Planner/Town Planning Board

Mr Stephen K.S. Lee

**Agenda Item 1**

[Open meeting]

Confirmation of Minutes of the 1098th Meeting held on 5.11.2015 and 1099th Meeting held on 13.11.2015

[The meeting was conducted in Cantonese.]

1. The minutes of the 1098th and 1099th Meetings held on 5.11.2015 and 13.11.2015 respectively were confirmed without amendments.

**Agenda Item 2**

Matters Arising

- (i) Court of Appeal Miscellaneous Proceedings (CACV 230/2014) (on appeal from HCMP No. 2781 of 2012) between Regal Shining Limited and the Secretary for Justice (on behalf of the Director of Lands Department and the Town Planning Board)
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[Open Meeting] [The meeting was conducted in Cantonese.]

2. The Secretary informed Members that a Court judgment had been handed down on an appeal regarding Hong Dao Tong in Kwai Chung, which was sent to Members before the meeting. He recapitulated that on 21.11.2014, the Board was briefed on an appeal lodged by the plaintiff against the Court of First Instance's (CFI) judgment on the Miscellaneous Proceedings on similar grounds of challenge in the CFI hearing. The two essential issues in the appeal were :

- (a) whether General Condition No. 15 of Sale (GC 15) as incorporated in the New Grant No. 3306 governing the site prohibited the storage of ashes on the Lot – a matter of contractual interpretation (the GC 15 Issue); and
- (b) whether the columbarium within Hong Dao Tong contravened the Outline Zoning Plan (OZP) under which 'Religious Institution' ('RI') was a permitted

use but 'Columbarium' was not – a matter of statutory interpretation (the OZP Issue).

### Gist of Judgment

3. The appeal was heard by the Court of Appeal (CA) on 13.10.2015. On 16.11.2015, the CA dismissed the appeal by the Plaintiff with a costs order nisi in favour of the Government. The main points made by the CA were summarized below:

#### Lease Issue

- (a) the CA ruled in favour of the Lands Department and concluded that the CFI was correct in holding that the term "human remains" in GC15 included cremated ashes. The deposit of such ashes in the columbarium was a contravention of GC15;

#### OZP Issues

- (b) the CA ruled in favour of the Board and saw no merit in the appeal on the OZP issue. The main points were as follows:
  - (i) the Plaintiff argued that Hong Dao Tang, being a 'RI' could use the land for columbarium on the basis that it was ancillary to the 'RI' use. That argument was rejected by the CA. From the land-use and planning point of view, it would not be right to group all such different functions into one single use as 'RI'. The correct approach was to ask whether in substance different primary uses were being made. Distinct uses not regarded as incidental or ancillary to the primary use should comply with the OZP. Any other approach was unacceptable as it would give free rein to a religious organisation to carry on activities without regard to the planning intention of the OZP so long as it also functioned as a RI. That was an unwarranted extension of the meaning of 'RI'; and
  - (ii) the primary and core function of a 'RI' must be activities like the

conducting of religious services and saying of prayers. Having regard to the scale of the columbarium at Hong Dao Tong (26,000 niches), the CA did not agree that it could be described as being ancillary to the use of a 'RI'. Nor could it be regarded as integral or incidental to the operation of the temple in terms of its core religious activities.

4. Members noted the Court's judgment and that the plaintiff had 28 days from the date of the judgement (i.e. up to 14 December 2015) to apply for leave to an appeal to the Court of Final Appeal, and agreed that the Secretary should represent the Board in all matters relating to the subject Court case in the usual manner.

(ii) Matters Arising (ii)

[Confidential Item] [Closed Meeting]

5. This item was recorded under confidential cover.

[Mr Wilton W.T. Fok and Mr Peter K.T. Yuen arrived to join the meeting during consideration of Matters Arising (ii).]

(iii) Matters Arising (iii)

[Confidential Item] [Closed Meeting]

6. This item was recorded under confidential cover.

[Ms Janice W.M. Lai and Ms Julia M.K. Lau arrived to join the meeting during consideration of Matters Arising (iii).]

(iv) Matters Arising (iv)

[Confidential Item] [Closed Meeting]

7. This item was recorded under confidential cover.

[Mr Dominic K.K. Lam arrived to join the meeting while Professor Eddie C.M. Hui left the meeting during consideration of Matters Arising (iv).]

- (v) Matters Arising (v)  
[Confidential Item] [Closed Meeting]

8. This item was recorded under confidential cover.

[Mr Dominic K.K. Lam and Ms Janice W.M. Lai left the meeting temporarily for having declared an interest on the item while Ms Anita W.T. Ma arrived to join the meeting during consideration of Matters Arising (v).]

- (vi) Replacement of the Draft Tung Chung Valley Development Permission Area (DPA) Plan No. DPA/I-TCV/1 by a New OZP  
[Closed Meeting] [The item was conducted in Cantonese.]

[Mr Dominic K.K. Lam and Ms Janice W.M. Lai returned to join the meeting at this point.]

9. The Secretary reported that a paper had been tabled at the meeting with salient points highlighted below:

Background

- (a) on 14.8.2015, the draft Tung Chung Valley DPA Plan was submitted to the Town Planning Board (the Board) for consideration;
- (b) in considering the DPA Plan, the Board noted that its publication was to meet the urgent need to provide interim planning control against further proliferation of undesirable uses and degradation of the natural environment and rural character of Tung Chung Valley (the Area). The Board also noted that upon finalization of the Recommended Outline Development Plan (RODP) formulated under the Tung Chung New Town Extension Study (Tung Chung Study), an OZP would be prepared for the Area;
- (c) upon the Board's agreement, the draft Tung Chung Valley DPA Plan No. DPA/I-TCV/1 was exhibited for public inspection under section 5 (s.5) of the

Town Planning Ordinance (the Ordinance) on 21.8.2015. 652 representations were received (with 631 in the form of standard submissions). The representations were published for comments on 20.11.2015;

- (d) the Tung Chung Study including formulation of the RODP had been completed. A new OZP covering Tung Chung Valley together with the draft Tung Chung Extension Area OZP and the proposed amendments to the Tung Chung Town Centre Area OZP were tentatively scheduled for submission to the Board for consideration on 11.12.2015;

#### Legal Advice

- (e) s.20(6) of the Ordinance provided that where land that was within a DPA plan was included in an OZP, the DPA plan ceased to be effective in relation to that land;
- (f) legal advice had been sought which confirmed that :
  - (i) a DPA plan might be replaced by an OZP any time within the effective period of a DPA plan;
  - (ii) there was a reasonable argument that the representation/comment (if any) in relation to the land on the DPA plan might be considered as invalid due to the fact that the DPA plan in question had ceased to be effective; and
  - (iii) it would be prudent to inform the representers and commenters concerned that the DPA plan had ceased to be effective due to the replacement of the DPA plan by a new OZP, and that the plan-making process for the DPA plan might not be required to be completed as the DPA plan had been replaced by a new OZP.

10. Members noted that the new Tung Chung Valley OZP, if agreed by the Board, would be exhibited under s.5 of the Ordinance. The DPA Plan would cease to be effective and the plan-making process of the DPA plan would not proceed further; and that the



representers and commenters in respect of the DPA plan would be informed of the above subject to the Board's agreement to replace the DPA Plan with the new OZP. Members also noted that the attention of representers and commenters would be drawn that they could make representations in respect of the new OZP under the provisions of the Ordinance.

### **Kowloon District**

#### **Agenda Item 3**

[Open Meeting]

Consideration of Representations in respect of the Draft Ma Tau Kok Outline Zoning Plan No. S/K10/21

(TPB Paper No. 10035)

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[The item was conducted in Cantonese and English.]

11. As Amendment Item A was for a proposed public housing to be undertaken by the Housing Department, which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests on the item:

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|---|---|---|
| Mr Stanley Y.F. Wong<br>(Vice-chairman) | - | being a member of the HKHA and its Strategic Planning Committee, and the Chairman of the Subsidised Housing Committee of HKHA |
| Professor P.P. Ho                       | - | being a member of the Building Committee of HKHA  |
| Ms Julia M.K. Lau                       | - | being a member of the HKHA and its Commercial Properties Committee and Tender Committee                                       |
| Mr H.F. Leung                           | - | being a member of the Tender Committee of HKHA  |

- Mr K.K. Ling - being a member of the Strategic Planning  
(as Director of Planning) Committee and Building Committee of HKHA
- Mr Jeff Y.T. Lam - being a representative of the Director of Lands  
(as Deputy Director of Lands) who was a member of HKHA
- Mr Martin W.C. Kwan - being an alternate representative of the Director  
(as Chief Engineer (Works), of Home Affairs who was a member of the  
Home Affairs Department) Strategic Planning Committee and Subsidised  
Housing Committee of HKHA
- Mr Ivan C.S. Fu ]  
Ms Janice W.M. Lai ] having business dealings with HKHA  
Mr Patrick H.T. Lau ]  
Mr Dominic K.K. Lam ]
- Dr Lawrence W.C. Poon - his spouse being an employee of the Housing  
Department but not involved in planning work

12. Members agreed that the Vice-chairman and Members who had affiliation with HKHA should be invited to leave the meeting temporarily for this item. Members also noted that Mr Patrick H.T. Lau had not yet arrived to join the meeting whilst Professor P.P. Ho and Mr Ivan C.S. Fu had tendered apologies for not being able to attend the meeting.

[Mr Stanley Y.F. Wong, Ms Julia M.K. Lau, Ms Janice W.M. Lai, Mr H.F. Leung, Mr Dominic K.K. Lam, Mr Jeff Y.T. Lam, Mr Martin W.C. Kwan and Mr K.K. Ling left the meeting temporarily for this item at this point. Dr Lawrence W.C. Poon also left the meeting temporarily at this point.]

13. The Chairman said that reasonable notice had been given to the representers to invite them to attend the hearing. Members agreed to proceed with the hearing of the representations 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.

Presentation and Question Sessions

14. The following government representative, representers and representer's representative were invited to the meeting:

Mr Tom C.K. Yip - District Planning Officer/Kowloon,  
Planning Department (DPO/K, PlanD)

R116 – Sophia Yeung

Ms Sophia Yeung Representer

R135 - 徐傑暉

Mr Tsui Kit Fai Representer

R146 – Designing Hong Kong Limited (DHKL)

Mr Paul Zimmerman Representer's representative

15. The Chairman extended a welcome and explained the procedures of the hearing. The oral submission should be confined to the grounds of representations in the written representations already submitted to the Board during the exhibition period of the draft Ma Tau Kok Outline Zoning Plan No. S/K10/21 (the Plan).

16. He then invited Mr Tom C.K. Yip, DPO/K, to brief Members on the background to the representations.

17. With the aid of a Powerpoint presentation, Mr Tom C.K. Yip made the following main points as detailed in the TPB Paper No. 10035:

Introduction

(a) on 15.5.2015, the draft Ma Tau Kok Outline Zoning Plan (OZP) No.

S/K10/21 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments were:

- (i) rezoning of a site at the junction of Sung Wong Toi Road and To Kwa Wan Road from “Comprehensive Development Area (3)” (“CDA(3)”) to “Residential (Group A)” (“R(A)”) (Item A);
  - (ii) rezoning of a site at the junction of Mok Cheong Street and To Kwa Wan Road from “CDA(3)” to “Government, Institution or Community” (“G/IC”) (Item B); and
  - (iii) rezoning of a site at the junction of Ma Tau Wai Road and Ma Hang Chung Road from “G/IC” to “R(A)” (Item C) ;
- (b) a total of 146 representations and one comment were received. As the comment was not related to any of the amendment items, the Town Planning Board (the Board) on 25.9.2015 agreed that the comment was invalid and that all representations were to be considered collectively in one group;

#### Consultation

- (c) on 2.4.2015, PlanD consulted the Housing and Infrastructure Committee of the Kowloon City District Council (KCDC). KCDC generally supported Items A and B and raised that more parking facilities should be provided in the public housing development under Item A for use by the public, more public housing sites should be identified in the area and more social welfare facilities should be provided in the sites;
- (d) on 30.4.2014, PlanD consulted the Task Force on Kai Tak Harbourfront Development (TFKT). TFKT concluded that it would not indicate either support or objection to the proposal but had the following views:
  - (i) there were interface and connectivity concerns of the sites under Items

A and B with other developments in the vicinity and the harbourfront respectively;

- (ii) the “R(A)” and “G/IC” sites under Items A and B should be swapped to allow provision of at-grade and barrier-free access to the proposed Multi-Purpose Sports Complex (MPSC) at Kai Tak Development; and
- (iii) there were concerns on the possible noise and nuisance caused by users of the future MPSC to the residents in the public housing estates;

### The Representations

- (e) the 146 representations were submitted by individuals and concerned groups including 春田街(雙號)重建關注組 (R10), 社區文化關注 (R27), 灣仔基層住屋權益組 (R90) and Designing Kong Kong Limited (DHKL) (R146). All were related to Item A (143 supported and 3 opposed), 129 related to Item B (127 supported and 2 opposed) and 70 related to Item C (10 supported and 60 opposed);

### Grounds of Representations and Responses

- (f) the main grounds of the representations were summarized in paragraph 4.2 of the Paper. Concerned government bureaux and departments had been consulted on the representations and their latest assessments were set out in the responses summarized in paragraph 5.4 of the Paper. The main grounds of representations and departmental responses were highlighted below:

#### Item A

##### *Supportive Representations (R1 to R142 and R144)*

- (g) the site could provide affordable housing to meet the housing needs and for

residents living in old buildings in the same district as well as provision of community facilities including public open space;

*Adverse Representations (R143, R145 and R146)*

(h) locations of Items A (public housing development) and B (Hong Kong Society for the Blind (HKSB)'s redevelopment) should be swapped and the combined site of Items A and B should be connected with a footbridge specially designed for the visually impaired leading to MPSC and Kai Tak harbourfront area (R146);

(i) the responses to the above ground were:

- the proposal would require HKSB's agreement and additional land administrative procedures which might affect the timely development of the public housing and HKSB's projects;
- two at-grade pedestrian crossings were planned at Sung Wong Toi Road and To Kwa Wan Road to enhance the overall pedestrian connectivity within the area;

*Item B*

*Supportive Representations (R1 to R4, R6, R27 to R83, R86 to R88, and R90 to R118)*

(j) the site could be better utilized to increase and diversify the provision of welfare/community services to meet the needs of the visually impaired, the aged and the locals;

(k) the response to the above ground was that HKSB would consider the type and mix of social welfare facilities at the detailed design stage in consultation with the Director of Social Welfare (DSW);

*Adverse Representations (R144 and R146)*

- (l) R144 opposed the amendment without stating the ground. The grounds of R146 and the responses were stated in (h) and (i) under Item A above;

Item C

*Supportive Representations (R3 to R5, R7, R8 and R143)*

- (m) the site could be used for Public Rental Housing (PRH) development under the “R(A)” zoning (R3, R5, R7, R8 and R143);
- (n) the response to the above ground was that the rezoning was to reflect an existing private residential development at the site, i.e. One Elegance;
- (o) the site could increase land supply for housing development (R4);

*Adverse Representations (R84 to R142, R145)*

- (p) the site should be retained for GIC use (R88);
- (q) the site should be for PRH (R89 and R145);
- (r) the responses to the above grounds were that the rezoning was to reflect the existing private residential development at the site. Retaining the site for “G/IC” was not appropriate;
- (s) there was a lack of open space in the area (R90 and R91);
- (t) the responses to the above ground were:
- as there was an existing development at the site, changing the use of the site to open space was not possible; and

- there was a surplus of district open space in Ma Tau Kok and local open space in Kowloon City as a whole. Abundant open space was also planned for the Kai Tak area;

### Representers' Proposals and Responses

#### Item A

- (u) to develop PRH at the site (R1 to R8, R11 to R25, R27 to R41, R43 to R81, R83, R86 to R95, R97 to R99, R101, R103 to R109, R111 to R114, R116 to R124, R128, and R143 to R145);
- (v) the response to the above ground was that the site was proposed for public housing development by HKHA, which was under planning stage;
- (w) to incorporate a mixed development with PRH, flats for Home Ownership Scheme (HOS) and small commercial units at the site (R10);
- (x) To develop HOS flats at the site (R110);
- (y) the responses to the above proposals were that the concerned housing types were permitted under the "R(A)" zoning. HKHA would consider the appropriate housing type taking into account the views of the community, amongst others. Commercial uses were always permitted in the lowest three floors in the "R(A)" zone;

#### Items A and B

- (z) the locations of Items A and B should be swapped, and the combined site of Items A and B should be connected with a footbridge leading to the MPSC and Kai Tak harbourfront area (R146);
- (aa) the responses to the proposal were the same as those in paragraph (i) above;



Item B

- (bb) to develop volleyball court (R76), public open space (R77) and dog park (R86);
- (cc) the responses to the proposal were that the site had all along been occupied by HKSB. The use of the site for provision of recreational facilities or open space was inappropriate;
- (dd) to increase the provision of public facilities (R29 and R111 to R113) and to retain the sheltered workshop for the blind (R29);
- (ee) the response to the proposal was that HKSB would liaise with DSW and conduct local consultation so as to work out the type and mix of welfare services to be provided at the site;

Item C

- (ff) to retain the site for GIC use (R88);
- (gg) to develop PRH at the site (R5, R7, R8, R89, R143, and R145);
- (hh) the responses to the proposal were that the rezoning was to reflect the as-built development at the site. Using the site for GIC or other residential use was not appropriate.

PlanD's view

- (ii) PlanD noted the supportive views of R1 to R142 and R144 to Item A, R1 to R9, R27 to R143 and R145 to Item B and R1 to R9 and R143 to Item C; and
- (jj) PlanD did not support R146 and the remaining part of R84 to R145 and that the OZP should not be amended to meet the representations.

18. The Chairman then invited the presenter and the presenter's representative to elaborate on their representations.

R135 - 徐傑暉

19. Mr Tsui said that the connectivity between To Kwa Wan and MegaBox could be improved by reclaiming the sea area in Kowloon Bay. He also proposed to relocate the existing ferry pier in To Kwa Wan to an area near Bailey Street for a more direct route to Tsim Sha Tsui and Mongkok and to increase the patronage of the ferry services due to a reduction in travelling time.

R146 – DHKL

20. With the aid of a Powerpoint presentation, Mr Paul Zimmerman made the following main points:

Swapping of sites under Items A and B

- (a) under the current rezoning proposal on the OZP, HKSB had to find another facility on a rental basis for the visually impaired during the redevelopment stage, which would incur a social cost associated with such temporary accommodation;
- (b) the visually impaired could only find their way to their facilities safely after a lot of training. To avoid new route and new environment for the visually impaired, the sites under Items A and B were proposed to be swapped to allow the visually impaired to continue to use the existing facilities before the new facilities were built;
- (c) as indicated to him by the Chief Executive (CE) of HKSB the day before, HKSB fully supported the proposal. However, PlanD and the Lands Department cautioned that the swapping procedures would take a lot of time. He considered the threat not substantiated given that the sites were adjacent

to each other in the same area. The proposal was practical and appropriate. CE of HKSB also indicated to him that she had not yet found any place nearby which was suitable for the visually impaired to rent;

Connectivity in the area

- (d) the sites under Items A and B were in the old corner of To Kwa Wan. Future redevelopment in the area would result in increased intensity, economic activities and population, which required good quality connectivity to the waterfront areas as well as to the planned sports facilities in Kai Tak;
- (e) To Kwa Wan Road was a major road connecting the southern part of the Kai Tak development with the older To Kwa Wan area and an access road to the sports facilities. Traffic of the road would significantly be increased when redevelopment of To Kwa Wan and the sports facilities came into place. The suggestion made in PlanD's presentation that the future pedestrian crossings were adequate and would not impair the capacity of the junction of To Kwa Wan Road and Sung Wong Toi Road was just wishful thinking. The Harbourfront Commission was of the view that the Transport Department and PlanD had not spent enough time to study how people on the future elevated deck of the Kai Tak development could find their way home in To Kwa Wan without detouring through the Sung Wong Toi Park;

[Professor S.C. Wong left the meeting temporarily at this point.]

- (f) the area was going to be a place where people would concentrate with a dining cove cum waterfront promenade to the southeast and a proposed hotel to the northeast at the junction of Sung Wong Toi Road and To Kwa Wan Road. There would be an increasing amount of activities in the area requiring a good pedestrian connectivity for the waterfront promenade and the future residential developments. However, no good strategic plan had been proposed for pedestrian connectivity both at the street level and the

elevated level for the To Kwa Wan and Kai Tak areas. Members were therefore requested to ask for a strategic pedestrian plan for the To Kwa Wan area and the future Kai Tak development.

21. As the presentations from the representer and the representer's representative had been completed, the Chairman invited questions from Members.

22. In response to a Member's questions on whether HKSB was willing to swap their site, the resultant development intensity and height of the two proposed developments on the sites concerned as well as two other Member's questions on the estimated time for site swapping and the types of facilities going to be provided in the new facilities of HKSB, Mr Tom Yip, DPO/K, said, with reference to a Powerpoint slide, that according to his discussion with the CE of HKSB the day before, HKSB had already started planning for the redevelopment and come up with a preliminary design of a building of 68mPD (19 storeys) and a plot ratio (PR) of 8. Other than reprovisioning and expanding the existing care and attention centre for the aged blind and factory cum sheltered workshop for both the visually impaired and the mentally handicapped, there would also be vocational training centres for the visually impaired. HKSB would start detailed technical assessments once the OZP was approved for commencement and completion of the redevelopment project in 2017 and 2019 respectively. Besides, HKHA had also started preliminary technical assessments for their project on the subject site of Item B. HKHA would likely build to the maximum building height of 100mPD as permitted under the OZP. As such, there might be building height difference between the developments of HKSB and HKHA. The result of the visual impact assessment indicating that there would not be significant adverse visual impacts of the proposed developments on the surrounding areas had been presented to the Metro Planning Committee (MPC) of the Board when the rezoning amendments were proposed. If swapping of the sites was to pursue, additional time would be required for processing land exchange involving preparation of new leases and completion of both the HKSB development and the public housing project of HKHA would be delayed.

23. Mr Paul Zimmerman said he understood that HKSB would very much like to stay at the current location. Under the most desirable swapping proposal, HKSB could stay in their existing facilities until the new facilities were ready. However, he believed that under the threat that the swapping procedures would take a lot of time, HKSB had to

reluctantly go for in-situ redevelopment to avoid uncertainty. He further suggested that the Development Bureau should be willing to give assurance to HKSB that site swapping would be dealt with efficiently and expediently.

24. In response to a Member's question on whether people would walk from the Ma Tau Kok area to the Kai Tak development given the long walking distance, Mr Paul Zimmerman said that in view of a large-scale redevelopment in To Kwa Wan and a large area of sports stadia in Kai Tak, the junction of To Kwa Wan Road and Sung Wong Toi Road would be heavily loaded. The Board should request PlanD to provide a more comprehensive plan for pedestrians in the area.

25. As Members had no further question to raise, the Chairman said that the hearing was completed. The Chairman thanked the government representative as well as the representers and the representer's representative for attending the meeting and said that the Board would deliberate on the representations in their absence and would inform the representers of the Board's decision in due course. The government representative, the representers and the representer's representative left the meeting at this point.

[Professor S.C. Wong returned to join the meeting at this point.]

### Deliberation

26. The Chairman drew Members' attention to the fact that the views given by R135 were not related to any of the amendment items.

27. Regarding R146's proposal of swapping the sites of Items A and B, a Member said that the swapping proposal, which would result in the proposed HKSB redevelopment of about 70mPD on the northeast and the proposed public housing development of about 100mPD on the southwest, would enhance light penetration and achieve a staggered building height profile descending towards the Kai Tak development. Given the small size of the sites, it might not be difficult to swap the sites and redesign the projects for an improved built environment. In response, a Member said that although the swapping proposal only involved an adjoining site, a change of the original plan might cause a lot of difficulties to HKSB. The Chairman said that there might be uncertainties in relation to the swapping

proposal which were beyond the purview of the Board. There was no guarantee that the swapping proposal would be endorsed by the Labour and Welfare Bureau, or that the proposal was definitely feasible given that applicable technical assessments in this regard had yet to be made.

28. In response to a Member's questions on whether HKSB on its own could decide the type of services or facilities to be provided in their redevelopment, the Chairman said that generally speaking, the service providing organization would liaise with the policy bureau concerned and policy endorsement would be necessary. Members also noted that it would be open to HKSB to pursue the swapping proposal, if it so decided, under the existing planning mechanism.

29. Members generally agreed it was difficult for the Board to speculate whether HKSB wished to pursue the swapping proposal. Should HKSB wish to pursue the swapping proposal, they could have submitted their own representation. As confirmed by the Secretary, HKSB had not submitted any representation nor comment on representations in respect of the OZP. A Member said that the swapping proposal would expose the visually impaired to a busier road with more traffic noise. Another Member noted that the CE of HKSB was present when KCDC was consulted on the proposed amendments to the OZP. Since HKSB had never represented themselves before the Board, the Member wondered if it was worthwhile to hold up the public housing project for the swapping proposal which was based merely on speculation of HKSB's preference. Another Member said that before putting forward the amendment proposals to MPC, PlanD should have assessed all the different land use options. After discussion, there was a consensus among Members that the swapping proposal should not be supported.

30. As regards the connectivity issue raised by R146, a Member commented that as far as the HKSB was concerned, the connectivity issue would mainly affect people who worked in the sheltered workshop but not people resided in the care and attention home. Due to the small scale of the workshop, the number of persons to be affected was likely to be small. The Secretary advised that the facilities of HKSB were currently accommodated in a 3-storey building occupying an area of about 2,050m<sup>2</sup>. Another Member said that PlanD might need to study further whether footbridges should be built in addition to the proposed at-grade crossings. The Chairman noted that the pedestrian facilities were responses to the

demand generated by the HKSB and the public housing development on the sites.

31. Members noted that the grounds and proposals of representations had adequately been responded to in paragraph 5.4 of the Paper.

32. After deliberation, the Board noted the supportive views of R1 to R142 and R144 to Item A; the supportive views of R1 to R9, R27 to R143 and R145 to Item B; and the supportive views of R1 to R9 and R143 to Item C and decided not to uphold R146 and the remaining part of R84 to R145, and considered that the Plan should not be amended to meet the representations. The reasons were:

“Item A

- (a) the rezoning of the site from “Comprehensive Development Area (3)” to “Residential (Group A)” will facilitate early public housing development to meet the acute housing need of the community and is considered appropriate to reflect the intended use of the site for public housing development (R143, R145 and R146);

Item B

- (b) the rezoning of the site from “Comprehensive Development Area (3)” to “Government, Institution or Community” will facilitate the redevelopment of the Hong Kong Society for the Blind to provide much needed social welfare facilities for the community and is considered appropriate (R144 and R146);

Items A and B

- (c) two at-grade pedestrian crossings are planned at Sung Wong Toi Road and To Kwa Wan Road in the vicinity of the sites to enhance the overall pedestrian connectivity within the area. The swapping of the “Residential (Group A)” and “Government, Institution or Community” sites will incur additional land administration procedures, which may affect the timely development of the two sites to meet the needs of the community for housing and social welfare

facilities (R146); and

Item C

- (d) the rezoning of the site from “Government, Institution or Community” to “Residential (Group A)” is considered appropriate to reflect the as-built condition of an existing private residential development at the site. Hence, it is not appropriate to retain the zoning of the site as “G/IC”, nor to develop public rental housing or open space at the site (R84 to R142 and R145).”

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

[Mr Frankie W.C. Yeung and Mr Patrick H.T. Lau arrived, and Mr Stanley Y.F. Wong, Ms Julia M.K. Lau, Ms Janice W.M. Lai, Mr H.F. Leung, Mr Dominic K.K. Lam, Dr Lawrence W.C. Poon, Mr Jeff Y.T. Lam, Mr Martin W.C. Kwan and Mr K.K. Ling returned to join the meeting at this point.]

**Hong Kong District**

**Agenda Item 4**

[Open Meeting]

Review of Application No. A/H14/76-1

Proposed Class B amendments to the approved application for minor relaxation of PR restriction from 0.5 to 0.548 for a proposed heritage conservation-cum-house development, 8 Pollock’s Path, the Peak, Hong Kong

(TPB Paper No. 10037)

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[The meeting was conducted in Cantonese]

33. As WSP Hong Kong Limited (WSP) and Landes Limited were consultants of the applicant, the following Members had declared interests on the item:



|                     |   |  |
|---------------------|---|--|
| Mr Dominic K.K. Lam | - | having business dealings with WSP                |
| Ms Janice W.M. Lai  | ] | having business dealings with Landes             |
| Mr Ivan C.S. Fu     | ] | Limited  |
| Mr K.K. Ling        | - | living in government's quarters in the Peak Area |
| Mr Roger K.H. Luk   | - | being acquainted with the applicant              |

34. Since Mr Dominic K.K. Lam and Ms Janice W.M. Lai had no involvement in the subject application and Mr K.K. Ling's residence did not have a direct view of the application site, Members agreed that they should be allowed to stay in the meeting. Members also noted that Mr Ivan C.S. Fu had tendered apology for not being able to attend the meeting. As Mr Roger K.H. Luk's interest was direct, Members agreed that he should be invited to leave the meeting temporarily for the item.

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

#### Presentation and Question Sessions

35. The following representatives of the Planning Department (PlanD) and the applicant's representatives were invited to the meeting:

|                      |   |   |
|----------------------|---|---|
| Ms Ginger K.Y. Kiang | - | District Planning Officer/Hong Kong (DPO/HK), PlanD |
| Mr Derek P.K. Tse    | - | Senior Town Planner/Hong Kong 5 (STP/HK5), PlanD    |
| Mr Chan Kim On       | ] |   |
| Mr Kelvin Chan       | ] |   |
| Mr Charles Mung      | ] | Applicant's representatives                         |

Mr Ted Lam ]

Mr Tugo Cheng ]

36. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited Mr Derek P.K. Tse, STP/HK5, PlanD to brief Members on the review application.

37. With the aid of a Powerpoint presentation, Mr Derek Tse, STP/HK5, PlanD presented the application and covered the following main points as detailed in the Paper:

- (a) on 7.1.2015, the applicant sought planning permission for Class B amendments to the approved scheme under section 16 application No. A/H14/76 for minor relaxation of plot ratio (PR) restriction from 0.5 to 0.548 for a proposed heritage conservation-cum-house development at the application site (the Site), which fell within an area zoned “Residential (Group C)3” (“R(C)3”) on the approved The Peak Area Outline Zoning Plan (OZP) No. S/H14/11. The amendments involved (a) the addition of a 2-storey recreational/electrical and mechanical (E&M) facility block (57.126m<sup>2</sup>); (b) minor increase in site coverage (SC) from 27.593% to 29.505% (+6.93%); (c) change in the location of ingress/egress point of House B; and (d) changes in soft/hard landscape design and reduction in the number of preserved trees from 13 to 12 (-7.7%);
- (b) since the application was subject to two local objections conveyed by District Officer (Central and Western) (DO(C&W)), the application was considered by the Metro Planning Committee (MPC) of the Town Planning Board (the Board). MPC rejected the application for the reason that the applicant had not provided strong justifications for the provision of communal recreational facilities for two houses, which would affect the existing green environment;
- (c) on 2.4.2015, the applicant applied for section 17 review of the MPC’s decision to reject the application. The applicant’s justifications were summarized below:

- (i) the present proposed ancillary recreational facility was a social gathering ground for the two new houses in the midst of an area of self-blocked houses with unattractive open spaces;
  - (ii) the local open spaces could hardly meet the demand of the local community given the narrow local roads with insufficient pavement facilities and the lack of active recreational facilities;
  - (iii) the proposed communal recreational facilities for the exclusive use of the owners, residents and visitors amounting to less than 5% of the total domestic gross floor area (GFA) of the residential development were commonly accepted for GFA exemption by the Buildings Department (BD);
  - (iv) as compared with the original s.16A scheme, the footprint of the additional block under the current review application would be reduced by relocating the sprinkler plant rooms underneath House A and the recreational facilities;
  - (v) as compared with the previously approved scheme, the greenery area of the current scheme had increased by a total of 110.26m<sup>2</sup> (5.29%) due to the provision of horizontal planters and an additional vertical green wall. Besides, two extra trees would be planted on the roof of the additional block;
  - (vi) the proposed ancillary recreational block with enhanced greenery by retaining most of the existing trees would blend in well with the existing slope profile and no adverse impact on the existing green environment was anticipated;
- (d) departmental comments – comments from relevant government departments were detailed in paragraph 5 of the Paper. BD advised that detailed designs and justifications of the residents' recreational facilities

should be provided for GFA/SC exemptions and the facilities should be for the exclusive use of the owners and residents. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had no in-principle objection to the review application because the proposed recreational block was small-scale, significant adverse visual impact was not anticipated and there was an increase of 5.29% in greenery as compared to the approved scheme and two additional trees were proposed on the roof of the recreational block. DO(C&W) had no objection to the review application and the concerned District Council (DC) member had no objection as well since his concerns had been addressed. Other relevant government departments had no objection or adverse comment on the review application;

- (e) PlanD's views – PlanD had no objection to the review application based on the planning consideration and assessment set out in paragraph 6 of the Paper which were summarized below:
  - (i) when compared with the originally proposed scheme under the section 16A application, the current scheme had achieved a reduction in footprint of the recreational block from 83.768m<sup>2</sup> to 57.126m<sup>2</sup> (-26.642m<sup>2</sup> or -31.8%);
  - (ii) although the current scheme would still affect tree No. T02, two new trees would be planted on the roof top of the proposed recreational block rendering the total number of compensatory trees within the site be increased from 18 to 20 and the greenery area would be increased by 110.26m<sup>2</sup> (5.29%); and
  - (iii) the proposed landscaped area to compensate for the loss of existing greenery was considered not unacceptable;
  - (iv) the current proposed provision of 57.126 m<sup>2</sup> (not exceeding 5% of the residential GFA) and design of the revised recreational block were generally in line with the established practice of BD and

PlanD;

- (v) as regards the public concern on the local traffic conditions, the Transport Department (TD) had no comment considering the minimal impact of the provision of the four carparking spaces on the local road network;

38. The Chairman then invited the applicant's representatives to elaborate on the review application. With the aid of a Powerpoint presentation, Mr Chan Kim On made the following main points:

- (a) the section 16A application was mainly to change the location of the ingress/egress point of House B and to add a 2-storey recreational/E&M facility block with a resultant minor increase in SC and changes in landscape design and reduction in the number of preserved trees;
- (b) after MPC's decision to reject the application on 13.3.2015, the applicant proposed to relocate the sprinkler rooms under House A and the recreational block so as to increase the greenery coverage and the total number of trees within the development by two. The SC of the proposed development would be reduced by 31.8% to minimize the impacts on slope and there would also be a reduction in the height of the boundary wall to the north of the E&M room by two metres;

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

- (c) the revised proposal was found acceptable by the DC member who objected to the original scheme. He withdrew his objection on 10.9.2015;
- (d) the proposed recreational facility block for use by the owners and visitors of the two houses within the development would provide a communal space to enhance social bonding of the residents, to minimize the risk of residents from developing anti-social behaviour and was a necessary

facility to increase the residents' sense of belonging to the community;

- (e) the proposed recreational facility block conformed with the requirements of the Practice Note for Authorized Persons and Registered Structural Engineers (PNAP) APP-104 and the stipulations of the OZP for exemption of GFA calculation. The applicant also undertook to designate the proposed recreational facilities as a common area in the Deed of Mutual Covenant and the Board and/or PlanD could monitor the implementation of the proposal in future; and
- (f) there was no safe public open space within 50m radius of the proposed development. The access road from the proposed development to the Plantation Road Garden was not adequately provided with pedestrian facilities. The garden explicitly prohibiting skateboarding and ball game activities did not provide a meaningful outdoor space to the residents.

39. As the presentation of the applicant's representative was completed, the Chairman invited questions from Members.

40. A few Members raised questions on whether the greenery areas would be increased without the recreational facilities, whether the two trees proposed to be placed on the rooftop of the recreational block would be planted on the slope concerned if the review application was rejected, the depth of soil for tree planting on the roof of the recreational block and the number of trees to be felled in accordance with the applicant's tree survey report. In response, Ms Ginger Kiang, DPO/HK, said that the existing slope adjacent to the recreational block was very steep and covered with thin layer of vegetation. With the proposed development, the greenery space of the development would be increased by the landscaped roof of the recreational block and a vertical green wall. CTP/UD&L had no objection to the proposal. With respect to the question on the depth of soil, information of the tree survey report and the related tree treatment if the application was rejected, Mr Ted Lam, landscape consultant of the applicant said that the two tree pits proposed on the roof of the recreational block were 1.2m deep and clarified that only Tree No. T02 needed to be transplanted. The other two trees, namely T01 and T03 would be retained. He said that the terraced plantings, the vertical green wall and the rooftop greenery were measures taken to

minimize the visual impact of the recreational block. Mr Chan Kim On added that the existing slope was too steep for tree planting. Slope cutting and enhancement works were required for the proposed development.

41. Two Members raised questions on whether the communal recreational facilities were public facilities and how significant the communal facilities for two households would bring about the social cohesion effect of a club house of large scale residential developments. In response, Mr Chan Kim On said that the communal recreational facilities were not public facilities. They were for the exclusive use of the residents and visitors of the proposed development. He clarified that the recreational facilities to be provided were not a club house. They were communal facilities for whatever number of households residing in the two houses on the site. The recreational block was necessary to provide a common area for residents to carry out recreational activities while leaving the residential part of the development free from nuisance caused by recreational activities.

[Ms Anita W.T. Ma and Mr David Y.T. Lui left the meeting at this point.]

42. A Member raised questions on whether the Class B amendments included a relaxation of PR for the proposed recreational block and whether the approval of the review application would have a bearing on the subsequent decision of the Building Authority (BA) on exempting the recreational facilities from GFA calculation. In response, Ms Ginger Kiang said that the original application for relaxation of the PR control from 0.5 to 0.548 was to allow for the additional floor area for the preservation of facades of a grade 2 historic house in-situ. The Class B amendments of the section 16A application did not include further GFA increase associated with the recreational block and approval of the review application would not affect BA's subsequent decision on GFA exemption of the recreational block. Should BA decide not to exempt the GFA of the recreational facilities, the GFA of the proposed development would exceed the permitted level and further approval by the Board was required. A Member asked DPO/HK to confirm whether the original objection by a DC member had been withdrawn. Ms Ginger Kiang advised that the objection of the DC member had been withdrawn. Regarding the traffic concern of another commenter, TD commented that the four car parking spaces of the proposed development would not generate a significant amount of traffic on the area. The Chairman drew Members' attention that since the application was a section 16A application, if it was not for the objections received,

the application should have been considered by D of Plan under the delegated authority of the Board.

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

#### Deliberation

44. A Member wondered if it was worthwhile to allow works on slopes for the recreational facilities block for two houses only. Another Member considered that unlike club house facilities of large-scale residential development, the social and community functions performed by the proposed recreational facilities block might only be limited and was concerned that approval of the review application would set an undesirable precedent for future similar applications. A Member said that MPC rejected the application based on two grounds, one being that there were no strong justifications for the provision of communal recreational facilities for two houses and another being that the works would affect the existing green environment. Even if the scheme under review was a better scheme, the question on whether there were sufficient justifications for a recreational block for two houses was yet to be answered. The Member also pointed out that while exemption of floor area of the recreational facilities from GFA calculation was a matter to be considered by BA, the Board still had to decide whether a separate block for recreational facilities for two houses, which resulted in an increase in SC over the approved scheme, was acceptable. In this connection, a Member wondered whether it was possible to incorporate the recreational facilities within the two houses to minimize the footprint of the development as the maximum building height for developments within the "R(C)3" zone was six storeys.

45. The Chairman noted that the question of whether the floor area of the recreational block would be exempted from GFA calculation was a matter to be decided by BA. The subject application was for a Class B minor relaxation of SC, amongst others, of the approved scheme. The change was minor in nature and the application would have been



considered by D of Plan under the delegated authority of the Board if it was not for two objections received from a DC Member and a public in the section 16A application stage. Mr K.K. Ling, D of Plan, said that if the recreational facilities were ancillary to the residential development and they complied with all relevant requirements under BO, including the requirement that the facilities should amount to 5% or less of the GFA of the residential development, BA might exempt the floor area from GFA calculation. Regarding the question of whether the proposed communal recreational facilities could be incorporated within the two houses, Mr Ling said that under the approved scheme, the applicant was required to preserve two facades of the historic building on site. There might be technical difficulties to incorporate the recreational facilities while keeping the facades intact. On the whole, the design of the proposed development under the review application was considered an improvement to that under the section 16A application and was not unacceptable. In response to the Chairman's question on whether there was any precedent case in the Peak area involving exemption of GFA for ancillary recreational facilities, the Secretary said that there was no readily available information on past exemptions of GFA of ancillary recreational facilities in the Peak area. He believed that if the ancillary recreational facilities conformed with the requirements of BD and the relevant PNAP, including the requirement that the floor areas of the ancillary recreational facilities should amount to less than 5% of the residential GFA, BA would usually grant GFA exemption for such facilities. The GFA of the recreational facilities was not a subject of the current section 16A application under review based on the assumption that the floor area of the recreational facilities concerned could be exempted from GFA calculation. The applicant only applied for a minor increase in SC from 27.593% to 29.505% (+6.93%), a change in the location of an ingress/egress point and changes in landscaping and tree preservation, which were minor Class B amendments and should have been considered by D of Plan if not for the two objections received. With respect to whether the proposed recreational facilities could be incorporated within the residential blocks, the Secretary said that it was a design consideration. If the change in design was only minor and did not constitute any Class B amendments, planning application might not be required.

46. On whether the approval of the review application, if the Board so decided, would set an undesirable precedent for recreational facilities for a small number of houses, a Member pointed out that although there were only two houses involved in the application, further assignments of flats of the two houses might be possible. Besides, there were cases

where BA approved exemption of GFA for ancillary communal recreational facilities for a small number of houses. Another Member drew Members' attention to the fact that the previous objection to the original scheme had been withdrawn and that the changes were minor, approval could be considered. Some Members said that as far as relaxation of PR was not a subject of application, consideration of the review application should focus on whether a minor increase in SC would have an adverse impact on the existing slope and the environment of the Peak as a whole. If Members considered the minor increase in SC acceptable, the review application could be considered for approval. D of Plan said that the decision on the review application would be based on the individual merits of the scheme and approval of the application would not set an undesirable precedent for future applications. The Vice-chairman said that although whether it was appropriate to exempt recreational facilities for luxury housing developments from GFA calculation in the Peak area was debatable, as long as there was existing policy allowing such an exemption, there was no strong justification to reject the application. Another Member also pointed out that as compared with the original scheme, the scheme under review was an improvement in terms of landscaping.

47. After deliberation, the Board decided to approve the review application, on the terms of the application as submitted to the Board. The permission should be valid until 27.11.2019, and, after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following approval conditions:

- “(a) the minor relaxation of the plot ratio (PR) restriction is only applicable to the proposed buildings under the approved scheme. The additional PR granted shall not be taken as forming part of the ‘existing buildings’ upon future redevelopment of the site;
- (b) the submission of a Conservation Management Plan (CMP) including a detailed conservation proposal for the graded building prior to the commencement of any works and implementation of the works in accordance with the CMP to the satisfaction of the Director of Leisure and Cultural Services (DLCS) or of the Town Planning Board (TPB);

- (c) the provision and maintenance of an information panel for the graded building at a prominent location within the site to the satisfaction of the DLCS or of the TPB;
- (d) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB;
- (e) the submission of a Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services (DDS) or of the TPB;
- (g) the submission and implementation of a revised Drainage Impact Assessment to the satisfaction of the DDS or of the TPB; and
- (h) the submission and implementation of tree preservation and landscape proposals and quarterly tree monitoring reports to the satisfaction of the Director of Planning or of the TPB.”

48. The Board also agreed to advise the applicant of the following:

- “(a) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concessions for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department and the Lands Department direct to obtain the necessary approval. If the building design elements and the GFA concessions are not approved/granted by the Building Authority and the Lands Authority and major changes to the current scheme are required, a fresh planning

application to the TPB may be required;

- (b) to note the comments of the Chief Building Surveyor/Hong Kong East & Heritage, Buildings Department (BD) regarding the requirements laid down under the Practice Note for Authorized Persons and Registered Structural Engineers (PNAP) APP-2, APP-104, APP-151, APP-152, Code of Practice for Fire Safety in Buildings 2011, and Building (Planning) Regulations 72 and Design Manual: Barrier Free Access 2008;
- (c) to note the comments of the District Lands Officer/Hong Kong West and South, Lands Department in respect of the need to apply to his office for modification of lease conditions to implement the proposed works in respect of the right of way and to seek consent of adjoining lot owner RBL 671s.C for the proposed drainage and sewerage connection works;
- (d) to note the comments of the Head of Geotechnical Engineering Office (GEO), Civil Engineering and Development Department in respect of the investigation of the stability of all slopes/retaining walls and the natural slope affecting or to be affected by the proposed development during the detailed design stage and, if necessary, the submission of upgrading works/stabilization works to the BD/GEO;
- (e) to note the comments of the Director-General of Civil Aviation that no part of any structures and equipment used during construction or after the completion of the project for maintenance shall exceed the Airport Height Restriction limits;
- (f) to note the comments of the Commissioner for Transport that the requirements stipulated in Transport Planning and Design Manual of Transport Department should be complied with for implementation of the proposed vehicular access at detailed design and construction stage;
- (g) to note the comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department that the excavation and

construction works should be executed with due care in order to maintain the integrity of the preserved brick wall cladding of the heritage building; and to take note of his comments on the landscape treatment to the fence wall when complying with the landscape condition to be imposed; and

- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department regarding the requirements under the “Technical Memorandum on Effluent Standards” issued under section 21 of the Water Pollution Control Ordinance and the control measures to be taken on the discharge of sewage during construction stage as detailed in paragraph 5.3.3 of the Town Planning Board paper.”

[Mr Patrick H.T. Lau, Mr Stephen H.B. Yau and Professor K.C. Chau left the meeting while Mr Roger K.H. Luk returned to join the meeting at this point.]

### **Sai Kung & Islands District**

#### **Agenda Item 5**

[Open Meeting]

Request for Deferment of Review of Application No. A/SK-CWBN/38

Proposed Filling of Land and Excavation of Land for Permitted Agricultural Use with Ancillary Agricultural Sheds and Emergency Vehicular Access in “Green Belt” zone, Lots 72 RP (Part), 73 (Part), 75 (Part), 76 (Part), 78 (Part), 79 (Part) and 80 RP (Part) in D.D. 229 and Adjoining Government Land, Clear Water Bay Road, Sai Kung

(TPB Paper No. 10036)

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[The item was conducted in Cantonese]

49. The following Members had declared interests on the item:

Mr David Y.T. Lui - owning two houses in Clearwater Bay

Area

|                       |   |   |
|-----------------------|---|---|
| Ms Janice W.M. Lai    | - | her spouse owning a shop in Sai Kung  |
| Dr Lawrence W.C. Poon | - | being a fellow council member of the Hong Kong Institute of Surveyors with the applicant's representative |

50. As the shop of Ms Janice W.M. Lai's spouse had no direct view of the application site and Dr Lawrence W.C. Poon's interest was indirect, Members agreed that they should be allowed to stay in the meeting. Members also noted that Mr David Y.T. Lui had already left the meeting.

51. The Secretary reported that on 6.11.2015, the applicant's representative wrote to the Secretary of the Board (the Board) and requested the Board to defer making a decision on the review application for two months to allow more time for preparation of further information (FI) to address the possible impact on trees within the site. This was the first request from the applicant for deferment of the review application.

52. 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 made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needed more time to prepare FI in response to departmental comments, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

53. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant pending the submission of FI by the applicant. The Board also agreed that the review application should be submitted to the Board for consideration within three months upon receipt of written submission from the applicant. If the written submission of the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Board's consideration. The Board also agreed to advise the applicant that the Board had allowed a period of two months for the preparation of submission of FI, and no further deferment would be granted unless

under very special circumstances.

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

**Fanling, Sheung Shui & Yuen Long East District**

**Agenda Item 6**

[Open Meeting]

Request for Deferment of Review of Application No. A/YL-NSW/239

Renewal of Planning Permission for Temporary “Container Tractors/Trailers Park” for a Period of 1 Year in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lots 1212 S.A ss.2 and 1212 S.A ss.3 (Part) in D.D. 115 and Adjoining Government Land, Chung Yip Road, Nam Sang Wai, Yuen Long

(TPB Paper No. 10038)

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[The item was conducted in Cantonese]

54. The following Members had declared interests on the item:

|                     |   |   |
|---------------------|---|---|
| Mr Patrick H.T. Lau | ] | having business dealings with Lanbase                   |
| Mr Dominic K.K. Lam | ] | Surveyors Ltd, which was the applicant’s representative |

55. As Mr Patrick H.T. Lau and Mr Dominic K.K. Lam had no involvement in the subject application, Members agreed that they should be allowed to stay in the meeting.

56. The Secretary reported that on 2.11.2015, the applicant wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer making a decision on the review application for two month’s preparation of further information (FI) to support the application. This was the first request from the applicant for deferment of the review application.

57. 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 made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant was preparing FI, which was essential for the consideration by the Board, the deferment period was not indefinite and that the deferment would not affect the interest of other relevant parties.

58. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant pending the submission of FI by the applicant. The Board also agreed that the review application should be submitted to the Board for consideration within three months upon receipt of further submission from the applicant. If the submission by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Board's consideration. The Board also agreed to advise the applicant that the Board had allowed a period of two months for the preparation and submission of FI, and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 7**

[Open Meeting]

Request for Deferment of Review of Application No. A/YL-NSW/240

Renewal of Planning Permission for Temporary Car Park for a Period of 1 Year in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone, Lot 1212 S.A ss.3 (Part) in D.D. 115, Chung Yip Road, Nam Sang Wai, Yuen Long

(TPB Paper No. 10039)

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[The item was conducted in Cantonese]

59. The following Members had declared interests on the item:

|                     |   |                                       |
|---------------------|---|---------------------------------------|
| Mr Patrick H.T. Lau | ] | having business dealings with Lanbase |
| Mr Dominic K.K. Lam | ] | Surveyors Ltd, which was the          |



applicant's representative

60. As Mr Patrick H.T. Lau and Mr Dominic K.K. Lam had no involvement in the subject application, Members agreed that they should be allowed to stay in the meeting.

61. The Secretary reported that on 2.11.2015, the applicant wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer making a decision on the review application for two month's preparation of further information (FI) to support the application. This was the first request from the applicant for deferment of the review application.

62. 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 made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant was preparing FI, which was essential for the consideration by the Board, the deferment period was not indefinite and that the deferment would not affect the interest of other relevant parties.

63. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant pending the submission of FI by the applicant. The Board also agreed that the review application should be submitted to the Board for consideration within three months upon receipt of further submission from the applicant. If the submission by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Board's consideration. The Board also agreed to advise the applicant that the Board had allowed a period of two months for the preparation and submission of FI, and no further deferment would be granted unless under very special circumstances.

**Agenda Items 8 to10**

[Open Meeting]

Request for Deferment of Review of Application No. A/YL-KTN/469

Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone,  
Lot 607 S.L in D.D. 109, Shui Tau Tsuen, Kam Tin, Yuen Long

Request for Deferment of Review of Application No. A/YL-KTN/470

Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone,  
Lot 607 S.P in D.D. 109, Shui Tau Tsuen, Kam Tin, Yuen Long

Request for Deferment of Review of Application No. A/YL-KTN/472

Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone,  
Lot 607 S.Q RP in D.D. 109, Shui Tau Tsuen, Kam Tin, Yuen Long

(TPB Paper No. 10040)

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[The items were conducted in Cantonese]

64. As the three applications were for the same use and the application sites were located close to one another, Members agreed that the three applications would be considered together.

65. The Secretary reported that on 5.11.2015, the applicants’ representative wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer making a decision on the review applications in order to allow for two month’s time for the applicants to prepare further information (FI) to support the review applications. This was the first request from the applicants for deferment of the review applications.

66. 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 made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicants were preparing FI, which was essential for the consideration by the Board, the deferment period was not indefinite and the deferment would not affect the interest of other relevant parties.

67. After deliberation, the Board agreed to defer a decision on the review applications as requested by the applicants pending the submission of FI by the applicants. The Board also agreed that the review applications should be submitted to the Board for consideration within three months upon receipt of further submission from the applicants. If the submission by the applicants was not substantial and could be processed within a shorter time, the applications could be submitted to an earlier meeting for the Board's consideration. The Board also agreed to advise the applicants that the Board had allowed a period of two months for the preparation and submission of FI, and no further deferment would be granted unless under very special circumstances.

## **General**

### **Agenda Item 11**

[Open Meeting]

New Arrangements for Implementation of the Electronic Planning Application Submission System and Submission of Soft Copies for Planning and Technical Assessment Reports for Planning Applications

(TPB Paper No. 10042)

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[This item was conducted in Cantonese.]

68. The following representatives of the Planning Department (PlanD) were invited to the meeting:

Mr Louis K.H. Kau - Chief Town Planner/Town Planning Board (CTP/TPB), PlanD

Mr Silas K.M. Liu - Chief Town Planner/Information Systems & Land Supply (CTP/ISLS), PlanD

69. The Chairman extended a welcome and invited Mr Louis K.H. Kau, CTP/TPB, to brief Members on the Paper.

70. With the aid of a Powerpoint presentation, Mr Kau made the following main points of the new arrangements as detailed in the Paper and advised that a replacement page for Attachment V of the Paper had been sent to Members before the meeting:

The Electronic Planning Application Submission System

- (a) on 16.5.2014, Members were briefed on the objectives as well as the proposed requirements and submission procedures of Electronic Planning Application Submission System (EPASS), which was to provide an additional channel for submission of planning applications in electronic format;
- (b) upon withdrawal of the Town Planning Ordinance (the Ordinance) from the Electronic Transactions (Exclusion) Order (Cap. 553B), the EPASS was scheduled for rollout on 18.12.2015;
- (c) a new set of Guidance Notes setting out the requirements and procedures of electronic submission (e-submission) and e-forms for applications under Sections 12A, 16, 16A(2) and 17 of the Ordinance and submission of further information had been prepared;
- (d) with the provision of EPASS, corresponding amendments to the Town Planning Board (TPB) Guidelines No. 30A on 'Publication of Applications for Amendment of Plan, Planning Permission and Review and Submission of Comments on Various Applications under the Ordinance' were made;

Submission of a Mix of Soft and Hard Copies for Planning and Technical Assessment Reports for Planning Applications

- (e) opportunity had also been taken to allow applicants to submit soft copies for voluminous planning and technical assessment reports as part of the submission of planning applications;

- (f) having reviewed the existing practice, it was proposed that 35 soft and 35 hard copies of planning and technical assessment reports could be submitted for sections 12A and 16 planning applications, and 50 soft and 35 hard copies of planning and technical assessment reports could be submitted for section 17 review. Should section 16A applications need to be considered by TPB or its Planning Committees, 14 additional hard copies and 31 soft copies of the planning and technical assessment reports could be submitted for further processing. The same applied to submission of further information;
- (g) the proposed submission of soft copies would be carried out on a voluntary basis to avoid creating hardship to those applicants who lacked the means to comply with the requirement;
- (h) corresponding amendments to the checklist of documents of the application forms for sections 12A and 16 applications were required;
- (i) amendments to the four Guidance Notes on Planning Applications under sections 12A, 16 and 16A of the Ordinance as well as that on Temporary Open Storage and Port Back-up Uses were also required to correspond to the aforesaid revisions; and
- (j) opportunity was also taken to incorporate other technical amendments in the aforesaid TPB Guidelines, checklist of documents and Guidance Notes.

71. As the presentation was completed, the Chairman invited Members' questions on the new arrangements.

72. In response to the Vice-chairman's questions on the need to require hard and soft copy submission with the launch of e-submission and how the soft copy of planning application be submitted, Mr Kau said that submission of hard and soft copy of reports were only applicable for hard copy submission of planning applications. If planning application was submitted electronically under the e-submission system, no hard copy of supporting documents was required unless the submitted materials involved coloured plans or drawings

and the applicant wanted his/her application to be processed with the coloured copies. Under such circumstances, sufficient copies of the coloured plans or drawings would need to be provided by the applicant for further processing. For hard copy submission, as planning applications sometimes involved voluminous supporting planning and technical reports, the new arrangement to accept a mix of soft and hard copy of reports would facilitate distribution of such reports to Members and was an environmentally-friendly measure. If the applicant chose to submit a mix of soft and hard copies of reports for his/her application, the soft copy should be contained either in a CD-ROM or a DVD-ROM.

73. A Member asked why the e-submission was restricted to a limit of 10MB or less. In response, Mr Silas K.M. Liu, CTP/ISLS, said that it was a restriction imposed by the Office of the Government Chief Information Officer for online submission of all government departments. The 10MB limit should be able to accommodate about 80% of the planning applications for permission which were received and surveyed between January 2015 and September 2015, having the form and supplementary information within 20 pages.

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

74. Members noted the forthcoming launch of EPASS and agreed to endorse the draft Guidance Notes on e-submission and the nine draft e-forms, the proposed revisions to TPB PG-No. 30A, checklist of documents of the application forms for sections 12A and 16 applications and the four Guidance Notes on Planning Applications as well as the promulgation of the arrangements in due course for public information.

75. The Chairman thanked the representatives of PlanD for attending the meeting. They left the meeting at this point.

## **Procedural Matters**

### **Agenda Item 12**

[Open Meeting]

Submission of the Draft Lai Chi Wo, Siu Tan and Sam A Tsuen Outline Zoning Plan No. S/NE-LCW/1A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval

(TPB Paper No. 10041)

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[This item was conducted in Cantonese]

76. The following Members had declared interests on the item:

Professor S.C. Wong - having a colleague of his Department in which he was Head involved in a project in Lai Chi Wo with a non-government organization

Dr W.K. Yau - being Director of a conservation trust which involved an agricultural rehabilitation works in Lai Chi Wo

77. As the item was procedural in nature, Members agreed that both Professor S.C. Wong and Dr W.K. Yau should be allowed to stay in the meeting.

78. The Secretary briefly introduced the Paper. On 22.8.2014, the draft Lai Chi Wo, Siu Tan and Sam A Tsuen Outline Zoning Plan (the OZP) No. S/NE-LCW/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the exhibition periods of the OZP and representations, a total of 114 representations and five comments were received. After consideration of the representations and comments, the Board decided to partially uphold 108 representations by rezoning three parcels of land from “Green Belt” to “Agriculture”.

79. On 5.6.2015, the proposed amendments were published for further representation.

810 valid further representations were received during the publication period. After giving consideration to the further representations and the related representations and comments, the Board decided not to uphold the further representations and to amend the draft OZP by the proposed amendments. Since the representation consideration process had been completed, the draft OZP was ready for submission to the Chief Executive in Council (CE in C) for approval.

80. After deliberation, the Board:

- (a) agreed that the draft Lai Chi Wo, Siu Tan and Sam A Tsuen OZP No. S/NE-LCW/1A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Lai Chi Wo, Siu Tan and Sam A Tsuen OZP No. S/NE-LCW/1A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

### **Agenda Item 13**

[Open Meeting]

### **Any Other Business**

[The meeting was conducted in Cantonese.]

81. There being no other business, the meeting was closed at 12:35 p.m.