

**Minutes of 1156<sup>th</sup> Meeting of the  
Town Planning Board held on 17.11.2017**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Ms Bernadette H.H. Linn

Chairperson

Professor S.C. Wong

Vice-Chairperson

Mr Lincoln L.H. Huang

Mr H.W. Cheung

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

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

Dr F.C. Chan

Mr David Y.T. Lui

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Dr C.H. Hau

Mr Alex T.H. Lai

Mr Stephen L.H. Liu

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

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

Deputy Director of Environmental Protection (1)  
Mr Elvis W.K. Au

Chief Traffic Engineer (New Territories East),  
Transport Department  
Mr Ricky W.K. Ho

Assistant Director (Regional 3), Lands Department  
Mr Edwin W.K. Chan

Director of Planning  
Mr Raymond K.W. Lee

Deputy Director of Planning/District  
Ms Jacinta K.C. Woo

Secretary

**Absent with Apologies**

Mr H.F. Leung

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Dr Lawrence K.C. Li

**In Attendance**

Assistant Director of Planning/Board

Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board

Mr Kevin C.P. Ng

Senior Town Planner/Town Planning Board

Mr Raymond H.F. Au

**Agenda Item 1**

[Open meeting]

**Confirmation of Minutes of the 1154<sup>th</sup> meeting held on 4.11.2017**

[The item was conducted in Cantonese.]

1. The Secretary reported that the draft minutes of the 1154<sup>th</sup> meeting held on 4.11.2017 were sent to Members on 16.11.2017 and tabled at the meeting. Subject to no proposed amendments by Members on or before 20.11.2017, the minutes would be confirmed without amendments.

[Post-meeting Note: As at 20.11.2017, no proposed amendments to the draft minutes were received.]

**Agenda Item 2**

[Open meeting]

**Matters Arising**

[The item was conducted in Cantonese.]

(i) **Approval of Draft Outline Zoning Plan and Urban Renewal Authority Development Scheme Plans**

2. The Secretary reported that on 31.10.2017, the Chief Executive in Council approved the following draft Outline Zoning Plan (OZP) and Urban Renewal Authority (URA) Development Scheme Plans (DSPs) under section 9(1)(a) of the Town Planning Ordinance:

- (a) Hung Hom OZP (renumbered as S/K9/26);
- (b) URA Chun Tin Street/Sung Chi Street DSP (renumbered as S/K9/URA1/2);  
and
- (c) URA Hung Fook Street/Ngan Hon Street DSP (renumbered as S/K9/URA2/2).

3. Members noted that the approval of the OZP and DSPs were notified in the Gazette on 10.11.2017.

(ii) Reference Back of Approved Outline Zoning Plans

4. The Secretary reported that on 31.10.2017, the Chief Executive in Council referred the approved Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/19 and the approved Tsuen Wan OZP No. S/TW/33 to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. Members noted that the reference back of the two OZPs was notified in the Gazette on 10.11.2017.

(iii) Town Planning Appeal Decision Received

Town Planning Appeal No. 7 of 2016

Temporary Shop and Services (Environmental Consultancy and Landscaping Services) for a Period of 3 years in “Village Type Development” Zone, Lots 4981 RP (Part), 4892 RP (Part), 4893 (Part) and 4894 in D.D. 116 and Adjoining Government Land, Tai Tong Road, Yuen Long

(Application No. A/YL-TT/357)

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5. The Secretary reported that the appeal was lodged by the Appellant to the Appeal Board Panel (Town Planning) against the Town Planning Board (the Board)’s decision to reject on review application No. A/YL-TT/357 for a proposed temporary shop and services (Environmental Consultancy and Landscaping Services) for a period of 3 years. The appeal site (the Site) was zoned “Village Type Development” (“V”) on the approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16. A copy of the Town Planning Appeal Board (TPAB) decision had been sent to Members for reference.

6. On 28.6.2017, the appeal was heard by the TPAB. On 25.8.2017, the appeal was dismissed mainly for the following reasons:

- (a) the application under appeal was the Appellant’s fifth application. The appellant was still unable to provide a convincing proposal to satisfy the requirements of relevant government departments. The Appellant seemed

to have no intention to seek professional assistance. The TPAB was not convinced that, if the appeal was allowed with conditions, the Appellant would be able to comply with relevant approval conditions within a reasonable period of time; and

- (b) allowing the appeal would set an undesirable precedent, allowing other applicants to believe that even if an application was revoked due to non-compliance with approval conditions, they could continue to submit planning applications. Allowing these types of application was no different than extending the compliance period of approval conditions indefinitely.

7. On 3.11.2017, the TPAB decided that no order on costs should be made.

8. Members noted the decision of the TPAB on the application.

(iv) Appeal Statistics

9. The Secretary reported that as at 26.10.2017, a total of 9 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	35
Dismissed	:	152
Abandoned/Withdrawn/Invalid	:	199
Yet to be Heard	:	9
Decision Outstanding	:	2
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Total	:	397

- (v) Judicial Review lodged by Oriental Generation Limited against the Decision of the Town Planning Board in respect of the Kai Tak Mansion Site on the Draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plans No. S/K13/28

10. The Secretary reported that the following Members had declared interests on the item for having business dealings/affiliations with the Department of Architecture and Department of Mechanical Engineering of the University of Hong Kong (HKU) and Ove Arup

and Partners Hong Kong Limited (ARUP), which were consultants of the judicial review (JR) applicant, i.e. Oriental Generation Limited (OGL):

- |  |   |  |
|--|---|--|
| Professor S.C. Wong<br>( <i>The Vice-chairperson</i> ) | - | being Associate Dean of Faculty of Engineering and Chair Professor of the Department of Civil Engineering, HKU. ARUP had sponsored some activities of the department before. |
| Dr Wilton W.T. Fok                                     | - | being staff of HKU   |
| Mr H.F. Leung  | - | being Associate Professor, Department of Real Estate and Construction, Faculty of Architecture, HKU  |
| Dr C.H. Hau  | - | being an Honorary Associate Professor and Principal Lecturer of the School of Biological Sciences, HKU   |
| Mr Patrick H.T. Lau                                    | ] | having current business dealings with Arup   |
| Mr Ivan C.S. Fu  | ] |  |
| Ms Janice W.M. Lai                                     | ] |  |
| Mr K.K. Cheung   | ] | their firm having current business dealings  |
| Mr Alex T.H. Lai                                       | ] | with ARUP  |
| Mr Franklin Yu   | - | had past business dealings with ARUP   |

11. Members noted that Mr H.F. Leung and Mr K.K. Cheung had tendered apologies for not being able to attend the meeting. Members also noted that Dr C.H. Hau had not yet arrived at the meeting. As the item was to report the withdrawal of the JR application, the meeting agreed that the other Members who had declared interests could stay at the meeting.

12. The Secretary reported that the JR application was lodged by OGL against the Town Planning Board's decision made on 11.4.2014 to gazette the draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan (OZP) No. S/K13/28 under section 7 of the Town Planning Ordinance (TPO) with identical restrictions in relation to the Kai Tak Mansion (KTM) site introduced by the draft OZP No. S/K13/26. The Court had not yet granted leave to the JR application.

13. Pursuant to the Court's orders in respect of the other three JRs lodged by OGL in relation to the draft OZPs No. S/K13/26 and S/K13/27, the development restrictions pertaining to the KTM site had been reviewed. The revised restrictions had been incorporated into the draft OZP No. S/K13/29 which was published under section 7 of the TPO on 13.4.2017.

14. On 2.11.2017, OGL applied to the Court to withdraw the JR application. On 9.11.2017, the Court approved the withdrawal of the JR application.

15. Members noted that the JR application was withdrawn.

(vi) Uploading Town Planning Board Papers onto the Board's Website

16. The Secretary reported that on 8.10.2010, the Town Planning Board (the Board) agreed to adopt a phased approach to upload the TPB papers onto the Board's website to facilitate easy public inspection. Since early 2011, TPB papers related to (i) preliminary/further consideration of new plan, (ii) proposed amendment to approved statutory plan, (iii) planning study, and (iv) draft/revision of TPB Guidelines, had been uploaded onto the Board's website. Since 2013, TPB papers for consideration of representations and comments (R&C) had also been uploaded to the Board's website for those OZPs involving a large number of R&C. Such practice was expanded to all TPB papers for consideration of R&C in 2016.

17. Following the introduction of e-distribution of TPB papers to Members and after resolving the technical issues, it was proposed that those TPB papers available to Members by electronic means would also be uploaded onto the Board's website for public inspection starting from 1.1.2018. Planning statements or technical assessments submitted in booklet format and submissions involving third party information and copyright issues would not be uploaded at this stage. The current arrangements for making hard copy of TPB papers available at

Planning Enquiry Counters for public inspection would remain unchanged.

18. Members agreed to the proposed arrangement set out in paragraph 17 above.

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

**Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of Draft Lok Ma Chau Loop Outline Zoning Plan No. S/LMCL/1  
(TPB Paper No. 10356)

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[The item was conducted in Cantonese.]

19. The Secretary reported that the proposed Hong Kong-Shenzhen Innovation and Technology Park (IT Park) at Lok Ma Chau Loop (LMCL) would be developed and managed by the Hong Kong Science and Technology Parks Corporation (HKSTPC). The following Members had declared interests on the item for having affiliation with HKSTPC, The Hong Kong Bird Watching Society (HKBWS)(R2), The Conservancy Association (CA)(R3), World Wide Fund for Nature Hong Kong (WWF-HK)(R4), the co-founder and Chief Executive Officer of Designing Hong Kong Limited (DHKL)(R5) and/or Kadoorie Farm and Botanic Garden (KFBG)(R6):

Mr K.K. Cheung	]	their firm having current business dealings with
Mr Alex T.H. Lai	]	HKSTPC, a representative of CA and KFBG
Mr Dominic K.K. lam	]	had past business dealings with HKSTPC
Mr Stephen L.H. Liu	]	
Dr C.H. Hau	-	being a member of HKBWS; a life member of CA and his wife was the Honorary Secretary of Board of Director of CA; and being a past member of the Conservation Advisory Committee of WWF-HK

Mr Thomas O.S. Ho - personally knowing the co-founder and Chief Executive Officer of DHKL

20. Members noted that Mr H.F. Leung, Mr K.K. Cheung and Mr Thomas O.S. Ho had tendered apologies for not being able to attend the meeting and that Dr C.H. Hau had not yet arrived at the meeting. As the interests of Mr Dominic K.K. Lam and Mr Stephen L.H. Liu were indirect and as Mr Alex T.H. Lai had no involvement in the LMCL project, the meeting agreed that they could stay in the meeting.

21. The Chairperson said that reasonable notice had been given to the representers and commenters inviting them to attend the hearing, but other than those who were present or had indicated that they would attend the hearing, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representers and commenters, the Town Planning Board (the Board) should proceed with the hearing of the representations and comments in their absence.

#### Presentation and Question Sessions

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

#### ***Government's representatives***

##### Planning Department (PlanD)

Ms Maggie M.Y. Chin - District Planning Officer/ Fanling, Sheung Shui & Yuen Long East (DPO/FSS&YLE), PlanD

Mr Billy W.M. Au-Yeung - Town Planner/Yuen Long East 2 (TP/YLE2), PlanD

##### Innovation and Technology Commission (ITC)

Mr Johann C.Y. Wong - Deputy Commissioner for Innovation &

Technology (DC for I&T)

Mr Richard C.K. Chan - Senior Manager (Capital Works), ITC

Civil Engineering and Development Department (CEDD)

Mr Lau Wing Kam - Chief Engineer/New Territories West 1,  
(CE/NTW1), CEDD

Mr Chan Kin Shun - Senior Engineer/9 (New Territories West),  
CEDD

Agriculture, Fisheries and Conservation Department (AFCD)

Mr Cheung Kwok Wai - Senior Nature Conservation Officer (North),  
(SNCO(N), Agriculture, Fisheries and  
Conservation Department)

Ms Chan Yu Nam - Nature Conservation Officer (Yuen Long)  
(NCO(YL)), AFCD

***Representers, commenters and their representatives***

R2 - HKBWS

R5 – DHKL

Ms Vicky Yeung ] Representers' representatives

Ms Kitty Y.T. Tang ]

R3 – CA

Mr Ng Hei Man ] Representer's representatives

Ms Charlotte W.K. Chan ]

R4 – WWF-HK

Mr Tobi S.K. Lau - Representer's representative

R6 - KFBG

R7 – Nip Hin Ming, Tony

Mr Tony H.M. Nip - Representer and representer's representative

Dr Chiu Sein Tuck - Representers' representative

C1 – Green Sense

C3 – Mak Chi Kit

Mr Mak Chi Kit - Commenter and commenter's representative

Mr Tam Hoi Pong - Commenters' representative

23. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She said that government's representatives would be invited to brief Members on the representations and comments. The representers/commenters or their representatives would then be invited to make oral submissions in turn. To ensure the efficient operation of the meeting, each representer/commenter or his/her representative would be allotted 10 minutes for making oral submission. There was a timer device to alert the representers/commenters or their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after all attending representers/commenters or their representatives had completed their oral submissions. Members could direct their questions to government's representatives, representers/commenters or their representatives. After the Q&A session, government's representatives, the representers/commenters or their representatives would be invited to leave the meeting; and the Board would deliberate on the representations and comments in their absence and inform the representers and commenters of the Board's decision in due course.

24. The Chairperson then invited government's representative to brief Members on the representations and comments.

25. With the aid of a PowerPoint presentation, Ms Maggie M.Y. Chin, DPO/FSS&YLE, PlanD briefed Members on the representations and comments, including the background of the preparation of the draft Lok Ma Cha Loop No. S/LMCL/1, local consultation, views and proposals of the representers and commenters, planning assessments and PlanD's views on the representations and comments, as detailed in the TPB Paper No. 10356 (the Paper).

[Mr David Y.T. Lui, Miss Winnie W.M. Ng, Mr Franklin Yu and Mr Elvis W.K. Au arrived to join the meeting during the presentation of DPO/FSS&YLE.]

26. The Chairperson then invited the representers, commenters and their representatives to elaborate on their representations and comments.

R2 - HKBWS

R5 – DHKL

27. With the aid of a Powerpoint Presentation, Ms Vicky Yeung made the following main points:

*Ecological Value*

- (a) the fishponds and wetlands in the Deep Bay area were well recognized as of high conservation importance in the “Study on the Ecological Value of Fish Ponds in the Deep Bay Area” completed by PlanD in 1997 and the Town Planning Board Guidelines No. 12C (TPB PG-No.12C);
- (b) LMCL was surrounded by areas designated for Wetland Conservation Area (WCA) and was an intrinsic part of the Deep Bay wetland system. The ‘Deep Bay Wetland outside Ramsar Site’ was one of the twelve priority sites for enhanced conservation under the New Nature Conservation Policy;
- (c) the LMCL area formed part of the greater “Inner Deep Bay and Shenzhen River catchment area” Important Bird Area (IBA) as recognised by BirdLife International, a global authority in bird conservation. The designation of IBA denoted that the area was a globally important wetland site which supported a large number of passage and wintering waterbirds including threatened species. The LMCL area was also identified by the International Union for Conservation of Nature as a “Key Biodiversity Area”;

- (d) the TPB Paper and the Notes and Explanatory Statement (ES) of the draft OZP had underplayed the high ecological value of the LMCL and its surrounding areas and provided an inaccurate picture of the current situation of the LMCL area, which would mislead the Board and the general public. The Notes and ES of the OZP should be amended to provide an accurate picture of the ecological and conservation value of the LMCL area;

*Development Pressure in Lok Ma Chau Area*

- (e) the fishponds surrounding LMCL were facing imminent development pressure as vegetation clearance, road widening and erection of hoardings were spotted along Border Fence Road in the early 2017. In July 2017, pond and land filling activities were found at the fishponds and wetland in the adjoining WCA;
- (f) the LMCL development had already raised the expectation of landowners for development, which had led to the unauthorised filling activities in the WCA;
- (g) the scale of the LMCL development, with a plot ratio (PR) of 1.37 and a maximum building height (BH) of about 12 storeys, was about 3 to 4 times of the maximum PR and BH generally allowed in the Deep Bay area. The LMCL development would be incompatible with the surrounding rural setting. It would also set an undesirable precedent for future medium to high-rise developments in the Deep Bay area which would result in adverse cumulative impacts on the ecological integrity of the WCA and reduction of buffering capacity of the Wetland Buffer Area (WBA);
- (h) the LMCL development would lead to a reduction of about 60% (from about 800m - 1.5km to 300m - 500m) in the width of birds' movement corridor. Such reduction would fragment the Deep Bay wetland system

which was an important breeding and feeding grounds of Black-faced Spoonbills. In particular, the Ma Tso Lung and Hoo Hok Wai areas would become separated from the rest of the wetland system;

- (i) the LMCL development would introduce a population of 50,000 to 53,000 to an area which was currently uninhabited and of high ecological and conservation value. The LMCL development would adversely affect the carrying capacity of the Deep Bay wetland ecosystem, which might lead to irreversible impact on the wetland system and threaten birds and wildlife species;

*Eastern Connection Road (ECR)*

- (j) the proposed ECR was unnecessary as it would further fragment the Deep Bay ecosystem and damage the ecological integrity of the WCA. They were concerned that the ECR would lead to permanent wetland loss and cause disturbance to the fishponds and wetlands. The ECR would also increase the development pressure within the WCA and WBA;
- (k) there were other isolated areas/islands in Hong Kong, such as Ap Lei Chau and Chek Lap Kok, which were served by one point of access on land or with both access points located next to each other. A second access point to the LMCL development via the proposed ECR was unnecessary. Other alternatives should be explored;
- (l) while the ECR had been excluded from the approved Environmental Impact Assessment (EIA) report for the LMCL development, it was still mentioned in the ES of the draft OZP as an option to connect the LMCL with the Kwu Tung North New Development Area, in the hope of justifying and gaining more support on that proposed road network. Such approach was unacceptable and did not demonstrate good governance. The ECR should be deleted from the ES of the draft OZP;

[Mr Philip S.L. Kan arrived to join the meeting at this point.]

*Zoning of the Existing Reedbeds*

- (m) while it was appreciated that part of the existing reedbeds were to be retained, such retention could not be regarded as an enhancement for the LMCL area as those reedbeds were only remains of the original wetland habitat;
- (n) the functions of reedbed were to preserve the existing ecological resources and provide an ecological connection to the reedbed in the proposed Ecological Area (EA). A conservation zoning, instead of the current “Open Space” (“O”) zone, should be designated for the reedbeds in order to reflect the conservation value of the existing reedbeds and to prevent the area from developing into an landscaped open space with water features;

*Zoning of the Buffer Zone*

- (o) although a 50m-wide buffer zone adjoining the EA had been proposed, the buffer zone was not continuous. The planning intentions of the “Other Specified Uses” (“OU”) and “Government, Institution or Community” (“G/IC”) zonings adjoining the proposed EA were not intended for buffering purpose, and many permitted uses within those zonings were not conducive to the safeguarding of the EA. Moreover, development with a maximum BH of 14mPD would be allowed in the internal 25m-buffer zone within the “OU(Research and Development, Education, and Cultural and Creative Industries)” (“OU(R&D, Edu and C&C)”) zone; and
- (p) conservation zoning should be designated for a continuous strip of 50m-wide buffer zone along the proposed EA and no development should be allowed therein.

28. With the aid of a Powerpoint Presentation, Ms Charlotte W.K. Chan made the following main points:

- (a) CA objected to the draft OZP;
- (b) the ecological importance of the Deep Bay area was well recognised at both local and international levels. The LMCL area was located adjacent to the WCA and was an integral part of the ecological system in the Deep Bay area. It was also an important corridor for migratory birds and a habitat for Eurasian Otters, a species of conservation interest. They were concerned that the LMCL development would bring about adverse ecological impacts on the Deep Bay area;
- (c) the proposed PR of 1.37 for the LMCL development was excessive as compared to the existing developments within the Deep Bay area with a PR of less than 0.4. The proposed LMCL development was incompatible with the surrounding rural setting and environment. It might also set an undesirable precedent for future developments in the Deep Bay area resulting in adverse cumulative impacts on the ecological value of the area;
- (d) according to the Ecological Impact Assessment (EcoIA) of the approved EIA report, the number of bird-flights affected by the LMCL development would range from about 4% to 40%. The proposed BHs within the LMCL development should be reduced to minimise the potential adverse impacts on birds;
- (e) although a 50m-wide buffer zone had been proposed along the EA, the buffer zone was not continuous and did not cover those sections in Planning Areas 4, 6, 8, 12 and 13 which were subject to maximum BHs from 14mPD to 25mPD. Moreover, development subject to a maximum BH of 14mPD would be permitted within the 25m-wide internal buffer zone. They were worried that the buffering capacity of the buffer zone would be adversely affected causing disturbance to the migratory birds;

- (f) in light of the prospective LMCL development, the development pressure in the surrounding wetland areas had been escalating. Unauthorized developments on both private and government land had been taking place near LMCL. In July 2017, there were media reports on unauthorized pond filling activities at Border Fence Road, and the scale of the filling was found further increased according to recent site inspections. Such unauthorised activities would result in loss of fishponds and wetland habitats; and
- (g) the 50m-wide buffer zone should be extended to include the full length of land abutting the proposed EA, and that no building developments should be allowed within both the internal and external buffer zones.

#### R4 – WWF-HK

29. With the aid of a Powerpoint Presentation, Mr Tobi S.K. Lau made the following main points:

- (a) the buffer zone along the proposed EA was important in minimizing human disturbance to birds and wildlife. The buffer zone in Planning Areas 6 and 10 currently zoned as “OU(R&D, Edu and C&C)” should be redesignated for specific zonings to reflect the planning intentions of both the internal and external buffer zones;
- (b) the buffer zone should be extended to cover the full length of land adjoining the proposed EA in order to provide added protection for and minimise human disturbance on the EA. Designation of a ‘25m-wide no-go strip’ in the “O” zone in Planning Area 8 abutting the EA should be considered;
- (c) with the improvement of the water quality of the Shenzhen River, the richness and abundance of bird species along the river would be increased. It was proposed that a lower BHR of 14mPD should be imposed for those buildings along Shenzhen River in the western part of the LMCL while

taller developments could be concentrated in the middle part. Low-rise buildings would benefit birds along the river as it would provide a wider and an alternative flight path along the Shenzhen River. The proposal was in line with the BH profile on the Shenzhen side as the western part of Shenzhen River was mainly occupied by the facilities of Huanggang Port; and

[Dr Frankie W.C. Yeung arrived to join the meeting at this point.]

- (d) unauthorized pond filling activities had frequently occurred in the WCA. Since March 2017, the total area of ponds in the vicinity of the LMCL that had been filled or disturbed was similar to the size of a soccer pitch. There was therefore a need to designate lower BHs for the buildings along Shenzhen River to provide an alternative flight path for the birds.

R6 - KFBG

R7 – Tony H.M. Nip

30. With the aid of a Powerpoint Presentation, Mr Tony H.M. Nip made the following main points:

- (a) while the reedbeds, waterbirds and flight paths all contributed to the ecological importance of the LMCL, the LMCL and its surrounding wetland areas were also recognised as an important habitat for Eurasian Otter, a ‘Globally Near Threatened’ species;
- (b) in Hong Kong, Eurasian Otter was classified as ‘Critically Endangered’ under the Biodiversity Strategy and Action Plan and its habitat had been restricted to the wetlands in northwest New Territories. It was estimated that there were at present less than 50 mature individuals of Eurasian Otter in Hong Kong;
- (c) according to a study conducted by KFBG, the population and distribution range of Eurasian Otters had been significantly declining in China. Urgent

and focused action was required to protect the remaining population. In other Asian countries including Japan, South Korea and Malaysia, Eurasian Otter was also regarded as an endangered species and its recent resurfacing had been widely reported in the media;

- (d) both the old Shenzhen River meander and the land area of LMCL were important living grounds of Eurasian Otters. As the LMCL development would have adverse and irreversible impact on the habitats of Eurasian Otters, a number of measures had been proposed in the EcoIA of the approved EIA report for the LMCL development in order to alleviate the impact on Eurasian Otters including the designation of the existing reedbeds along the old Shenzhen River meander as an EA. A 50m-wide buffer zone should be allowed along the EA in order to mitigate the visual and noise disturbance;
- (e) as illustrated in a video clip, Eurasian Otters were highly sensitive to human activities. Hence, possible human disturbance to the proposed EA within the LMCL should be minimised as far as possible;
- (f) the detailed EIA requirements for the buffer zone had been specified in Section 12.7.2.1 of the EcoIA of the approved EIA Report. In gist, a 50m buffer zone which allowed only passive recreational activities and with extensive vegetation planting should be provided to minimise potential disturbance; and no development should be allowed in the external 25m-wide buffer zone facing the EA while developments within the 25m-wide internal buffer zone should be subject to a maximum PR of 0.1 and maximum BH of 14mPD;
- (g) however, the EIA requirements had not been accurately reflected on the draft OZP in that the buffer zone was mainly covered by the “OU(R&D, Edu and C&C)” zoning. Although some of the EIA requirements in terms of distribution and height of the buildings were specified in the ES of the OZP, the requirements to restrict development intensity to PR 0.1 and to allow only passive recreational activities in the buffer zone were not

mentioned. Moreover, the specific function of the buffer zone was not reflected in the planning intention of the “OU” zone, and some of the Column 1 uses such as ‘Place of Entertainment’ and ‘Place of Recreation, Sports and Culture’ might generate human disturbance and noise impact on the EA and the buffer zone;

- (h) in essence, the draft OZP could not ensure the provision of a buffer zone and the current “OU” zoning had failed to protect the EA by providing a genuine buffering area. In view of the planned population of over 50,000 in LMCL, an effective buffer zone was essential to minimise human disturbance on the EA; and
- (i) specific zonings should be designated for the buffer zone. The ‘internal 25m-wide buffer zone’ should be designated for a specific “OU” zone with clear planning intention for providing a buffer, and specifying the PR and BH restrictions on the OZP in accordance with the EIA requirements. As for the ‘external 25m-wide buffer zone’, it should be designated for “CA” or “OU (Ecological Buffering only)” zone with clear planning intention for providing a buffer with presumption against development, and adopting a schedule of uses similar to “Green Belt” (“GB”) zone. Only passive recreational activities should be allowed in both the internal and external buffer zones.

[The meeting was adjourned for a break of about ten minutes.]

31. As the presentations of the representers or their representatives had been completed, the Chairperson invited the commenter or its representatives to make oral submission.

C1 – Green Sense

C3 – Mak Chi Kit

32. With the aid of a Powerpoint Presentation, Mr Tam Hoi Pong made the following main points:

- (a) the crux of the problem pertaining to the LMCL development was primarily an issue of sovereignty rather than environmental protection;
- (b) given that the HKSAR Government and the Shenzhen Municipal People's Government had already signed a Memorandum of Understanding (the Memorandum) agreeing to jointly develop the LMCL into a Hong Kong-Shenzhen Innovation and Technology Park (IT Park), he doubted whether there would be scope for the Board to alter the plan for the IT Park development;
- (c) upon reunification of Hong Kong with China, the land and sea area south of Shenzhen River had been under the administration of the HKSAR Government. Thus, the Mainland should not participate in the planning of the LMCL development. Under the Stage 2 Public Engagement of the Planning and Engineering Study on Development of Lok Ma Chau Loop, the LMCL was recommended for tertiary education. However, the proposed land use for the LMCL was subsequently changed to primarily for IT and R&D under the Memorandum. It was disappointing that the people of Hong Kong could not take the lead in the development of their own land and their views expressed during the public consultation were not taken on board;
- (d) the LMCL area comprised a large area of wetland of ecological significance to both Hong Kong and the Mainland. The LMCL development would involve the removal of the existing reedbeds, shrubland and grassland and cause adverse and irreversible impacts on the habitats of migratory birds and Eurasian Otters. The LMCL area was also an important ecological corridor connecting the fishponds and farmland in Mai Po and Hoo Hok Wai. The LMCL development would adversely affect the corridor and diminish its ecological function;
- (e) the existing Industrial Estates and R&D facilities in Hong Kong had not yet been fully developed. Otherwise, land within the HKSTP would not be developed for luxury housing. There was therefore no imminent need to

develop the LMCL for R&D purpose;

- (f) the location of the LMCL was convenient for the Mainlanders but remote for the people of Hong Kong. As there were no direct public transport facilities serving the LMCL, it would take over an hour to travel from Hong Kong's main urban area to the LMCL. Moreover, special arrangement in terms of entry to Hong Kong would in future be provided for those Mainlanders who worked in the IT Park. While Hong Kong had spent substantial efforts and resources in the site formation, infrastructure provision and development of the LMCL, ultimately the LMCL development would only benefit the Mainlanders;
- (g) while he considered that government officials who had been involved in the LMCL development should not participate in the Board's meeting, he urged those officials to listen to the views of the representers and the general public. The Board should exercise independent thinking to overturn the unfair and unreasonable proposals for the LMCL in the interests of Hong Kong people;
- (h) the Board should not impose limit on the speaking time of representers and commenters. If time limit was to be imposed, their allotted speaking time should be corresponded to the number of representers and commenters attending the meeting;
- (i) the EIA mechanism for public projects was unfair as it was administered by the Director of Environmental Protection (DEP). In order to get the EIA approved, the assessments might deviate from the objective scientific basis as illustrated in the EIA for the Third Runway System; and
- (j) the LMCL development should be shelved. The Government should respect the result of public consultation and listen to the views of the green groups to protect the LMCL area.

33. As the presentation of the commenter or its representatives had been completed, the

Chairperson invited questions from Member.

34. The Chairperson and some Members had the following comments and questions:

Requirements of the EIA and Environmental Permit (EP)

- (a) whether the OZP had incorporated the requirements of the approved EIA report and EP;
- (b) what were the requirements or conditions imposed by the approved EIA report and EP that the project proponent should comply with;

Buffer Zone adjoining the northern boundary of EA

- (c) whether the 50m-wide buffer zone was a condition of the approved EIA report or EP and regarded as a compensation of the loss of reedbeds;
- (d) noting that no buffer zone had been marked on the “G/IC” and “OU” annotated “Sewage Treatment Works” (“OU(STW)”) zoning for electricity sub-station and sewage treatment works with a maximum BHs of 25mPD and 15mPD respectively in the northeast part of the LMCL, whether the buffering function would be weakened;
- (e) given that the existing reedbeds would be retained within the “O” zone, whether it was appropriate to rezone that portion of “O” to “GB” or “OU(EA)”; and
- (f) noting that the buffer zone abutting the EA had been broken up by the “O” zone, whether it was a requirement of the approved EIA report or the EP that the buffer zone should be continuous.

35. In response to Members’ questions, Ms Maggie M.Y. Chin, DPO/FSS&YLE made the following main points with the aid of the PowerPoint slides and visualizer:

Requirements of the Approved EIA report and EP

- (a) the OZP was intended to indicate the broad land use zonings and major transport networks for the LMCL area so that the development and redevelopment within the area could be put under statutory planning control. The OZP had been formulated based on the approved EIA report and EP. The ES of the OZP had also stated clearly the relevant requirements set out in the approved EIA report and EP;
  
- (b) the project proponent would prepare a master plan for the LMCL development with development phasing/programme, detailed land uses and detailed design including the environmental and ecological mitigation measures proposed in the approved EIA report, and satisfy the technical requirements. To minimise ecological impact during construction and operation stages, the project proponent would need to implement a series of ecological mitigation measures in accordance with the requirements of the EP. The key ecological mitigation measures included:
  - (i) creating and establishing an EA, approximately 12.78 ha in size containing reed marsh and marsh habitat prior to total clearance of reed marsh, including a low-rise building buffer zone of 50m width from the EA with appropriate screen planting;
  
  - (ii) carrying out the construction outside dry-season to minimise disturbances to migratory birds; and
  
  - (iii) the project proponent should submit an Ecological Mitigation/Habitat Creation and Management Plan to DEP before commencement of the Project for certification by the Environmental Team Leader and concerned departments as conforming to the relevant information and recommendations contained in the EcoIA of the approved EIA report;
  
- (c) the ES of the OZP had also set out the relevant requirements from the approved EIA report, amongst others, including:

- (i) within the 50m-wide buffer zone, all buildings should be placed in the 25m-wide area farther away from the EA in which developments should not exceed a maximum BH of 14mPD; and
- (ii) development within the “OU(R&D, Edu and C&C)” zone should generally be low to medium-rise with a stepped height ranging from 14mPD to 54mPD;

Buffer Zone adjoining the northern boundary of the EA

- (d) according to the EcoIA of the approved EIA report, the EA of 12.78 ha would be used to compensate for the loss of reed marsh and fresh water marsh due to the LMCL development. The EA, which was zoned “OU” annotated “Ecological Area” (“OU(EA)”) on the OZP, would also provide an undisturbed natural habitat suitable for protection of the flight path corridor. The buffer zone did not form part of the compensation measures;
- (e) based on the EcoIA of the approved EIA report, the 50m-wide buffer zone abutting the EA was required to mitigate the visual and noise disturbance impacts of the development. For the 25m-wide area farther away from the EA, development would be subject to a maximum BH of 14mPD and a maximum PR of 0.1, as set out in the EcoIA of the approved EIA report. Whilst no building would be allowed within the 25m-wide area abutting the boundary of the EA, there would be opportunities for passive recreational activities, such as cycling, walking and jogging for the LMCL users;
- (f) while requirement of a buffer zone of 50m width was a condition of EP, the requirements of the two 25m-wide areas, i.e. subject to a maximum BH of 14mPD in the internal 25m buffer zone and no building allowed in the external 25m buffer zone, were based on assessments of the EcoIA of the approved EIA report;
- (g) the OZP was formulated based on the approved EIA report and EP while the

EcoIA of the approved EIA report had assessed the potential ecological impacts of the LMCL development. With the implementation of the mitigation measures, the LMCL development would be environmentally acceptable. While maximum BH restrictions of 25mPD and 15mPD for two sites zoned “G/IC” and “OU(STW)” respectively (reserved for electricity sub-station and sewage treatment works respectively) were imposed, the relevant parties including CEDD and CLP Power Hong Kong Limited would further study the detailed design of those facilities;

- (h) the ecological value of the existing reedbeds was compromised by its uniform age, fragmentation and lack of structural diversity and open water; and
- (i) the EcoIA of the approved EIA report had confirmed that the compensatory reed marsh habitat of 12.78ha in the EA could facilitate effective ecological enhancement and avoidance of fragmentation and disturbance impacts. Nevertheless, about 3 ha of the existing reedbeds within the “O” zone would be retained in response to the comments of the Advisory Council on the Environment Environmental Impact Assessment Subcommittee (ACE EIA Subcommittee). As recommended by the ACE EIA Subcommittee, the retained reedbeds would be integrated into the design of the “O” zone and provide passive amenity space for the LMCL user. Use of native planting and non-intrusive boardwalk would be provided at appropriate locations to make that area an enjoyable amenity space. The details would be further examined at the detailed design stage. In view of the above, the proposed conservation zoning for the existing reedbeds would not be required.

36. Mr Elvis W.K. Au, Deputy Director of Environmental Protection (DDEP(1)) made the following main points:

- (a) the 50m-wide buffer zone was a condition of EP;
- (b) the buffer zone, which did not have high ecological value, aimed at providing a buffer function minimizing visual and noise disturbance to the

EA, with extensively planted vegetation. The function of buffer zone was not equal to the EA, which was the creation of areas of reedbed for compensating the habitat loss due to the LMCL development;

- (c) regarding monitoring, the project proponent should submit a detailed proposal before construction, listing out details of all works, which should comply with the EP;
- (d) passive recreational activities included activities such as walking and cycling; and
- (e) the OZP and its ES including the buffer zone, EA and “CA” complied with the requirements of the EP and the approved EIA report.

37. Mr Tony H.M. Nip (R7 and representative of R6) considered that the LMCL OZP could not fully reflect the requirements of the approved EIA report and made the following main points:

- (a) he was involved in preparation of the EIA report, which was endorsed by ACE and approved by DEP;
- (b) according to the EP, the 50m-wide buffer should be mainly for passive recreational activities. He would not object to having limited developments at the buffer zone, but he considered that the proposed “OU(R&D, Edu and C&C)” zoning which allowed a wide range of developments not appropriate. The “OU(R&D, Edu and C&C)” zone was not for passive recreational activities and buffering function. Those Column 1 uses such as ‘Place of Entertainment’ and ‘Place of Recreation, Sports or Culture’ could not serve as a buffering function. The buffer zone should be designated with a specific zoning commensurate with the planning intention; and
- (c) while he did not object to the “O” zoning for a buffer zone as the planning intention of “O” was for the provision of outdoor public space for

active/passive recreational uses, there was no detail in the ES of the OZP on the preservation of the existing reedbeds in-situ.

38. Mr Tam Hoi Pong (representative of C1 and C3) supplemented that there was a court case in which a developer had successfully challenged that the ES of the OZP had no statutory power.

39. Some Members raised the following additional questions:

Planning application and zoning in Nam Sang Wai

- (a) what the Board's decision was in respect of a previous planning application regarding a proposed development at wetland in Nam Sang Wai;
- (b) noting that 'Wetland Habitat' use was a Column 1 use under "OU" annotated "Comprehensive Development and Wetland Enhancement Area 1" ("OU(CDWEA1)") zone on the approved Nam Sang Wai OZP, whether it was appropriate to provide 'Wetland Habitat' use under the "O" zoning on the LMCL OZP, which was, amongst others, for the retention of the existing reedbeds in-situ;

Development pressure in surrounding areas

- (c) how to avoid or effectively enforce illegal land/pond filling in and destruction of the surrounding fishponds;

Development parameters of the LMCL Development

- (d) how the development intensity and BH restrictions were formulated;
- (e) given scarce land resources, whether the development intensity and BH could be increased; and
- (f) whether there was any information showing the BH profile across the

border.

40. In response to Members' questions, Ms Maggie M.Y. Chin, DPO/FSS&YLE, with the aid of the PowerPoint slides and visualizer, made the following main points:

Planning application and zoning in Nam Sang Wai

- (a) there was a previous planning application (No. A/YL-NSW/242), falling within an area zoned "OU(CDWEA1)" and "Site of Special Scientific Interest (1)" ("SSSI(1)") on the approved Nam Sang Wai and approved Mai Po and Fairview Park OZPs respectively, for proposed comprehensive development with wetland enhancement. Any development within "OU(CDWEA1)" would require planning permission from the Board and should be developed in a comprehensive and integrated manner with the "SSSI(1)" site and should be supported by an EcoIA to demonstrate that the development would not result in a net loss in wetland function and negative disturbance impact. The application was rejected by the Rural and New Town Planning Committee and the Board on review in 2016 and 2017 respectively. One of the rejection reasons was that the EcoIA had failed to demonstrate that the loss of ecological function could be adequately compensated by the proposed mitigation measures and AFCD did not support the proposed development. Besides, the submitted technical assessments failed to demonstrate that the proposed development would not generate adverse traffic, ecological and visual impacts on the surrounding areas;
- (b) the planning intention of "O" on the LMCL OZP was for the provision of outdoor open-air public space for active and/or passive recreational uses, not for conservation purpose. 'Wetland Habitat' use was considered inappropriate as a Column 1 use for that zone;

Development pressure in surrounding areas

- (c) the fishponds surrounding the LMCL mainly fell within the "Conservation

Area” (“CA”) zone on the San Tin OZP and “Conservation Area(1)” (“CA(1)”) zone on the Ma Tso Lung and Hoo Hok Wai OZP. As filling of land/pond would have adverse environmental impacts on the area, planning permission from the Board was required for such activities. Any unauthorized land/pond filling would be subject to enforcement action by the Planning Authority (PA), and reinstatement would be required. The PA would further promote public awareness on the enforcement provisions and requirements under the Town Planning Ordinance (the Ordinance) so that the land owners, occupiers and operators would not commit an offence under the Ordinance inadvertently. There were about 22 relevant enforcement cases recorded within the area in the past three years;

#### Development parameters of the LMCL Development

- (d) the LMCL was located in a transition zone between the highly urbanized development in Shenzhen and the rural hinterland of Hong Kong. Taking into account various considerations, amongst others, the locational advantages, optimum use of land resources, ecological/ environmental considerations, the LMCL P&E Study had recommended a development framework with a maximum GFA of 1.2 million m<sup>2</sup> (PR of 1.37) in the form of low to medium-rise BH profile. Various technical assessments, including EIA, Transport and Traffic Impact Assessment (TTIA) and Drainage Impact Assessment (DIA), had been undertaken to confirm the technical feasibility of the development. During the course of the study, two stages of public engagement had been undertaken;
  
- (e) the formulation of the OZP as well as the BH profile were based on the approved EIA report and had taken into account the ecological impact of the development on the surroundings. During the public engagement of the LMCL P&E Study, the public generally agreed that the development proposal had struck a balance between conservation and development under the principle of sustainable development. The EIA report had assessed various environmental issues and identified the necessary measures to address/mitigate the potential adverse environmental and ecological impacts

based on the recommended development frameworks.

- (f) to minimize any potential impact on the birds' flight paths, a graduated BH profile was adopted. In this regard, the BH in the LMCL was lowered towards the waterfront, then raised to attain a varied BH profile in the inner areas, and gradually lowered again southwards towards the EA for a smooth transition;
- (g) according to the EcoIA of the approved EIA report, 83% of bird-flights would fall within the unaffected portion and would not be impeded while the 17% affected bird-flights were predicted to re-route to fly over the unaffected area and the airspace above the buildings of lower height adjacent to the buffer zone; and
- (h) excluding the EA, open space, amenity, road, "Commercial" ("C") and "G/IC" zones, the development area for the IT Park (i.e. "OU(R&D, Edu and C&C)" zone, etc.) of about 38.6 ha and the PR of about 3, was generally comparable with the current Science Park at Tai Po with a PR of about 2.5.

41. Mr Tobi S.K. Lau (representative of R4) pointed out that PlanD's enforcement action had not effectively prevented unauthorized development. There was an unauthorized development reported in 2015 but yet to be reinstated.

42. With the aid of a PowerPoint presentation, Mr Tobi S.K. Lau (representative of R4) supplemented that 80% of Shenzhen area opposite to the LMCL were low-rise buildings for provision of border crossing facilities, while the proposed BH of LMCL development at the border side was about 10 to 14 storeys, then gradually lowered southwards to a BH of about 4 storeys. He requested that those tall buildings to be moved southwards towards the inner areas.

43. Some Members raised the following additional questions:

Monitoring and Enforcement Mechanism

- (a) how to prevent unauthorized development or human disturbance at “OU(EA)” and “CA” zones, and which government department(s) would take up the enforcement role;
- (b) as the BH was not shown on the Plan of the OZP, but only in the ES, how the BH restrictions would be enforced in the future;
- (c) who would be the authority to allow relaxation of development restrictions, e.g. relaxation of BH restriction;

Reedbed Planting and Protection of Eurasian Otter

- (d) whether it would be practical to re-create reedbed; and
- (e) whether the proposed “OU(EA)” and “CA” zones were sufficient to protect the Eurasian Otter, from human disturbance.

44. In response to Members’ questions, Ms Maggie M.Y. Chin, DPO/FSS&YLE made the following main points:

Monitoring and Enforcement Mechanism

- (a) the planning intention of “OU(EA)” and “CA” zones were primarily for reedbed compensation and conservation purposes respectively. There were limited Column 1 and 2 uses. While provision of fencing would be further studied in the detailed design stage, any filling of land/pond or excavation of land within the “CA” zone would require permission from the Board. The EA would be under the management of AFCD;
- (b) the project proponent would prepare a master plan for the LMCL development with detailed land uses and detailed design including the environmental and ecological mitigation measures proposed in the approved

EIA report. While the technical feasibility of these measures had been established in the EIAO process, concerned government departments would further vet and approve these measures at the detailed design stage;

- (c) the LMCL area was currently government land and would in due course be granted under a lease. The detailed requirements of developments complying with this draft Plan could be controlled through the lease and the Buildings Ordinance via building plan submission; and
- (d) the BH profile of the LMCL development formed part of the ecological mitigation measures stipulated in the EcoIA of the approved EIA and should be included in the Ecological Mitigation/Habitat Creation and Management Plan to be submitted under the EP. For any proposed variation to the Plan, the EP holder would be required to submit a Revised Plan to EPD for approval.

45. In response, Mr Elvis W.K. Au, DDEP(1) supplemented that the conditions of EP, including implementation of mitigation measures relevant to the buffer zone contained in the approved EIA report, were mandatory under Environmental Impact Assessment Ordinance (EIAO) and there was an effective mechanism to enforce the conditions of EP under the EIAO.

46. In response to Members' questions, Mr. K.W. Cheung, SNCO(N), AFCD, made the following main points:

Reedbed Planting and Protection of Eurasian Otters

- (a) the approved EIA report had assessed the possible impacts of the LMCL development on the ecological connectivity for mammals in particular Eurasian Otters. Both the Old Shenzhen River Meander zoned "CA" and the adjoining "OU(EA)" zones would be preserved for Eurasian Otters' activities. The planning intention of the "CA" zone was to protect and retain the existing natural landscape and ecological features of the Old Shenzhen River Meander and the associated riparian vegetation, which would be used by Eurasian Otters. The "OU(EA)" zone would provide

reedbeds and marsh for compensating the habitat loss due to the LMCL development which would serve as foraging areas and movement corridor for Eurasian Otters connecting with the ecologically important areas to the east and west of the LMCL. Holts/natal dens for Eurasian Otters would also be provided in the “OU(EA)” zone. According to the EcoIA of the approved EIA report, the impact on Eurasian Otters would be minimal; and

- (b) re-creation of reedbed was feasible, as proved by reed planting currently managed by AFCD under other government projects.

47. With the aid of a PowerPoint presentation, Tobi S.K. Lau (representative of R4) supplemented that suitable environment would be required for reed planting, which would provide a natural habitat for Eurasian Otters. Inter-tidal area with brackish water would provide an optimal environment for reedbeds. It would take about three years for reedbeds to establish. Reedbeds could also be a foraging area for birds. Use of boardwalk as access paths at the “O” zone for public enjoyment might induce human disturbance to birds.

48. Some Members raised the following additional questions:

Transport Connection

- (a) Accessibility to the LMCL development and whether there would be linkage to the existing highway;
- (b) whether there would be sufficient provision of carparking spaces;

Green Initiatives

- (c) whether there would be green initiatives in the LMCL;

Implementation and Operation of the IT Park

- (d) who would be responsible for the management/operation of the future IT Park;

- (e) how the land at the IT Park would be disposed of for development;
- (f) whether the companies to be invited to the IT Park would be wetland conservation related;
- (g) whether there would be any policy attracting more local researchers and how to provide a creative environment for those researchers; and
- (h) the development programme of the IT Park.

49. In response to Members' questions, Mr. W.K. Lau, CE/NTW 1, CEDD, with the aid of the PowerPoint slides, made the following main points:

Transport Connection

- (a) the LMCL would be connected with the surrounding area by the Western Connection Road (WCR). The WCR, via widening/upgrading the existing Lok Ma Chau Road and Ha Wan Tsuen East Road, would connect the western part of the LMCL to San Tin Highway. With the proposed improvement schemes for Ha Wan Tsuen East Road and Lok Ma Chau Road in place, it was expected that the WCR would be able to handle the additional traffic generated by the Phase 1 development of LMCL. However, it was anticipated that the planned capacity of the WCR alone would not be able to accommodate the traffic generated by the LMCL upon its full implementation. In this regard, a possible ECR to link with the proposed road network of the Kwu Tung North New Development Area (NDA) was indicated on the Plan but its environmental acceptability would be subject to a separate EIA study under the EIAO;
- (b) a dedicated direct link between the LMCL and the MTR Lok Ma Chau Station was proposed in the form of a viaduct passing above San Sham Road alongside the existing Lok Ma Chau Spur Line viaduct;

### Green Initiatives

- (c) park-and-ride facilities would be provided within the LMCL, which would help reduce internal vehicular traffic within the area. To achieve a green community, road-based environmentally friendly transport modes would be introduced to serve the internal circular public transport route, subject to further study;
- (d) major pedestrian and cycle tracks were planned to promote walking and cycling within the LMCL; and
- (e) other green initiatives to be considered in LMCL included the use of renewable energy such as solar and wind energy, the provision of District Cooling System and the reuse of treated sewage effluent from the on-site sewage treatment works, etc.

50. Ms Maggie M.Y. Chin, DPO/FSS&YLE, PlanD supplemented that two transport termini cum underground car parks were reserved at the eastern and western ends of the LMCL.

51. In response, Mr Johann C.Y. Wong, DC for I&T, made the following main points:

### Implementation and Operation of the IT Park

- (a) for the implementation of the LMCL as an IT Park, the HKSTPC would set up a wholly-owned subsidiary company (the project proponent) responsible for the overall planning development and operation of the IT Park. The HKSAR Government would lease the formed land in the LMCL to the HKSTPC/its subsidiary company for the development of the IT Park and provide policy support. While the technical feasibility of the LMCL development had been established, the HKSTPC/its subsidiary company would conduct further studies to prepare a master plan for the IT Park development with development phasing/programme, detailed land uses and detailed architectural design proposals;

- (b) the IT Park would be developed for the three main uses, namely R&D, higher education, and cultural and creative industries (C&C) uses with other supporting facilities and infrastructure;
- (c) the operation mode of the IT Park would mainly follow the current practice of the Science Park in Tai Po. Technological companies would be selected based on similar established practice by the HKSTPC, i.e. the board of directors of the HKSTPC's subsidiary company would set up selection criteria for admission;
- (d) policies promoting technology and innovation should cover both hardware provision and software supports. In terms of hardware provision, the strategic location of the LMCL should be capitalized to enhance the co-operation between Hong Kong and Shenzhen. Based on the existing research strengths and development needs of Hong Kong, potential areas for development that could be considered included robotics, biomedicine, smart city and Fintech. It was expected that the IT Park could provide more spaces as well as opportunities for researchers in Hong Kong and from the Mainland and overseas. Cooperation with local universities and research organisations from the Mainland and overseas would be pursued; and
- (e) at present, HKSTPC and its subsidiary company were preparing a master plan and the government had targeted to seek funding from the Legislative Council for the advance works and detailed design and construction for Phase 1 of the site formation works in about two months' time.

52. In response, Ms Maggie M.Y. Chin, DPO/FSS&YLE, PlanD supplemented that CEDD was responsible for the detailed design and implementation of the site formation, land decontamination and environmental mitigation works and provision of infrastructures within the LMCL and in the surrounding area. Some green groups had been consulted on the design issues of the proposed EA.

53. In response, Mr Tam Hoi Pong (representative of C1 and C3) raised concern that the board of directors of the HKSTPC's subsidiary company for IT Park might compose a large

number of representatives from the Mainland and they might dominate the decision making process.

54. As Members had no further questions, the Chairperson said that the hearing procedures had been completed. The Board would deliberate on the representations in the absence of all representers/commenters or their representatives and would inform them of the Board's decision in due course. The Chairperson thanked the representers/commenters and their representatives and the Government's representatives for attending the hearing. They all left the meeting at this point.

[Mr H.W. Cheung, Dr Lawrence W.C. Poon and Mr Alex T.H. Lai left the meeting during the question and answer session.]

#### Deliberation

55. The Chairperson briefly summarized the main issues of the representations and invited Members' views.

#### *Background and Nature of the OZP*

56. Regarding the background of the OZP, Mr Raymond K.W. Lee, the Director of Planning (D of Plan) highlighted the following main points:

- (a) in June 2009, the LMCL P&E Study was commissioned to formulate a planning and development framework for the implementation of the LMCL development. The Recommended Outline Development Plan (RODP) for the LMCL was finalized in 2013. The EIA Report (excluding the ECR) was approved in October 2013 and the EP was granted in November 2013;
- (b) a "Memorandum of Understanding on Jointly Developing the LMCL by Hong Kong and Shenzhen" was signed between the Hong Kong and Shenzhen Governments in January 2017. A technical review was then undertaken by CEDD and PlanD to confirm the technical feasibility of the currently proposed LMCL development in 2017;

- (c) the government would be responsible for provision of infrastructure facilities and site formation whilst HKSTPC/its subsidiary company as the project proponent of the IT Park would be responsible to build the superstructure of the IT Park;
- (d) the project proponent would formulate a master plan and seek funding from the Legislative Council in due course; and
- (e) the OZP was drafted based on the recommendations of the LMCL P&E Study. At this stage, only a broad planning framework for LMCL development was formulated while the design details were yet to be finalized. Given that the EIA report had examined and assessed the potential environmental and ecological impact of the LMCL development and DEP had statutory enforcement power under the EIAO to ensure implementation of the requirements under the EP, the OZP aimed at providing a broad planning framework, while allowing sufficient flexibility for the future project proponent to prepare a master plan at the detailed design stage.

57. A Member considered that the plan-making for the LMCL development was similar to that of the West Kowloon Cultural District (WKCD) development. Another Member considered that the Board's decision on the previous planning application regarding a comprehensive residential development with wetland conservation proposal in Nam Sang Wai should be taken as reference.

58. Mr Raymond K.W. Lee, D of Plan said that the development process of the LMCL was similar to that of the WKCD development. Based on the theme and some broad design concepts for WKCD, the West Kowloon Cultural District Authority, a statutory body established under The West Kowloon Cultural District Ordinance, had prepared a Development Plan, which served as the basis for implementation of the WKCD development. Regarding the previous planning application in Nam Sang Wai, there was no approved EIA to confirm the concerned development was acceptable from the environmental impact point of view.

*Transport Connection and Landmarks*

59. Some Members were worried that the proposed transportation network would not be sufficient to support the future LMCL development. The WCR alone might not be able to accommodate the future traffic in the area. They were also worried that there would be insufficient border crossing transport services serving the area and LMCL. They expected that the accessibility to/from Shenzhen would need to be improved in the future.

60. A Member opined that the three proposed landmarks annotated on the plan of the ES might not be necessary for the LMCL development. Mr Raymond K.W. Lee, D of Plan said that according to the ES of the OZP, the landmarks were intended to signify the entrances to the LMCL development.

*Control on the Buffer Zone*

61. Some Members were concerned that the control on BH and buffer zone specified in the ES of the OZP might not be as effective if not specified on the Plan of the OZP. Some Members were also concerned that a specific zoning might be necessary for the buffer zone while considering that the “O” zone designated for part of the buffer zone was appropriate. Moreover, the integrity of the buffer zone might be affected when the electricity sub-station and sewage treatment works were zoned “G/IC” and “OU(STW)” respectively in the northeastern part of the LMCL.

62. Mr Elvis W.K. Au, DDEP(1) said that suitable conditions had been included in the EP which were statutory requirements that the project proponent would have to comply with. Mr. Au further pointed out that according to the EIA, the function of buffer zone was mainly to minimize human disturbance to the natural habitat. The width of 25m for an area abutting the boundary of the EA with screen plantings and no development would be sufficient to serve its buffer function. Development was allowed within the 25m-wide area farther away from the EA under the EcoIA of the approved EIA. Although part of the electricity sub-station and sewage treatment works would be located within the buffer zone at the northeastern part of the LMCL, the Old Shenzhen River Meander, the “CA” zone and EA would provide a continuous 300 to 500m wide undisturbed natural habitat which would be sufficient to provide ecological connectivity between the LMCL and its surrounding areas. The EIA had confirmed the

feasibility of the development proposal with the locations of the electricity sub-station and sewage treatment works thereat.

63. Members noted that the implementation of the EP's conditions could be effectively monitored and controlled under the EIAO and that the ES of the OZP had clearly stated that no development would be allowed within the 25m-wide area abutting the boundary of the EA, Members generally agreed that there was sufficient protection on the buffer zone.

#### *Building Height Control*

64. Regarding the BH restrictions, Mr Raymond K.W. Lee, D of Plan said that there were two major considerations when formulating the BH profile of the LMCL; a) to minimize potential impacts on the bird's flight path, a maximum BH of about 12 storeys for development of the LMCL was adopted; and b) to avoid monotonous visual appearance, a gradated BH profile was proposed. The proposed BH profile was set out in the ES of the OZP rather than the Notes of OZP in order to allow more design flexibility for the future development at the detailed design stage. As the project proponent would be required to submit a master plan to the Director of Lands (D of Lands) for approval and planning considerations including those set out in the ES of the OZP would be taken into account in the approval process, there should be adequate control to ensure the BH profile set out in the ES of the OZP would be complied with.

#### *Control on the Detailed Design*

65. Mr Edwin W.K. Chan, Assistant Director (Regional 3)(AD(R3), LandsD said that the project proponent would be required to submit a master plan to LandsD for approval and under established practice, the master plan would be circulated to concerned government departments including PlanD and TD for comments. If considered necessary, the project proponent could be requested to consult the Board before submitting the master plan to D of Lands for approval.

66. Some Members considered that given the OZP was formulated for an IT Park to promote innovation and creation, the Plan should provide a broad land use framework allowing some degree of flexibility for innovative design for the future development. Members also noted that the environmental aspects would mainly be monitored and controlled under the EIAO

and that detailed design for the future developments would be controlled via the master plan to be approved under lease. The above notwithstanding, Members generally agreed that the project proponent should be invited to consult the Board in preparing the master plan in the future, so that the Board would be able to monitor the detailed design of the LMCL development vis-à-vis the planning intentions. After further discussion, the Board agreed that the project proponent should be invited to consult the Board before submitting the master plan to the D of Lands for approval, such that Members' views on the LMCL development would be taken into account in the preparation and approval of the master plan.

67. After deliberation, the Board noted the supportive view of R1 and decided not to uphold R2 to R8. The Board also agreed that no amendment should be made to the draft OZP to meet the representations for the following reasons:

*“General*

- (a) in preparing the Outline Zoning Plan, the Board has taken account of all relevant planning considerations including the conservation matters. The Outline Zoning Plan is to facilitate the Lok Ma Chau Loop to be developed as the Innovation and Technology Park to meet the economic development needs of Hong Kong. According to the approved Environmental Impact Assessment report, the development of the Lok Ma Chau Loop is environmentally acceptable (R2 to R6);

*Ecological Corridor and Birds' Flight Path*

- (b) the approved Environmental Impact Assessment report has examined and assessed the possible impacts of the Lok Ma Chau Loop development to the ecological connectivity and flight path of birds. According to the approved Environmental Impact Assessment report, with the low to medium rise BH profile with due respect to the ecological and environmental considerations of the area, the provision of the compensatory Ecological Area of about 12.8ha, the 50m-wide buffer zone and other appropriate mitigation measures, the Lok Ma Chau Loop development would have no significant adverse ecological impact (R2, R3 and R4);

*Buffer Zone adjoining Ecological Area*

- (c) according to the approved Environmental Impact Assessment report, the Ecological Area (instead of the buffer zone) is used to compensate for the loss of reed marsh and fresh water marsh. The buffer zone abutting the EA is required to mitigate the visual and noise disturbance impacts of the development. The approved Environmental Impact Assessment report has assessed and recommended the length and width of a suitable buffer zone to mitigate the potential impacts on the Ecological Area (R2 to R8);
- (d) the buffer zone which does not have high ecological value would be limited for low-density and low-rise development as well as passive recreational activities, with appropriate screen plantings. The proposed conservation zoning is considered not appropriate. The EIAO and the relevant EP for the area would provide statutory control over the environmental requirements including development restrictions for the buffer zone (R2 to R8);

*Retention of the Existing Reedbeds*

- (e) based on the approved Environmental Impact Assessment report, loss of reedbeds would be adequately compensated by the Ecological Area. The existing reedbeds in the amenity area would be retained to integrate with the design of the open space. There is no planning justification for rezoning it as a conservation zone (R2);

*ECR*

- (f) the relevant information on the proposed ECR has been covered in the ES of the Outline Zoning Plan to facilitate an understanding of the Lok Ma Chau Loop development. The need and development of the proposed ECR will be subject to a review of traffic condition and a separate Environmental Impact Assessment Study (R2); and

*Development Pressure in Surrounding Areas (R2 and R5)*

- (g) the fishponds surrounding the Lok Ma Chau Loop fall within the “Conservation Area” and “Conservation Area(1)” zones on the San Tin Outline Zoning Plan and the Ma Tso Lung and Hoo Hok Wai Outline Zoning Plan respectively which are intended to conserve the ecological value of wetland and fishponds. Any land/pond filling shall not be undertaken without planning permission from the Board (R2 and R5).”

[Professor S.C. Wong, Miss Winnie W.M. Ng, Dr Wilton W.T. Fok, Dr Frankie W.C. Yeung and Professor T.S. Liu left the meeting during the deliberation session.]

[The meeting was adjourned for a break of about 10 minutes.]

[Mr Lincoln L.H. Huang, Mr Ivan C.S. Fu, Professor K. C. Chau, Ms Janice W.M. Lai, Ms Christina M. Lee, Mr Stephen H.B. Yau, Mr David Y.T. Lui, Mr Stephen L.H. Liu, Ms Sandy H.Y. Wong, Mr Elvis W.K. Au and Mr Martin W.C. Kwan left the meeting at this point.]

[Dr C.H. Hau arrived to join the meeting at this point.]

### **Hong Kong District**

#### **Agenda Item 4**

[Open Meeting]

Proposed Amendments to the Draft Causeway Bay Outline Zoning Plan No. S/H6/15

(TPB Paper No. 10340)

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[The item was conducted in Cantonese]

68. The Secretary reported that the proposed amendments were formulated upon review of the draft Causeway Bay Outline Zoning Plan (OZP) No. S/H6/15 in order to give effect to the Court’s orders in respect of two judicial reviews (JRs) lodged by Hysan Development Co. Ltd (Hysan) and its subsidiaries (together, Hysan Group Companies) and by Excelsior Hotel (BVI) Limited (Excelsior) respectively. The following Members had declared interests on the item for owning properties in the Causeway Bay area; and/or having affiliation/business dealings with Hysan, the affiliated companies of Excelsior including the

Jardines Group Companies (Jardines), Hongkong Land (HKL) and Mandarin Oriental, and/or Designing Hong Kong Limited (DHKL), i.e. commenter on Hysan and Excelsior's representations in respect of draft OZP No. S/H6/15:

- |   |  |
|---|--|
| Ms Bernadette H.H. Linn<br>( <i>Chairperson</i> ) | - co-owning with spouse a self-occupying flat and a carparking space at Broadwood Road   |
| Ms Sandy H.Y. Wong                                | - being an ex-employee of Maxim's Group Companies, a subsidiary company of Jardines, and self-occupying a flat at Illumination Terrace, Tai Hang |
| Mr Wilson Y.W. Fung                               | - being an ex-employee of Jardines   |
| Mr Thomas O.S. Ho                                 | - having current business dealings with Hysan and HKL, and personally knowing the co-founder and Chief Executive Officer of DHKL                 |
| Mr Ivan C.S. Fu                                   | - having current business dealings with HKL  |
| Mr K.K. Cheung<br>Mr Alex T.H. Lai                | ] their firm having current business dealings<br>] with Jardines, HKL and Mandarin Oriental  |
| Mr Stephen L.H. Liu                               | - had past business dealings with Hysan and HKL  |
| Mr Dominic K.K. Lam                               | - spouse owning a flat at Caroline Hill Road   |
| Dr Lawrence K.C. Li                               | - co-owning with spouse a flat at 1 Tai Hang Road  |
| Ms Janice W.M. Lai                                | - spouse owning a flat in Chun Fai Terrace, Tai Hang   |

- Mr Franklin Yu - owning a unit at Stubbs Road, Wan Chai
- Mr Patrick H.T. Lau - his office was in Causeway Bay
- Mr Martin W.C. Kwan - close relative owning a flat in The Beverly  
(*CE (Works), HAD*) Hill
- Mr Edwin W.K. Chan - close relative owning a flat in Causeway Bay  
(*AD (R3), LandsD*)
- Ms Jacinta K.C. Woo - self-occupying a flat at Tai Hang Road  
(*Secretary*)

69. Members noted that Dr Lawrence K.C. Li, Mr H.F. Leung, Mr K.K. Cheung, Mr Thomas O.S. Ho and Mr Wilson Y.W. Fung had tendered apologies for not being able to attend the meeting. Members also noted that Professor S.C. Wong, Mr Ivan C.S. Fu, Mr Alex T.H. Lai, Ms Sandy H.Y. Wong, Ms Janice W.M. Lai, Mr Stephen L.H. Liu and Mr Martin W.C. Kwan had already left the meeting.

70. As the properties of the Chairperson, Mr Dominic K.K. Lam, Mr Franklin Yu, Mr Patrick H.T. Lau, Mr Edwin W.K. Chan, and the Secretary had no direct view on the sites subject to/would not be affected by the proposed amendments, the meeting agreed that they could stay in the meeting.

71. The Secretary reported that on 16.11.2017, two letters were received from the legal representative of Hysan Group Companies and Excelsior. Both Hysan and Excelsior requested that the Town Planning Board (the Board) should be informed of their consent to the Board proposing amendments to the draft Causeway Bay OZP No. S/H6/15 with subsequent hearing of representations as a way to give effect to the Court's judgments. Hysan and Excelsior indicated that they might address the proposed amendments and make any proposals for further amendments in written representations to be made within the statutory publication period after the amended draft OZP was gazetted.

72. The Secretary also drew Members' attention to a letter received from Ms Clarisse Yeung, a member of the Wan Chai District Council, which was tabled at the meeting. Ms Yeung expressed concern on the potential adverse traffic and air ventilation impacts brought about by the proposed amendments to the OZP. The meeting noted that upon publication of the amended draft OZP, members of the public could submit representation in respect of the draft OZP in accordance with the provisions of the Town Planning Ordinance (TPO).

### Presentation and Question Sessions

73. The following government representatives and consultant were invited to the meeting at this point:

#### *Government's representatives*

##### Planning Department (PlanD)

Mr Louis K.H. Kau - District Planning Officer/Hong Kong (DPO/HK), PlanD

Mr C.K. Soh - Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD

Ms Irene W.S. Lai - Senior Town Planner/Hong Kong 2 (STP/HK2), PlanD

##### Transport Department (TD)

Mr Eddy K.K. Wu - Senior Engineer/Wan Chai (SE/Wa), TD

#### *Consultant*

Mr Derek Ho - Air Ventilation Assessment (AVA) Consultant

74. The Chairperson invited the representatives of PlanD to brief Members on the Paper.

75. With the aid of a PowerPoint presentation, Mr Louis K.H. Kau, DPO/HK, and Mr

C.K. Soh, CTP/UD&L, PlanD briefed Members on the proposed amendments, including their background, the general implications of the Sustainable Building Design Guideline (SBDG) on building profile, the building height (BH) concept on the current OZP, the proposed BH restrictions (BHRs), findings of AVA (Expert Evaluation), footpath widening, visual consideration and government's responses to Hysan and Excelsior's original representations as detailed in the TPB Paper No. 10340 (the Paper)

[Mr Philip S.L. Kan left the meeting during the presentation of DPO/HK and CTP/UD&L, PlanD.]

76. As the presentation of PlanD's representatives was completed, the Chairperson then invited questions and comments from Members.

#### Court's Ruling

77. Some Members raised the following questions:

- (a) whether the Court required that in imposing the development restrictions, the permitted plot ratio (PR) or gross floor area (GFA) under the OZP or the Building (Planning) Regulations (B(P)R) should not be adversely affected; and
- (b) apart from SBDG, whether other government requirements/restrictions which might affect the development intensity of individual sites would need to be taken into account in formulating the development restrictions on the OZP.

78. In response to Members' questions, Mr Louis K.H. Kau, DPO/HK made the following main points:

- (a) according to the Court's judgment, in determining the development restrictions on the OZP, the implications of SBDG on the development intensity should be generally taken into consideration. The Court did not hold that the permissible development intensity of concerned sites under the

B(P)R could not be adversely affected upon imposition of the development restrictions;

- (b) the Court held that in determining the development restrictions, it was not open for the Board to rely on the minor relaxation mechanism as one of the considerations and a substantive reason for rejecting the representations; and
- (c) it was the general approach in the plan making process that the permitted PR/GFA under the OZP, B(P)R and/or the lease would be taken into account in formulating the BHRs.

79. Mr Raymond K.W. Lee, Director of Planning (D of Plan), supplemented that the Court held that it was within the power of the Board to impose development restrictions such as BHRs, non-building area (NBA), building gap (BG) and setback requirements on the OZP. The proposed amendments were premised upon a review of the development restrictions in response to the Court's ruling that the SBDG was a relevant consideration in formulating the restrictions, and on the basis of revised assumptions. Although the Board was not required to ensure that landowners' property right would not be adversely affected by the development restrictions, any such doing should be supported with planning justifications and carefully considered by the Board. The Chairperson remarked that Members should consider whether the proposed relaxation of BHRs to take into account SBDG requirements was acceptable in terms of planning and urban design considerations.

#### Proposed BHRs

80. Some Members raised the following questions:

- (a) apart from the Causeway Bay OZP, whether amendments to other OZPs to assess the implications of SBDG would be required;
- (b) what the major assumptions and considerations were in deriving the revised BHRs;

- (c) whether the implications of SBDG on individual buildings on the OZP had been assessed; and
- (d) whether the BHRs of 135mPD for the commercial and “Other Specified Uses” annotated “Mixed Use” (“OU(MU)”) sites was barely sufficient to accommodate the maximum development intensity under the B(P)R or with ample allowance after taking into account SBDG and the revised assumptions.

81. In response to Members’ questions, Mr Louis K.H. Kau, DPO/HK, and Mr C.K. Soh, CTP/UD&L made the following main points with the aid of PowerPoint slides:

- (a) to follow up on the Court’s orders, a review of development restrictions including the BHRs and NBA/BG requirements had been conducted for all commercial, “OU(MU)” and “Residential (Group A)1” (“R(A)1”) sites on the OZP taking into account the implications of SBDG and the permissible development intensity on a general level;
- (b) pursuant to the Court’s order in respect of Hysan’s JR, apart from the Causeway Bay OZP, the Wan Chai OZP would also be reviewed. PlanD would progressively review the other OZPs with BHRs and NBA/BG requirements which were subject to JR;
- (c) for the Causeway Bay OZP, the BHRs for the concerned sites had been reviewed based on a set of development parameters and up-to-date assumptions including site levels, types of building, permissible PR and SC under the B(P)R for respective site classification, GFA concessions, podium height, floor-to-floor height, provision of carpark at basement level and refuge floor requirement. It was revealed that, in general, the minimum BHs of 135mPD and 100mPD would be sufficient to accommodate the permissible PR/GFA under the B(P)R for sites implementing SBDG requirements on building setback and building separation within the commercial/“OU(MU)” and “R(A)” sites respectively; and

- (d) for Class A sites classified under the B(P)R, the estimated BH requirement for a typical commercial building with implementation of SBDG requirements based on the updated assumptions was about 130m. Taking into account the existing site level (mainly around 5mPD), a BH of 135mPD would be barely adequate to accommodate the maximum development intensity permissible for Class A site. As for commercial buildings on Class B and Class C sites, it was estimated that BHs of 131mPD and 127mPD would be sufficient. As such, with the proposed BH of 135mPD for commercial and “OU(MU)” sites, it would generally be adequate to accommodate the development intensity permissible under B(P)R for all commercial buildings while some sites might have marginally more design flexibility owing to different site classification.

82. Mr Raymond K.W. Lee, D of Plan, supplemented that under the review, the effectiveness of the existing NBA and BG requirements on the OZP in air ventilation terms had also been re-assessed. It was recommended in the updated AVA that NBA and BG requirements should be imposed at suitable locations to ensure that a minimum 15m-wide gap would be provided to connect and facilitate airflow along major air paths with district importance such as Great George Street and Sugar Street, while those NBA and BG requirements that would mainly benefit the local wind environment could be deleted as their functions were similar to those of the building setback and building separation measures advocated under SBDG.

#### Application of SBDG

83. Some Members raised the following questions:
- (a) whether the proposed BHRs would be applicable to those sites/buildings not intending to claim GFA concessions under SBDG;
  - (b) what planning benefits would be brought about by relaxing the BHRs and adopting SBDG measures; and
  - (c) whether the proposed relaxation of BHRs would encourage more buildings

to adopt SBDG measures.

84. In response to Members' questions, Mr C.K. Soh made the following main points with the aid of PowerPoint slides and a three-dimensional computer model:

- (a) the proposed BHRs would be applicable to all sites within the respective land use zones and there was no pre-requisite requirement for compliance with SBDG. Nevertheless, it was noted that out of the average approval of some two hundreds building plans each year for new buildings, more than a hundred private projects were registered under the Building Environmental Assessment Method (BEAM) Plus programme of the Hong Kong Green Building Council (HKGBC), which was one of the pre-requisites for claiming GFA concessions for green/amenity features and non-mandatory/non-essential plant rooms and services under SBDG (APP-151 and APP-152). Thus, it was estimated that about half of the new private building developments would follow the SBDG;
- (b) in general, residential developments and larger scale commercial developments were more eager to obtain such GFA concessions (e.g. residential recreational facilities, balcony for residential buildings, and high headroom/void in non-domestic developments) whilst small-scale commercial developments had relatively less incentive. Moreover, the SBDG requirements would be included as appropriate in the lease conditions of new land sale sites or lease modification/land exchange;
- (c) as ascertained in the updated AVA, in an area like Causeway Bay where buildings were tall and streets narrow, it was difficult for wind to penetrate from roof to street. BH alone would no longer be the key factor affecting pedestrian wind environment. Building design measures to reduce ground coverage and create building permeability at low level as advocated in SBDG, and effective air paths (e.g. street network) to facilitate airflow from prevailing wind directions as designated on the OZP were more important considerations. On issue of building bulk, it should be noted that in general, only two additional upper floors would be required to

accommodate the GFA displaced from lower floors for implementation of SBDG. There was an overall cap of 10% for GFA concessions for green/amenity features and non-mandatory/ non-essential plant rooms and services, and only car park located at the underground would have all its GFA be disregarded; and

- (d) the proposed relaxation in BHRs would allow sufficient flexibility for incorporation of various good building design measures in future developments to improve the overall built environment particularly at the pedestrian level. Implementation of SBDG measures would facilitate reduction in ground coverage and creation of building permeability to enhance spatial openness and visual amenity, promote air movement, and enable provision of greenery. A good example was illustrated by the Lee Garden One development which had widened the fronting Hysan Avenue for tree planting and pedestrian movement among others. Given time and the concerted effort of the Government, HKGBC and the business, it was anticipated that the general pedestrian and built environments would be improved in the long run when the number of new buildings following SBDG increased gradually, which was considered desirable from the urban design point of view.

### Visual Impact

- 85. Some Members raised the following questions:
  - (a) whether the ridgeline behind Causeway Bay was required to be preserved;
  - (b) whether there were buildings protruding into the ridgeline with reference to the photomontages (Plan H-7a and H-7b); and
  - (c) what the implications of the proposed increase in BHRs were on the stepped BH concept.
- 86. In response to Members' questions, Mr Louis K.H. Kau and Mr C.K. Soh made

the following main points with the aid of PowerPoint slides and a three-dimensional computer model:

- (a) in order to preserve views to ridgelines/peaks and mountain backdrop with recognised importance around Victoria Harbour, a 20% building free zone below the ridgelines would need to be maintained when viewing from key vantage points. Hung Hom Promenade (shown in Plan H-7a) was not one of the key vantage points as identified in the Urban Design Guidelines. As shown in the photomontage (Plan H-7b) prepared based on the vantage point from Tsim Sha Tsui (Hong Kong Cultural Complex), the proposed BHR relaxation would not affect the views to the ridgelines to be preserved nor protrude into the 20% building free zone. While the proposed BHR relaxation might reduce the visual openness and slightly affect the original stepped BH concept, the overall BH profile under the relaxed BHRs was not incompatible with the surrounding visual context;
- (b) the building blocks rendered in brown colour on the photomontages were those buildings with general building plans approved prior to the imposition of BHRs on the OZP. Although lower BHRs for those sites had subsequently been imposed on the OZP, those buildings were regarded as committed developments on the photomontages;
- (c) as the BHRs for the commercial and “OU(MU)” sites along the coastal area were proposed to be increased to 135mPD, if a stepped height profile was to be maintained, the BHRs in the inland area might have to be relaxed to at least 155mPD. Such increase in BHR was considered unnecessary as the resultant stepped height effect would not be obvious nor facilitate air ventilation at street level. For the “R(A)1” sites in Tai Hang area, the original stepped height profile with four tiers would become three tiers which was considered acceptable from the urban design perspective;
- (d) under the current proposal, when increasing the BHRs for the “C” and “OU(MU)” zones from 100/110/130mPD to 135mPD, the variation in the stepped height profile under previous BH control would inevitably be

reduced. In return, it would allow design flexibility for future redevelopments in meeting SBDG which would improve the overall building permeability and visual amenity of the pedestrian environment. The proposed BHRs could be seen as a trade-off amongst different urban design considerations in such a dense urban core as Causeway Bay. In overall terms, the proposed BHR relaxation would not result in unacceptable visual impact; and

- (e) the built environment in Hong Kong had not been shaped by BHRs alone. It was dynamic and comprised of developments different in size, height, configuration, development scale, architectural styles and façade treatment completed in different periods of time. These varieties had constituted and contributed to the current interesting skyline and attractive image of the city.

#### Setback Requirements

87. A Member asked whether there would be any setback requirement proposed for Hennessy Road with a view to relieving the congested pedestrian environment. In response, Mr Louis K.H. Kau said that on the extant draft Causeway Bay OZP, setback requirements had been stipulated for various areas where there was a need to improve pedestrian circulation and walking environment. In addition, other measures, including the designation of pedestrian zones in Pak Sha Road and East Point Road during weekends, had been implemented for improving the pedestrian environment in Causeway Bay. Mr Eddy K.K. Wu, SE/Wa, TD supplemented that in determining the setback requirements for achieving a minimum 3.5m wide footway in “C” zones, considerations including the recommendations set out in the Hong Kong Planning Standards and Guidelines, pedestrian circulation and walking environment, street activities as well as scarcity of land resources were also taken into account. Though additional setback requirements at Hennessy Road had not been included in the draft OZP, the feasibility of utilisation of underground space and development of subway system was being explored by relevant departments with a view to improving the pedestrian environment at the street level.

Publication of Proposed Amendments

88. A Member enquired about the subsequent procedure if the proposed amendments to the draft OZP were agreed or not agreed by the Board. Mr Louis K.H. Kau said that if the amended draft OZP was agreed by the Board, it would be published under section 7 of the TPO, members of the public could submit representations and comments in respect of the proposed amendments, and the Board could consider whether to propose further amendments to the draft OZP upon consideration of the representations and comments. The Chairperson added that if the Board decided not to publish the amended draft OZP at the current stage, subject to the views and comments of Members at the meeting, PlanD would re-examine the proposed amendments with a view to addressing Members' comments and make a resubmission to the Board for consideration.

[Mr Patrick H.T. Lau left the meeting at this point.]

89. Members had the following views:

- (a) implementation of SBDG measures to improve the overall building permeability and amenity of pedestrian environment was supported;
- (b) the balancing between the proposed BHR relaxation against the benefits of SBDG measures and other planning considerations should be elaborated in more details;
- (c) while the proposed BHRs should allow flexibility for building design in order to prevent monotonous BHs and built forms, in determining the revised development restrictions, the potential adverse visual impact of the proposed relaxation of BHRs should be carefully examined;
- (d) while there was no strong view against the proposed amendments, the proposed relaxation of BHRs should be justified on planning grounds including visual impact and urban design considerations. In case that, after taking into account SBDG, the increase in BHs appeared to be unacceptable from the district planning and urban design points of view, the

BHRs might have to be reviewed;

- (e) upon imposition of the revised BHRs, any proposed further increase in BH should only be considered subject to individual merits of the development proposal to be provided by the proponent; and
- (f) the visual impact of the proposed relaxation of BHRs as shown on the photomontages viewing from Hung Hom Promenade and Tsim Sha Tsui (Hong Kong Cultural Centre) appeared to be apparent. In particular, the stepped height concept with lower buildings near the waterfront was no longer noticeable. There was scope for improving the presentation materials to demonstrate the potential visual impact.

90. After deliberation, the Board decided not to publish the amended draft OZP under section 7 of the TPO at the current stage subject to further supporting information to be provided by PlanD. The proposed amendments would be resubmitted to the Board for consideration.

91. The Chairperson thanked the Government's representatives and the consultant for attending the meeting. They all left the meeting at this point.

### **Tsuen Wan & West Kowloon District**

#### **Agenda Item 5**

[Open Meeting]

Request for Deferment of Review of Application No. A/TWW/112

Proposed Minor Relaxation of Plot Ratio Restriction for Permitted House Development in "Residential (Group C) 1" Zone, Lot 425 in D.D. 399, Ting Kau, Tsuen Wan  
(TPB Paper No. 10357)

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[The item was conducted in Cantonese]

92. The Secretary reported that the following Members had declared interests on the item for owning property in the Tsuen Wan West area or having business dealings with K&K

Chartered Architect & Associates (K&K), one of the consultants of the applicant:

Mr H.F. Leung - spouse owning a property at Bellagio, Sham  
Tseng

Mr K.K. Cheung ] their firm having current business dealings  
Mr Alex T.H. Lai ] with K&K

93. Members noted that Mr H.F. Leung and Mr K.K. Cheung had tendered apologies for not being able to attend the meeting and Mr Alex T.H. Lai had already left the meeting.

94. The Secretary briefed Members that on 3.11.2017, the applicant's representative wrote to the Town Planning Board (the Board) and requested the Board to defer making a decision on the review application to the next meeting (i.e. 1.12.2017) as more time was required for the applicant to meet with the Leisure and Cultural Services Department (LCSD) with regard to the proposed public coastal pathway. This was the first request for deferment of the review application.

95. 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 liaise with LCSD on the planning proposal, the deferment period was not indefinite; and that the deferment would not affect the interest of other relevant parties.

96. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant. The Board also agreed that the review application should be submitted for its consideration at the next meeting (i.e. 1.12.2017). The Board also agreed to advise the applicant that no further deferment would be granted unless under very special circumstances.

**Sha Tin, Tai Po & North District**

**Agenda Item 6**

[Open Meeting]

Request for Deferment of Review of Application No. A/NE-TKLN/6

Temporary Retail Shop, Canteen and Ancillary Office for a Period of 3 Years in “Recreation” and “Green Belt” Zones, Lot 387 S.B RP (Part) in D.D. 78, Tsung Yuen Ha, Ta Kwu Ling

(TPB Paper No. 10358)

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[The item was conducted in Cantonese]

97. The Secretary briefed Members that on 24.10.2017, the applicant wrote to the Town Planning Board (the Board) and requested the Board to defer making a decision on the review application for two months to allow time for preparation of further information to respond to the comments from the Transport Department. This was the first request for deferment of the review application.

98. 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 more time to prepare further information to respond to the departmental comments, the deferment period was not indefinite; and that the deferment would not affect the interest of other relevant parties.

99. After deliberation, the Board agreed to defer a decision on the review application, as requested by the applicant, pending the submission of further information (FI) by the applicant. The Board also agreed that the review application would be submitted to the Board for consideration within three months upon receipt of FI from the applicant. If the FI submitted by the applicant was not substantial and could be processed within a shorter time, the review 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 two months for preparation of submission of FI, and no further deferment would be granted unless under very special circumstances.

**Procedural Matters**

**Agenda Item 7**

[Open Meeting]

Submission of the Draft Kwu Tung South Outline Zoning Plan No. S/NE-KTS/15A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval (TPB Paper No. 10362)

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[The item was conducted in Cantonese.]

100. The Secretary reported that as the Fanling Golf Course of the Hong Kong Golf Club (Golf Club) and the Beas River Country Club of the Hong Kong Jockey Club (HKJC) were located in the vicinity of the representation sites of the subject draft outline zoning plan (OZP), the following Members had declared interests on the item for being members of Golf Club and/or HKJC or their projects were supported/funded by HKJC, or had affiliation with Fannie Holdings Limited (FHL)(R2) or Ms Mary Mulvihill (R3):

- |                     |   |  |
|---------------------|---|--|
| Dr Lawrence K.C. Li | - | being a voting member of HKJC and a member of Golf Club                  |
| Mr Thomas O.S. Ho   | - | being an ordinary member of HKJC and a member of Golf Club               |
| Mr Ivan C.S. Fu     | - | had past business dealings with FHL and being an ordinary member of HKJC |
| Mr K.K. Cheung      | ] | their firm hiring Ms Mary Mulvihill on a                                 |
| Mr Alex T.H. Lai    | ] | contract basis from time to time, as well as                             |
|                     | ] | being an ordinary member of HKJC   |
| Mr Dominic K.K. Lam | ] | being an ordinary member of HKJC   |
| Ms Christina M. Lee | ] |  |
| Mr H.F. Leung       | ] |  |

Mr David Y.T. Lui ]  
Dr Frankie W.C. Yeung ]  
Mr Philip S.L. Kan ]  
Mr Wilson Y.W. Fung ]  
Mr Stephen L.H. Liu ]  
Miss Winnie W.M. Ng ]

Mr Peter K.T. Yuen - being an ordinary member of HKJC and being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from HKJC before

Mr Stephen H.B. Yau - some projects of his organisation were supported by HKJC

Professor T.S. Liu - being the Principal Investigator of a community project funded by HKJC Charities Trust

Dr C.H. Hau - applying for funding from HKJC Charities Trust for his project

101. Members noted that Dr Lawrence K.C. Li, Mr H.F. Leung, Mr Thomas O.S. Ho, Mr K.K. Cheung and Mr Wilson Y.W. Fung had tendered apologies for being not able to attend the meeting. Members also noted that Mr Ivan C.S. Fu, Mr Alex T.H. Lai, Ms Christina M. Lee, Mr David Y.T. Lui, Dr Frankie W.C. Yeung, Mr Philip S.L. Kan, Mr Stephen L.H. Liu, Miss Winnie W.M. Ng, Mr Stephen H.B. Yau, and Professor T.S. Liu had already left the meeting. As the item was procedural in nature and no discussion was required, the meeting agreed that Mr Dominic K.K. Lam, Mr Peter K.T. Yuen, and Dr C.H. Hau could stay in the meeting.

102. The Secretary briefly introduced the Paper. On 24.3.2017, the draft Kwu Tung South OZP No. S/NE-KTS/15 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of four representations and one

comment were received. On 6.10.2017, after giving consideration to the representations and comment under section 6B(1) of the Ordinance, the Town Planning Board (the Board) decided not to propose any amendment to the draft OZP to meet the representations under section 6B(8) of the Ordinance. As 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.

103. After deliberation, the Board:

- (a) agreed that the draft Kwu Tung South OZP No. S/NE-KTS/15A 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 Kwu Tung South OZP No. S/NE-KTS/15A 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 8**

[Open Meeting]

Submission of the Draft Ping Chau Outline Zoning Plan No. S/NE-PC/1A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval  
(TPB Paper No. 10363)

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[The item was conducted in Cantonese.]

104. The Secretary reported that the following Members had declared interests on the item for having affiliation with The Hong Kong Bird Watching Society (HKBWS)(R1), World Wide Fund for Nature Hong Kong (WWF-HK)(R2) and Designing Hong Kong Limited (DHKL) (R6), representers of the subject draft outline zoning plan (OZP):

- Dr C.H. Hau - being a member of HKBWS and a past member of the Conservation Advisory Committee of WWF-HK
- Mr Thomas O.S. Ho - personally knowing the co-founder and Chief Executive Officer of DHKL

105. Members noted that Mr Thomas O.S. Ho had tendered apologies for being not able to attend the meeting. As the item was procedural in nature and no discussion was required, Members agreed that Dr C.H. Hau could stay in the meeting.

106. On 24.3.2017, the draft Ping Chau OZP No. S/NE-PC/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 2,626 representations were received. On 20.10.2016, after giving consideration to the representations under section 6B(1) of the Ordinance, the Town Planning Board (the Board) decided not to propose any amendment to the draft OZP to meet the representations under section 6B(8) of the Ordinance. As 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.

107. After deliberation, the Board:

- (a) agreed that the draft Ping Chau OZP No. S/NE-PC/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 Ping Chau OZP No. S/NE-PC/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 9**

[Confidential Item] [Closed Meeting]

108. The item was recorded under confidential cover.

**Agenda Item 10**

[Open Meeting]

**Any Other Business**

[The item was conducted in Cantonese.]

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