

**Minutes of 1183<sup>rd</sup> Meeting of the  
Town Planning Board held on 24.8.2018**

**Present**

Professor S.C. Wong

Vice-Chairperson

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

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

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Professor T.S. Liu

Miss Winnie W.M. Ng

Mr Franklin Yu

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

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

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

Assistant Commissioner/Urban, Transport Department  
Mr Eddie S.K. Leung

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

Director of Planning  
Mr Raymond K.W. Lee

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

Secretary

**Absent with Apologies**

Ms Bernadette H.H. Linn

Chairperson

Mr Lincoln L.H. Huang

Dr C.H. Hau

Mr Alex T.H. Lai

Ms Sandy H.Y. Wong

Mr Stanley T.S. Choi

Mr K.W. Leung

**In Attendance**

Assistant Director of Planning/Board  
Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board  
Mr Kepler S.Y. Yuen

Senior Town Planner/Town Planning Board  
Mr Stephen K.S. Lee

**Agenda Item 1**

[Open meeting]

**Confirmation of Minutes of the 1182<sup>nd</sup> Meeting held on 10.8.2018**

[The item was conducted in Cantonese.]

1. The draft minutes of the 1182<sup>nd</sup> meeting were sent to Members on 23.8.2018 and tabled at the meeting. Subject to no proposed amendment by Members on or before 27.8.2018, the minutes would be confirmed without amendment.

[Post-meeting Note : On 27.8.2018, the minutes of the 1182<sup>nd</sup> Meeting were confirmed without amendment.]

**Agenda Item 2**

**Matters Arising**

[Open Meeting]

- (i) New Judicial Review Application (HCAL 1700/2018) against the Town Planning Board, the Chief Executive in Council and Others in respect of the Tai Po Outline Zoning Plan

[The item was conducted in Cantonese.]

2. The Secretary reported that the following Members had declared interests on the item:

Mr H.W. Cheung - owning a flat at Heung Sze Wui Street

Dr Frankie W.C. Yeung - his company owning a flat at On Chee Road

Dr Lawrence W.C. Poon - co-owning with spouse a house in Lung Mei Tsuen, Ting Kok

Mr Daniel K.S. Lau - owning a property at Ma Wo Road, Tai Po

3. Members noted that Dr Frankie W.C. Yeung had not yet arrived to join the meeting. As the item was to report a new judicial review (JR) application, Members agreed that the above Members could stay in the meeting.

#### The JR Application

4. The Secretary reported that on 21.8.2018, a JR application (HCAL 1700/2018) was lodged by Mr Wong Yu Cho (the Applicant) against, amongst others, the Town Planning Board (the Board)'s decision to rezone a site at Kon Hang, Tai Po from "Green Belt" ("GB") to "Residential (Group C)8" on the draft Tai Po Outline Zoning Plan (OZP) No. S/TP/25 and the Chief Executive in Council (CE in C)'s decision to approve the Tai Po OZP.

5. The Applicant was the tenant under Short Term Tenancy of the site and the Plaintiff of an application for civil claim against the Board. The Board, CE in C and five others (including the Secretary for Justice, the Director of Lands, two officers of the Lands Department and the Tuen Mun Magistrate) had been named as the Putative Respondents. The Court had not yet granted leave for JR.

#### Grounds of JR

6. The grounds of JR against the Board and CE in C were:
- (a) the Board did not carry out public consultation in Kon Hang in respect of the rezoning of the site. The public consultation procedure was unfair, unjust and unreasonable;
  - (b) no ecological impact assessment had been carried out for the site by the Agriculture, Fisheries and Conservation Department. The buffer function of the "GB" zone and the cultural value of the site were not considered; and
  - (c) CE in C's decision was unfair and unlawful as it was tainted with the errors

and / or failures as mentioned above.

### Relief Sought

7. The relief sought for the JR application included, inter alia, an order to quash the decisions of the Board and CE in C concerning the site and that the related public consultation process should be redone by the Board.

8. Members noted the new JR application and agreed that the Secretary would act on behalf of the Board in handling the JR application in consultation with the Department of Justice.

9. Since the applicant in respect of Agenda Items 3 and 4 had not yet arrived, the Vice-Chairperson suggested and Members agreed to consider Agenda Items 6, 8 and 9 first.

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

#### **Agenda Item 6**

[Open Meeting]

Request for Deferment of Review of Application No. A/YL-KTN/570

Temporary Place of Recreation, Sports or Culture (Electric Power Radio Control Car Track and Ancillary Facilities) for a Period of 3 Years in “Agriculture” Zone, Lot 956 RP (Part) in D.D. 109, Kam Tin, Yuen Long

(TPB Paper No. 10463)

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[The item was conducted in Cantonese.]

10. The Secretary said that on 3.8.2018, the applicant’s representative wrote to the Secretary of the Town Planning Board (the Board) requesting the Board to defer making a decision on the review application for two months to allow time for the applicant to provide justifications together with technical assessment reports and landscape proposal to address concerned departments’ comments. It was the first time that the applicant requested deferment of the review application.

11. Members noted that the justification for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needed more time to prepare further information in response to departmental comments, the deferment period was not indefinite, and that the deferment would not affect the interests of other parties.

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

### **Procedural Matters**

#### **Agenda Item 8**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Siu Ho Wan Outline Zoning Plan No. S/I-SHW/1

(TPB Paper No. 10464)

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[The item was conducted in Cantonese]

13. The Secretary reported that the draft Siu Ho Wan Outline Zoning Plan (the draft OZP) involved a site proposed for columbarium development and a topside development of Siu Ho Wan Depot. The MTR Corporation Limited (MTRCL) (C1) was the current occupier and operator of the depot. Ove Arup & Partners Hong Kong Limited (Arup) and

AECOM Asia Company Limited (AECOM) were two of the consultants of MTRCL for the proposed comprehensive development. The following Members had declared interests on the item for having affiliation / business dealings with Private Columbaria Licensing Board (PCLB), Private Columbaria Appeal Board (PCAB), MTRCL (C1), Arup, AECOM and / or Ms Mary Mulvihill (R119/C9):

Mr Thomas O.S. Ho - having current business dealings with MTRCL and past business dealings with AECOM

Mr H.W. Cheung - being a member of PCLB

Mr Ivan C.S. Fu - being a member of PCAB and having current business dealings with MTRCL, Arup and AECOM

Mr K.K. Cheung - his firm having current business dealings with MTRCL and Arup, and hiring Ms Mary Mulvihill on a contract basis from time to time

Mr Alex T.H. Lai - being a member of PCAB and his firm having current business dealings with MTRCL and Arup, and hiring Ms Mary Mulvihill on a contract basis from time to time

Mr Sunny L.K. Ho - being a member of PCAB

Mr Lincoln L.H. Huang - being a member of PCAB

Mr Stephen L.H. Liu - having past business dealings with MTRCL

Mr Franklin Yu - having past business dealings with MTRCL, Arup and AECOM

Dr C.H. Hau - having current business dealings with AECOM

- Professor S.C. Wong (Vice-Chairperson) - being a member of the Advisory Committee for Accredited Programme of MTR Academy, being a traffic consultant / engineering consultant of AECOM and Arup, and having current business dealings with Arup and AECOM
- Mr Peter K.T. Yuen - being a Member of the Board of Governors of the Arts Centre, which had collaborated with the MTRCL on a number of arts projects

14. Members noted that Messrs Alex T.H. Lai and Lincoln L.H. Huang and Dr C.H. Hau had tendered apologies for being unable to attend the meeting and Mr Franklin Yu had not yet arrived to join the meeting. As the item was procedural in nature, Members agreed that the other Members who had declared interests on the item could stay in the meeting.

15. The Secretary briefly introduced the TPB Paper No. 10464. On 29.3.2018, the draft Siu Ho Wan OZP No. S/I-SHW/1 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 144 representations and 10 comments on representations were received. Of the 144 representations, one (R1) submitted by a green / concern group was supporting, the remaining 143 (R2 to R144) were adverse representations or providing views by a member of Tsuen Wan District Council, two Ma Wan Rural Committee / Indigenous Inhabitant Representatives, an owner's committee, four green / concern groups, 110 individuals in joint submissions, eight individuals in standard letter and 17 individuals.

16. Since the draft OZP covering various proposed development sites in Siu Ho Wan had attracted much public interest in the wider community, it was recommended that the representations and comments should be considered by the full Town Planning Board (the Board) in one group.

17. In view of the number of representations and comments received and to ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each representer / commenter in the hearing session. Consideration of the representations by the full Board was tentatively scheduled for October 2018.

18. After deliberation, the Town Planning Board agreed that:
- (a) the representations and comments should be considered collectively in one group by the Board itself; and
  - (b) a 10-minute presentation time would be allotted to each representer / commenter.

**Agenda Item 9**

[Open Meeting]

Application to the Chief Executive under Section 8(2) of the Town Planning Ordinance for Extension of Time Limit for Submission of the Draft Tuen Mun Outline Zoning Plan No. S/TM/34 to the Chief Executive in Council for Approval  
(TPB Paper No. 10466)

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[The item was conducted in Cantonese.]

19. The Secretary reported that the proposed amendments mainly involved, inter alia, rezoning of five pieces of government land for public housing developments by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA) and rezoning of a site to take forward the decision of the Rural and New Town Planning Committee (RNTPC) on a s.12A application (No. Y/TM/16) submitted by Fill Year Limited (R4361), a subsidiary of Sun Hung Kai Property Limited (SHK). The following Members had declared interests on the item for being associated / having business dealings with HD, HKHA, AECOM Asia Company Limited (AECOM) (i.e. consultant of the 'Preliminary Development Review for Housing Sites at Tuen Mun Central – Feasibility Study' (the Study) conducted by the Civil Engineering and Development Department (CEDD) supporting the proposed public housing developments), SHK, CLP Power Hong Kong Limited (R1149), a subsidiary of CLP Holdings Limited (CLP), Hong Kong and China Gas Co Ltd (HKCG) (R4373), a subsidiary of Henderson Land Development Co. Ltd. (HLD), Senworld Investment Limited (R4360), a subsidiary of Kerry Properties Limited (Kerry), Mass Transit Railway Corporation Limited (MTRCL) (R4374), Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) (R1141) and / or Ms Mary Mulvihill

(R124/C2860):

- Mr Raymond K.W. Lee  
(as Director of Planning) - being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA
- Mr Martin W.C. Kwan  
(as Chief Engineer (Works),  
Home Affairs Department) - being a representative of the Director of Home Affairs who was a member of the SPC and the Subsidised Housing Committee of HKHA
- Professor S.C. Wong  
(Vice-Chairperson) - having current business dealings with AECOM, being the traffic consultant / engineering consultant of AECOM and the Chair Professor of Department of Civil Engineering of the University of Hong Kong (HKU) which had obtained sponsorship from SHK on some activities of the Department before, being employee of HKU which had received a donation from a family member of the Chairman of HLD before, and being a member of the Advisory Committee for Accredited Programme of MTR Academy
- Mr Ivan C.S. Fu - having current business dealings with AECOM, SHK, HLD and MTRCL, and past business dealings with HKHA
- Dr C.H. Hau - having current business dealings with AECOM and the institute he served having current business dealings with HKHA and being an employee of HKU which had received a donation from a family member of the Chairman of HLD before
- Mr Thomas O.S. Ho - having current business dealings with HKHA, SHK and MTRCL, and past business dealings with

AECOM

- Dr Lawrence W.C. Poon - his spouse being an ex-employee of Kerry and an current employee of HD but not involved in planning work
  
- Mr K.K. Cheung ] their firm having current business dealings with  
Mr Alex T.H. Lai ] HKHA, SHK, Kerry, CLP, HKCG and MTRCL, and hiring Mary Mulvihill on a contract basis from time to time
  
- Mr Stephen L.H. Liu - having past business dealings with HKHA, SHK, HLD, CLP and MTRCL
  
- Mr Franklin Yu - having past business dealings with HKHA, AECOM, SHK, HLD and MTRCL, and his spouse was an employee of SHK
  
- Mr Daniel K.S. Lau - being employee and Director (Development and Marketing) of Hong Kong Housing Society which was currently in discussion with HD on housing development issues
  
- Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Co. (1933) Ltd. and SHK was one of the shareholders
  
- Dr Jeanne C.Y. NG - being the Director of Group Sustainability of CLP
  
- Mr Peter K.T. Yuen - being a Member of the Board of Governors of the Arts Centre, which had collaborated with the MTRCL on a number of arts projects, and had received a donation from an Executive Director of HLD before

Dr Lawrence K.C. Li - being the Treasurer of the Hong Kong Polytechnic University which had obtained sponsorship from HLD before; and his relative being a member of DAB

20. Members noted that Mr Alex T.H. Lai and Dr C.H. Hau had tendered apologies for being unable to attend the meeting and Mr Franklin Yu had not yet arrived to join the meeting. As the item was procedural in nature and no discussion was required, Members agreed that the other Members who had declared interests on the item could stay in the meeting.

21. The Secretary briefly introduced the TPB Paper No. 10466. On 3.11.2018, the draft Tuen Mun Outline Zoning Plan No. S/TM/34 (the draft OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the exhibition period, a total of 4,409 representations and 2,859 comments on representations were received. On 2.8.2018, 6.8.2018, 7.8.2018 and 8.8.2018, the Town Planning Board (the Board) conducted hearing of the representations and comments and decided that a separate session to deliberate on the representations and comments was required.

22. According to the statutory time limit, the draft OZP should be submitted to the Chief Executive in Council (CE in C) for approval on or before 3.10.2018. There was a need to apply to the CE for an extension of the statutory time limit for six months (i.e. to 3.4.2019) to allow sufficient time to complete the plan-making process of the draft OZP prior to submission to the CE in C for approval.

23. Due to the Board's tight meeting schedule, the session for deliberation of the representations and comments could only be arranged in September 2018 the earliest, and thus, it was unlikely that the whole plan-making process could be completed within the 9-month statutory time limit for submission of the draft OZP to the CE in C for approval (i.e. 3.10.2018).

24. After deliberation, the Board agreed that the CE's agreement should be sought under section 8(2) of the Ordinance to extend the time limit for submission of the draft OZP

to the CE in C for a period of six months from 3.10.2018 to 3.4.2019.

25. Since the applicant of Agenda Items 3 and 4 still had not yet arrived, the Vice-Chairperson suggested and Members agreed to adjourn the meeting for a short break of five minutes.

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

26. As the applicant of Agenda Items 3 and 4 had been advised to arrive at 8:50 a.m., attempts had been made to contact him but to no avail and sufficient time had been allowed to wait for his arrival, the Vice-Chairperson suggested and Members agreed to proceed with the consideration of Agenda Items 3 and 4 in the absence of the applicant after the short break.

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

#### **Agenda Items 3 and 4**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-KTN/595

Proposed Temporary Open Storage of Vehicles and Sales of Construction Machinery Parts for a Period of 3 Years in “Village Type Development” Zone, Lot 475 in D.D. 109, Kam Tin Road, Kam Tin, Yuen Long

Review of Application No. A/YL-KTN/596

Proposed Temporary Open Storage of Vehicles and Sales of Construction Machinery Parts for a Period of 3 Years in “Residential (Group C) 2” and “Village Type Development” Zones, Lot 473 in D.D. 109, Kam Tin Road, Kam Tin, Yuen Long  
(TPB Paper No. 10461)

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[The items were conducted in Cantonese.]

27. Members noted that the two applications were submitted by the same applicant

for the same use, the application sites were located adjacent to each other and agreed that they could be considered together.

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

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

29. The Vice-Chairperson invited DPO/FS&YLE, PlanD to brief Members on the review applications.

30. With the aid of a PowerPoint presentation, Ms Maggie M.Y. Chin, DPO/FS&YLE, PlanD, briefed Members on the background of the review applications including the consideration of the applications by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in the TPB Paper No. 10461 (the Paper).

31. As the presentation of PlanD's representative was completed, the Vice-Chairperson invited questions from Members.

32. In response to a Member's question on why there were open storage / warehouse uses in the vicinity of the application sites (the Sites) noting that no planning approval had been granted for such uses, Ms Maggie M.Y. Chin, DPO/FS&YLE, PlanD said that the warehouse use to the east of the Sites might be an 'Existing Use' which could be tolerated under the Town Planning Ordinance and the open storage use to the north and east of the Sites was unauthorized development subject to planning enforcement action.

33. As Members had no further question, the Vice-Chairperson said that the Board would further deliberate on the review applications and thanked the government representative for attending the meeting. Ms Maggie M.Y. Chin, DPO/FS&YLE, PlanD left the meeting at this point.

Deliberation Session

34. In response to a Member's question on whether the planning intention of the "Village Type Development" ("V") zone was mainly for Small House development and whether only indigenous villagers of the same village were eligible for Small House development within the "V" zone concerned, the Secretary said that the "V" zone was primarily intended for development of Small Houses by indigenous villagers. According to the Small House Policy, indigenous villagers of a different village but within the same Heung could apply for cross-village Small House development in the "V" zone. In response to a Member's observation of the applicant's claim that there had been no proposal for Small House development in the sites for the last 60 years, the Vice-Chairperson said that the planning intention of the "V" zone for Small House development was clear and it was the individual land owner's decision on whether to implement the Small House development.

35. After deliberation, the Board decided to reject the applications on review based on the following reasons:

- “(a) the development is not in line with the planning intention of the “Village Type Development” (“V”) zone which is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the “V” zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
  
- (b) the application does not comply with the Town Planning Board Guidelines No. 13E in that the development is not compatible with the surrounding land uses which are predominated by residential structures / dwellings. There is also no previous approval granted at the Site and there are adverse departmental and public comments against the development;

- (c) the applicant fails to demonstrate that the development would not generate environmental nuisance and adverse landscape impact on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

**Agenda Item 5**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-SK/236

Proposed Temporary Open Storage of Machineries for a Period of 3 Years in “Residential (Group D)” Zone, Lot 297 S.A RP (Part) in D.D. 112, Kam Sheung Road, Yuen Long (TPB Paper No. 10462)

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[The item was conducted in Cantonese.]

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

*Government Representative*

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

*Applicant and Applicant's representative*

Mr Chan Yuk Kim - The applicant

Ms Ho Wai Ping

- The applicant's representative

37. The Vice-Chairperson extended a welcome and briefly explained the procedure of the review hearing. She then invited DPO/FS&YLE, PlanD to brief Members on the review application.

38. With the aid of a PowerPoint presentation, Ms Maggie M.Y. Chin, DPO/FS&YLE, PlanD, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in the TPB Paper No. 10462 (the Paper).

39. The Vice-Chairperson then invited the applicant and the applicant's representative to elaborate on the review application. Ms Ho Wai Ping and Mr Chan Yuk Kim made the following main points:

- (a) the applicant had used the site for the last 30 years. As the machinery stored in the site would not be operated on the site, no nuisance would be caused to the neighbours and no complaint had been received so far; and
- (b) the application site was at the dead end of a larger site used for open storage, no impacts would be caused.

40. As the presentations of PlanD's representative, the applicant and the applicant's representative were completed, the Vice-Chairperson invited questions from Members.

41. In response to Members' questions on the history and the intended long-term use of the application site, Ms Ho Wai Ping, the applicant's representative, and Mr Chan Yuk Kim, the applicant, said that the application site and area to its north were purchased by the applicant in one go and had been occupied by them for decades. As there were trees, apart from an underground septic tank, the application site had not been used for open storage until 1996 or 1997. The application site formed part of a larger site used for open storage to its north and was fenced off from the surrounding areas. Since they were informed that the use

of the application site for open storage was unauthorized, they submitted planning applications for the proposed development in 1996. Although the application site fell within an area zoned “Residential (Group D)” (“R(D)”) on the Outline Zoning Plan, the applicant currently had no intention to turn the site into residential use. The current application was for a temporary open storage use of three years. Should the subject application be approved by the Board, they would renew the approval upon its expiry.

[Mr Franklin Yu arrived to join the meeting at this point.]

42. Some Members had the following questions:

- (a) whether Small Houses were allowed in the “R(D)” zone and why the site and its northern area were zoned “R(D)”;
- (b) how ‘Existing Use’ (‘EU’) was tolerated in planning terms and when planning enforcement action would be instigated;
- (c) the planning status of the application site, and why planning application was required if the site and the area to its north had long been used for open storage; and
- (d) the enforcement action taken on the site.

43. In response, Ms Maggie M.Y. Chin, DPO/FS&YLE, PlanD, made the following points:

- (a) the “R(D)” zone was intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board while Small House developments were allowed in the nearby “Village Type Development” zones. In determining the zoning of an area, PlanD would take into account a number of planning considerations, including the long-term planning of the area. Although there were existing

open storage uses, it was considered that the area should be planned for low-rise and low-density residential developments;

- (b) use already in existence before the gazettal of the Interim Development Permission Area (IDPA) Plan and since then had continued was considered as 'EU' under the Town Planning Ordinance and would be tolerated. Enforcement action would be taken against those non-conforming uses which took place after the gazettal of the IDPA Plan and without a valid planning permission;
- (c) according to the aerial photograph taken immediately before the gazettal of the IDPA Plan concerned, the area to the north of the application site was used for open storage while the application site was vegetated land. Planning permission was not required if the applicant could prove that the use had already been in existence before gazettal of the IDPA Plan. According to the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E), 'existing' and approved open storage and port back-up uses were to be contained in Category 3 areas to avoid proliferation of such uses; and
- (d) as regards the application site, an Enforcement Notice had been issued on 13.9.2016 in relation to an unauthorized development (UD) on the site. Since the UD was subsequently discontinued, a Compliance Notice had been issued. The applicant had not been required to reinstate the site to its original condition.

44. As Members had no further question, the Vice-Chairperson informed the applicant that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in his absence and inform him of the Board's decision in due course. The Vice-Chairperson thanked the applicant and the representatives of the applicant and Government for attending the meeting. They left the meeting at this point.

Deliberation Session

45. A few Members expressed their sympathy for the applicant as the application site and the 'EU' portion were on the same plot of land acquired by the applicant in one go. Even if the current application was rejected, due to the small size of the land and lack of incentives, the site might just be left idle and not be used for residential purpose. However, some other Members considered that there were no exceptional circumstances in the application which warranted a departure from the planning intention of the "R(D)" zone. Whether the use on the application site was an 'EU' was a matter to be proved by the applicant and assessment of the application should be based on relevant planning considerations. Approval of the application, even on a temporary basis, might render implementation of the residential zoning more difficult.

46. The Vice-Chairperson concluded and Members generally agreed that the application should not be approved as the use was not in line with the planning intention of the "R(D)" zone which was for residential development, not complying with TPB PG-No. 13E, and that approval of the application would set an undesirable precedent for similar applications within the same zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

47. After deliberation, the Board decided to reject the application on review based on the following reasons:

- “(a) the development is not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines No. 13E in that no previous approval has been granted at the Site and there is adverse departmental comment on the application;

- (c) the applicant fails to demonstrate that the development would not generate environmental nuisance on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

### **Hong Kong District**

#### **Agenda Item 7**

[Open Meeting (Presentation and Question Sessions only)]

Submission of the Draft Urban Renewal Authority Queen’s Road West / In Ku Lane Development Scheme Plan No. S/H3/URA3/A Prepared Under Section 25 of the Urban Renewal Authority Ordinance  
(TPB Paper No. 10465)

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[The item was conducted in Cantonese.]

#### **Declaration of Interest**

48. The Secretary reported that the Development Scheme Plan (DSP) was located in Sai Ying Pun (H3) and submitted by the Urban Renewal Authority (URA). The following Members had declared interests on the item for owning properties in Sai Ying Pun; and / or having affiliation / business dealings with URA and Christian Family Service Centre which had been commissioned by the Urban Renewal Fund to act as the Social Service Team to provide assistance and advice to residents and operators affected by the Scheme:

Mr Raymond K.W. Lee - being a non-executive director of the URA Board and  
(as Director of Planning) a member of the Planning, Development and  
Conservation Committee of URA

- Mr Lincoln L.H. Huang - being the Deputy Chairman of Appeal Board Panel of URA
- Mr H.W. Cheung - his spouse owning a flat at Queen's Road West
- Mr Wilson Y.W. Fung - being a director of the Board of the Urban Renewal Fund of URA
- Dr Lawrence W.C. Poon - being a non-executive director of the URA Board, a member of the Lands, Rehousing and Compensation Committee and the Planning, Development and Conservation Committee, and a director of the Board of the Urban Renewal Fund of URA
- Mr Stephen H.B. Yau - being a past member of the Wan Chai District Advisory Committee of URA
- Mr K.K. Cheung ] their firm having current business dealings with URA  
Mr Alex T.H. Lai ]
- Mr Stephen L.H. Liu - being a past member of the Wan Chai District Advisory Committee of URA, his former company having business dealings with URA and his company owning an office unit in Unionway Commercial Centre, Queen's Road Central
- Mr Thomas O.S. Ho - having current business dealings with URA
- Mr Ivan C.S. Fu - being a director of the Board of the Urban Renewal Fund of URA and having current business dealings with Cheung Kong Holdings Limited for the URA Peel Street / Graham Street project
- Mr Ricky W.Y. Yu - being a director of the Board of the Urban Renewal Fund of URA and Director of Light Be (Social Realty) Co. Ltd. which was a licensed user of a few URA's residential units in Sheung Wan

- Mr L.T. Kwok - being the Chief Executive of the Christian Family Services Centre
- Ms Lilian S.K. Law - being a director of the Board of the Urban Renewal Fund of URA
- Mr Daniel K.S. Lau - being employee and Director (Development & Marketing) of Hong Kong Housing Society which was currently in discussion with URA on housing development issues

49. Members noted that Messrs Lincoln L.H. Huang and Alex T.H. Lai had tendered apologies for not being able to attend the meeting. As the interests of Messrs Raymond K.W. Lee, Thomas O.S. Ho, L.T. Kwok and Dr Lawrence W.C. Poon were direct, Members agreed that they should leave the meeting temporarily for the item.

50. As the interests of Messrs Wilson Y.W. Fung, Stephen H.B. Yau, Ricky W.Y. Yu, K.K. Cheung, Ivan C.S. Fu, Stephen L.H. Liu and Ms Lilian S.K. Law were indirect, the property of Mr H.W. Cheung's spouse did not have a direct view of the site and Mr Daniel K.S. Lau had no direct involvement in the subject scheme, Members agreed that they could stay in the meeting.

[Messrs Raymond K.W. Lee, Thomas O.S. Ho, K.K. Cheung, Ivan C.S. Fu, L.T. Kwok and Dr Lawrence W.C. Poon left the meeting at this point.]

#### Presentation and Question Sessions

51. The following representatives from the Government and URA were invited to the meeting:

##### *Government Representatives*

- Mr Louis K.H. Kau - District Planning Officer/Hong Kong, Planning Department (DPO/HK, PlanD)
- Mr J.J. Austin - Senior Town Planner/Hong Kong (STP/HK), PlanD

*URA Representatives*

Mr Wilfred Au - Director, Planning & Design

Mr Mike Kwan - General Manager, Planning & Design

52. The Vice-Chairperson extended a welcome and explained the procedure of the meeting. He then invited PlanD and URA's representatives to brief Members on the DSP.

53. With the aid of a PowerPoint presentation, Mr J.J. Austin, STP/HK, PlanD made the following main points as detailed in the TPB Paper No. 10465 (the Paper):

*URA project and the statutory planning procedures*

(a) according to section 25(6) of the URA Ordinance (URAO), the Town Planning Board (the Board) might deem the draft DSP as suitable for publication, or being suitable for publication subject to such amendments as the Board should specify, or refuse to deem the draft DSP as being suitable for publication. If the Board deemed the draft DSP suitable for publication under section 25(7) of the URAO, the DSP should be deemed to be a draft plan prepared by the Board for the purposes of the Town Planning Ordinance (TPO) and the provisions of the TPO should apply accordingly. These included exhibition for public inspection, consideration of representations and comments, and submission of the draft DSP to the Chief Executive in Council for approval;

*The Queen's Road West / In Ku Lane Development Scheme*

(b) the Queen's Road West / In Ku Lane Development Scheme (the Scheme) involved rezoning private lots and government land within the Scheme from "Residential (Group A) 7" ("R(A)7"), "Government, Institution or Community" ("G/IC") and "Open Space" ("O") to "R(A)23" with a building height (BH) restriction of 130mPD to facilitate a high-density commercial / residential development, the reprovisioning of the public open space (POS)

and government refuse collection point (RCP) cum public toilet (PT) as well as provision of a neighbourhood elderly centre (NEC) of not less than 120m<sup>2</sup> internal floor area (IFA); and

- (c) on 16.3.2018, URA published the Notification of Commencement of the Scheme and submitted the draft DSP with Notes, Explanatory Statement (ES), a planning report with technical assessments and the Stage 1 social impact assessment (SIA) to the Board. On 2.5.2018, URA submitted the Stage 2 SIA to the Board.

54. With the aid of a PowerPoint presentation, Mr Mike Kwan, URA's representative, made the following main points:

Background

- (a) the Scheme would be implemented in accordance with section 25 of URAO;
- (b) on 16.3.2018, URA had carried out a freezing survey to confirm the number of households affected and the building conditions. Briefing sessions were also conducted to collect views from the public;

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

The Queen's Road West / In Ku Lane Development Scheme

- (c) the Scheme would redevelop the buildings of 49 to 52 years old in deteriorating conditions with no lifts in Queen's Road West / In Ku Lane of gross and net areas of about 2,046m<sup>2</sup> and 1,318m<sup>2</sup> respectively. It also involved restructuring and re-planning of the RCP cum PT, which was over 25 years old, and the Li Sing Street Playground to improve pedestrian connectivity between Queen's Road West and In Ku Lane as well as the accessibility of Li Sing Street Playground;

Preliminary proposal

- (d) as a preliminary estimate, the Scheme would provide about 200 residential units, 740m<sup>2</sup> of retail floor space and NEC, 860m<sup>2</sup> of RCP cum PT and 538m<sup>2</sup> of POS for completion in 2028 / 2029; and

*Inclusion of an adjoining strip of government land*

- (e) regarding the proposed amendment recommended in the Paper to include a strip of government land adjoining the eastern boundary of the Scheme into the DSP for better land management, since there might be uncertainty involving land issues, such as adverse possession claim, which might prolong the redevelopment programme, URA suggested to keep the original Scheme boundary unchanged but agreed to take up the management of the piece of land concerned in the land grant, e.g. as 'Green Area'.

55. With the aid of a PowerPoint presentation, Mr J.J. Austin, STP/HK, PlanD made the following main points on the public consultation and planning assessment on the Queen's Road West / In Ku Lane DSP:

*Public consultation*

- (a) the two stages of public consultation were conducted from 27.3.2018 to 17.4.2018 and from 8.5.2018 to 29.5.2018 respectively. Of the 30 comments received, 15 were expressing views, five supporting and 10 adverse;
- (b) the public comments were mainly concerned with:
  - (i) planning and design aspects of the Scheme;
  - (ii) extending the Scheme to include the tenement buildings at 153 to 183 Queen's Road West (odd numbers);
  - (iii) reprovisioning of RCP cum PT;

- (iv) reprovisioning of 5-a-side soccer pitch and POS at Li Sing Street Playground;
  - (v) acquisition and rehousing policies;
- (c) details of and responses to the public comments were stated in paragraphs 10.4 and 10.5 of the Paper;

*Planning assessment*

*Improving the overall environment*

- (d) the Scheme could improve the overall environment and living conditions of residents in dilapidated tenement buildings, rationalize land uses, open up the Li Sing Street Playground by providing it with a direct street frontage, enhance accessibility and attractiveness of POS and the modern RCP cum PT would bring improvement to the environment;

*Development intensity*

- (e) the proposed “R(A)23” zoning with a BH restriction of 130mPD and non-domestic uses on lower floors was considered compatible with the existing character of the area. The proposed BH of 130mPD was in line with the current BH restriction of the “R(A)7” zone;
- (f) a net site area of 1,318m<sup>2</sup>, where the 5-a-side soccer pitch and pavement were excluded, was considered acceptable;

*Reprovisioning of government facilities*

- (g) the reconfiguration of the 5-a-side soccer pitch, basketball court and sitting-out area and the proposed reprovisioning of the government RCP cum PT was acceptable to the Leisure and Cultural Services Department (LCSD)

and the Food and Environmental Hygiene Department (FEHD) respectively;

- (h) URA would seek C&W District Council (C&WDC)'s support on temporary closure of the affected venue and views of C&WDC and agreement from LCSD on the advance works of reprovisioning / upgrading of the 5-a-side soccer pitch;

*Proposed inclusion of a strip of government land into the Scheme*

- (i) the strip of government land sandwiched between the existing RCP and Kam Yu Mansion was recommended to be included in the Scheme for better management based on District Lands Officer/Hong Kong West and South's advice. It was mentioned in the Paper that URA had no in-principle objection to including the government land provided that there were no encumbrances but URA's representative made a counter proposal in its presentation at the meeting;

*PlanD's views*

- (j) PlanD had no objection to the draft DSP and recommended that the strip of government land (about 51m<sup>2</sup>) sandwiched between the existing RCP and Kam Yu Mansion should be included in the DSP boundary to put all government land to efficient use; and

*Proposed amendments to the approved Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/31 (the OZP)*

- (k) the proposed amendments were detailed in paragraphs 12.1 to 12.6 of the Paper.

56. As the presentation for the Queen's Road West / In Ku Lane DSP was completed, the Vice-Chairperson invited questions from Members on the subject DSP.

57. Some Members raised the following questions:

Provision of public and community facilities

- (a) the current and future floor areas for residential and retail uses, and public and community facilities;
- (b) details of the reprovioned RCP cum PT and their interface with the POS, the proposed changing room, the proposed NEC and advance improvement works to Li Sing Street Playground;

Design of the Scheme

- (c) connectivity of the Scheme to the surrounding areas;
- (d) while the design would allow penetration of the southwesterly prevailing wind, how the design of the podium could cater for wind from the east;
- (e) the reason for not amalgamating the adjoining residential buildings to form a larger redevelopment site for better provision of facilities and improvement of accessibility of the Li Sing Street Playground, as well as provision of a direct link from In Ku Lane to Queen's Road West;
- (f) the estimated average flat size and housing mix of the residential development and whether future design of the development would cater for the need of the targeted residents, e.g. the elderly, and the interface issues in respect of the public and private open space;
- (g) the rationale for the proposed floor area for retail shops, car parking spaces and the proposed number of storeys for the RCP and whether there was scope to reduce the provision of the facilities for a less massive podium design;
- (h) whether consideration had been given to promoting waste recycling in the proposed redevelopment and in the district as a whole;

- (i) the reason for not having the vehicular access to the proposed redevelopment from In Ku Lane, which was on a lower level, but from Queen's Road West, which would adversely affect the streetscape of Queen's Road West; and

*Inclusion of the strip of government land*

- (j) whether enquiry had been made regarding the actual use and occupier of the strip of government land sandwiched between the existing RCP and Kam Yu Mansion.

Provision of public and community facilities

58. In response to Members' questions, Mr Mike Kwan of URA said that the gross floor area (GFA) of the existing residential and retail uses were 2,173m<sup>2</sup> and 863m<sup>2</sup> respectively while those for the Scheme were 9,690m<sup>2</sup> and 740m<sup>2</sup> respectively. Some of the 740m<sup>2</sup> floor area would be used for the proposed NEC. In relation to a Member's follow-up question on why there was a decrease in the retail floor area, Mr Mike Kwan said that an additional 860m<sup>2</sup> of non-domestic GFA would be set aside for the reprovisioning of the existing RCP cum PT. The total non-domestic GFA of the Scheme (i.e. about 1,600m<sup>2</sup>) would be higher than the existing provision.

59. Mr Wilfred Au of URA, with the aid of a PowerPoint slide, showed the location of the RCP cum PT to be reprovisioned and said that the facilities would be integrated in the design of the proposed residential / commercial development. They would be built in accordance with the latest standard as at the date of their completion with odour treatment facilities and other arrangements to minimise the visual impact and nuisance. He also said that an NEC of about 120m<sup>2</sup> IFA, as requested by the Social Welfare Department (SWD), would be provided on the 1/F of the proposed development fronting Queen's Road West. Better facilities, including those for the elderly, such as walking track, would be provided in the proposed POS and Li Sing Street Playground subject to consultation with C&WDC and agreement from LCSD.

60. Mr Louis K.H. Kau, DPO/HK, PlanD said that URA, in consultation with LCSD, would carry out improvement works to the Li Sing Street Playground so that a 5-a-side soccer pitch could be reprovisioned within the existing playground before construction works were to take place on the existing soccer pitch. The changing room on top of the reprovisioned RCP would be for staff use due to the operational need. Mr Wilfred Au of URA supplemented that apart from the redevelopment works itself, URA was committed to bring about improvements to the surrounding open space and roads. Liaison with LCSD and FEHD were underway to explore the feasibility of providing a direct access from the POS, which would be managed by LCSD, to the proposed PT with changing facilities for use by the soccer pitch and playground users.

### Design of the Scheme

61. With respect to the design of the Scheme, Mr Wilfred Au of URA said that with the implementation of the proposed development, a connection between Queen's Road West and In Ku Lane would be provided and the corridor so created by the POS would allow wind penetration from the southwest. As for wind from the east, wind flow would by and large be blocked by the existing Kam Yu Mansion to the east of the Scheme. To mitigate the impact, a staggered podium design would be adopted to allow free air flow from top level of the podium of Kam Yu Mansion. Opportunity would also be taken to making use of the building gaps to maximize air flow. In response to a follow-up question by a Member, Mr Au said that URA was committed to provide covered landscaped areas and adopt open-sided design of the club house at the podium level to increase permeability of the building and enhance air ventilation.

62. Regarding why the adjoining buildings were not included in the Scheme, Mr Mike Kwan of URA, with the aid of a PowerPoint slide, said that URA had taken into account a number of considerations, including the building conditions, building age, the benefits brought about by the redevelopment to the community and the resources available, in delineating the Scheme boundary. Amongst the tenement buildings at 153 to 183 Queen's Road West (odd numbers), some, including No. 153 which was under single ownership, had not registered their interests to be included in the Scheme, while some which had indicated interests, did not represent the interests of all the owners of the residential block concerned. Besides, some of the buildings were only built in 1989,

which were relatively new. Taking into account that the Scheme had already provided a link between Li Sing Street Playground and Queen's Road West and improved the environment, the Scheme boundary was considered appropriate. Mr Mike Kwan of URA supplemented that the purpose of the Scheme was to link up the playground, but not In Ku Lane, with Queen's Road West. Mr Wilfred Au of URA said that although the adjoining buildings were not included in the Scheme, they might be eligible for the URA rehabilitation and retrofitting programmes.

63. Mr Wilfred Au of URA said that the average flat size of the residential portion of the Scheme was about 450 ft<sup>2</sup> to 500 ft<sup>2</sup>, subject to final design. The targeted clients and the mode of operation of the proposed NEC were subject to further discussion with SWD. URA would liaise with LCSD on the barrier-free access arrangement in relation to the POS between In Ku Lane and Queen's Road West. URA would work out the best option to integrate the POS with the NEC and the PT, while the interface between POS and the private open space of the Scheme should not be an issue as they were planned on different levels.

64. In response to a Member's question on whether the space for retail and other facilities in the podium could be reduced for a less massive podium, Mr Wilfred of URA said that the amount of retail space required was worked out making reference to the decanting arrangement of URA's Sung Hing Lane / Kwai Heung Street Development Project. It was estimated that the GFA of grocery and Chinese herbal medicine stores of local characteristics to be displaced by the Scheme was about 700m<sup>2</sup>. Taking into account that some of the operators might prefer to have their new stores be located somewhere else and the need to provide an NEC, a total GFA of 740m<sup>2</sup> was set aside for such purpose. Given the provision of car parking space had to meet the minimum requirement of the Transport Department (TD), the need for reprovisioning of a modern RCP cum PT and the small site, there was no scope to further reduce the size of the podium. However, the stepping design and open-sided landscaped area of the podium would mitigate the impact and help increase permeability. With respect to the RCP, Mr Mike Kwan of URA said that the future RCP was one storey higher than the existing one in order to house the necessary equipment, such as those for odour treatment and air ventilation, but the actual increase in height was insignificant. The height of the existing RCP was 14m while that of the future RCP was about 14.5 to 15m.

65. As regards the questions on waste recycling, Mr Wilfred of URA said that the future design of the Scheme would comply with the relevant statutory requirements. In relation to waste recycling strategy at the district level, Mr Louis K.H. Kau said that the Environment Bureau (ENB) had planned to designate waste recycling points in each of the 18 districts and the future RCP would incorporate elements that would facilitate waste recycling.

66. Mr Wilfred Au of URA said that the current proposal was to have an access at In Ku Lane for the RCP and a separate vehicular access at Queen's Road West for the residential development as requested by TD. Taking note of Members' concerns that the proposed vehicular access at Queen's Road West might take away about 40% of the Queen's Road West frontage, which might adversely affect the streetscape and vibrancy, URA would review the feasibility of providing the vehicular access points at In Ku Lane, in consultation with the relevant departments.

#### Inclusion of the strip of government land

67. In respect of the strip of government land concerned, Mr Wilfred Au of URA said that they had not inquired into the use and the occupier but had conducted a land survey and the result of the survey had not yet been available. Mr Louis K.H. Kau, DPO/HK, PlanD said that according to their information, the strip of government land to be included in the DSP formed part of a government land allocation for the RCP and was found to be used for storage of the then Urban Council's rubbish bins. After liaison with FEHD, the stored items in the strip of government land concerned had been cleared recently. Mr Wilfred Au of URA considered that they had no objection to including the strip of government land for better land management but suggested the said strip of government land be designated as 'Green Area' to avoid any possible encumbrances that might delay the implementation programme of the Scheme.

68. As Members had no further questions, the Vice-Chairperson thanked the representatives of PlanD and URA for attending the meeting. They left the meeting at this point.

[The meeting was adjourned for a short break of 10 minutes at this point.]

[Messrs David Y.T. Lui and H.W. Cheung left the meeting at this point.]

69. The deliberation session was reported under confidential cover.

### **Agenda Item 12**

#### Any Other Business

[Open Meeting][The item was conducted in Cantonese]

70. There being no other business, the meeting was closed at 12:05 p.m.