

**Minutes of 1211<sup>th</sup> Meeting of the  
Town Planning Board held on 25.10.2019**

**Present**

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

Chairperson

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

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Stephen L.H. Liu

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr L.T. Kwok

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Chief Traffic Engineer (New Territories East)

Transport Department

Mr Ken K.K. Yip

Chief Engineer (Works)

Home Affairs Department

Mr Paul Y.K. Au

Assistant Director (Environmental Assessment)

Environmental Protection Department

Mr. Terence S.W. Tsang

Assistant Director (Regional 3)

Lands Department

Mr. Alan K.L. Lo

Director of Planning

Mr Raymond K.W. Lee

Deputy Director of Planning/District

Miss Fiona S.Y. Lung

Secretary

**Absent with Apologies**

Mr Lincoln L.H. Huang

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Wilson Y.W. Fung

Dr C.H. Hau

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Miss Winnie W.M. Ng

Mr Daniel K.S. Lau

Dr Jeanne C.Y. Ng

Mr Ricky W.Y. Yu

**In Attendance**

Assistant Director of Planning/Board

Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board

Ms April K.Y. Kun (a.m.)

Mr Kepler S.Y. Yuen (p.m.)

Senior Town Planner/Town Planning Board

Ms Christine C.M. Cheung (a.m.)

Miss Carmen S.Y. Chan (p.m.)

### **Agenda Item 1**

[Open meeting ]

#### Confirmation of Minutes of the 1210<sup>th</sup> Meeting held on 11.10.2019

[The item was conducted in Cantonese.]

1. The draft minutes of the 1210<sup>th</sup> meeting held on 11.10.2019 were confirmed without amendments.

### **Agenda Item 2**

[Open meeting ]

#### Matters Arising

- (i) Approval of the Draft Outline Zoning Plan (OZP)

[The item was conducted in Cantonese.]

2. The Secretary reported that on 8.10.2019, the Chief Executive in Council approved the draft Mong Kok OZP (renumbered as S/K3/32) under section 9(1)(a) of the Town Planning Ordinance.

3. Members noted that the approval of the OZP was notified in the Gazette on 18.10.2019.

- (ii) Application for Appeal against Judgment on a Leave Application for Judicial Review against the Town Planning Board, the Chief Executive in Council and Others in respect of the Tai Po Outline Zoning Plan (OZP) No. S/TP/25

[The item was conducted in Cantonese.]

4. The Secretary reported that the concerned site was located in Tai Po and the following Members had declared interests on this item:

Mr H.W. Cheung - owning a flat at Po Heung Street, Tai Po

Market

- |                       |   |  |
|-----------------------|---|--|
| Dr Frankie W.C. Yeung | - | his company owning a flat at On Chee Road, Tai Po  |
| Mr Daniel K.S. Lau    | - | co-owning with spouse a flat in Ma Wo Road, Tai Po |

5. Members noted that Mr. Daniel K.S. Lau and Dr Frankie W.C. Yeung had tendered apologies for being unable to attend the meeting. Members also noted that the item was to report the court's decision and no discussion was required, and agreed that Mr H.W. Cheung should be allowed to stay in the meeting.

6. The Secretary reported that Members were briefed on 26.7.2019 on Mr Wong Yu Cho's leave application for appeal against the Court of First Instance (CFI)'s dismissal of his leave application for judicial review (JR) against the Town Planning Board, the Chief Executive in Council (CE in C) and others in respect of the rezoning of a site at 4770 Tai Po Road, Kon Hang, Tai Po from "Green Belt" to "Residential (Group C) 8" on the draft Tai Po Outline Zoning Plan No. S/TP/25, which was subsequently approved by CE in C on 8.9.2015.

7. On 27.9.2019, the CFI handed down the judgment dismissing Mr Wong's leave application for appeal. In the judgment, the CFI pointed out that Mr Wong merely repeated his points previously raised in the leave application for JR. The underlying grounds for JR had no reasonable prospects for success. The CFI also noted that Mr Wong was not a representer or commenter in respect of the concerned Tai Po OZP. Further, there was a very serious delay on the part of Mr Wong in applying for leave. The mere fact that he needed to seek help from others and did not know about legal procedures was not a reasonable excuse.

8. Members noted that the above leave application for appeal was dismissed.

**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 the Draft Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/23  
(TPB Paper No. 10587)

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[The item was conducted in English and Cantonese.]

9. The Secretary reported that four of the proposed amendment items to the approved Fanling/Sheung Shui Outline Zoning Plan (OZP) were to facilitate proposed public/subsidised housing developments by the Hong Kong Housing Authority (HKHA) and the Hong Kong Housing Society (HKHS) respectively. The consultants for the proposed amendments were Ove Arup & Partners Hong Kong Limited (Arup) and AECOM Asia Company Limited (AECOM) in association with Dennis Lau & Ng Chun Man Architects & Engineers (Hong Kong) Limited (DLN) and WSP (Asia) Limited (WSP). Mass Transit Railway Corporation (MTRC), Hong Kong & China Gas Co. Ltd. (Towngas) (a subsidiary of Henderson Land Development Co. Ltd. (HLD)), HKHS and Ms Mary Mulvihill had submitted representations/comments. The following Members had declared interests on the item:

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|--|--|
| Mr Raymond K.W. Lee<br>( <i>as Director of Planning</i> )                            | - being an ex-officio member of the Supervisory Board of the HKHS  |
| Mr Paul Y.K. Au<br>( <i>as Chief Engineer (Works),<br/>Home Affairs Department</i> ) | - being a representative of the Director of Home Affairs who was a member of Strategic Planning Committee and the Subsidised Housing Committee of HKHA |
| Professor S.C. Wong<br>(Vice-chairperson)  | - having current business dealings with AECOM and Arup, 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 Arup, AECOM, MTRC and HLD; and past business dealings with HKHA
  
- Mr Peter K.T. Yuen - being a Member of the Board of Governors of the Arts Centre, which had collaborated with the MTRC on a number of arts projects, and had received a donation from an Executive Director of HLD before
  
- Dr Lawrence W.C. Poon - being an ex-employee of HKHS, and his spouse being an employee of the Housing Department (HD) but not involved in planning work
  
- Mr K.K. Cheung ] their firm having current business  
Mr Alex T.H. Lai ] dealings with HKHA, HKHS, Arup, WSP, MTRC, Towngas/HLD and past business dealings with AECOM and hiring Ms Mary Mulvihill on a contract basis from time to time
  
- Dr C.H. Hau - having current business dealings with AECOM; and being employee of the University of Hong Kong (HKU) which had received a donation from a family

member of the Chairman of HLD

- Mr Thomas O.S. Ho - having current business dealings with HKHA, Arup, AECOM and MTRC and past business dealings with HKHS and DLN
- Dr Lawrence K.C. Li - being a member of Special Committee on Elderly Housing of HKHS and being the Deputy Chairman of the Council of Hong Kong Polytechnic University which had obtained sponsorship from HLD before
- Mr Stephen L.H. Liu - having past business dealings with HKHA, HKHS, DLN, MTRC and HLD
- Mr Franklin Yu - being a member of Building Committee of HKHA, and having past business dealings with Arup, WSP, AECOM, MTRC and HLD
- Mr Daniel K.S. Lau - being an ex-employee of HKHS

10. Members noted that Messrs Peter K.T. Yuen, Thomas O.S. Ho, Daniel K.S. Lau, Alex T.H. Lai, Dr Lawrence K.C. Li and Dr C.H. Hau had tendered apologies for being unable to attend the meeting, and Professor S.C. Wong, Dr Lawrence W.C. Poon, Messrs Ivan C.S. Fu and Franklin Yu had yet to arrive to join the meeting. As the interest of Messrs Raymond K.W. Lee and Paul Y.K. Au were considered direct, they should be invited to leave the meeting temporarily for the item. Members also noted that the interest of Mr Stephen L.H. Liu was indirect and Mr K.K. Cheung had no involvement in the subject schemes, they should be allowed to stay in the meeting.

[Messrs Raymond K.W. Lee and Paul Y.K. Au left the meeting temporarily at this point.]

11. 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, Members agreed to proceed with the hearing of the representations and comments in their absence.

#### Presentation and Question Sessions

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

##### ***Government Representatives***

##### *Planning Department (PlanD)*

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|-----------------------|---|---|
| Miss Winnie B.Y. Lau  | - | District Planning Officer/Fanling, Sheung Shui & Yuen Long East (DPO/FSYLE) |
| Mr Patrick M.Y. Fung  | - | Senior Town Planner/Fanling & Sheung Shui (STP/FS)                          |
| Mr Kenneth C.K. Yeung | - | Town Planner/Fanling & Sheung Shui (TP/FS)                                  |

##### *Housing Department*

- |                       |   |                                   |
|-----------------------|---|-----------------------------------|
| Ms Alice W.Y. Lo      | - | Senior Planning Officer/2 (SPO/2) |
| Mr Leslie K.C. Yuen   | - | Senior Architect/36 (SA/36)       |
| Mr Terence T. M. Kwan | - | Senior Civil Engineer/1 (SCE/1)   |
| Mr Kerry K.K. Lee     | - | Planning Officer/32 (PO/32)       |

##### ***Representers/Commenters and their Representatives***

##### R1/C1 Hong Kong Housing Society

- |                           |   |                               |
|---------------------------|---|-------------------------------|
| Mr Tsang Tak Ming Patrick | ] | Representer's and Commenter's |
| Mr Fu Yee Ming            | ] | Representatives               |
| Mr Lai Chong Chi Ellick   | ] |                               |

R121 Lee Wing Kuen

Mr Lee Wing Kuen - Representer

R122/C2 Mary Mulvihill

Ms Mary Mulvihill - Representer and Commenter

R124 The Hong Kong and China Gas Co Ltd

Mr Tsang Chung Man - Representer's Representative

13. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She said that PlanD's representative 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 according to their representation and comment number. To ensure the efficient operation of the meeting, each representer, commenter or their 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 representatives, representers, commenters or their representatives. After the Q&A session, the representers, commenters or their representatives and the government representatives would be invited to leave the meeting. The Board would deliberate on all the representations and comments in their absence and inform the representers and commenters of the Town Planning Board's (the Board) decision in due course.

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

15. With the aid of a PowerPoint presentation, Mr Patrick M.Y. Fung, STP/FS, PlanD briefed Members on the representations and comments, including the background of the amendments, the grounds/views/proposals of the representers and commenters, planning assessments and PlanD's responses to the representations and comments as detailed in TPB Paper No. 10587 (the Paper).

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

R1/C1 - Hong Kong Housing Society

17. With the aid of a PowerPoint presentation, Mr Tsang Tak Ming Patrick made the following main points:

- (a) the Jockey Club Road site (Item A4) was a piece of government land which was partly occupied by a temporary public tennis court and partly vacant. It was next to the Former Fanling Magistracy. The site, with a development area of about 5187.4 m<sup>2</sup>, was proposed to be rezoned from “Government, Institution or Community”(“G/IC”) to “Residential (Group A)4” (“R(A)4”) with a plot ratio of 6.6 and building height restriction (BHR) of 100mPD;
- (b) according to an indicative scheme of the proposed development, the domestic gross floor area (GFA) of the proposed development was about 31,100 m<sup>2</sup> providing about 640 no. of flats. The GFA of the retail facilities (located on G/F and 1/F) and the residential care home for the elderly (RCHE) (located on 2/F) would be about 3,100 m<sup>2</sup> and 2,300 m<sup>2</sup> respectively. A total number of 205 parking spaces (including 70 ancillary parking spaces and a public vehicle park with 130 spaces for private cars and 5 spaces for light goods vehicles) would also be provided in the basement levels of the proposed development;
- (c) the proposed subsidised housing development at the Jockey Club Road site would provide a number of planning gains to the society. Firstly, it could enable the provision of about 640 subsidised sale flats with tentative population intake by 2025. Secondly, the proposed housing development would provide opportunities for the provision of new pedestrian footbridges connecting the site with the adjacent future New Territories East Cultural Centre, the existing footbridge to Fanling MTR Station, and the planned footbridge to Luen Wo Hui; which would enhance the overall pedestrian connectivity of the area. Thirdly, a 100-place RCHE would be provided in

the proposed development. Also, the provision of a public vehicle park with 135 spaces in addition to 70 ancillary parking spaces would help ease the parking issue in the district;

- (d) various technical assessments, including visual appraisal, air ventilation assessment, traffic impact assessment, tree assessment, environmental assessment, water supply impact assessment, sewerage impact assessment and drainage impact assessment, had been conducted and concluded that there would be no adverse impact caused by the proposed housing development at the Jockey Club Road site;
- (e) HKHS had consulted the North District Council (NDC). NDC initially raised concerns on high-rise development and potential traffic, visual, air ventilation, tree and noise impacts, and provided suggestions including footbridge connections to Fanling MTR station and Luen Wo Hui, more social welfare and community facilities and more car parking spaces. HKHS had explained to NDC that the proposed development was compatible with the surrounding land uses as it was predominantly surrounded by various GIC facilities and residential developments in its proximity. The technical assessments had concluded that there would be no insurmountable problems on various aspects. Also, HKHS planned to provide additional footbridge connections, a 100-place RCHE and a public vehicle park in the proposed development. On 21.1.2019, the District Minor Works and Environmental Improvement Committee Meeting of NDC expressed support to the proposed development after voting; and
- (f) the proposed housing development was tentatively scheduled for commencement by 2020 and anticipated to be completed by late 2024.

R121 Lee Wing Kuen

18. Mr Lee Wing Kuen made the following main points:

- (a) he lived in an old tenement building along San Fung Avenue behind Item

A3 site;

- (b) a photo taken from his flat showed that the proposed public housing development at Item A3 site would block the view from his flat and affect air ventilation as well as daylight. It would also further weaken the reception of TV signal; and
- (c) he requested HD to revise the design of the proposed housing development at Item A3 site to minimise its impacts on air ventilation, daylight and reception of TV signal.

R124 The Hong Kong and China Gas Co Ltd

19. Mr Tsang Chung Man made the following main points:

- (a) since the proposed rezoning from “G/IC” to “R(A)6” at Item B site was in close vicinity to the high pressure gas pipeline along the bicycle track near to Fanling Highway and the future population in the area would be significantly increased, the project proponent should conduct a Quantitative Risk Assessment (QRA) to evaluate the potential risk and identify the necessary mitigation measures; and
- (b) the project proponent should consult his company in the design stage, coordinate with them closely during the construction stage, and provide appropriate protective measures.

R122/C2 Mary Mulvihill

20. Ms Mary Mulvihill made the following main points:

- (a) the Board had implemented restrictions to deter community participation by requiring identity proof. That had significantly reduced the number of representers and public attendance in the hearing. It was contrary to the intention of the Town Planning Ordinance (the Ordinance) to encourage

public participation in the town planning process;

- (b) for Items A1 and A2, not only were the noise and ventilation issues being sidelined, the issues of commercial/industrial developments to provide local employment opportunities were also ignored. The lack of such facilities would force residents to travel long distances to the urban areas for jobs, which would impose pressure on the transportation system. It also ignored the trend for the relocation of the manufacturing industry from the Pearl River Delta and the need for workshops to accommodate more high-end processing. The imbalance of population and job places would turn Fanling into another Tin Shui Wai with limited options;
- (c) with regard to Item A3 involving rezoning of land from “Open Space” (“O”), there was manipulation of the open space data. Noting that the planned population should be 288,000, the required open space should be 57 hectares according to the Hong Kong Planning Standards and Guidelines (HKPSG). The total area of “O” on the OZP was only 42 hectares. However, PlanD indicated that the existing provision of open space was 68 hectares. Also, the planned open space had never been materialised. The excuse was that there was no programme for the provision. Moreover, no data was provided with regard to the number of basketball courts and other amenities that should be provided according to the HKPSG;
- (d) with regard to Item A4 involving rezoning of land from “G/IC”, it should be noted that there was significant shortfall in subsidised elderly care places. For a planned population of 288,000, there should be 14 neighbourhood elderly centres, but only five were provided. Also, the site was subject to noise issues and some units would be required to install fixed windows, which would have impact on the health of the future residents; and
- (e) Item B was to take forward a rezoning application which was agreed by the RNTPC in 2017. The rezoning of the “G/IC” site for private housing should be reconsidered in light of the current conditions and change in policy, including the intended resumption of brownfield sites to support

public housing. The Social Welfare Department (SWD) could not justify its claim that there was no need for “G/IC” sites when it was proposing to spend \$20 billion on acquiring units in commercial buildings to provide the services. There were seven facilities lacking in the North District. With the increasing population in Fanling and Sheung Shui areas, the “G/IC” sites could be used for providing community facilities. The cumulative impact of rezoning “G/IC” sites should be reassessed. Also, it was doubtful why there were more than 6,000 supportive comments for the proposed private development.

[Professor S.C. Wong and Messrs Franklin Yu, Sunny L.K. Ho and Stanley T.S. Choi arrived to join the meeting during the presentation.]

21. As the presentation from government representatives, the representers/commenters and their representatives had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions and the Chairperson would invite the representers/commenters, their representatives and/or the government representatives to answer. The Q&A session should not be taken as an occasion for the attendees to direct questions to the Board or for cross-examination between parties. The Chairperson then invited questions from Members.

*The Proposed Public Housing Developments at Sites under Items A1, A2, A3 and A4*

22. Some Members raised the following questions:
- (a) the type of flats to be provided;
  - (b) the provision of commercial facilities in the proposed public housing developments which would generate employment opportunities;
  - (c) the provision of GIC facilities in the proposed public housing developments;
  - (d) reasons for the provision of public vehicle parks and not other facilities in the proposed public housing developments; and

- (e) the rationale for the proposed BHR for the proposed public housing sites.

23. Miss Winnie B.Y. Lau, DPO/FSYLE, made the following responses:

- (a) there would be about 5,300 housing units in the proposed public housing developments at the sites under Items A1, A2 and A3. HKHA had not yet decided whether those units would be public rental housing units or subsidised sale flats. The proposed housing development at Item A4 site would be for subsidised sale flats to be implemented by HKHS;
- (b) retail facilities would be provided in the proposed public housing developments which would create job opportunities to the residents. Also, there were approved s.16 applications for wholesale conversion of existing industrial buildings in the area for 'Eating Place', 'Office' and 'Shop and Services' uses, which would also generate job opportunities to the local people in addition to the existing workshop and storage uses in the area;
- (c) having taken into account the views of SWD and the concerned departments, various GIC facilities had been included in the proposed public housing developments, including community hall, RCHEs, kindergartens, post office, hostels for moderately or severely mentally handicapped persons, day activity centre, integrated vocational rehabilitation services centre and district health centre;
- (d) public vehicle parking spaces would be provided at the sites under Items A2 and A4. The sites under Items A1 and A2 were currently occupied by temporary public vehicle parks providing more than 400 parking spaces in the area. HD had conducted a survey on the parking demand in the district in the traffic impact assessment to ascertain the number of parking spaces to be provided in the proposed public housing developments to address the local concern on parking issue. According to the Notes of the OZP, the GFA of the public vehicle parks could be exempted from GFA calculation, which would not undermine the provision of housing units nor GIC facilities; and

- (e) the proposed public housing developments with BHRs of 100mPD and 130mPD under Items A1 to A4 were generally compatible with the surrounding developments comprising high-rise housing estates. Choi Po Court (100mPD) and Po Shek Wu Estate (114mPD) in Sheung Shui were close to Items A1 to A3 sites. Cheung Wah Estate (110mPD) in Fanling was near Item A4 site. Stepped building height profile would also be adopted in Items A1 to A4 sites to preserve the view and wind corridors.

24. Ms Alice W.Y. Lo, SPO/2, supplemented that for the proposed public housing development at Items A1 to A3 sites, the estimated population for the proposed developments would be about 15,000 persons. In general, there were two types of households in public rental housing developments, namely family households and singleton households. HKHA would decide whether the proposed developments would be for public rental housing or subsidised sale flats at a later stage. Regarding the provision of GIC facilities in the sites, she indicated that, subject to further consultation with SWD, HD might consider making use of any vacant non-domestic GFA for providing more social welfare services, as and if appropriate.

25. Mr Tsang Tak Ming Patrick, the representatives of HKHS, also supplemented that the target residents of the proposed subsidised sale flat project at Item A4 would be young families and singletons. Regarding the RCHE to be provided in the proposed development, it would be handed over to the Government upon completion. He noted that some elderly care services would usually be provided in RCHEs to serve other elderly people in the district.

#### *The Proposed Private Housing Development at Item B Site*

26. Noting that the proposed private development at Item B site was the subject of a s.12A application which was agreed by RNTPC in 2017, the Chairperson and some Members enquired whether there were any changes in the planning circumstances which warranted a review of the case and whether there were more than 6,000 supportive comments for the proposed private development as mentioned by R122/C2.

27. Miss Winnie B.Y. Lau, DPO/FSYLE, responded that the proposed private development was the subject of a s.12A application (No. Y/FSS/13) agreed by the RNTPC on 23.6.2017 to rezone the site from “G/IC” to “R(A)6” for residential development cum supporting retail facilities. Relevant bureaux and departments had been consulted again on the proposed rezoning for the site and no adverse comment was received from them. Those supportive comments mentioned by R122/C2 were received during the publication of the s.12A application for public comments in 2017.

*Provision of GIC Facilities and Open Space in the District*

28. Some Members raised the following questions on the population profile and provision of GIC facilities/open space in Fanling and Sheung Shui area:

- (a) the population density in the subject area, as compared with other areas;
- (b) the percentage of elderly in the subject area;
- (c) the provision of child care services and facilities;
- (d) the provision of elderly care services and facilities; and
- (e) whether there was shortfall in the provision of open space.

29. Miss Winnie B.Y. Lau, DPO/FSYLE, made the following responses:

- (a) the OZP covered an area of about 667 hectares with a planned population of 288,600. The population density of Fanling and Sheung Shui would be about 432 persons per hectare, which was similar to that of Sha Tin. Currently, about 15% of the population in the area aged 65 or above.
- (b) as advised by SWD, the utilisation rate of the child care facilities in the North District area was only about 60%. Having said that, SWD would keep in view the demand for various child care services and the planned provision of child care centres in the area;

- (c) the HKPSG had been updated in end 2018 to incorporate population-based planning standards for elderly services and facilities in response to the Elderly Services Programme Plan conducted by the Elderly Commission. The residential care services (RCS) for the elderly were planned by SWD on a five-cluster basis (i.e. Hong Kong, Kowloon East, Kowloon West, New Territories East and New Territories West). SWD would take into account the distribution of RCS in various districts in the cluster in planning the services. In addition to the RCHEs provided by HKHA and HKHS at the sites under the subject amendment items, various elderly facilities were planned in Kwu Tung North/Fanling North New Development Area (NDA) at the request of SWD. Apart from that, the provision of RCHEs, where appropriate, would be required for land sale sites in the abovementioned NDAs to meet demands. It should be noted that, as specified in HKPSG, the standard for provision of neighbourhood elderly centres was only applicable to clusters of new and redeveloped housing areas with a population of 15,000 to 20,000 persons and there was no such new cluster in the subject OZP; and
- (d) based on HKPSG requirement, there was a surplus of 32.47 ha of open space in the Fanling/Sheung Shui New Town. Apart from land zoned as “O” on OZP, local open spaces falling within areas of other zonings or provided in public housing estates and large private residential developments were also taken into account in the assessment. Regarding the provision of basketball courts as mentioned by a representer, it should be noted that there was no shortfall in the existing and planned provision of sports centre and sports ground/sports complex in the area.

30. A Member asked about the existing uses and whether there were any planned or designated GIC uses on the sites under Items A1 to A4 and B. Miss Winnie B.Y. Lau replied that Item A1 site was partly occupied by a temporary public car park and partly vacant. Item A2 site was partly occupied by a temporary public car park and partly by a temporary works area. Item A3 site was occupied by a temporary bus depot and reprovisioning site had been identified. Item A4 site was partly occupied by a temporary tennis court, the utilisation rate of which was low. Item B site was on private land and

currently occupied by several vacant domestic dwelling structures. The sites under items A1 to A4 and B had not been reserved for designated GIC facilities.

31. In response to a Member's enquiry on how to balance the need of providing GIC facilities and housing supply, Ms Mary Mulvihill, R122/C2, said that the Government should stop rezoning any "G/IC" sites for residential uses. Those "G/IC" sites could be reserved for uses such as RCHEs to be accommodated in stand-alone buildings.

#### *Visual and Air Ventilation*

32. The Chairperson and some Members enquired how the visual and air ventilation impacts of the proposed housing developments could be alleviated. Miss Winnie B.Y. Lau, DPO/FSYLE, said that Visual Impact Assessments conducted for the sites concluded that the visual impacts at various public viewing points were not significant. There was concern that the proposed housing blocks at Item A3 site might block the existing view of the nearby developments in Shek Wu Hui. However, in the highly developed context of Hong Kong, it was not practical to protect private views without stifling development opportunity and balancing other relevant consideration. In the interest of the public, it was far more important to serve the needs of the community than to protect private views. Ms Alice W.Y. Lo, SPO/2, also indicated that appropriate mitigation measures including visual corridor, stepped building height profile and appropriate facade treatments and greening would be adopted in the design for the proposed housing developments to minimise potential visual impact.

33. Mr Leslie K.C. Yuen, SA/36, supplemented that a number of mitigation measures based on Sustainable Building Design Guidelines would be implemented to enhance sustainability of built environment and facilitate wind penetration, including building separation, building setback from site boundary etc.

34. In response to a Member's question on how to address the interface issue between the new developments and the old district, Miss Winnie B.Y. Lau said that urban design measures such as proper building disposition and setback could help minimise the interface issue between the new developments and the old district.

### *Traffic and Transport*

35. Some Members asked whether the traffic impact of the proposed housing developments could be alleviated. Miss Winnie B.Y. Lau, DPO/FSYLE, responded that the Traffic Impact Assessments conducted for the four proposed public housing developments (Items A1 to A4) by HA and HKHS had taken into account other planned developments in the district including Kwu Tung North/Fanling North NDA. Traffic improvement measures included, amongst others, a proposed PTI at the public housing development at Item A1 site to facilitate redistribution of public transport routes and alleviate the existing traffic congestion in the town centre of Sheung Shui, a proposed footbridge network connecting the subject HKHA's housing development with the Sheung Shui Station via Landmark North and the adjoining Po Shek Wu Estate to bring the residents to the rail station conveniently, and road improvement measures such as widening of Po Shek Wu Road were proposed. For the proposed housing development at Item A4 site, connection points would be reserved at the development to link with a proposed footbridge network from Fanling MTR Station to Luen Wo Hui to create a more direct pedestrian connection. According to the Policy Address 2019, the Government would commence detailed planning and design for the Northern Link to facilitate early implementation of the project. The Northern Link connecting the West Rail and East Rail would enhance the connectivity of the New Territories and help divert railway passenger flow. Together with the commissioning of the Shatin to Central Link (SCL) and the resultant "North-South Corridor" (comprising the East Rail Line and the Hung Hom to Admiralty Section of the SCL) and the upgrading of the signalling system of the East Rail, the overall train capacity would be enhanced and alternative route choices would be available.

### *Environment and Others*

36. The Chairperson and some Members raised the following questions:
- (a) measures adopted to alleviate noise impact; and
  - (b) how the TV signal issue of the old tenement buildings along San Fung Lane could be addressed.

37. Ms Alice W.Y. Lo, SPO/2, provided the following responses:

- (a) with proper building layout design and placing non-noise sensitive receivers at facades of the residential blocks facing the rail line, the proposed residential developments would comply with the respective Acceptable Noise Level under the Noise Control Ordinance (Cap. 400) and the criteria in HKPSG; and
- (b) HD would liaise with the Office of the Communications Authority and relevant public companies to see how the TV signal issue could appropriately be followed up.

38. In response to a Member's question on the QRA requirement for the proposed private development at Item B site, Miss Winnie B.Y. Lau, DPO/FSYLE, said that the requirement for a QRA would be imposed on the proposed private housing development in the relevant lease document if considered necessary by the concerned departments and the Gas Company would be consulted in the process.

#### *Public Consultation*

39. Noting a presenter had queried the Board's new arrangements to request the representers/commenters to provide information regarding their identity, the Chairperson said that under the new arrangements, representers/commenters, and representative(s) of authorised agents, organisations and concern groups were required to provide in the submission their full name as shown on the ID card/passport and the first four alphanumeric characters of their ID card/passport number for the purpose of verifying the identity of the persons making the representations/comments. Those attending the hearing sessions would also be requested to provide the identity proof to show that they were indeed the persons making the representations/comments or were duly authorised by the original representers/commenters. The new arrangements were to guard against abusive use of the statutory plan-making process. While the Town Planning Ordinance provided members of the public with the right to make representations/comments and such a right should be respected, whoever was making a representation/comment should put forward his or her case in a responsible manner. The Board had a reasonable case to guard against abuses by individuals trying to make up fake representations/comments. For instance, the Board had

every reason to cast doubt on the truthfulness of representations/comments when they involved a considerable number of submissions with ID card numbers in sequential order, and to ask for proof of identity in such doubtful circumstances. The Board also had to be reasonably assured that the person making an oral submission in the hearing was indeed the one making the representation/comment, or his authorised representative.

40. A Member asked about the views of R122/C2 for any recommendation to improve the efficiency of the hearing arrangement. In response, R122/C2 indicated that it was difficult for the representatives of concern groups to provide identity information. It was because those concern groups might not have a regular setup and the one who attended the hearing might not be the one who submitted the representations. She considered that the requirement for the representers/commenters to provide identity proof would discourage public participation in the town planning process. She suspected that the further restrictions had not been discussed by the Board beforehand. A Member pointed out that the Board had a thorough discussion on the new arrangements before making a decision and considered that the current hearing not a venue for the representer to debate the Board's practice and procedure.

41. A Member enquired how NDC was consulted on the proposed amendments to the OZP. In response, Miss Winnie B.Y. Lau, DPO/FSYLE, said that on advice of the NDC, prior to the submission of the proposed OZP amendments for consideration by the Rural and New Town Planning Committee (RNTPC), PlanD, HD, HKHS and the Transport Department (TD) consulted the District Minor Works and Environmental Improvement Committee (DMW) of NDC on 21.1.2019 on the proposed public housing developments and the corresponding proposed amendments to the OZP. During the exhibition period of the OZP, DMW of NDC was consulted again on 20.5.2019 on the OZP amendments.

### *Housing Land Supply*

42. Noting that the Government had intended to resume some brownfield sites and part of Fanling Golf Course for future development, a Member asked how long it would take for those sites to be made available for development. The Chairperson indicated that priority would be accorded to study brownfield sites that were closer to the existing infrastructure, with a view to assessing their suitability for public housing development and

commencing follow-up technical assessment by the end of the year. Subject to smooth completion of the rezoning and resumption processes and the timely approval of capital funding for site formation, the Government aimed to make the land available for handing over to HD or HKHS for public housing development in five years' time after the commencement of technical studies. Regarding the Fanling Golf Course, a technical study on partial development of the Golf Course was being conducted. It was expected that the area of about 32 hectares to be developed would be returned to the Government in mid-2023 for development.

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

[Professor Jonathan W.C. Wong left the meeting at this point. ]

#### Deliberation

44. Members in general considered that there was a genuine need to identify suitable sites for housing developments in particular for public housing in view of the acute housing demand. A Member pointed out that rezoning of "G/IC" sites would inevitably arouse some public concern, but it was noted that the sites identified had gone through comprehensive review, and the suitability and feasibility of those sites had been confirmed. Another Member echoed and highlighted that although the provision of GIC facilities could be an issue, housing supply should be given a higher priority in view of the current situation in Hong Kong.

45. A Member opined that in considering rezoning "G/IC" sites to residential use, SWD should clearly explain why those "G/IC" sites were not required for providing social welfare facilities noting that the community was facing the ageing problem and there was a shortfall in such facilities. There should be a comprehensive review of the long-term provision of open space and "G/IC" sites in the territory, which would allow the Board to

have more information when considering the rezoning proposals.

46. The Chairperson remarked that the Government would review over 300 “G/IC” sites currently earmarked for standalone GIC facilities, with a view to exploring the scope for developing multi-purpose public facility buildings under the “single site, multiple use” model, co-locating residential developments and public facilities under a mixed development mode, or re-confirming the need for retaining individual sites for specific government facilities on a single user basis. The review would soon commence. She said that the Government would need to strike a balance in the provision of GIC facilities and housing development, and assured Members that any rezoning of “G/IC” sites for residential use would continue to be duly justified.

47. Another Member expressed concern on the loss of local character of a district in the process of rezoning and considered that appropriate measures, such as provision of more public space and adoption of more urban design initiatives should be introduced in the housing projects to reduce the impact on the old district.

48. Some Members stated that in future more background information such as population profile and the provision of GIC facilities should be included in the Paper to facilitate the Board’s understanding of the general situation about the district. The Chairperson said PlanD would take note of Members’ view.

49. Members generally agreed that there was no justification to amend the draft OZP to meet the representations, and the major grounds of the representations and comments had been addressed by the departmental responses as detailed in the Paper and the presentations and responses made by the government representatives at the meeting.

50. After deliberation, the Board noted the supportive views of **R1 to R6** on Items A1 to A4 and C1 to C3, and the views provided in **R123 and R124**. The Board also decided not to uphold the views of **R7 to R122** and considered that the draft OZP should not be amended to meet the representations for the following reasons:

**“ Items A1 to A4 and B**

- (a) land suitable for housing development in Hong Kong is scarce and there is a genuine need for optimising the use of land available to meet the pressing demand for housing. The proposed developments at the representation sites are compatible with the surrounding environment, suitable for residential development, and sustainable from traffic, visual, air ventilation, environment and landscape perspectives (**R7 to R122**);
- (b) with the implementation of recommended and committed traffic improvement measures, the proposed housing developments will not pose unacceptable traffic impacts on the road network in the surrounding areas (**R7 to R122**);
- (c) with the adoption of recommended mitigation measures, the proposed housing developments would not be subject to unacceptable environmental impacts or have adverse environmental impacts on their surrounding areas (**R122**);
- (d) the planned Government, Institution, and/or Community facilities and open spaces are generally sufficient to meet the demand of the planned population in the district in accordance with the Hong Kong Planning Standards and Guidelines. Appropriate community facilities and local open space will be provided in the proposed housing developments to serve the residents and locals. The provision of community facilities will be closely monitored by the relevant government bureaux/departments (**R30 to R120 and R122**);

**Items C1 to C3**

- (e) amendment Items C1 to C3 are technical amendments to reflect current as-built conditions of roads (**R33 to R120**);

**Proposals of Representer**

- (f) it is considered appropriate to rezone the representation sites (Items A1 to A4 and B) for housing developments to meet the acute housing demand and

to reflect the as-built conditions of land currently used as roads (Items C1 to C3). **R34's** proposal to withdraw these amendments is not supported; and

- (g) while the Government will consider reviewing suitable sites for housing development where appropriate, in the absence of supporting technical assessments and reprovisioning arrangement for the existing facilities, **R34's** proposal to rezone a site at Fung Nam Road to "Residential (Group A)" is not supported. "

[Messrs K.K. Cheung, Sunny L.K. Ho, L.T. Kwok, Stanley T.S. Choi and Professor T.S. Liu left the meeting at this point.]

[Messrs Raymond K.W. Lee and Paul Y.K. Au returned to join the meeting, and Mr Ivan C.S. Fu and Dr Lawrence W.C. Poon arrived to join the meeting at this point.]

#### **Agenda Item 4**

[Open Meeting]

Review of Application No. A/K18/328

Social Welfare Facility (Residential Care Home for the Elderly) with Minor Relaxation of Plot Ratio Restriction in "Residential (Group C)1" zone at 63 Cumberland Road, Kowloon Tong, Kowloon

(TPB Paper No. 10586)

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[The item was conducted in English and Cantonese.]

51. The Secretary reported that the application site (the Site) was located in Kowloon Tong and the application was submitted by China Coast Community Limited (CCC) represented by Townland Consultants Ltd. (Townland). The following Members had declared interests on the item:

Mr. Thomas O.S. Ho - having past business dealings with Townland

Mr. David Y.T. Lui - co-owning with spouse a flat in

Kowloon Tong

Mr Peter K.T. Yuen	]	owning a property/properties in
Miss Winnie W.M. Ng	]	Kowloon Tong
Mr. H.W. Cheung	]	
Dr Lawrence W.C. Poon	-	living in the quarters of City University of Hong Kong in Kowloon Tong
Mr Stanley T.S. Choi	-	his spouse was a director of a company owning properties in Kowloon Tong

52. Members noted that Messrs Peter K.T. Yuen and Thomas O.S. Ho and Miss Winnie W.M. Ng had tendered apologies for being unable to attend the meeting and Mr Stanley T.S. Choi had left the meeting. As the quarters of Dr Lawrence W.C. Poon and the properties owned by Messrs H.W. Chueng and David Y.T. Lui and his spouse did not have a direct view of the Site, Members agreed that they should be allowed to stay in the meeting.

Presentation and Question Sessions

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

***Government Representative***

Ms Johanna W. Y. Cheng	-	District Planning Officer/Kowloon (DPO/K), PlanD
Mr C.H. Mak		Senior Town Planner/Kowloon (STP/K)

***Applicant's Representatives***

*China Coast Community Ltd.*

Ms Corinne Remedios	]	Applicant's Representatives
Ms Sue Lynn	]	
Mr Bill Ahern	]	
Mr David Fok	]	

Rev. Ross Royden ]

Mr Alan Goldstein ]

*Townland Consultants Ltd*

Ms Cindy Tsang ]

Mr Vincent Lau ]

*Kwong & Associates Limited*

Ms Denise Kwong ]

Mr Hin Chan ]

54. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited PlanD's representative to brief Members on the review application.

55. With the aid of a PowerPoint presentation, Ms. Johanna Cheng, DPO/K, PlanD, briefed Members on the background of the review application including the consideration of the application by the Metro Planning Committee (MPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments for the applications as detailed in TPB Paper No. 10586 (the Paper).

56. The Chairperson then invited the applicant's representatives to elaborate on the review application.

57. With the aid of a PowerPoint presentation, Ms Corinne Remedios, the applicant's representative, made the following main points in support of the review application:

- (a) China Coast Community (CCC) was a non-profit-making Home for the Elderly in Kowloon Tong. It was an approved charity under Section 88 of the Inland Revenue Ordinance and run by a voluntary multi-disciplinary Executive Committee. To cover its capital and running costs, CCC depended on donations from a number of individuals, corporate benefactors and not-for-profit organisations. It was also a multi-national and non-denominational residential home for the elderly;

- (b) in 1978, with support from the Government, CCC purchased the single detached house at the Site and converted it into a residential accommodation to provide residential facilities for English-speaking elderly persons retiring in Hong Kong;
- (c) CCC accepted English-speaking Hong Kong residents of all cultural and ethnic backgrounds aged 60 or above, including residents originally from other countries who had lived in Hong Kong and had made Hong Kong their home. Currently, a sizeable proportion of CCC residents comprised Hong Kong-born persons;
- (d) CCC provided a number of residential and rehabilitation health services including 24-hour elderly home care, 39 bed spaces in either single or double bedrooms and 24-hour nursing care, housekeeping, catering and maintenance. All residents were heavily subsidised by CCC and were only charged at-cost for other consumables. About 32% of the elderly were under the Comprehensive Social Security Assistance (CSSA). CSSA residents were also partially funded by the Hong Kong Jockey Club and other not-for-profit organisations, 5% of residents were partially funded by private benefactors;
- (e) the original building was a private residential house, extended in 1982 to provide additional facilities. It was not designed as an elderly residential care home and over time the building had deteriorated and parts of it were in poor condition. With the ageing of population, the residents of CCC were getting older and requiring more care. The existing facilities were not in compliance with the relevant regulations. For example, the bedroom doors were not wide enough to fit full sized hospital beds and wheelchairs. The corridor was too narrow and there was no barrier free access for wheelchair users. The lift was not big enough to fit a hospital bed or an ambulance stretcher. The difference in levels between the original building and the extension also posed hazard to the residents. It did not comply with the requirements under the current Barrier Free Access design manual;

- (f) the garden was not designed for elderly use and not suitable for elderly on wheelchairs due to uneven paths and grass areas. There was no loading and unloading area within the Site for ambulance/light goods vehicles; and
- (g) CCC considered that redevelopment would be the only viable option to resolve all issues so as to allow CCC to deliver proper service to the elderly in a continuum of care, to enhance the residents' quality of life and to continue operating in the long-term. The objectives of the redevelopment were to meet statutory and licensing requirements, provide quality design standards, respect the needs and concerns of residents, increase the number of RCHE places, maintain facilities for outreach services to the community and ensure financial viability of the residential care home for the elderly (RCHE) upon redevelopment

58. Ms Cindy Tsang, the applicant's representative, made the following main points:

- (a) the existing building had already been built up to the maximum plot ratio (PR) of 0.6 as allowed under the current OZP. To meet the relevant regulations while keeping within the PR of 0.6, the number of bedrooms to be provided would be reduced from 37 to 29. With the minor relaxation of PR, the proposed redevelopment would bring about an increase of 16 bed spaces within the Site to meet urgent needs for a fast-aging society. The Chief Executive's 2018 Policy Address also accorded priority to the provision of home care and community care, supplemented by residential care, to support frail elderly persons. The proposed redevelopment was also fully in line with the overarching principles of dignity, quality of life, age-friendliness, active and productive ageing, ageing-in-place, users' choice, social inclusion and equal opportunity of the Elderly Commission's Working Group;
- (b) CCC Community Programme also operated in the style of a "Drop-In Centre" at the RCHE for non-resident members to support healthy and active ageing by providing planned outings and activities (including on-site physiotherapy, dancing, tai chi, games, socialising, etc). Membership was free with limit on age and English speaking. The proposed minor relaxation of PR would

allow the proposed redevelopment to provide more communal areas for residents and the community. This would enable larger and better designed communal areas and enhance the quality of life in terms of meeting the physical, social and psychological needs of both residents and the community as a whole;

- (c) the building design was based on the needs and concerns of the residents, including the need for privacy, different choices of communal areas, and adequate support in everyday life, such as accessible bathrooms/pathways, bedroom with aiding equipment and areas for exercise; and
- (d) the proposed redevelopment complied with the 3-storey building height restriction on the OZP and was in line with the planning intention of “Residential (Group C) 1” (“R(C)1”) zone.

59. Ms Denise Kwong, the applicant’s representative, made the following main points in respect of the design scheme:

- (a) the awkward shape of the Site limited the building configuration. The proposed L-shape building was considered the most efficient built form which allowed a substantial size of private garden at the back for outdoor exercise area and greening space. The footprint of the proposed building was 20% smaller than the existing building despite larger usable floor area which helped increase the landscape area and maintain the character of the garden estate in Kowloon Tong;
- (b) there would be different levels of landscape decks to create visual interest and easy access. The landscape deck on 1/F would provide extra space for activities and would be convenient to the residents;
- (c) a proper back-of-house area would be provided for loading and unloading activities within the Site without obstructing the outside roads. A discrete loading/unloading area for ambulance could be provided within the Site which helped protect the privacy of the residents;

- (d) the design would allow private rooms for all residents without increasing the minimum construction floor area and natural ventilation would be provided to all toilets and bathrooms;
- (e) the main objectives of the proposed scheme were to rectify non-compliant issues, specifically Barrier Free Access as required by the Buildings Ordinance and Regulations and to improve the facilities to comply with Social Welfare Department (SWD)'s guidelines for RCHE. The issuance of license for the existing operation was not equivalent to compliance with the requirements. The reason that non-compliance was tolerated was mainly due to the pre-existing conditions; and
- (f) the encroachment of the proposed redevelopment onto the non-building area (NBA) was not extensive. If such encroachment was not allowed, an unobstructed emergency vehicular access had to be provided in front of the proposed building and the existing trees would have to be felled, which was not in line with the intention of the NBA to improve the townscape. This would also result in a smaller outdoor garden and unable to provide the loading/unloading area for ambulance as well as a back-of-house area within the Site.

60. Ms Cindy Tsang further supplemented that setting of precedent was not an issue since the proposed minor relaxation of PR was well justified from a planning and design perspective. Every case should be considered on its individual merits. The proposed redevelopment was a charitable effort to improve elderly housing which was at no cost to the government. It would not lead to any technical problem noting that no objection was received from the government departments.

61. Rev. Ross Royden, the applicant's representative, concluded that the granting of the proposed minor relaxation of PR would allow them to go on providing housing and health care to the elderly in their twilight years with dignity.

[Mr Franklin Yu left the meeting during the presentation.]

62. As the presentations of PlanD's representative and the applicant's representatives had been completed, the Chairperson invited questions from Members.

*Licensing issue and the need for redevelopment*

63. A Member asked whether the redevelopment of the RCHE was requested by SWD. Ms. Denise Kwong, the applicant's representative, clarified that SWD did not request them to redevelop the Site. The proposed redevelopment arose from a consultancy study conducted by the applicant. Ms Corinne Remedios, the applicant's representative, also responded that CCC took a proactive approach to redevelop the RCHE with safety standard up to SWD's current requirements. The redevelopment might help the operation licence renewal in the future. Ms Johanna W.Y. Cheng, DPO/K, PlanD supplemented that as stated in paragraph 8.1.8 (d) of the MPC paper in Annex A of the Paper in regard to the applicant's claim at s.16 stage that SWD and FSD identified numerous issues which are irresolvable without redevelopment, SWD had clarified that they had not requested the operator to resolve the compliance issues by way of redevelopment.

64. The Chairperson noted that while the RCHE currently in operation had been issued with SWD's license, the applicant indicated that there was a list of facilities that had not complied with SWD's guidelines. She enquired whether the proposed redevelopment was to provide an opportunity for the operator to upgrade the quality of the RCHE so as to fulfil the modern day standards expected of new RCHEs, rather than something required to comply with SWD's licencing requirements as applicable to the RCHE now in operation. Ms Johanna W.Y. Cheng, DPO/K, PlanD, supplemented that an operation licence had been issued and renewed by SWD since 2000, and the licence was most recently renewed in October 2019. The requirements that the applicant referred to could be a standard to fulfil other government regulations.

*Assessment criteria for relaxation of PR*

65. Some Members asked whether there was any criteria for assessing minor relaxation of PR in the area. Ms Johanna W.Y. Cheng, DPO/K, PlanD, responded that according to the Explanatory Statement (ES) of the OZP, the provision for minor relaxation

of PR restriction was to provide design/architectural flexibility and an application would be considered based on individual merits which would take into account the Board's previous decisions on similar applications. Members could also consider whether there was any policy support and planning and design merits obtained through the proposed development. For minor relaxation of PR within "R(C)1" zone on the same OZP, only one application was approved with conditions by the Board due to special circumstances that private land of the concerned lot that had been surrendered for public use, in that case for road widening works, was included for PR calculation.

#### *NBA*

66. A Member noted that the redevelopment proposal encroached onto the NBA along Rutland Quadrant as required under the Kowloon Tong Outline Development Plan (ODP) and enquired the purpose for setting the NBA in the area, and whether other developments in the vicinity also fulfilled the NBA requirements and the necessity for NBA encroachment.

67. Ms. Johanna W.Y. Cheng, DPO/K, PlanD responded that the NBA requirement (i.e. 3m or 6m) had been imposed on the ODP along the main roads in the Kowloon Tong area with the purpose to enhance the townscape of the area. The NBA requirements could allow retaining of existing trees at the periphery of sites and help to reduce the visual bulkiness of the development when viewing along the streets. Almost all new developments in the area would comply with the NBA requirements as those requirements would likely be incorporated into the newly modified leases. According to the plan submitted by the applicant in Drawing R-5 of the Paper, the façade length encroaching onto the NBA was about 30m with recessed areas in between.

68. Ms. Cindy Tsang, the applicant's representative, responded that in general the NBA was to maintain the existing scale and disposition of developments and to enhance the townscape of the area. Without the encroachment onto the NBA, an EVA had to be provided within the Site on the side along Rutland Quadrant, and an existing tree would need to be felled and no trees could be planted along Rutland Quadrant. That would contradict the purpose of imposing NBA for enhancing the townscape of the area.

*Social benefit and planning gains*

69. Some Members enquired about the social benefit and planning gains generated from the redevelopment proposal. In response, Ms Corinne Remedios, Ms Cindy Tsang, Ms Denise Kwong and Rev. Ross Royden, the applicant's representatives, made the following main points:

- (a) the proposed redevelopment should be considered holistically. Not only would more bedrooms be provided, but it would also provide a barrier-free environment for those disabled residents. The additional spaces were for providing larger communal area and private bathrooms;
- (b) the whole project was a charity case and fully in line with the government policy. The proposed redevelopment would be opened to the community through the CCC community programme and more elderly people could be served; and
- (c) the provision of the proposed greenery could improve the visual quality of the area. The nearby traffic could also be improved as the ambulance could go into the Site.

*Suitability for on-site redevelopment*

70. Given the constraints on the PR control and NBA requirements, a Member questioned whether the Site was ideal for this RCHE redevelopment and the decanting arrangement for the existing residents prior to the commencement of the redevelopment. Another Member also enquired whether the applicant would consider submission for amendment to the OZP under s.12A of the Town Planning Ordinance (the Ordinance) which could allow CCC to prepare a better proposal with greater flexibility on the development parameters.

71. In response, Ms Corinne Remedios, the applicant's representative, indicated that the Site was owned by CCC and that was already the home of their residents. Given the convenient location of the Site, the residents could still keep in touch with their friends and

relatives. Currently, CCC did not have a concrete proposal on the decanting arrangement, but they might look for a place that could take care of their existing residents during the redevelopment of the Site. Ms Cindy Tsang, the applicant's representative, responded that CCC would not consider to submit s.12A application due to the time and financial costs involved.

#### *Alternative plan*

72. A Member asked whether there was any alternative plan to accommodate more residents by reducing the size and number of the single room. Ms. Corinne Remedios, the applicant's representative, responded that they were unable to accommodate more residents given the constraints of the Site. Ms. Denise Kwong, the applicant's representative, also said that the size of the single room in the redevelopment proposal was the same as in the existing building. The additional spaces were for a barrier-free design including better manoeuvring and communal areas. Ms. Johanna W.Y. Cheng, DPO/K, PlanD, supplemented that while the minimum area of floor space for each residents in an RCHE was 6.5m<sup>2</sup> (NOFA) according to the "Code of Practice for Residential Care Homes (Elderly Persons)" issued by SWD, the proposed redevelopment submitted by the applicant indicated that the floor space for a single bedroom would be 11 m<sup>2</sup> (NOFA).

73. The Chairperson enquired whether an assessment had been conducted for the minimum PR that would be required to support redeveloping the existing RCHE for the same 39-resident capacity but with barrier-free design that could meet the current requirements set by the government. Ms Denise Kwong, the applicant's representative, responded that a study had been conducted and the result showed that it was not possible to retain the current number of bedrooms and had barrier-free facilities with PR of 0.6.

#### *Operation details*

74. A Member raised questions on the eligibility to reside in the RCHE and whether there was a waiting list for applying the residence. Ms Corinne Remedios, the applicant's representative, replied that the RCHE was open to all who could speak English for application and they had a waiting list of 22 persons.

75. In response to a Member's question on the new fees to be charged upon redevelopment of the RCHE, Ms Corinne Remedios, the applicant's representative, replied that CCC had no plan to increase the accommodation fee, except a 5% increase to meet the Consumer Price Index, upon redevelopment.

76. As Members had no further question to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application and inform the applicant of the Board's decision in due course. The Chairperson thanked PlanD's and the applicant's representatives for attending the meeting. They all left the meeting at this point.

### Deliberation Session

77. A Member was sympathetic to the application as some of the facilities of the existing RCHE were not up to the modern day standards according to SWD guidelines and the proposed redevelopment would help deliver better service to the elderly. Another Member remarked that approval of the application might set a positive example encouraging other NGOs and private initiatives to enhance their RHCE services. The proposed redevelopment would address some of the demand for RCHE services, especially for those ethnic minority or English speaking elderly. The same Member considered that the request for minor relaxation of PR from 0.6 to 0.8 for enhancement of the RCHE was acceptable. A Member echoed that the minor relaxation of PR could encourage innovative design but opined that the encroachment onto the NBA was not acceptable. The requirement of the NBA should be maintained as the intention of the NBA was to enhance the streetscape of Kowloon Tong Garden Area. There could be better design to avoid encroaching onto the NBA.

78. A Member stressed that although the implications of minor relaxation of PR from 0.6 to 0.8 for a single development might not be significant, the approval of the application might set a precedent and the cumulative impacts could be a concern.

79. A Member considered that the applicant had not provided sufficient information to justify the relaxation of the PR. The applicant should provide information on the minimum floor space required for a barrier-free design serving the same number of residents

so as to demonstrate the extra PR needed for the redevelopment. The scheme presented by the applicant was only one of the options. While the relaxed PR would benefit the RCHE residents, the planning gain to the public at large was not significant. Another Member pointed out that the increase from the proposed redevelopment with the relaxation of PR was only about 8 places as indicated in the applicant's presentation and doubted whether it was an effective plan, which mainly aimed at providing high-end RCHE for just a small group.

80. The Vice-chairperson expressed appreciation to the applicant's good effort in providing an RCHE with enhanced facilities but the applicant was also seeking permission from the Board on three aspects, namely a RCHE within a residential zone, relaxation of PR from 0.6 to 0.8, and encroachment onto the NBA. There was doubt that the overall planning gain was proportional to the departure from the planning restrictions.

81. The Vice-chairperson and some Members were concerned that should the application for RCHE and relaxation of PR be approved and the development was commenced, whether there was mechanism to prevent the redeveloped building from converting to residential use in future. The Chairperson said that if the application was approved by the Board, the applicant should apply to LandsD for lease modification or consent to implement the proposal. The use of the Site would then be bound by the lease. Mr. Alan K.L. Lo, Assistant Director (Regional 3), LandsD supplemented that the land owner should apply to the LandsD for lease modification for any change of use and the premium equivalent to the difference in land value would be charged.

82. In response to a Member's comments that PlanD should take an opportunity to conduct review on the developments in the Kowloon Tong area with a view to relaxing the overall development intensity, Mr Raymond K.W. Lee, Director of Planning, said that relevant Town Planning Board Guidelines for developments in Kowloon Tong area had been formulated over the years taking into account the increasing number of planning applications for various non-domestic uses in the area, such as for kindergartens/child care centres. PlanD would continue to monitor the situation and conduct land use review if necessary.

[Messrs Ivan C.S. Fu and Stephen L.H. Liu left the meeting during the deliberation.]

83. As Members' views were divided, the meeting agreed to take a vote. A majority considered that the application should be rejected. The Chairperson remarked that one of the reasons for rejecting the application by the Metro Planning Committee (MPC) was that there was no strong planning justification in the redevelopment proposal for the proposed minor relaxation of PR restriction. It should be acknowledged that the applicant, in the context of this review application, had provided useful information to elaborate the social good and in turn the planning justification. This being the case, when rejecting the review, it should be conveyed to the applicant that while Members had shown appreciation to the project, they had residual concerns that the applicant had failed to demonstrate that the extent of PR relaxation sought was the minimum requirement to comply with the necessary guidelines for RCHE development or that the current proposal was a better scheme than one with PR 0.6.

84. After deliberation, the Board decided to reject the applications on review for the following reasons:

- “ (a) there is no strong planning justification in the development proposal for the proposed minor relaxation of plot ratio restriction. In particular, the applicant fails to demonstrate that the extent of plot ratio relaxation sought is the minimum requirement to comply with the necessary guidelines for residential care home for the elderly development; and
- (b) without satisfying itself that the extent of relaxation sought for is the minimum required, the approval of the application would set an undesirable precedent for similar application for minor relaxation of plot ratio restriction within the “R(C)1” zone. The cumulative effect of approving such applications would adversely affect the existing character and may lead to excessive development in the area. ”

[Messrs David Y.T. Lui and Stephen H.B. Yau left the meeting at this point.]

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

**Agenda Item 5**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-TK/671

Proposed Temporary Public Vehicle Park (Private Cars Only) for a Period of 3 Years in “Agriculture” Zone, Lots 246 S.A (Part), 247, 249 and 250 RP (Part) in D.D. 23, Ting Kok, Tai Po

(TPB Paper No. 10585)

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[The item was conducted in Cantonese.]

**Presentation and Question Sessions**

85. The Secretary said the application site (the Site) was located in Ting Kok. Dr Lawrence W.C. Poon had declared an interest in the item as he co-owned with his spouse a house in Lung Mei Tsuen, Ting Kok.

86. Members agreed that as the concerned house of Dr Lawrence W.C. Poon had no direct view of the application site, he could stay in the meeting.

87. The following representative of the Planning Department (PlanD) and the applicant’s representatives were invited to the meeting:

***PlanD’s Representative***

Ms Jessica H.F. Chu - District Planning Officer/Shan Tin, Tai Po and North (DPO/STN)

***Applicant’s Representatives***

*Lawson David & Sung Surveyors Ltd.*

Miss Cannis Lee ] Applicant’s Representatives

Miss Venus Leung ]

*Village Representatives and villagers of Wai Ha Village and San Tau Kok*

Mr Lee Kwai Ping	]
Mr Lee Wai Wing	]
Mr Chik Ka Chun	]
Ms Leung Yuet Mui	]
Mr Lui Kwong Sum	]
Ms Law Yuen Fun	]
Ms Ma Yuk Wa	]
Ms Chan Shuk Yi	]
Mr Lo Sai Cheong	]
Mr Cheung Kwok Leung	]

88. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited PlanD's representative to brief Members on the review application.

89. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, 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. 10585 (the Paper).

90. The Chairperson then invited the applicant's representatives to elaborate on the review application. With the aid of a PowerPoint presentation, Miss Cannis Lee, the consultant of the applicants, Mr Lee Kwai Ping, the representative of indigenous villagers of Wai Ha Village, Mr. Cheung Kwok Leung, resident of Wai Ha Village, and Mr Liu Kwong Sum, resident of San Tau Kok, made the following points:

- (a) the application site (the Site) was trespassed in 2017 for storage use. The land owner was notified of the condition of the Site only upon receipt of the Enforcement Notice issued by the Central Enforcement and Prosecution Section (CEPS) of PlanD. The land owner then took legal action to protect his property and cleared up the Site. The Site was

reinstated to grassland in 2018 and currently covered by vegetation;

- (b) the Site was located between Wai Ha Village and San Tau Kok. As the two villages had been occupied by about 400-500 households and fenced, no land was available within the “Village Type Development” (“V”) zone for car parking use;
- (c) there was no car parking space provided along Tung Tze Road, resulting in illegal parking along Tung Tze Road;
- (d) the Transport Department (TD) had been approached in 2018 regarding the provision of car parking spaces along Tung Tze Road. However, TD advised that there was no plan and no suitable land available for car parking use in the vicinity;
- (e) one of the rejection reasons in the s16 application was that the proposed public vehicle park was not in line with the planning intention of “Agriculture” (“AGR”) zone. The Agriculture, Fisheries and Conservation Department (AFCD) did not support the application as the Site possessed potential for agricultural rehabilitation. However, there was a similar application (No. A/NE-LYT/706) for temporary public vehicle park use within “AGR” zone which was approved by the RNTPC in 6.9.2019. Although AFCD did not support that application, the planning assessment stated that approval for temporary use would not jeopardize the long term planning intention of the “AGR” zone. Similar consideration should also be adopted by the Board;
- (f) due to the diversion of water channel in the area to Plover Cove Reservoir, the water in the area was insufficient for planting. Hence, the Site was not suitable for agricultural use. The applicant did not have knowledge on how to cultivate the land. Agricultural rehabilitation at the Site was impossible;
- (g) the village representatives and villagers of Wai Ha Village, San Tau Kok and Ha Tei Ha, Tseng Tau and Shue Wan Joint Village provided

supporting letters for the application. No residents and indigenous villagers objected to the application;

- (h) only one minibus route was available to provide transport services to villagers between Wai Ha and Tai Po Market. Since residents of San Tau Kok needed to take about 15 minutes to walk to the nearest minibus stop, owning a vehicle became a necessity and there was a great demand for car parking facilities in the vicinity; and
- (i) approval of the application was a win-win solution that could provide car parking for nearby villagers to meet the local demand, improve the environment by reducing the number of illegal parking and better utilize the vacant land. Such approval would not set an undesirable precedent as the application was only seeking a temporary approval for three years.

91. As the presentations of PlanD's representative and the applicant's representatives had been completed, the Chairperson invited questions from Members.

*Demand and provision of car parking facilities*

92. Some Members raised the following questions:

- (a) whether there was any policy or plan for provision of car parking space in the village area;
- (b) whether there were any car parking facilities within the adjoining "V" zones;
- (c) whether the car parks located to the northwest of the Site were legal;
- (d) the distance between the Site and the two villages of Wai Ha and San Tau Kok; and
- (e) the number of car parking spaces needed and the number of car parking spaces that could be provided within the "V" zone.

93. In response, Ms Jessica H.F. Chu, DPO/STN, PlanD, made the following points:

- (a) in general, TD would examine the conditions of each village to determine and identify suitable sites for provision of car parking facilities for villagers;
- (b) three possible pieces of land for car parking use within Wai Ha Village had been identified by PlanD. The applicant could consider submitting planning application for car parking use within “V” zone. As “V” zone was considered a development zone, favourable consideration might be given for parking use for the village; and
- (c) the car parking uses to the northwest of the Site also fell within the subject “AGR” zone. Some of them were subject to enforcement action and some were under investigation by the Planning Authority.

94. In response to Members’ enquires, Miss Cannis Lee, the applicant’s representative, and Mr Lee Kwai Ping, representative of indigenous villagers of Wai Ha Village, made the following points :

- (a) there were no car parking facilities within the subject “V” zone. The closest public car parks were available at Fu Shin Estate, Tai Po and Tai Mei Tuk;
- (b) the Site was located between Wai Ha Village and San Tau Kok with about 3-5 minutes walking distance from the two villages; and
- (c) although potential land within “V” zone had been identified by PlanD for car parking use, those land were not considered suitable as there was a high demand for small house application in Wai Ha Village. Due to the shortage of land within “V” zone, those land should be retained for Small House development. In addition, land ownership was a concern and the identified land might not be available for car parking use.

*Similar applications*

95. In response to some Members' questions on similar applications including the one mentioned by the applicant's representative at the meeting, Ms Jessica H.F. Chu, DPO/STN, PlanD, said that as the applicant only raised the said similar application at the meeting, she did not have the relevant information at hand. With the aid of visualizer, Ms Chu presented another similar application (No. A/NE-LT/628) for temporary car parking use in Lam Tsuen, which was approved on the consideration that the site was cultivated land in 1990 and was paved in 1996 before the incorporation of development control on filling of land in the Notes of the "AGR" zone in 2005. Even though the site was subject to enforcement action in 2017, no reinstatement notice could be issued. While ADFC did not support the application, under the special circumstance of the case, the application was approved with conditions by the RNTPC upon further consideration on 2.3.2018. Ms. Chu also supplemented that two similar applications (Nos. A/NE-TK/629 and 674) at the same site within another "AGR" zone in Ting Kok for temporary car parking uses were rejected by the RNTPC as the proposed use was not in line with the planning intention of the "AGR" zone; approval of the applications would set an undesirable precedent to encourage vegetation clearance prior to application; cumulative effect would result in degradation of landscape character and cause adverse landscape impact on the area. Applications for temporary car parking uses in "AGR" zone would be considered on a case-by-case basis.

*Demographic information of Wai Ha Village and San Tau Kok*

96. Some Members enquired about the number of indigenous villagers, residents, households, NTEH applications and car parking spaces needed in the concerned villages. In response, Ms Jessica H.F. Chu, DPO/STN, PlanD and Miss Cannis Lee, the applicant's representative, said that the number of indigenous villagers, residents and households for the two villages were not available at hand. Ms Chu added that while the number of outstanding small house grant applications in Wai Ha and San Tau Kok were 13 and 54 respectively, land available for small house development within the "V" zone were about 23 and 141 small house sites respectively.

### *Operation details*

97. In response to the Chairperson's enquiry on whether the proposed car park would be used to serve the local residents and any fee would be charged for using the car park. Miss Cannis Lee, the applicant's representative, said that the proposed car park would mainly serve the residents of the two nearby villages (i.e. Wai Ha Village and San Tau Kok). Parking fee would be collected to cover the management and maintenance expenses.

98. In response to the enquiry of Mr Raymond K.W. Lee, Director of Planning (DoP), on the relationship between the applicant and the land owner, Miss Cannis Lee, the applicant's representative, said that the application was made under the name of the applicant's company. They had obtained consent from the land owner to rent the land to them for car parking use if the application was approved.

### *Enforcement cases*

99. Mr Raymond K.W. Lee, DoP, enquired on the number of enforcement cases within the subject "AGR" zone. Ms Jessica H.F. Chu, DPO/STN, PlanD, replied that a total of 6 sites within the subject "AGR" zone were the subject of enforcement cases. Apart from the Site, enforcement actions were currently being taken for the remaining five sites, included two sites for car parking uses, two for land filling and one for open storage use.

100. As Members had no further question to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application and inform the applicant of the Board's decision in due course. The Chairperson thanked DPO/STN, PlanD and the applicant's representatives for attending the meeting. They all left the meeting at this point.

### Deliberation Session

101. A Member enquired whether approval of the application would indeed set an undesirable precedent if approval had already been given to similar applications within

“AGR” zone. The Secretary responded that there was no planning approval for car parking use within the same “AGR” zone. If the application was approved, it would set a precedent in that “AGR” zone. Another Member opined that area zoned “AGR” should be retained for agricultural purpose.

102. The Chairperson and a Member considered that the applicant had failed to provide sufficient information to demonstrate the car parking demand for villagers in support of the application, or how the car park would be operated in a manner that would indeed serve the nearby residents. Members generally agreed to support RNTPC’s decision as there was no strong planning justification to warrant a departure from the RNTPC’s decision.

103. A Member expressed that land in the New Territories for village type development should be planned in a comprehensive manner including the provision of facilities to serve those living there. Some Members also raised concern on the need to provide car parking facilities for villagers, and the Chairperson said that the subject of car parking facilities serving village communities had been raised by the Heung Yee Kuk from time to time. The Government could follow up with Heung Yee Kuk in a holistic manner. Mr Ken K.K. Yip, Chief Traffic Engineer/New Territory East, TD, supplemented that the government had made effort to provide public car parking spaces in the past few years. As mentioned under the “single site, multiple use” model in the Policy Address, public car parking spaces would be provided in suitable new development sites, if appropriate. If vacant land was identified, TD would closely liaise with the Lands Department for granting the land by short term tenancy for car parking use. The government were also exploring the possibility to provide more on-street parking facilities.

104. After deliberation, the Board decided to reject the application on review for the following reasons:

- (a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning

justification in the submission for a departure from the planning intention of the “AGR” zone, even on a temporary basis; and

- (b) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications in the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the landscape character of the area.

### **Agenda Item 6**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-FTA/191

Proposed 5 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” Zone, Lots 208 S.A to 208 S.E & 208 RP in D.D. 52, Sheung Shui Wa Shan, Sheung Shui (TPB Paper No. 10584)

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[The item was conducted in Cantonese.]

### **Presentation and Question Sessions**

105. The following representative of the Planning Department (PlanD) and the applicants’ representatives were invited to the meeting at this point:

#### ***PlanD’s Representative***

Ms Jessica H.F. Chu - District Planning Officer/Shu Tin, Tai Po and North (DPO/STN)

#### ***Applicants’ Representatives***

Mr Liu Chun Kui - Applicants’ representative and Vice Chairman of Sheung Shui District Rural Committee

Mr Lam Che Kuen ] Applicants’ Representatives

Mr Liu Kam Hoi ]

106. The Chairperson extended a welcome and explained the procedure of the

review hearing. She then invited PlanD's representative to brief Members on the review application.

107. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, 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), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10584.

108. The Chairperson then invited the applicants' representative to elaborate on the review application. Mr. Liu Chun Kui, the applicants' representative, made the following main points:

- (a) the application site (the Site), owned by the applicants, fell within 'Village Environs' ('VE') of Wa Shan Village. The applicants had a right to apply for small house development to cater for their housing needs;
- (b) land within the "Village Type Development" ("V") zone was mostly owned by others and Tso/Tongs. The applicants could not acquire land in the "V" zone;
- (c) the Site was not suitable for agricultural use as there was a lack of water supply and the soil was not suitable for farming. The Site was small and covered by weeds. As the applicants were not farmers, it was difficult for them to resume the Site for farming purpose. In fact, if the Site could be used for housing development, it could solve their housing need; and
- (d) the Site was overgrown with weeds and pests. If the Board approved the application, the surrounding environment could be improved.

109. As the presentations of PlanD's representative and the applicants' representatives had been completed, the Chairperson invited questions from Members.

110. In response to a Member's enquiry, Ms Jessica H.F. Chu, DPO/STN, PlanD,

replied that the Site was located within 'VE' but outside the "V" zone. The 'VE' was defined by the Lands Department (LandsD) under the Small House Policy. From planning perspective, the Site fell outside "V" zone and within an area zoned "Agriculture" ("AGR") on the Outline Zoning Plan, which required planning permission for small house development.

111. As Members had no further question to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application and inform the applicants of the Board's decision in due course. The Chairperson thanked DPO/STN, PlanD and the applicants' representatives for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

112. The Chairperson said that the Site fell within "AGR" zone and land was still available for small house development within the "V" zone. A Member pointed out that the application was thoroughly considered and discussed in the RNTPC meeting with reference to the assessment criteria. Same considerations were applied for the assessment of other similar applications. There was no ground to warrant a departure from the RNTPC's decision.

113. Some Members opined that the assessment criteria should be conveyed to the applicants. The Chairperson said that the assessment criteria should have been made known to the applicants, but the applicants still had their right to apply for planning permission and express their views in the hearing for the review application.

114. After deliberation, the Board decided to reject the application on review for the following reasons:

- “(a) the proposed developments are not in line with the planning intention of the "Agriculture" zone in the Fu Tei Au and Sha Ling area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure

from the planning intention; and

- (b) land is still available within the “Village Type Development” zone of Wa Shan Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”

### **Procedural Matters**

#### **Agenda Item 7**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comment on the Draft Tsing Yi Outline Zoning Plan No. S/TY/29  
(TPB Paper No. 10588)

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[The item was conducted in Cantonese.]

115. The Secretary reported that the following Members had declared interests on the item for having business dealings with Ms. Mary Mulvihill who had submitted a representation and a comment (R2 and C1):

Mr Alex T.H. Lai	]	their firm hiring Ms Mary Mulvihill on
Mr. K.K. Cheung	]	contract basis from time to time

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

117. The Secretary briefly introduced the TPB Paper No. 10588. On 14.6.2019, the draft Tsing Yi Outline Zoning Plan (OZP) No. S/TY/29 was exhibited for public inspection under section 5 of the Town Planning Ordinance. The amendments mainly involved the

rezoning of a site from “Other Specified Uses” (“OU”) annotated “Marine-related Uses” to “OU” annotated “Container Related Uses”. A total of 2 representations and 1 comment on representations were received. The two representations received include one supporting representation and one providing views. The comment on representations submitted by a representer expressed views on public consultation matters.

118. As the concerns of the representers and commenter were mainly related to the same item and the issues involved were similar, the hearing of representations and comment was suggested to be considered in one group collectively by the Town Planning Board (the Board).

119. To ensure efficiency of the hearing, a maximum of 10 minutes presentation time would be allotted to each representer and commenter in the hearing session. Consideration of the representations and comment by the full Board was tentatively scheduled for December 2019.

120. After deliberation, the Board agreed that:

- (a) the representations/comment 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 8**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Central District Outline Zoning Plan No. S/H4/17 (TPB Paper No. 10589)

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[The item was conducted in Cantonese.]

121. The Secretary reported that the following Members had declared interests on the

item for having business dealings with Ms. Mary Mulvihill who had submitted a representation and a comment (R29 and C4):

Mr Alex T.H. Lai	]	their firm hiring Ms Mary Mulvihill on
Mr K.K. Cheung	]	contract basis from time to time

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

123. The Secretary briefly introduced the TPB Paper No. 10589 (the Paper). On 24.5.2019, the draft Central District Outline Zoning Plan (OZP) No. S/H4/17 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments mainly involved the rezoning of the Hong Kong Sheng Kung Hui (HKSKH) Compound site from “Government, Institution or Community” (“G/IC”) to “G/IC(1)” with stipulation of building height restrictions of 135mPD (northern portion) and 80mPD (southern portion).

124. During the two-month exhibition period, a total of 174 representations were received. Amongst them, 11 representations were made in accordance with the revised requirements set out in the Town Planning Board Guidelines No. 29B (TPB PG-No. 29B). Considering that this was the first batch of amended OZPs subject to revised submission requirements under TPB PG-No. 29B, the Town Planning Board (the Board) agreed to allow the representers with the identity information in doubt or missing in their submissions a further opportunity to submit the required information and that if such representers failed or refused to provide such identity proof, the representations would be treated as not having been made. On 6.8.2019, the Secretariat sent out verification letters to the concerned parties but only 22 representers submitted the required information. As no response was received from the remaining submissions with identity information in doubt or missing, they should be considered as invalid and treated as not having been made pursuant to sections 6(2)(b) and 6(3)(b) of the Ordinance.

125. On 6.9.2019, 33 valid representations were published for three weeks for public comments, and in the first three weeks of the publication period, 31 comments on representations were received. Amongst them, 17 comments were made in accordance with

the revised TPB PG-No. 29B. Verification letters were sent to the remaining 14 concerned parties with identity information in doubt or missing, but only 5 of them submitted the required information. In total, 22 valid comments on the representations were received in the first three weeks of the publication period.

126. In view of the similar nature of the representations and comments, the hearing of the representations and comments was recommended to be considered collectively in one group by the Board.

127. To ensure efficiency of the hearing, a maximum of 10 minutes presentation time would be allotted to each representer and commenter in the hearing session. Consideration of the representations and comments by the full Board was tentatively scheduled for December 2019.

128. After deliberation, the Board noted the invalid representations and comments received and agreed that:

- (a) the valid representations/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]

### **Any Other Business**

129. There being no other business, the meeting was closed at 5:15 pm.