

**Minutes of 854th Meeting of the
Town Planning Board held on 24.2.2006**

Present

Permanent Secretary for Housing, Planning and Lands
(Planning and Lands)
Mrs. Rita Lau

Chairperson

Hon. Patrick S.S. Lau

Vice-chairman

Dr. Rebecca L.H. Chiu

Dr. Peter K.K. Wong

Mr. Michael K.C. Lai

Professor K.C. Ho

Mr. Alex C.W. Lui

Mr. Keith G. McKinnell

Mr. S.L. Ng

Dr. Greg C.Y. Wong

Mr. C.K. Wong

Ms. Carmen K.M. Chan

Mr. Erwin A. Hardy

Professor Nora F.Y. Tam

Mr. Tony W.C. Tse

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Dr. Lily Chiang

Professor Peter R. Hills

Mr. Edmund K.H. Leung

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Mr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Principal Assistant Secretary (Transport)
Environment, Transport and Works Bureau
Ms. Ava Chiu

Assistant Director (2), Home Affairs Department
Ms. Margaret Hsia

Director of Environmental Protection
Dr. Michael Chiu

Director of Lands
Mr. Patrick L.C. Lau

Director of Planning
Mr. Bosco C.K. Fung

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

Secretary

Absent with Apologies

Dr. Alex S.K. Chan

Mrs. Angelina P.L. Lee

Mr. Francis Y.T. Lui

Professor David Dudgeon

Mr. Tony C.N. Kan

In Attendance

Assistant Director of Planning/Board

Mr. P.Y. Tam

Chief Town Planner/Town Planning Board

Mr. C.T. Ling

Senior Town Planner/Town Planning Board

Miss Fiona S.Y. Lung

1. The Chairperson extended a welcome to all Members.

Agenda Item 1

Confirmation of Minutes of the 853rd Meeting held on 10.2.2006

2. The minutes of the 853rd meeting held on 10.2.2006 were confirmed without amendments.

Agenda Item 2

Matters Arising

Section 12A Application No. Y/H24/1

Application for Amendment to the Approved Central District (Extension)

Outline Zoning Plan (OZP) No. S/H24/6 from “Government, Institution or Community (4)”

(“G/IC(4)”) and “G/IC(2)” to “Open Space” (“O”)

at the Former Tamar Basin Site and an Area to the North of Citic Tower

[Open Meeting]

[The meeting was conducted in Cantonese.]

3. The Secretary reported that a section 12A application for amendment to the approved Central District (Extension) Outline Zoning Plan (OZP) No. S/H24/6 was received on 8.10.2005 from the Action Group on Protection of The Harbour. The proposal was to rezone the Former Tamar Basin Site and an Area to the North of Citic Tower from “Government, Institution or Community (4)” (“G/IC(4)”) and “G/IC(2)” to “Open Space” (“O”). On 8.12.2005, the applicant requested the Board to defer making a decision on the application to allow time for preparing supplementary information upon receipt of details of the Tamar project from the Government. On 16.12.2005, the Board agreed to defer consideration of the application, and the applicant was given a maximum period of two months (i.e. until 16.2.2006) to prepare for any supplementary information.

4. The Secretary continued to say that in a letter of 15.2.2006, the applicant requested the Board to further defer consideration of the application until the Government had provided all related information the Legislative Council had requested in respect of the new Central Government Complex (CGC). The request for further deferment was submitted to the Board for consideration at this meeting. A copy of the applicant's letter was tabled at the meeting.

5. The Secretary said that according to the Town Planning Board Guidelines No. 33, reasonable grounds must be provided to support the request for deferment and the proposed deferment period should not be indefinite. No further deferment should be granted except under very special circumstances and where very strong justifications were given by the applicant, and where the right and interest of the concerned parties would not be affected. She highlighted the following points for consideration by the Board:

- (a) the application had been granted deferment once. For the present request for deferment, the applicant had not stated the period of deferment sought. The question was whether it was reasonable for the applicant to seek a deferment for an indefinite period of time;
- (b) the applicant sought supplementary information on the detailed planning of the existing "G/IC" zone and requested a 'complete' set of information on the justifications for the new CGC. The question was whether it was reasonable to request deferment for consideration of the proposed "O" zoning pending availability of information which was relating more to the existing "G/IC" zone and which had to satisfy the applicant as being 'complete'; and
- (c) whether the right and interest of any third party in the use of the application site, namely the Government's plan for the new CGC, would be affected by the deferment.

[Dr. C.N. Ng arrived to join the meeting at this point.]

6. The Secretary said that in the light of the above, Members were invited to consider whether the applicant's request for further deferment should be acceded to.

7. A Member asked whether the always permitted use under the existing “G/IC” zone could go ahead pending the Board’s decision on the section 12A application. The Secretary replied in the affirmative and said that the Central District (Extension) OZP No. S/H24/6 was an approved plan. Until and less the Board considered it justified to rezone the land use of the site, the “G/IC” zone remained valid.

8. Another Member noted that the supplementary information requested by the applicant was related to the detailed planning of the existing “G/IC” zone, and was not directly relevant to the proposed amendment to the OZP, which was to rezone the subject site from “G/IC” to “O”. While it was important to allow time for the applicant to gather and submit information in support of his application, there should not be undue delay in the Board’s processing of the section 12A application. This Member had reservation in accepting the grounds for deferment submitted by the applicant.

[Dr. Rebecca L.H. Chiu arrived to join the meeting at this point.]

9. The Chairperson said that the consideration of the application had previously been deferred upon request of the applicant. This was the second time the applicant requested a deferment, mainly on grounds that the Government had not yet provided a complete set of information on the justifications for the new CGC. Such information was more related to the existing “G/IC” zoning, rather than the proposed “O” zone. Members should consider whether the grounds for deferment submitted by the applicant were reasonable or not.

[Mr. Leslie H.C. Chen arrived to join the meeting at this point.]

10. A Member was of the view that the Board should not delay the consideration of the application as there was no ground to defer consideration.

11. Another Member sought clarification on whether the applicant could withdraw and resubmit his application if his request for deferment was rejected. The Chairperson explained that the decision on the request for deferment would only affect the date of consideration of the section 12A application. If deferment was not granted, the section 12A application would be considered at the next meeting of the Board. The applicant could attend the Board’s meeting to present his case.

12. Members considered that the ground submitted by the applicant to allow time for information on the existing “G/IC” zone to be obtained was not directly relevant to his rezoning application and was not reasonable. Besides, the applicant had not stated the period of deferment sought. To defer the consideration of the application indefinitely would not be appropriate. The interest of Government as a concerned party would also be affected. After further deliberation, the Board decided not to accede to the request for further deferment and decided that the application should be submitted to the Board for consideration at its next meeting.

[Dr. Lily Chiang and Mr. Daniel B.M. To arrived to join the meeting at this point.]

Agenda Item 3

Planning Enforcement Practice under the Town Planning (Amendment) Ordinance 2004

(TPB Paper No. 7531)

[Open Meeting]

[The meeting was conducted in Cantonese.]

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

Mr. K.K. Ling	Chief Town Planner/Central Enforcement and Prosecution
Mr. Stephen Chan	Senior Town Planner/Prosecution

Presentation Session

14. The Chairperson extended a welcome and invited Mr. K.K. Ling to introduce the Paper. With the aid of a Powerpoint presentation, Mr. K.K. Ling covered the following main points as detailed in the Paper:

Background

(a) the proliferation of open storage uses in the rural New Territories in the 1980s

had led to degradation of the rural environment. With the enactment of the Town Planning (Amendment) Ordinance 1991 (Amendment Ordinance 1991), the Board was then empowered to prepare Development Permission Area (DPA) Plans for the rural areas. Areas covered by a DPA Plan, or its replacement Outline Zoning Plan (OZP), were accordingly brought within the enforcement provisions of the Amendment Ordinance 1991;

- (b) over the years, some suspected offenders had made use of the planning application system to delay prosecution proceedings. The new provisions in the Town Planning (Amendment) Ordinance 2004 (Amendment Ordinance 2004) had plugged this loophole and strengthened the investigation and enforcement powers of the Planning Authority (PA);

Enforcement Action

- (c) the Director of Planning was the PA responsible for undertaking planning enforcement action. Enforcement action included taking non-statutory action, instituting direct prosecution, or issuing statutory notices including Enforcement Notice (EN), Stop Notice (SN) and Reinstatement Notice (RN) against unauthorised development (UD). The Amendment Ordinance 1991 also set out the statutory defence, which included the claiming of existing uses status;

Implication of the Amendment Ordinance 2004

- (d) the Amendment Ordinance 2004 had strengthened the enforcement provisions by allowing the PA to enter or access land and premises (except domestic premises) without warrant at a reasonable time for carrying out various duties, issue a notice to require a person to provide information by a specified period, and take prosecution action after the expiry of EN without waiting for completion of the planning application proceedings;

Summary Account of Enforcement Work

- (e) the number of suspected UD investigated had increased from 692 in 1995 to

1029 in 2005. While there was a significant increase in the number of investigated cases, warning letters, EN and Compliance Notices (CN) issued, the areas occupied by UD had gradually decreased from 185 ha in 1995 to 166 ha in 2000, and further down to 159 ha in 2005;

- (f) around 51% of discontinued/regularized cases had been achieved without having to resort to statutory enforcement and prosecution actions. About 3.2 ha of land had been reinstated as required by RN in 1995, and 9 ha had been subject to RN in 2005. The overall discontinuance rate of UD and regularization rate through planning permission was around 80%. The conviction rate for prosecution of UD cases remained high at an average of 96%;
- (g) by the end of 2005, a total of 319 cases with revoked planning permission were handled. Among them, 138 cases were found not to be UD (mainly because the UD had been discontinued or another planning permission had been obtained), while 173 cases were confirmed to be UD subject to various stages of enforcement and prosecution action. Eight cases were still under investigation;
- (h) likewise, a total of 402 cases with lapsed planning permission were handled. Among them, 248 cases were found not to be UD, while enforcement action had been taken against 74 cases. The remaining cases were currently under investigation;

Interface between the Enforcement Work with the Function of the Board

- (i) by the end of 2005, about 82% of the application/review/appeal cases in the rural areas (excluding domestic and GIC uses) considered by the Board were triggered off by enforcement action. Substantial resources had been deployed to follow up the cases with revoked or lapsed planning permissions. Enforcement work was complementary to the work of the Board in considering planning applications; and
- (j) Central Enforcement and Prosecution Section (CEPS) of PlanD would

continue to undertake enforcement action in response to the rising public aspiration for a better rural environment; accord priority to public complaints and cases with revoked/lapsed planning permissions especially those falling within Category 3 and 4 areas under the Town Planning Board Guidelines No. 13D; proactively consider the need for undertaking reinstatement and removal action; and step up patrol and enforcement in respect of land filling activities, particularly those within the “Agriculture” zone.

Discussion Session

[Mr. Alex C.W. Lui, Ms. Sylvia S.F. Yau and Professor Bernard V.W.F Lim arrived to join the meeting during the discussion session.]

15. Members welcomed and expressed appreciation of the work of CEPS and raised the following questions and comments:

Enforcement Work

- (a) a Member considered that the offenders would usually be given 3 months to comply with an EN. If the offenders were outside Hong Kong or the land subject to enforcement action was owned by Tso Tong, more time might be required for them to comply with the EN. For such special cases, some flexibility should be allowed, for example, by extending the compliance period. Another Member was of the view that there should not be differential treatment for villagers;
- (b) the circumstances under which an EN with a shorter compliance period would be issued;
- (c) in case there was a transfer of ownership while enforcement action was being taken, how the PA would handle the situation;
- (d) estimate of the total area of suspected UD not yet issued with EN;
- (e) clarification was sought on the statistics shown on Figure 1 of the Paper;

- (f) in carrying out enforcement work, whether the Heung Yee Kuk (HYK) or relevant District Council (DC) would be consulted;
- (g) whether EN would be served on the Government if Government land was involved;
- (h) noting that land filling was subject to enforcement action, whether it was possible to take enforcement action against tree felling;

Interface with the Function of the Board

- (i) whether there was any analysis of the use and distribution of the open storage sites, and whether there was any land use review with a view to regularizing open storage uses to meet the changing planning circumstances;
- (j) clarification was sought on the interpretation of “existing use” as it might affect the Board’s consideration of applications involving existing uses;

Resource Implication

- (k) how much resources PlanD had deployed in carrying out enforcement action; whether any of the work could be contracted out; whether the Lands Department (LandsD) and the DC could join effort with PlanD;
- (l) whether greater use of modern technology, for example, satellite image, would be deployed to help save staff resources; and

Awareness Raising

- (m) other than taking enforcement action, whether educational work would be done to raise the awareness of the public.

16. In response, Mr. K.K. Ling made the following main points:

Enforcement Work

- (a) ownership of land in the rural New Territories was complicated, and would require detailed checking. For an offender residing overseas, notice would be posted to his address overseas, and email and fax would also be issued, where appropriate. The more common practice was for an offender residing overseas to appoint an agent to take up the matter on his behalf. If the offender had taken reasonable steps to safeguard against the unauthorized use of his land, for example, by taking legal action against the illegal occupier, then he had a statutory defence and would not be prosecuted;
- (b) if land of Tso Tong was involved, the notice would be served on the Tso Tong managers. There were however practical problems, for example, the addresses of the managers were not complete or largely outdated. Besides, Tso Tong managers might only meet twice a year. In deciding whether the Tso Tong would be prosecuted, consideration would be given to whether the Tso Tong managers had taken all reasonable steps against the UD;
- (c) it was the established practice of CEPS to impose a compliance period of 3 months for the first issue of EN. For the repeated offenders, the compliance period would be shortened to 2 months. If a EN was re-issued, for example, due to updated information on the boundaries of the UD, then the compliance period would be kept at 3 months;
- (d) EN could be issued to both the land owners or occupiers. If land transaction was in progress, the EN would not be issued to the prospective land owners. The prospective land owners would however be alerted that enforcement action might be taken against them. Once the registration of land ownership had been completed, EN would be issued to the new land owners;
- (e) without full-scale investigation, it would be difficult to estimate the total area of suspected UD in the New Territories. The PA would continue to undertake enforcement action in a cautious and sensible manner in response to the public's rising aspiration and environmental awareness;

- (f) the number of EN issued could be greater than that of suspected UD because a UD case might involve a multiple number of owners. In one case, over 60 land owners were involved. The number of warning letters and ENs might not match as there were cases that after the issuance of warning letters, the UD might have discontinued, or there was evidence that the development was not UD upon further investigation;
- (g) the PA was independent in determining whether there was sufficient evidence to take enforcement action against UD. HYK and DC would not be consulted on individual enforcement cases, but they would be briefed on the general procedures and rationale for carrying out enforcement action;
- (h) EN would not be served on the Government. If the UD involved both Government and private land, joint action would be taken by the LandsD and the PA;
- (i) there was no ready answer on whether an EN could be served against tree felling. It hinged on the restriction laid down in the remarks of the Notes for the relevant land use zones. For land use zones with a remark of prohibiting filling of land/pond or excavation of land, enforcement action could be taken by the PA if planning permission had not been granted by the Board for the carrying out of such activities. If only tree felling was involved, the PA might not be able to take enforcement action against such activities;

Interface with the Function of the Board

- (j) CEPS would closely liaise with the District Planning Offices (DPO) and monitor the areas where open storage uses concentrated. DPO would regularly review the appropriate land uses for such areas, taking into account the changing planning circumstances;
- (k) the claim for “existing use status” for a development was usually for the court of law to determine, taking into account the admissibility and weight of evidence produced by the defendant. As such claim would need to be investigated in details and inputs from other departments would often be

required, substantial time and staff resources would be required to ascertain each claim. It was thus not practicable for CEPS to advise on the claim for “existing use status” arising from planning applications, bearing in mind continuation of an existing use would not require planning permission from the Board. Moreover, the Board did not need to decide on any claim of “existing use status” during the deliberation of a planning application; it should focus on the merits of the application;

Resource Implication

- (l) PlanD had deployed substantial resources to carry out enforcement action. CEPS had a total of 59 staff, which was the largest section in PlanD. To aim at optimum utilization of its resources, CEPS would prioritise the enforcement cases, and make use of information technology, for example, Geographic Information System, Global Positioning System and other electronic devices to measure site boundaries. CEPS would also closely liaise with other Government departments for joint action, or refer cases to other relevant departments for follow-up action under their purview. The arrangement might at times not be fully satisfactory as each department had their own priority; and

Awareness Raising

- (m) the economic contribution of the open storage uses should be recognised, though they might be located at a wrong place. The Announcement of Public Interest (API) on planning enforcement action shown on television was one of the means to promote public awareness. PlanD maintained a regular dialogue with the HYK and other open storage operators. Also, posters and pamphlets were prepared to highlight the message that proliferation of UD would cause nuisance to the local communities and create environmental problems.

17. The Chairperson said that in considering a planning application, the Board should focus on land use compatibility and the planning intention of an area, leaving aside the issue of whether the application site was an existing use or was subject to enforcement action. The Secretary also drew Members’ attention to the following points:

- (a) if the development was established as an existing use as defined in the Town Planning Ordinance, then no planning permission from the Board would be required;
- (b) it was also accepted by the Town Planning Appeal Board (TPAB) that the claim for “existing use status” should be dealt with by the court; and
- (c) the use under application might be different from the use existing on the application site. The Board should distinguish its statutory duties under the Town Planning Ordinance from those prescribed for the Planning Authority. The Board would consider a planning application on its merits, while enforcement action would be undertaken by the PA.

18. The Chairperson said that enforcement action against UD was an important task and commended the work of CEPS. She shared other Members’ view that raising public awareness and soliciting public support would be very important to bring about environmental improvement in the rural New Territories.

19. The Chairperson thanked the PlanD’s representatives for attending the meeting. They left the meeting at this point.

Agenda Item 4

Submission of the Draft Urban Renewal Authority Yu Lok Lane/Centre Street
Development Scheme Plan No. S/H3/URA2/A Prepared under Section 25 of
Urban Renewal Authority Ordinance
(TPB Paper No. 7530)

[Open Meeting (Presentation and Question Session only)]

[The meeting was conducted in Cantonese.]

20. The Secretary reported that as the draft Development Scheme Plan (DSP) was prepared by the Urban Renewal Authority (URA), the following Members had declared interests

on this item:

Mr. Bosco C.K. Fung as the Director of Planning)	Being a non-executive director of the URA
Mr. Patrick L.C. Lau as the Director of Lands)	
Ms. Margaret Hsia as the Assistant Director (2) of the Home Affairs Department		Being a co-opt member of the Planning, Development and Conservation Committee of the URA
Dr. Alex S.K. Chan		Being a co-opt member of the Review Committee of the URA
Dr. Greg C.Y. Wong)	Having current business dealings with the URA
Mrs. Angelina P.L. Lee)	
Mr. Michael K.C. Lai		Being a former non-executive director of the URA
Mr. Tony W.C. Tse		Being a former director of the URA

21. Members noted that Dr. Alex S.K. Chan and Mrs. Angelina P.L. Lee had tendered their apologies for being unable to attend the meeting, Dr. Greg C.Y. Wong, Mr. Michael K.C. Lai and Ms. Margaret Hsia had not yet arrived to join the meeting, and Messrs. Bosco C.K. Fung, Patrick L.C. Lau and Tony W.C. Tse had left the meeting temporarily at this point.

22. Mr. Daniel B.M. To declared an interest on this item as he belonged to an organization which was related to the Tsung Tsin Mission of Hong Kong, which ran Kau Yan School, the school that might be affected if the DSP boundary was expanded. Members considered that Mr. To's interest was not direct at this stage and he could be allowed to stay in the meeting and participate in the discussion of this item.

23. The Chairperson reported that a letter jointly signed by Mr. Chan Tak-chor, Chairman of the Central and Western District Council (C&WDC) and Mr. Kam Nai-wai, Chairman of the Concern Group of Urban Renewal Projects in the Central and Western District under the Food, Environment, Hygiene and Works Committee of the C&WDC (the Concern

Group) was received in the evening of 23.2.2006, indicating support for inclusion of Nos. 84-92 Third Street and Nos. 85-95 High Street into the DSP boundaries. A copy of the letter was tabled at the meeting.

[Post-meeting Notes: In a further letter of 7.3.2006 from the Concern Group, it was clarified that the street numbers should read Nos. 84-94 Third Street and Nos. 89-95B High Street.]

24. The Chairperson said that the Board was not requested to make a final decision on the DSP boundary at this meeting, but to decide whether the draft DSP was deemed suitable for publication under section 5 of the Town Planning Ordinance (TPO) for public inspection. The Board would discuss the draft DSP including the boundary proposed by URA. If the Board decided that the draft DSP boundary should be expanded, URA would have to conduct another freezing survey on the proposed expanded areas. Such information should be kept confidential prior to conducting the freezing survey. For this reason, while the presentation and question sessions could be conducted in an open meeting, the deliberation session would be in closed doors and the decision kept confidential. Members agreed to the proposed arrangement of the meeting.

Presentation and Question Session

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

Ms. Christine Tse	District Planning Officer/Hong Kong (DPO/HK)
Miss Wendy Li	Town Planner/Hong Kong (TP/HK)

26. The following representatives of the URA were invited to the meeting at this point:

Mr. David Au) URA's representatives
Ms. Mina Leung)
Mr. Joseph Lee)

27. The Chairperson extended a welcome and briefly explained the procedures of the meeting. She then invited Ms. Christine Tse to brief Members on the background of the draft Yu Lok Lane/Centre Street DSP.

28. With the aid of a Powerpoint presentation, Ms. Christine Tse covered the following main aspects as detailed in the Paper:

- (a) background – URA submitted on 6.12.2005 the draft Yu Lok Lane/Centre Street DSP No. S/H3/URA2/A under section 25(5) of the Urban Renewal Authority Ordinance (URAO) to the Board for consideration. The Site was currently zoned “Open Space” (“O”) (about 67%) and “Residential (Group A)” (“R(A)”) (about 29%) with a very small portion falling within an area shown as ‘Pedestrian Precinct/Street’ (about 4%) on the approved Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) No. S/H3/20. The site was partially vacant and partially occupied by low-rise, old and deteriorating tenement buildings located along Yu Lok Lane and 6-storey buildings along Third Street. A number of retaining walls, and a few wall trees were found on site;
- (b) the notional scheme – the site was to be developed for mixed uses comprising residential, retail and open space. According to a notional scheme, a single 32-storey residential tower with retail space and parking facilities was proposed. A minimum of 1,100m² public open space (POS) would be provided on ground level and be accessible by the public from Third Street and Centre Street. The development intensity would be in accordance with the Building (Planning) Regulations (B(P)R) and the maximum building height would be 155mPD. URA would consider the possibility of retaining the building features of No. 12 Yu Lok Lane and the footing or portions of the walls of Nos. 9-11 Yu Lok Lane as landscape features of the POS. All existing retaining walls within the DSP boundary would be strengthened, and those affected by the scheme would be studied and investigated;
- (c) Draft Planning Brief (PB) – the above development parameters were incorporated into the draft PB, which was also submitted to the Board for consideration at this meeting. The PB had also stipulated that the possibility of retaining building/building features of Nos. 9-12 Yu Lok Lane should be considered and a detailed proposal would be submitted by the URA at the Master Layout Plan (MLP) submission stage, in response to the comments made by the Antiquities and Monuments Office (AMO);

- (d) Social Impact Assessment (SIA) – the SIA contained the household information and the key findings of the survey, which were summarised in paragraph 6 of the Paper;
- (e) Local Views – URA together with PlanD consulted the C&WDC at its meeting of 19.1.2006. DC members in general were in support of the proposal. The major concerns of DC members were recorded in the minutes of meeting attached at Annex J of the Paper. The Secretary of the C&WDC also submitted a letter to the Board on 1.2.2006, requesting the Board to consider the request of the various owners of Tsung Tsin Mansion. Another letter of 23.2.2006 from the Chairman of the C&WDC was tabled at the meeting for Members' consideration;
- (f) Public Comments – under an administrative arrangement, the draft DSP was made available for public inspection and comment. Three comments were received. Some commenters requested the inclusion of Tsung Tsin Mansion and Nos. 89-95B High Street and an open play area of Kau Yan School into the draft DSP boundary. One commented that the SIA had not provided any guarantee on rehousing measures for the existing tenants; and
- (g) PlanD's views – PlanD had no objection to the draft DSP in consideration that the provision of POS would facilitate early implementation of the subject "O" site; the proposed residential, retail and open space uses were not incompatible with those of the surrounding developments; the Development Scheme was considered acceptable from the environmental, traffic, infrastructural provision and urban design perspectives; comprehensive redevelopment could ensure appropriate control on the overall scale and design of the future development through the submission of MLP and other technical assessment reports; and the PB would serve as a basis for guiding the MLP submission. Regarding the public comments, PlanD considered the exclusion of the proposed buildings from the scheme boundary not unacceptable at this stage. Should the Board consider the current scheme boundary appropriate and that the DSP be exhibited for public inspection, the public could submit representations during the exhibition period of DSP justifying their proposals for consideration by the

Board.

29. The Chairperson then invited the URA's representatives to elaborate on the draft DSP.

30. With the aid of a Powerpoint presentation, Mr. David Au made the following main points:

- (a) as could be seen from the extracts of press cuttings, a letter from the Office of Dr. Honourable Yeung Sum and a discussion paper of the Food, Environment, Hygiene and Works Committee of C&WDC, the redevelopment of Yu Lok Lane had been long overdue. The DSP covered an area of about 1,817m². There were a total of 21 properties, with 60 households. The entrance to Yu Lok Lane was via Third Street and Centre Street. The majority of the buildings within the DSP were built in the 1940s and 1950s, most of them were in deteriorating environmental and poor hygienic conditions. The environmental conditions were exacerbated by illegal structures and dilapidated external wall;
- (b) the redevelopment proposal as contained in the notional scheme would facilitate the early implementation of the "O" zone. Approximately 1,100m² POS to be accessible from Third Street and Centre Street would be provided. The design of the POS would give due regard to preserve the historical characteristics and retain the trees. It was, however, noted that a banyan tree was felled after the announcement of the commencement notice of the DSP. The front facade of No. 12 Yu Lok Lane facing Third Street and the ground tiles would be kept, while the possibility of retaining other building features of No. 12 Yu Lok Lane and the buildings/building features of Nos. 9-11 Yu Lok Lane as landscape features of the POS would be considered. Due regard would be given to balancing the needs between heritage preservation and open space provision;
- (c) the Development Scheme would provide about 220 units, with a domestic gross floor area (GFA) of about 14,468m². Non-domestic GFA of about 125m² would also be provided. The target completion date was 2012 and the

estimated cost of the project was about HK\$ 357 million; and

- (d) the conceptual Landscape Master Plan was shown at the meeting.

[Professor K.C. Ho arrived to join the meeting during the question session.]

31. The questions raised by Members were summarised as follows:

DSP boundary

- (a) more explanation and elaboration was required on how the DSP boundary was delineated, particularly in the light of the request made by the commenters for inclusion of Tsung Tsin Mansion and No. 89-95B High Street into the draft DSP;
- (b) Nos. 89-93 High Street were built in the 1950s. If these buildings were not included into the draft DSP, they might be redeveloped in isolation, which might compromise the objective of comprehensive development;
- (c) whether there were any URA projects that had included buildings completed in the 1980s;

Preservation of Buildings and Street Characteristics

- (d) public awareness on the need for preservation was not adequate, as shown in the felling of the banyan tree. Referring to the comments made by AMO in paragraph 8.7 of the Paper, the need to preserve Nos. 9-12 Yu Lok Lane had been raised. When viewed from Centre Street, Nos. 1-2 Yu Lok Lane was also very prominent. The outer part of the buildings should also be preserved, while the inner part could be converted to other uses, forming part of the POS;
- (e) another important feature was the “lane” itself. It was one of the few remaining “lanes” in Hong Kong. Effort should be made to preserving the characteristics of this “lane”;

- (f) other than AMO, the Antiquities Advisory Board (AAB) should also be consulted;

Development Intensity

- (g) the draft PB had not stipulated the maximum control on development intensity, but allowed the plot ratio (PR) and site coverage of the proposed development to be up to the maximum stipulated under the B(P)R. A majority part of the site was zoned “O” on the OZP. Upon rezoning, the “O” zone and the in-between ‘lanes’ were all included in site area calculation of the “CDA” zone. Substantial increase in development intensity and building bulk might not be in keeping with the scale of development in the area. It would be better if the maximum PR and classification of site could be set out at the early planning stage. Early assessment should be conducted on the maximum GFA allowable for the site with particular regard to such factors as visual impact on the neighbourhood. Such issues should be addressed early and not be left to the MLP submission stage as it might be too late to resolve the issues;
- (h) as the PR of the future development would be 4 to 5 times that of the existing buildings, the possible impacts on the surrounding environment, including Goodwill Garden on the opposite side of Third Street, should be carefully assessed;

Pedestrian Link

- (i) the pedestrian link between Third Street, Yu Lok Lane and High Street should be improved. Consideration should be given to including I.L. 4063 as an additional access into the Scheme Area to provide pedestrian access from High Street to Yu Lok Lane;
- (j) whether the area between Nos. 65 and 69 High Street was Government land, and whether it was possible to include it as another possible point of pedestrian access from High Street to Yu Lok Lane;

Conditions of Buildings

- (k) while Tsung Tsin Mansion and No. 95 High Street were built in the 1970s and 1980s respectively, Nos. 89, 91 and 93 High Street were built in the 1950s. Whether there was any assessment on the internal conditions of these buildings;

Social Impact Assessment

- (l) referring to paragraph 6.3 of the Paper on the findings of the SIA, whether there were any criteria on determining the social impact; and

Visual Impact

- (m) the visual impact of the proposed development on the surrounding areas should be carefully assessed. The committed or known development proposals should be included in the assessment to provide a comprehensive picture.

32. In response, Mr. David Au made the following main points:

DSP boundary

- (a) to enhance the transparency in the processing of the draft DSP by the Board, the draft DSP was made available for public inspection for an initial period of 3 weeks under an administrative arrangement agreed between PlanD and URA. Noting the public comments received, URA had been liaising with the church and the residents of Tsung Tsin Mansion and Third Street, but more time would be required for further discussion. It was noted that while some 77% of the owners of Tsung Tsin Mansion had agreed to the inclusion of Tsung Tsin Mansion into the draft DSP, the views of the remaining owners were not yet known. As the draft DSP, if deemed suitable for publication by the Board, would be exhibited for public inspection under section 5 of the TPO for two months, the local residents would have more time to put forward their justification for consideration by the Board. The Board could then further consider whether the DSP boundary should be amended under the provisions of the TPO;

- (b) URA's priority was to redevelop older buildings and most buildings in this case were over 40 years old. Building conditions would also be taken into account. Tsung Tsin Mansion was built in 1977 and Nos. 89-95B High Street between 1955 and 1984. These buildings were in fair condition;
- (c) Nos. 89-93 High Street were at a higher level than Yu Lok Lane. The retaining walls posed a constraint on comprehensive redevelopment;
- (d) the open play area of Kau Yan School at Nos. 24 & 25 Yu Lok Lane was in compliance with the "O" zone on the OZP. It was thus not included as part of the Development Scheme;
- (e) buildings completed in the 1980s usually would not be included in a Development Scheme, unless they were located in the middle of a Development Scheme and usually occupied only a very small portion of the site area;
- (f) in general, financial viability and technical constraints were also important considerations in delineating the DSP boundary. URA would be willing to reconsider the DSP boundary in the light of the public comments received during the exhibition stage of the DSP under the TPO;

Preservation of Buildings and Street Characteristics

- (g) URA had been in liaison with AMO. Although the buildings in Yu Lok Lane were not listed buildings, effort would be made to preserving the building features, including the ground tiles, and some features of the old laneways, as far as possible;
- (h) Nos. 1-2 Yu Lok Lane were the entrances to the site. If the buildings were to be preserved intact, there might not be enough manoeuvring space at the entrance. URA was also concerned that additional building conservation requirements could impact on the POS provision;

Pedestrian Link

- (i) further thoughts would be given to linking up the pedestrian walkway;

Conditions of Buildings

- (j) Nos. 89, 91 and 93 High Street were 4 storeys high and built in 1955. The buildings were in fair condition with sewage pipes and drains; and

Social Impact Assessment

- (k) URA had set up an urban renewal social service team to provide assistance and advice to residents affected by URA's redevelopment projects. The team operated independently. In the Yu Lok Lane/Centre Street DSP, only one household had raised strong objection against the project.

33. Ms. Christine Tse made the following main points:

Preservation of Buildings and Street Characteristics

- (a) only AMO was consulted on the draft DSP. Presumably the views given in paragraph 8.7 of the Paper were that of AMO, not AAB;

Development Intensity

- (b) the surrounding buildings, if zoned "R(A)" on the OZP, could also be developed up to the maximum PR stipulated under the B(P)R;
- (c) in terms of preservation of views to the ridgeline, only a small portion of the Development Scheme fell within the view corridor from a vantage point in Kowloon, mainly because the proposed development was on a sloping site. The proposed building height of 155mPD was thus considered acceptable;
- (d) the proposed development was considered acceptable from the environmental, traffic, infrastructural provision and urban design perspectives, and relevant

Government departments consulted had no adverse comments. The proposed development intensity was thus considered not unacceptable and would not generate any major adverse impact on the surrounding areas;

- (e) the concern of the Buildings Department and the Chief Town Planner/Urban Design and Landscape of PlanD were mainly on the clearance distances between the proposed development and its surrounding buildings, which could be addressed at the MLP submission stage;
- (f) a large part of the redevelopment site was reserved for open space development and had been zoned “O” on the first OZP gazetted in 1970. There were planning applications for residential development, but such applications were rejected by the Board in consideration of site constraints. The Government however had no programme to resume the land for open space development. By rezoning the site to “CDA”, it would facilitate the early implementation of the “O” site;

Pedestrian Link

- (g) whilst the rear lane of No. 12 Yu Lok Lane (i.e. I.L. 4063) was indicated as pedestrian precinct/street on the OZP as shown in Plan Z-2 of the Paper, it had not yet been implemented and was blocked at the moment. In other words, there was no through access from Yu Lok Lane to High Street;
- (h) subject to verification, the area between Nos. 65 and 69 High Street was probably private land;
- (i) URA might further discuss with the Lands Department to explore the possibility of incorporating I.L. 4603 as an additional access into the Scheme Area; and

Visual Impact

- (j) when viewed from the harbour as shown in the photomontage in Drawing Z-4 of the Paper, another URA project in First Street and Second Street had a

building height of 174mPD, which would 'hide' the redevelopment project at Yu Lok Lane with a lower building height of 155mPD. No information on the building heights of other projects upon redevelopment was available for the time being.

34. As Members had no further question to raise, the Chairperson thanked the representatives of URA and PlanD for attending the meeting. They left the meeting at this point.

Deliberation Session

35. A Member sought clarification on the street numbers quoted in the letter of 23.2.2006 from the C&WDC. The Secretary said that upon clarification with the Secretariat of C&WDC, the street numbers should read "Nos. 89-95B High Street". Another Member noted that the street numbers of Tsung Tsin Mansion were also incorrect. The Secretary said that further clarification would be sought from the C&WDC.

36. The Chairperson said that Members were not requested to make a final decision on the DSP boundary at this meeting. If Members considered that the draft DSP was deemed suitable for publication, it would be exhibited for public inspection under section 5 of the TPO for two months. The Board could then decide whether the DSP boundary should be amended, after considering the representations made under the TPO.

37. A Member asked whether the Board had to decide on the draft PB at this meeting. The Chairperson said that the draft PB was also submitted to the Board for consideration. If Members considered that additional information or further assessment would be required, the Board might defer making a decision on the PB.

38. Another Member was concerned about the building bulk and considered that assessment on the building height of the surrounding areas should be conducted. There was, at present, not sufficient information for the Board to agree on the appropriate PR and building height for the Scheme Area. Besides, the AAB should be consulted on matters related to preservation of historical buildings.

39. While sharing other Members' concern on the intensity of the proposed development,

a Member was of the view that the Board should decide on the “CDA” zoning first such that the DSP could be gazetted under the TPO. The redevelopment of Yu Lok Lane had been long overdue and should not be further delayed. The PB could be revised later. The Chairperson said that planning applications for residential development in Yu Lok Lane were rejected by the Board as the site was zoned “O” on the OZP. The residents in Yu Lok Lane were suffering from the poor conditions of the buildings. It was encouraging that the site had been taken up by URA for comprehensive development. Unless Members did not support to rezone the site to “CDA”, the draft DSP should be exhibited for public inspection under the TPO. The local residents and the C&WDC could submit representations to the Board under the TPO and their concern could be further considered by the Board. Members might however defer making a decision on the draft PB and request URA and PlanD to provide additional information to address the concerns raised by Members at this meeting.

40. Some Members asked whether the PB would be exhibited for public inspection together with the draft DSP under the TPO and whether the PB was available to the public. The Chairperson said that only the draft DSP, its Notes and Explanatory Statement would be exhibited for public inspection under the TPO. While URA had already consulted the C&WDC on the draft DSP including the major parameters set out in the PB, the consultation should be an interactive process and dialogue with the community should continue in the redevelopment process. It was notable that the redevelopment of Yu Lok Lane had received relatively few public resistance. URA should take into account the comments received in revising the PB and preparing the redevelopment scheme. The Secretary added that the PB together with the draft DSP were available in the Planning Department Enquiry Counters for public inspection. If Members decided to defer a decision on the PB, it would be revised to take into account Members’ concerns and resubmitted to the Board for consideration. In case the DSP boundary was revised after the Board’s consideration of the representations submitted under the TPO, corresponding amendments to the PB would be required.

41. After further deliberation, the Board decided to :

- (a) deem the draft Yu Lok Lane/Centre Street Development Scheme Plan (DSP) No. S/H3/URA2/A (to be renumbered S/H3/URA2/1 upon exhibition for public inspection) at Annex D and the Notes in Annex E of the Paper as being suitable for publication as provided for under section 25(6) of the URAO, so that the draft DSP should be exhibited for public inspection under section 5 of

the Town Planning Ordinance;

- (b) endorse the Explanatory Statement of the draft DSP at Annex F of the Paper and adopt it as an expression of the Board's planning intention and objectives of the Plan, and agree that the Explanatory Statement as being suitable for public inspection together with the draft DSP;
- (c) agree that the draft DSP, its Notes and Explanatory Statement were suitable for submission to the Central & Western District Council for consultation/information upon exhibition of the Plan;
- (d) note the Social Impact Assessment (Stages 1 and 2) Reports at Appendix 5 of Annex A and Annex B of the Paper respectively.

42. The Board also decided to defer a decision on the draft Planning Brief at Annex G of the Paper and requested URA and PlanD to provide additional information to address the concerns raised by Members.

Agenda Item 8

Any Other Business

71. There being no other business, the meeting was closed at 1:00 p.m..