

**Minutes of 862<sup>nd</sup> Meeting of the  
Town Planning Board held on 14.7.2006**

**Present**

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

Dr. Peter K.K. Wong      Vice-chairman

Mr. Michael K.C. Lai

Ms. Carmen K.M. Chan

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Dr. Lily Chiang

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Principal Assistant Secretary (Transport)  
Environment, Transport and Works Bureau  
Mr. K.S. Ng

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. Greg C.Y. Wong

Mr. Erwin A. Hardy

Professor Nora F.Y. Tam

Professor David Dudgeon

Professor Peter R. Hills

Dr. Daniel B.M. To

Mr. Alfred Donald Yap

Assistant Director (2), Home Affairs Department  
Mss Linda Law

**In Attendance**

Assistant Director of Planning/Board  
Mr. S. Lau

Chief Town Planner/Town Planning Board  
Ms. Brenda K.Y. Au (a.m.)  
Miss Fiona S.Y. Lung (p.m.)

Town Planner/Town Planning Board  
Ms. Endless S.P. Kong (a.m.)

Senior Town Planner/Town Planning Board  
Ms. Teresa L.Y. Chu (p.m.)

1. The Chairperson informed Members that it was the last Board's meeting for Mr. Bosco C.K. Fung prior to his retirement. On behalf of all the Board's Members, the Chairperson expressed a vote of thanks to Mr. Fung for his past contributions to the Board and wished him a long and happy retirement.

**Agenda Item 1**

(Open Meeting)

Confirmation of Minutes of the 861<sup>st</sup> Meeting held on 23.6.2006

2. The minutes of the 861<sup>st</sup> meeting held on 23.6.2006 were confirmed without amendment.

**Agenda Item 2**

Matters Arising

(Open Meeting)

(i) Town Planning Appeal Decision Received

Town Planning Appeal No. 6 of 2005

Proposed Temporary Hardware and Plastic Materials for Recycling Use  
for a period of 1 year in "Village Type Development" zone

Lots 287 (Part), 296 (Part), 298 (Part), 299 S.A (Part), 300 (Part),  
301 (Part), 302 S.A, 302 RP, 303, 304, 306 and 307 (Part) in D.D. 119,  
Shan Ha Tsuen, Yuen Long

(Application No. A/YL-TYST/249)

3. The Secretary reported that the decision of the Town Planning Appeal Board (TPAB) on an appeal had been received. The appeal was against the decision of the Board to reject on review an application (No. A/YL-TYST/249) for temporary hardware and plastic materials for recycling use for a period of 1 year at a site zoned "Village Type Development" on the approved Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/10. The appeal

was heard by the TPAB on 5.6.2006 and dismissed by the TPAB on 23.6.2006 based on the following considerations :

- (a) the claim made by the Appellant's representative that the application was not an application to use the site as "open storage" but as a "transfer station" was disingenuous as the Application Form showed that the Appellant understood that his application was for permission to use the application site as "open storage", and the Appellant's representative was unable to point out any document or literature which gave recognition to any category of use called "transfer station". As such, there was no doubt that the application should be treated on the basis of an application to use the site for "open storage";
- (b) the reasons put forward by the Board in rejecting the review application were valid; and
- (c) the Appellant failed to discharge the burden on him to show that the Board's decision on the review application was wrong. Furthermore, the TPAB could not see how the Appellant could accuse the Board of being unfair to him when he did not attend the review hearing or send in any written submission. The TPAB considered that any suggestion made by the Appellant of failure of duty and misleading of the Board on the part of the Planning Department was without foundation and rejected.

(ii) Appeal Statistics

4. The Secretary said that as at 7.7.2006, 28 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows:

Allowed :	16
Dismissed :	84
Abandoned/Withdrawn/Invalid :	116
Yet to be Heard :	28
Decision Outstanding :	2
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Total :	246

**Agenda Item 3**

Refinement of the Urban Design Framework for the Central Reclamation and Preparation of Planning/Design Briefs for Key Development Sites

(TPB Paper No. 7638)

(Open Meeting)

[The meeting was conducted in Cantonese.]

5. The following representatives from the Planning Department (PlanD) were invited to the meeting:

- Ms. Phyllis Li - Chief Town Planner/Special Duties
- Mr. Roy Li - Senior Town Planner/Special Duties

6. The Chairperson extended a welcome and invited Ms. Phyllis Li to introduce the Paper.

7. With the aid of a PowerPoint presentation, Ms. Phyllis Li covered the following main points as detailed in the Paper:

- (a) the New Central Harbourfront was covered by two Outline Zoning Plans (OZP), which were approved in 2002 and 2003 respectively after undergoing a due statutory process involving extensive public consultation. These OZPs provided a planning and land use framework for realizing the visions for Victoria Harbour and creating a world-class waterfront;

- (b) background to the proposed urban design study – after considering several rezoning requests/application in relation to the Central District (Extension) OZP in August 2005 and March 2006, the PlanD was requested by the Board in August 2005 to refine the existing urban design framework and to prepare planning/design briefs to guide future development of the key sites on the Central Reclamation;
- (c) an illustrative design concept of the New Central Harbourfront was released in late May 2006 to facilitate better public understanding of the vision and planning objectives based on the approved OZPs. It showed one possible design alternative for the key developments along the Central harbourfront within the planned land use framework. The New Central Harbourfront under the illustrative design concept would be vibrant and green with three design emphases, namely creating vibrancy and diversity; creating enjoyable public spaces; and creating a green unifying edge to the Harbour and Central Business District;
- (d) the planning objectives were attractiveness, vibrancy, good access, a symbol of Hong Kong and sustainable development, which were derived from the Board’s Vision Statement for Victoria Harbour and the Harbour Planning Principles of the Harbourfront Enhancement Committee;
- (e) major land uses components – a harbour promenade and harbour green; a harbourfront arts and leisure precinct near Wan Chai; a community precinct extending from the Tamar development to the harbourfront; a harbour place for waterfront-related leisure, entertainment and commercial uses; a “Comprehensive Development Area” (“CDA”) development to the north of Statue Square; a “Commercial” site for office development with a public transport interchange; a “CDA” development near the waterfront with the incorporation of a hotel to the north of International Financial Centre and some commercial facilities at Central Piers No. 4 to 6; and waterfront related commercial and leisure uses to the north of City Hall; and
- (f) the study outline covering the objectives of the study, the study area, major

tasks, major deliverables, study programme and public engagement arrangements as detailed at Attachment B of the Paper.

[Professor Bernard V.W.F. Lim arrived to join the meeting at this point.]

8. Members raised the following questions and comments on the study:

*Design of the New Central Harbourfront*

- (a) whether the preservation of the history of Central would be covered in the design concept of reinforcing the historical value of Central, e.g. by including part of the special features of the Queen's Pier and Star Ferry Pier, which could reflect the history of the area;
- (b) whether any conflict with the design of the interface areas in the future Wan Chai Development and the Tamar site was envisaged;
- (c) it might be desirable to reserve some land to cater for any unforeseen future need since no further reclamation in the Harbour was expected. Consideration could also be given to reserving a site for helipad development as the area was mainly planned for non-noise sensitive commercial uses;

[Dr. Lily Chiang and Ms. Anna S.Y. Kwong arrived to join the meeting while Mr. Patrick L.C. Lau left the meeting temporarily at this point.]

- (d) it was desirable that the new harbourfront should be developed as an attractive area at night with lightings to enhance Hong Kong as a vibrant city. Also, more recreational/leisure uses should be introduced in the area to provide more employment opportunities and adequate supporting transport facilities should be provided near the piers;
- (e) the new harbourfront should not be over-planned to become too busy an area. It should also be a place for leisure and quiet enjoyment, and one

which could show the unique character of Hong Kong. Over-design of the area should be avoided. The elegant character of Victoria Harbour and Hong Kong as the 'Pearl of the Orient' should be reflected in the design;

- (f) the harbourfront area should be meticulously planned to enhance public enjoyment of the area and to avoid such situation as in the area near the piers to outlying islands, which served mainly as a pedestrian corridor rather than a public place for people to stay and enjoy;

*Proposed "CDA" Development*

- (g) whether the large "CDA" site could be sub-divided for development by phases in order to encourage more creative design and allow the participation of small developers as well;

*Pedestrian Links*

- (h) the pedestrian linkages in the area should be enhanced with the provision of appropriate and adequate pedestrian facilities;
- (i) whether any at-grade pedestrian links would be provided across Road P2 to facilitate pedestrian movement from the existing commercial centre to the new harbourfront. As there might be restrictions on the timing of public access to the footbridges connecting buildings, it was desirable that more 24-hour open public footbridges/routes could be provided;

*The Study, Major Deliverables and Public Engagement*

- (j) it was essential that professionals with relevant expertise on architectural design such as architects should be engaged in undertaking the study;
- (k) apart from 3D-models, it was desirable to include also development control drawings as deliverables to provide clear guidance on developments for developers to follow;

- (l) whether the public engagement process of the study would follow the similar approach adopted by the Kai Tak Planning Review, which was desirable in terms of seeking wider public views but would involve a lengthy public consultation process that might not be possible due to the tight development programme for the Central Waterfront area; and
- (m) since the public would be the major users of the area, it was desirable to allow more public participation in the study process, and the provision of user-friendly plans and drawings would facilitate the public understanding of the proposed developments.

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

9. In response, the Chairperson made the following points:

- (a) this was not a new planning study, but a study focussed on formulating an urban design framework to guide the future developments, in response to the public aspiration for creating a world-class waterfront; and
- (b) the study area had been designated for various land uses in the approved OZPs. As the area would be developed in phases, there should be scope for keeping the pace of development under review in order to meet unforeseen needs. The provision of a helipad in the area had been examined and ruled out with one being proposed in the Kai Tak development.

10. Ms. Phyllis Li responded further and made the following points:

*Design of the New Central Harbourfront*

- (a) the re-provisioning of the public piers and Star Ferry Pier at the new harbourfront had already been planned. The design concept of reinforcing the historical value of Central would focus on a historical corridor linking up the historical places such as Statue Square and the Legislative Council building with the new harbourfront. Due consideration would also be

given to reflecting the historical developments in the design of the area;

- (b) the Wan Chai Development Phase II Planning and Engineering Review Study (WDII Review) and the design of the future selected tender scheme for the Tamar development would be taken into account in the study so that these areas would be planned with the new Central Harbourfront in a coherent and harmonious manner;
- (c) the new harbourfront would be developed for various uses for both day and night. It would create a new face for the harbour area and the new buildings to be built could be included in the 'Symphony of Lights' show. The proposed commercial/office, hotel and recreational/leisure developments would provide employment opportunities. Supporting transport facilities including tour bus stops and public transport terminus would be provided near the piers;
- (d) the design of the area around the piers would be examined to enhance the pedestrian linkage and greening of the areas with refurbishment of the existing facilities and introduction of a variety of uses so as to turn it into an attractive area for public enjoyment;

*Proposed "CDA" Development*

- (e) as the "CDA" site was bisected by Road P2 and Central-Wan Chai bypass underneath, it was considered desirable to develop it comprehensively so as to facilitate the provision of direct pedestrian linkages through the site. Instead of one single block, it could be developed into two low-rise office/commercial buildings with cascading levels;

*Pedestrian Link*

- (f) eight pedestrian links to facilitate public access to the new harbourfront area had been planned, with three on the ground level across Road P2, an at-grade pedestrian deck above the submerged section of Road P2 in front

of the Tamar site, a subway and a pedestrian deck through the “CDA” site north of Statue Square and a number of other elevated footbridges. Apart from the pedestrian linkage systems already proposed in the OZPs and the illustrative design concept for the area, the study would further investigate the provision of pedestrian links between the public spaces and major activity nodes;

*The Study, Major Deliverables and Public Engagement*

- (g) it was a 8-month consultancy study under the management of the PlanD. The four major tasks of the study would be undertaken by the consultants, and the PlanD would provide inputs on the Air Ventilation Assessment and the public engagement exercise. Due consideration would be given in the selection of consultants with architectural expertise since the consultants were required to examine the architectural feasibility of the design concept;
- (h) the major deliverables included planning/design briefs, which would require the provision of sketch drawings with quantitative details of the development parameters. They could provide clear reference for the subsequent preparation of the leases for various development sites in the area; and
- (i) some public views had already been obtained in the past few months and they would be taken into account in the formulation of the urban design framework for the area. As the reclamation would be completed in 2008, the public engagement process would not be lengthy.

11. The Chairperson said that Members’ views would be fully taken into account in the study by the PlanD. She thanked the representatives from the PlanD for attending the meeting. They left the meeting at this point.

[Mr. Patrick L.C. Lau returned to join the meeting at this point.]

**Agenda Item 4**

Consideration of Representations and Comments  
in Respect of Draft Kowloon Tong Outline Zoning Plan No. S/K18/12  
(TPB Papers No. 7621 to 7624)

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[Open Meeting (Presentation and Question Session only)]

[The hearing was conducted in Cantonese and English.]

12. The Secretary said that Dr. Greg C.Y. Wong, who had current business dealings with Cheung Kong (Holdings) Limited (Cheung Kong), had declared an interest in this item as Representation No. 3 was submitted by a subsidiary of Cheung Kong. Mr. Y.K Cheng, being a Council Member and Chairman of the Campus Development Committee of the Hong Kong Baptist University (HKBU), had also declared an interest in this item as Representation No. 126 was submitted by the HKBU. Dr. Wong and Mr. Cheng had tendered apologies for being unable to attend the meeting and the morning session of the meeting respectively.

13. Mr. Felix W. Fong declared an interest in this item as his firm was representing a number of representers. The Chairperson said that to avoid any conflict of interests, Mr. Fong should leave the meeting temporarily for this item.

[Mr. Felix W. Fong left the meeting at this point.]

14. Dr. Michael Chiu declared an interest in this item as he was a Director of the China Graduate School of Theology in the area. Since the school and its properties were not the subject of representations, Dr. Chiu's interest was considered indirect and he was allowed to stay at the meeting. The Secretary said that Mr. Walter K.L. Chan, being also a Director of the China Graduate School of Theology, had declared an interest in this item. Mr. Chan had tendered his apology for being unable to attend the meeting.

15. Mr. Michael Lai declared interests in this item, as he was a Director of the Diocesan Preparatory School and the Council Member of Christ Church, Kowloon Tong. As these two sites were not the subjects of representations, Members considered Mr. Lai's interest indirect and he was allowed to stay at the meeting.

16. Noting that Representer No. 4 was a Kowloon City District Council (KCDC)

Member, Ms. Starry W.K. Lee said that she was also a KCDC Member and the KCDC had been consulted on the amendments to the OZP by the PlanD. However, she had no interest that would need to be declared. Members agreed that Ms. Lee could stay at the meeting.

17. Dr. Peter K.K. Wong clarified that he was not Representer No. 29 with the same name.

18. The Chairperson said that on 24.2.2006, the draft Kowloon Tong Outline Zoning Plan (OZP) No. S/K18/12 was exhibited for public inspection under section 5 of the Town Planning Ordinance. A total of 129 valid representations and 3 valid comments were received during the 2-month exhibition period of the OZP and 3-week publication period of the representations respectively. The hearing would be heard in three groups, i.e. collective hearing for Representations No. 1 to 3, 4 to 125 and 129, and Comments No. 1 to 3; collective hearing for Representations No. 1 to 3, 126 and 127, and Comments No. 1 to 3; and collective hearing for Representations No. 1 to 3, 128, and Comments No. 1 to 3.

19. The meeting adjourned for a break of 15 minutes and resumed at 10:25 a.m..

### **Group 1 - Representations No. 1 to 3, 4 to 125 and 129 and Comments No. 1 to 3**

#### Presentation and Question Session

20. The following representatives from the Planning Department (PlanD) were invited to the meeting:

Mr. Raymond Lee	- District Planning Officer/Kowloon
Mr. Derek Tse	- Town Planner/Kowloon

21. The following representers, representatives of the representers and commenters were invited to the meeting at this point:

#### Representation No. 3

Ms. Cheng Lai-yan	- Representer's representative
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Representation No. 4

Mr. Ho Hin-ming - Representer

Representation No. 5

Mr. Gordon Pei Yaw-liang - Representer

Representation No. 6

Mr. Ricky Wong ) Representer's representatives

Mr. Allen Goldstein )

Representations No. 7 and 8

Mr. Derek Sun ) Representer's representatives

Mr. Albert Ho )

Ms. Iris Tam )

Mr. Herman Ng )

Mr. Eric Ho )

Representations No. 10, 11, 98, 99, and 113

Ms. Keren Seddon ) Representers' representatives

Ms. Alice Cheung )

Mr. Coway Chan )

Mr. Patrick Yan )

Mr. David Yeung )

Ms. Picco Yeung )

Ms. Joyce Chan )

Mr. Matthew Chow ) Representers' representatives for

Mr. Humphrey Wong ) Representations No. 10 and 113

Mr. Patrick Fung )

Mr. Dominic Tse )

Mr. Jacob Wong ) Representer's representatives for

Mr. George Ho ) Representation No. 11

Ms. Anita Yu )

Ms. Anna Seto ) Representers' representatives for

Mr. Patrick Lee ) Representations No. 98 and 99

Mr. David Yeung )

Mr. Kant Tsang )

Representations No. 12, 20 and 34

Mr. Abdul Rahim Bin Kitchell - Representer No. 12 and Representer's  
representative of Representation No. 20

Dr. Clement J.M. Shiu - Representer No. 34 and Representer's  
representative of Representation No. 20

Mr. Chan Wing On - Representer's representative of  
Representation No. 20

Representation No. 19

Mr. Eric Lee Hung-shan ) Representer's representatives

Ms. Pico Yeung )

Ms. Joyce Chan )

Mr. William Lee Wai-ming - Representer

Representation No. 28

Mr. Liang Yee-pang - Representer

Representation No. 70

Mr. Lo Chiu - Representer's representative

Representation No. 108

Mr. Leung Wai-lun - Representer's representative

Representation No. 100

Ms. Pang Miu-ling - Representer's representative

Representation No. 119

Mr. Chan Ka Yan, Clarence - Representer's representative

Representation No. 129

Mr. Danny Cheung Ka-hing - Representer's representative

Comments No. 1 and 2

Mr. Derek Sun ) Commenters' representatives

Mr. Albert Ho )

Ms. Iris Tam )

Mr. Herman Ng )

Mr. Eric Ho )

Comment No. 3

Mr. Matthew Chow ) Commenter's representatives

Mr. David Lee )

Mr. Patrick Fung )

Mr. Humphrey Wong )

Mr. Dominic Tse )

22. Members noted that sufficient notice had been given to the remaining representers and commenters but they had indicated that they would not attend the hearing.

23. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She then invited Mr. Raymond Lee to brief Members on the background to the representations and comments.

24. With the aid of a PowerPoint presentation, Mr. Raymond Lee covered the following main aspects as detailed in Paper No. 7621:

- (a) the background and the need for incorporation of the building height restrictions in the Kowloon Tong OZP were detailed in paragraph 3 of the Paper;
- (b) subjects of the representations – Representations No. 1 to 3 were in support of

the incorporation of building height restrictions into the Kowloon Tong OZP. Representations No. 4 to 125 and 129 were opposing representations against the incorporation of the building height restrictions in some “Residential (Group C)” (“R(C)”) sub-zones;

- (d) grounds of representations – supporting and opposing grounds were summarized in paragraphs 2.3 and 2.5 of the Paper;
- (e) representers’ proposals – the representers’ proposals were summarized in paragraph 2.7 of the Paper. In brief, the opposing representers proposed either to revert to the “R(C)” zoning and delete the building height restrictions, or to relax the building height restrictions from 8 storeys to a range of 12 to 22 storeys for the “R(C)9” zone, from 10 storeys to a range of 15 to 18 storeys for the “R(C)10” zone, from 13 storeys to a range of 20 to 22 storeys for the “R(C)6” zone;
- (f) the comments against the supportive representations were detailed in paragraph 2.4 of the Paper while the comments in support of the opposing representations were detailed in paragraph 2.6 of the Paper; and
- (h) PlanD’s views – the PlanD did not support any amendment to the plan to meet Representations No. 4 to 125 and 129. The responses to the grounds of representations and the representers’ proposals were detailed at paragraphs 4.6 to 4.15 of the Paper.

25. The Chairperson then invited the representers and representatives of the representers to elaborate on their representations.

#### Representation No .4

26. Mr. Ho Hin-ming, a KCDC member who opposed to the incorporation of building height restrictions into the Notes of the subject OZP, made the following main points:

- (a) he was a DC member representing the constituency of the Kowloon Tong area. Also, he was a resident with his owned property in Broadcast Drive but he was not involved in any redevelopment plan. He was not able to attend the KCDC meeting when the amendments to the OZP were presented to the KCDC, and his opposing views were therefore not expressed at the relevant DC meeting;
- (b) the incorporation of building height restrictions was generally supported as the development of candle-like buildings affecting the townscape of Kowloon Tong was considered undesirable by a lot of residents in the area;
- (c) however, the PlanD's justifications in support of limiting the building height of the "R(C)" zone to a range between 3 to 13 storeys were not scientific;
- (d) the results of a questionnaire survey on the residents' opinion on the building height restrictions submitted earlier were updated and tabled at the meeting for Members' reference. The results showed that among a total of 161 returned questionnaires, 44.1% supported and 55.9% opposed to the incorporation of the building height restrictions; while 63.35% supported and 36.65% opposed to the relaxation of the restrictions. It indicated that a majority of the respondents considered the current building height restrictions quite restrictive and relaxation was therefore required;
- (e) a corresponding increase in the building height of about 87.5% (e.g. from 9 storeys to about 16-17 storeys) was worth consideration in view of an increase in the plot ratio from 1.6 to 3 since 1993;
- (f) the key guiding principles adopted for the building height profile of Kowloon Tong as stated in paragraphs 3.4(a), (b), (g) and (h) of the Paper were agreed but the need for long-term economic development of the Kowloon Tong area should also be balanced when preserving the existing townscape and character of the area;
- (g) the remaining key guiding principles as stated in paragraphs 3.4(c), (d), (e) and (f) of the Paper were considered either vague or conceptual and without adequate elaboration. In particular, it was considered unfair to restrict the

building height in Kowloon Tong to protect the ridgeline while allowing development of high-rise buildings on the harbourfront, which had blocked the harbour view of the buildings in Kowloon Tong. The area was also in lack of heritage features that required protection; and

- (h) it was pointed out in paragraph 3.5 of the Paper that applications for minor relaxation of the building height restrictions could be submitted to the Board for consideration on individual merits. If the restrictions were set at a low level, the Board would have to deal with numerous such applications.

#### Representation No. 5

27. Mr. Gordon Pei Yaw-liang, who opposed to the rezoning of the representation site at 53A & B Beacon Hill Road from “R(C)” to “R(C)6” with a building height restriction of 13 storeys excluding basement floor(s), made the following main points:

- (a) the development in Kowloon City was previously restrained by the airport height restrictions. The living conditions of the residents there were appalling due to air and noise pollution, old buildings, dirty streets and alleys with broken drainage pipes occupied by rodents, cockroaches and termites;
- (b) the relocation of the airport to Chek Lap Kok provided a chance to redevelop Kowloon City and improve the poor living conditions of the residents. It was disappointing that the building height restrictions would remain with their incorporation in the OZP;
- (c) it was hoped that the development of big buildings like Langham Place, which had changed the slum of Shanghai Street and Portland Street into a clean metropolitan district, could happen to Kowloon City; and
- (d) building height restrictions in the area covered by the Kowloon Tong OZP should be deleted so as to encourage redevelopment of old buildings and development of big buildings.

#### Representations No. 7 and 8

28. With the aid of a PowerPoint presentation, Ms. Iris Tam and Mr. Albert Ho, made the following points on Representations No. 7 and 8, which were against the rezoning of the representation sites at Fortune Villa, 4-22 Alnwick Road and Asia Television House, 81 Broadcast Drive respectively from “R(C)” to “R(C)6” with a building height restriction of 13 storeys excluding basement floors:

*Problems of the Photomontages*

- (a) the photomontages prepared by the PlanD were derived based on a wrong assumption of 22 storeys for all representation sites. According to the table at paragraph 4.13 of the Paper, a building height restriction of maximum 18 storeys, instead of 22 storeys, was proposed for the “R(C)10” zone by the representers;
- (b) the selected vantage points were not appropriate as one “zoomed-in” image was taken from a high floor of a residential development located about 1km away from the representation sites. It was questionable whether such private view was an important sensitive receiver. In fact, the representers’ proposal was not visible when viewed from street level at the same location;
- (c) the view of the representers’ proposal from 40/F of Pak Tin Estate at 140mPD as shown in the photomontage was only possible if someone was standing in mid-air above Cornwall Street Park. Hence, the visual impact was exaggerated;
- (d) the representer’s proposal was not for developing 22-storey residential blocks. Instead, buildings with 20 domestic storeys over 1 storey podium garden and 1 storey carpark, which could allow better ventilation and streetscape, were proposed. Also, the simulated building blocks as shown in the photomontage had not reflected the reduced site coverage as a result of the proposed increase in building height with the same development intensity;

*Existing Situation and Proposed Redevelopments*

- (e) the area near the representation sites was characterized mainly by buildings of 13 storeys or above, old buildings developed before 1976, buildings developed up to a plot ratio of 3 or above, and poor street environment along Fessenden Road, Marconi Road and Beacon Hill Road. There was serious overlooking problem between the existing residential developments. The streetscape was poor as a result of low visual permeability and lack of green space, with buildings built up to the lot boundaries and open carparks allowing no greenery within the residential developments;
- (f) similar to some recent developments in the Kowloon Tong area, including One Beacon Hill and the Palace, the representer's proposal with smaller site coverage would allow slimmer buildings and more open space, which would avoid the overlooking problem and result in better ventilation and streetscape;
- (g) the result of visual impact analysis from sensitive receivers showed that the proposed redevelopment at the Broadcast Drive area was not so visible when viewed from Waterloo Road and Junction Road Park;
- (h) the redevelopment of the Fortune Villa site was constrained by the need for the protection of a steep slope with mature trees, set back from another steep slope adjoining Waterloo Road, and the provision of emergency vehicular access and prescribed windows as required under the Buildings Ordinance along the western frontage of the site. After excluding the above areas, the buildable area would only be about one-third of the site. With such development constraints, it was not feasible to redevelop the site to a plot ratio of 3 within the building height restriction of 13 storeys;
- (i) the representers proposed to relax the building height restriction of all the "R(C)6" zones to the north of Cornwall Street and Junction Road from 13 storeys to 20 storeys of domestic floor above 1 storey of podium garden/lobby entrance over 1 storey of podium carport. If that was not agreeable, the proposed relaxation should be allowed for the representation sites and the sites within the immediate street block;

*Responses to Reasons for Not Upholding the Opposing Representations:*

- (j) the representers' proposal was in line with the planning intention of maintaining low to medium-rise development character in Kowloon Tong as the proposed 20-storey buildings were medium-rise buildings. Their developments would keep the stepped height of the area and would be compatible with Lion Rock as the backdrop;
- (k) on the concern that the deletion or relaxation of building height restrictions would lead to a proliferation of out-of-context buildings, it should be noted that the development character was not just determined by building height alone. Greening, building bulk and air ventilation were all important factors;
- (l) having noted that piecemeal amendments to the OZP were not supported by the PlanD, they proposed to relax the building height restriction for all the "R(C)6" zones in Broadcast Drive and Beacon Hill areas;
- (m) although minor relaxation of the building height restriction might be considered by the Board, minor relaxation would normally mean below 10%, that was only equivalent to at most 2 storeys for the "R(C)6" zone with the current building height restriction of 13 storeys. Such a minor increase in the number of storeys would not be effective to bring about any improvement; and
- (n) if statutory development parameters were too restrictive, other mechanisms could not help achieve better urban design, and there would be no room for architects and designers to exercise their creativity.

29. A Member asked the PlanD's representatives to provide information on why the photomontages had been derived based on the assumption of 22 storeys, and on the age of the buildings with 13 storeys or above in the area.

30. In response, Mr. Raymond Lee said that the photomontages were provided to show a broad visual image of the possible height profiles of the area. In view of the variations among the representers' proposals, including deleting all building height restrictions from the relevant "R(C)" sub-zones, a building height restriction of 22 storeys was adopted in the photomontages to provide a worst case scenario for Members' reference.

The photomontages were only one of the tools to facilitate the understanding of the possible change in the height profile of the area with the representers' proposals. Members could also make reference to the models displayed at the meeting by the PlanD and the representers. On building age, Mr. Derek Tse said that the buildings with 13 storeys or above in the area were mostly 30 to 40 years old, with some buildings of 20 to 30 years.

31. Another Member asked whether there was any advice from the relevant Government departments on the tree preservation aspect for the representation site at 4-22 Alnwick Road and whether there was any further information to verify the representer's claim that redevelopment to a 13-storey building was not achievable with the site constraints. It was noted that the Buildings Department had commented that there was not sufficient information to justify why the Buildings Ordinance would cause the redevelopment on the site to intrude into the slope area with the building height restriction.

32. Mr. Raymond Lee said that there was no requirement on the preservation of the trees on the slopes of the site in the lease, although preserving the trees would be a responsible design. The Buildings Department had indicated that they could not provide comments on the representer's claim without the provision of detailed building plans.

33. Mr. Albert Ho said that with the building height restriction of 13 storeys, a development option without affecting the slopes and trees could not be worked out for the subject site. The Architectural Services Department considered that the urban design and environmental considerations presented in their submissions reasonable.

#### Representations No. 10, 11, 98, 99 and 113

34. With the aid of a PowerPoint presentation, Ms. Keren Seddon made the following points on Representations No. 10, 11, 98, 99 and 113:

- (a) the representations were against the rezoning of five sites from "R(C)" to "R(C)6" at 4 College Road and 22 Sau Chuk Yuen Road (Representation No. 10), to "R(C)9" at 21 Grampian Road, 23-25 Grampian Road, and 1 and 1E La Salle Road (Representations No. 98, 99 and 113 respectively), and to "R(C)10" at 3 Broadcast Drive (Representation No. 11), with the incorporation of

building height restrictions of 13, 8 and 10 storeys respectively;

- (b) the representers objected to the building height restrictions on ground of legitimate expectation as there were no such restrictions for the “R(C)” zone in the past, and it was reasonable to expect the continuity of such intention;
- (c) the urban design principles set out in Chapter 11 of the Hong Kong Planning Standards and Guidelines (HKPSG) and the OZP were supported. However, the building height restrictions in the “R(C)6”, “R(C)9” and “R(C)10” zones needed to be revisited if these principles were adhered to. There was no objection to the building height restrictions for the other zones;
- (d) the Paper failed to summarize some of the important points of their representations, e.g. it had not mentioned that the current building height restrictions failed to meet the planning intention of the current OZP. Besides, a district-wide solution instead of piecemeal amendment to individual sites was proposed in the representers’ proposals;
- (e) the building height restrictions were arbitrary and not convincing. The urban design considerations had not been adequately balanced and there were only brief references in the OZP to justify that the building height restrictions could comply with the urban design principles. The building height restrictions would result in an increase in site coverage, which would have damaging effect with respect to the urban design principles. Also, a development with a large site coverage would have poor air ventilation and light penetration problems;
- (f) the representers supported preserving the visually sensitive areas in the Kowloon Tong area, i.e. the existing low-rise and low-density buildings, but opposed to the extensive building height control on the rest of the area. As the five representation sites were located in visually non-sensitive areas, they should be allowed for redevelopment into medium-rise developments;
- (g) since buildings of 30 to 40 storeys were generally classified as high-rise developments, medium-rise buildings should be around 18 to 20 storeys. Judging from the information in paragraphs 2.3, 3.3 and 4.1 of the Paper, the

Kowloon Tong area was characterized by mostly low-rise developments and the maximum building heights of the existing residential developments were mainly around 13 to 15 storeys. The proposed medium-rise developments of around 18 to 20 storeys could achieve all the urban design principles at both the macro level in terms of visual impact, and the micro level as stipulated in the HKPSG;

- (h) relaxation of the building height restrictions could maximize design flexibility and encourage innovative design, thus achieving two key urban design principles. It could also allow the provision of view corridors that in turn could improve the micro climate and the environment, with breezeways around buildings and provision of more open space and tree planting;
- (i) paragraph 4.9.4(c)(iv) of the Paper was a misconception as significant improvements on the streetscape and air ventilation were envisaged without building height restrictions as more setback, more open space, wider footpath and increased scope for greening could be provided;
- (j) it was considered appropriate to develop medium-rise buildings on the representation sites, which were located in transition areas between the high-rise and low-rise developments. It was because development of medium-rise buildings there could provide a smooth height transition while the low-rise buildings as permitted in the OZP would result in a “steep rise” and “non-complementary” profile; and
- (k) the case-specific analysis of the representers’ proposals showed that the above-mentioned planning and design merits could be realized at each of the representation sites. Also, with the proposed medium-rise developments, it could achieve all/most of the urban design principles including creation of better development height profile, providing design flexibility/innovative design, creation of view corridors between building blocks, enhancing breezeways and ventilation around buildings, better daylight/shadow effect with improved light penetration, improvement in the streetscape/landscaping/traffic noise problem, and preservation of the ridgeline.

35. A Member asked the representers' representatives whether there was any case out of the five representation sites that the potential plot ratio could not be achieved under the current building height restrictions. Ms. Keren Seddon said that she had no such site-specific details and their focus was on the more important general considerations including the planning intention and design aspect. It might be practical to achieve the specific plot ratio for individual sites but the result might not be desirable as a shoe-box development would be resulted.

36. In response to another Member's enquiry, Mr. Raymond Lee said that the photomontages in the Paper showed the worst case scenario with the representers' proposals.

#### Representation No. 19

37. Mr. Eric Lee Hung-shan tabled his written presentation in connection with Representation No. 19, which was against the rezoning of Lung Cheung Court, 15-37 Broadcast Drive from "R(C)" to "R(C)10" zone with a building height restriction of 10 storeys. He said that his representation was detailed in the document tabled and he had no further point to add.

[Ms. Maggie M.K. Chan left the meeting and Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

#### Representations No. 12 and 20

38. Mr. A.R.B. Kitchell, being the Representer No. 12 and the representative of Representer No. 20 (i.e. The Incorporated Owners of Lung Cheung Court), tabled a joint presentation document and made the following points on these two representations, which were also against the rezoning of Lung Cheung Court from "R(C)" to "R(C)10" zone with a building height restriction of 10 storeys:

- (a) the planning intention to retain Kowloon Tong as a low to medium-density residential area was supported;

- (b) however, the representers had reservation on the planning control by way of plot ratio and building height restrictions to achieve the planning intention as they could not maintain the special character of garden houses in Kowloon Tong for not addressing how to create more open space in each lot;
- (c) with the proposed removal of the building height restriction for the “R(C)10” zone, the representation site could be redeveloped to two residential towers and 46 houses while maintaining the same provision of green space. The quality of the living environment could be improved. Notable examples were two new recent developments at Broadcast Drive, i.e. The Peninsula and The Palace, with the latter having two-thirds of the site dedicated for open area;
- (d) the building height restriction for Lung Cheung Court was unreasonable as the adjacent development along Broadcast Drive was zoned “R(C)6” with a building height restriction of 13 storeys;
- (e) the representer’s proposal was not so visually intrusive when viewing from the street level at Waterloo Road and there would be no adverse visual impact on the view corridor;
- (f) the main view corridors of the Kowloon Tong area were Cornwall Road and Lung Cheung Road. If the building height restriction for the “R(C)10” zone could be relaxed, a more cohesive pattern of the stepped developments would be resulted with taller buildings at the edge of the area lowering down to the garden houses along Waterloo Road;
- (g) the photomontages in the Paper were misleading as the photos were taken from a height, thus displaying the height of buildings more prominently; and
- (h) it was suggested to delete the building height restriction for the “R(C)10” zone or the proposals made by the other representers should be considered.

Representation No. 108

39. Mr. Leung Wai-lun made the following points on Representation No. 108, which was against the rezoning of the representation site at 14-14C Sau Chuk Yuen Road from “R(C)” to “R(C)9” with a building height restriction of 8 storeys:

- (a) the building height restriction for the “R(C)9” zone was not in line with the planning intention for the area. The representation site fell within the Residential Zone 2 areas. According to the HKPSG, a maximum site coverage of 30% was recommended for these areas. Although it was only a guideline, building plan submissions for any proposed development with a site coverage over 30% in these areas would usually not be supported by the PlanD. However, compliance with the site coverage would result in a lower achievable plot ratio of only 2.4 with the building height restriction of 8 storeys;

[Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

- (b) according to the parking requirement for private residential developments in Residential Zone 2 areas, 1 car space should be provided for every 100m<sup>2</sup> of gross floor area. About 28 car spaces, accounting to a 3-storey car park, would therefore be required for the redevelopment of this representation site with an area of about 10,000ft<sup>2</sup> (927m<sup>2</sup>) up to a plot ratio of 3. Although basement floors could be excluded from the building height restriction, the cost of providing basement car park was relatively high, which would discourage incentive for redevelopment. Since recreational area would usually be accommodated on the ground floor, the resultant built form would be a building of 7 domestic storeys above a recreational floor and with the car park in the basements. It would further reduce the achievable plot ratio to 2.1 and would also result in a shoe-box development;
- (c) to satisfy the building height requirement, it would result in a development with a site coverage of about 43%. For Residential Zone 2 areas, only 4 domestic storeys, which would be equivalent to the building height restriction in the “R(C)4” zone, were recommended for a development with a site

coverage of 43%;

- (d) wall effect was notable in the “R(C)6” developments along Boundary Street such as Beverly Villa. It demonstrated that the building height restriction of 13 storeys for the “R(C)6” zone, which only reflected the existing building height, would result in wall effect. Besides, such development was suffering from poor air ventilation and noise pollution generated from the traffic on Boundary Street. It was considered that the air ventilation and noise pollution problems could be improved without the building height restriction;
- (e) there was no building height restriction for the nearby “R(B)” developments of about 30 storeys along Grampian Road. The building height restriction of 8 storeys for the subject street block covering the representation site in juxtaposition with the adjacent “R(B)” developments would result in a sharp change in building height profile;
- (f) it was misleading to say that the representer’s proposal would have adverse visual impact on the view corridor along Waterloo Road as the representer’s site was far away and not visible from Waterloo Road; and
- (g) the proposed deletion of the building height restriction for the “R(C)9” zone would provide flexibility in the building design which was considered desirable in particular with the set-back requirement of 20 feet from the main road, encourage site amalgamation and result in a better living environment. Even without building height restriction, the resultant building height might not be high as it was also determined by other factors such as site area and market demand on the size of the flat.

40. In response to the Chairperson’s enquiry on the representer’s claim that the recommended site coverage of 30% was not achievable for the representation site when developed to a plot ratio of 3 with the building height restriction of 8 storeys, Mr. Raymond Lee said that the recommended site coverage in the HKPSG was not statutory requirement. There was no site coverage restriction under the lease for the representation site. Development up to a plot ratio of 3 was achievable with the building height restriction of 8

storeys and could also meet the requirements of the Buildings Ordinance. The Buildings Department had recently approved the building plan submission for an adjacent 8-storey residential development with a plot ratio of 3 at La Salle Road.

[Mr. David W.M. Chan left the meeting and Mr. Nelson W.Y. Chan left the meeting temporarily at this point.]

#### Representation No. 129

41. Mr. Danny Cheung Ka-hing made the following points on Representation No. 129, which was against the rezoning of the representation site at Moonbeam Terrace, 2 Alnwick Road from “R(C)” to “R(C)6” with a building height restriction of 13 storeys:

- (a) the building height restriction would affect the flexibility in the building design. It would also result in a development with large site coverage, which would in turn reduce the provision of open space within the representation site;
- (b) the representation site, being located close to the Lion Rock Tunnel and at the corner of Waterloo Road and Ede Road, was affected by noise and air pollution generated by the heavy vehicular traffic. Taller building could enhance air ventilation and light penetration, which were considered desirable to the health of the residents;
- (c) the photomontages in the Paper were misleading in reflecting the possible height profile of the area with the representer’s proposal; and
- (b) the building height restriction would hinder the redevelopment of the area.

#### Representation No. 6

42. With the aid of some photos, Mr. Allen Goldstein, representing the Incorporated Owners of Dragon Court, made the following points on Representation No. 6, which was against the rezoning of the representation site at Dragon Court, 6 Eastbourne Road from “R(C)” to “R(C)6” with a building height restriction of 13 storeys:

- (a) an ex-military site near the representation site was previously characterized by low-rise buildings with a lot of green areas. Subsequently, it was allowed to be redeveloped into a high-rise development (i.e. One Beacon Hill). This redevelopment had resulted in a substantial destruction of the trees, which was considered highly undesirable. Also, the linear disposition of the high-rise developments had blocked the view as well as affected the air ventilation of the representation site;
- (b) the key guiding principles adopted for the building height profile of Kowloon Tong as mentioned in paragraph 3.4 of the Paper were generally agreed but some principles were more important than the others. In particular, allowing flexibility for modern building design was extremely important. Otherwise, it would result in poor and uniform built form with the same height;
- (c) the representers agreed with paragraph 4.7.2 of the Paper that the building height restriction had to achieve a balance between public and private interest. However, the building height restriction had not resulted in a proper balance as it put more weight on public interest in preserving the character of low-rise developments in Kowloon Tong while sacrificing the private interest in the demand for more green space, better view and living environment, which could be achieved without the building height restriction;
- (d) it might not be the case that a height control based on the height of the tallest buildings or structures could lead to a substantial change in the character of the area and would result in adverse visual impact as mentioned in paragraph 4.9.2 of the Paper. The character of the area would also be determined by the plot ratio restriction;
- (e) the representers did not agree with paragraph 4.12 of the Paper that their proposal to revert the zoning to “R(C)” would result in uncontrolled developments, as any development there would still be subject to the plot ratio restriction and site coverage requirement;
- (f) although there was provision for application for minor relaxation of the building height restriction, it was usually a lengthy process based on his

experience of applying for approval of a minor alteration for a bay window from the concerned Government departments;

- (g) the possible height profile as shown in the PlanD's photomontages, which showed the view at a particular height, was misleading. To provide an accurate picture of the possible height profile, it was considered desirable to provide photomontages showing the views that were viewable by most of the people there and from the street level. Without building height restriction, the views should be one with buildings with variation in height, gaps among buildings, and spacious landscaped area along the frontage; and
- (h) to conclude, the building height restriction was considered undesirable as it would limit the capability of the site for redevelopment and in turn discourage redevelopment.

43. Members noted that other representers and representers' representatives presented at the meeting had indicated that they would not make any presentation. The Chairperson then invited the representatives of the commenters to elaborate on their comments.

#### Comments No. 1 and 2

44. Mr. Derek Sun said that and the presentation for Comments No. 1 and 2 had already been included in the earlier presentation on Representations No. 7 and 8 and he had no further point to add.

#### Comment No. 3

45. With the aid of a PowerPoint presentation, Mr. Matthew Chow, made the following points on Comment No. 3:

- (a) some form of building height control was necessary from urban design viewpoint but if the building height restrictions were too stringent, it would result in adverse impact and the overall environment of Kowloon Tong area would be worse off;

*Responses to Supporting Representation No. 1*

- (b) environmental concern – the proposed removal of building height restrictions would not increase the population density in the Kowloon Tong area as there would be no change in the plot ratio restrictions under the “R(C)6”, “R(C)9” and “R(C)10” sub-zones. Also, it would not adversely affect the living environment of the area as more landscaped areas, sky gardens and visual corridors could be provided in taller developments with a smaller site coverage;
- (c) traffic concern – the traffic situation would not be adversely affected without the building height restrictions. It might result in a decrease in traffic as the population in a taller building might be smaller than a low-rise building with the same development intensity. It was because with better view and higher value of a taller building, the average unit size might tend to be larger and would result in a smaller number of flats and hence less population;
- (d) visual impact – with less stringent building height restrictions, the chopstick effect might be smoothed;
- (e) urban design – the building height restrictions only allowed inflexible options for architectural design. They could not achieve any balance between social facilities, natural ventilation and urban design;
- (f) instead of increasing property value and encouraging redevelopment, the building height restrictions, which only allowed redevelopment to the existing number of storeys, would mean little profit margin, thus discouraging redevelopment and the area might become in an urban slum;

*Response to Supporting Representation No. 2*

- (g) living environment – regarding the concern on the adverse impact on the living environment, as explained in the earlier argument, less stringent building height restrictions would lead to a better living environment;

*Response to Supporting Representation No. 3*

- (h) application for higher plot ratio – on the concern that the developer might apply for an increase of plot ratio so as to maximise profitability, it should be noted that application for an increase of plot ratio had nothing to do with the concerned building height restrictions;

*Commenter's Views on Building Height Restrictions*

- (i) the existing low-rise and medium-rise older buildings were the result of the previous airport height restrictions, and lease restrictions. It was considered not desirable to maintain the existing building heights with the relaxation of the airport height restrictions;
- (j) it was unfair to impose building height restrictions on sites in the vicinity of the new high-rise developments in the area, including The Bloomsville and 9 College Road, both being over 25 storeys. Also, it was unfair to incorporate building height restrictions in the Kowloon Tong OZP, noting that there were new high-rise buildings in the adjacent areas covered by other OZPs, including Sky Tower of 52 storeys, The Lamma Palace of 31 storeys and Genius Court of 28 storeys; and there was no building height restriction in other low-rise and medium-rise areas such as Ho Man Tin;
- (k) as long as the ridgeline of Lion Rock was preserved, taller buildings could have more merits than low-rise buildings with the same plot ratio;
- (l) as the landscaping ratio was higher for high-rise buildings, it would reduce air pollution and bring more benefits to society; and
- (m) it was preferable from the society point of view to have less stringent building height restrictions which could result in “smooth” stepped height effect.

46. In response to the Chairperson's enquiry, Mr. Matthew Chow said that his presentation would also be applicable to the Groups 2 and 3 hearing.

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

48. The meeting adjourned for lunch at 1:35 p.m. and resumed at 2:05 p.m..

[Dr. Lily Chiang, Mr. Stanley Y.F. Wong and Ms. Anna S.Y. Kwong left the meeting at this point.]

## **Group 2 - Representations No. 1 to 3, 126 and 127 and Comments No. 1 to 3**

### Presentation and Question Session

49. The following representatives from the Planning Department (PlanD) were invited to the meeting:

Mr. Raymond Lee	- District Planning Officer/Kowloon
Mr. Derek Tse	- Town Planner/Kowloon

50. The following representatives of the representers were invited to the meeting at this point:

#### Representation No. 126

Dr. M.W. Chan	) Representer's representatives
Mr. Dominic Fung	)
Miss Angela Cheung	)

#### Representation No. 127

Mr. Phill Black ) Representers' representatives  
Ms. Veronica Luk )  
Mr. Eddie Lee )  
Ms. Yan Lei )  
Mr. Yu Pang-lin )

51. Members noted that the representatives of Representer No. 3 and Commenters No. 1 to 3 had already left, while Representers No. 1 and 2 had informed the Secretariat that they would not attend the hearing. The Commenters had advised that their presentation made in the Group 1 hearing had already covered the points they wished to make in the Groups 2 and 3 hearings.

52. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She then invited Mr. Raymond Lee to brief Members on the background to the representations.

53. With the aid of a PowerPoint presentation, Mr. Raymond Lee covered the following main aspects as detailed in Papers No. 7622 and 7623:

- (a) the background and the need for the incorporation of the building height restrictions in the Kowloon Tong OZP were detailed in paragraph 3 of the Papers;
- (b) subjects of the representations – Representation No. 126 was against the incorporation of the building height restrictions for the “Government, Institution or Community” (“G/IC”) sub-zones covering the existing Hong Kong Baptist University (HKBU)’s campuses and their proposed campus sites. Representation No. 127 was against the rezoning of the Kowloon True Light Middle School from “G/IC” to “G/IC(5)”;
- (c) grounds of representations – their grounds were summarized in paragraph 2.2(a) of Paper No. 7622 and paragraphs 2.2(a) and (b) of Paper No. 7623. In brief, Representer No. 126 considered that the building height restrictions would impose constraint on the expansion plan of the HKBU. Representer No. 127 considered that the building height restriction for the “G/IC(5)” zone should

only apply to the recently completed annex school building and be specified in metres above Principal Datum (mPD), and raised the concern that the increase in building height permitted under the “G/IC(5)” zoning would promote a significant increase in school places, which might result in additional road/pedestrian traffic;

- (d) representers’ proposals – Representer No. 126 proposed to relax the building height restriction for the potential development sites zoned “G/IC(1)”, “G/IC(2)”, “G/IC(7)” and “G/IC(9)” to the heights as detailed in paragraph 2.2(b) of the Paper No. 7622. Representer No. 127 proposed to specify the building height restriction for the “G/IC(5)” zone in terms of mPD instead of the number of storeys and to specify in the Notes that the building height restriction applied only to the portion of the recently completed annex school building; and
- (e) PlanD’s views – the PlanD did not support any amendment to the plan to meet Representations No. 126 and 127. The responses to the grounds of representations and the representers’ proposals were detailed at paragraphs 4.7 to 4.9 of the two Papers. In particular, for Representation No. 126, the confirmed development proposals had been taken into account in determining the building height restrictions and it was premature to revise the building height restrictions to take account of the HKBU’s expansion plan, which was still being discussed with the Government.

54. The Chairperson then invited the representatives of the representers to elaborate on their representations.

#### Representation No. 126

55. Dr. M.W. Chan made the following points on Representation No. 126:

- (a) it was noted that the subject and grounds of the representation, and the HKBU’s proposal were summarized in Paper No. 7622;
- (b) they would like to highlight that the HKBU had been in acute shortage of space

for necessary expansion to fully implement the impending '3+3+4' educational system. While the HKBU did not object to the underlying rationale for the building height restrictions, such restrictions on the HKBU's sites would adversely affect their expansion proposals;

- (c) no amendment was proposed to the building height restrictions of the "G/IC(3)" and "G/IC(8)" zones;
- (d) the HKBU would like to express thanks to the Board by allowing the rezoning of a site at Hereford Road/Renfrew Road from "Open Space" to "G/IC" to facilitate the amalgamation with the adjoining vacant "G/IC" site for the HKBU's development. Also, they would like to express thanks to the Secretary for Education and Manpower and the University Grants Committee for supporting their representation; and
- (e) the HKBU was most concerned about the "G/IC(9)" zone at Baptist University Road, and proposed to relax the building height restriction from 13 to 20 storeys to facilitate the proposed hostel development, which was required to meet the Government's requirement of providing hostel to exchange students. The architect would be required to make sure that the future development would not have adverse impact on the surroundings and would comply with the relevant urban design requirements.

56. In response to a Member's enquiry on why relaxation of the building height restriction could allow provision of more developable space, Dr. Dominic Fung said that there was no gross floor area restriction in the lease of the representation sites. Hence, the achievable gross floor area would only be subject to the relevant restrictions under the Buildings Ordinance depending on the site classification and the building height restrictions on the OZP.

57. In response to another Member's enquiry on whether there was any provision for application for the HKBU's proposed developments, Mr. Raymond Lee said that planning application could be submitted for a minor relaxation of the building height restrictions or for amendment of the Kowloon Tong OZP under s.16 and s.12A of the Town Planning Ordinance respectively.

[Mr. K.Y. Leung and Mr. Raymond Y.M. Chan left the meeting temporarily at this point.]

Representation No. 127

58. With the aid of a Powerpoint presentation, Mr. Phill Black made the following points on Representation No. 127:

- (a) the representer was the owner of three lots near the representation site, who was seeking planning approval for a 6-storey hotel development at these three lots;
- (b) the area near the representation site was characterized by low-rise buildings. There was a change in the character of the area with the development of some new buildings including the new annex school building of 6 storeys;
- (c) the representer was not against the “G/IC(5)” zone but had concern that any future development within the zone, which would not be subject to any plot ratio control, would result in buildings of poor design. The new annex school building within the subject “G/IC(5)” zone, which was a rather bulky building with little or no design merit, was an example;
- (d) it was not sure why the building height restriction of 6 storeys was imposed on this “G/IC(5)” zone, as the existing new annex school building was of 7 storeys. It was considered too generous to allow 6-storey buildings in this “G/IC(5)” zone as a major portion of the site was currently occupied by the main school building of 3 storeys; and
- (e) to avoid ambiguity, it was proposed to specify the building height restriction in terms of mPD rather than in number of storeys. Also, it was proposed to specify in the Notes of the “G/IC(5)” zone that the building height restriction applied only to the portion of the recently completed annex school building and any redevelopment of the main school building above 3 storeys should be subject to the approval of the Board.

59. In response to the Chairperson's enquiry on the difference between specifying the building height restriction in terms of number of storeys and mPD, Mr. Raymond Lee said that specifying the restriction in terms of mPD was a strict building height control, which was usually applied to areas where the views of a vantage point and the ridgeline were to be preserved. For the Kowloon Tong area, as the overall planning intention was to preserve the existing character, it was considered that building height restrictions in terms of number of storeys were preferable as it would allow some variations in the height profile following the topography and provide more design flexibility for developments.

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

### **Group 3 - Representations No. 1 to 3 and 128 and Comments No. 1 to 3**

(TPB Paper No. 7624)

#### Presentation and Question Session

61. The following representatives from the Planning Department (PlanD) were invited to the meeting:

Mr. Raymond Lee	- District Planning Officer/Kowloon
Mr. Derek Tse	- Town Planner/Kowloon

62. The following representatives of Representer No. 128 were invited to the meeting at this point:

Mr. Gavin S.W. Chan	) Representer's representatives
Ms. Irene Wong	)

63. The Chairperson extended a welcome and briefly explained the procedures of the

hearing. She then invited Mr. Raymond Lee to brief Members on the background to the representation.

64. With the aid of a PowerPoint presentation, Mr. Raymond Lee covered the following main aspects of Representation No. 128 as detailed in Paper No. 7624:

- (a) the background and the need for the incorporation of the building height restrictions in the Kowloon Tong OZP were detailed in paragraph 3 of the Paper;
- (b) subject of the representation – the representation was against the rezoning of the representation site of Wah Do House at 322 Junction Road from “Commercial” (“C”) to “C(1)”;
- (c) grounds of representation – the grounds were summarized in paragraph 2.2(a) of the Paper. In brief, the representer considered that the building height restriction was too stringent and unfair as the adjoining “C(2)” and “G/IC(7)” zones were subject to the building height restrictions of 8 and 10 storeys respectively. Moreover, the adjacent multi-storey car park should not be sensitive to a taller building height at the representation site;
- (d) representer’s proposal – the representer proposed to specify the building height limit for the representation site as 10 storeys excluding basements and to specify the maximum plot ratio as 8.8; and
- (e) PlanD’s views – the PlanD did not support any amendment to the plan to meet Representation No. 128. The responses to the grounds of representation and the representer’s proposal were detailed in paragraphs 4.7 to 4.10 of the Paper.

65. The Chairperson then invited the representatives of Representer No. 128 to elaborate on their representation.

66. Mr. Gavin S.W. Chan referred to a document tabled and made the following points on Representation No. 128:

- (a) the representation site was purchased by the representer in 1978 and the existing commercial building erected on site was completed in 1982;
- (b) similar to the adjacent developments as indicated in the photos shown at the meeting, the existing building height of 51.5mPD for the representation site was set to meet the then airport height restriction. It was considered not justifiable to maintain the existing building height of the representation site without the airport height restriction;
- (c) if the planning intention was to maintain the existing character of the area by limiting the building height, the Government should not approve the new building plans for the adjacent Au Shue Hung Health Centre, which would allow redevelopment of a 6-storey building with a plot ratio of 6.7 to a 10-storey building with a plot ratio of 8.368. It was double-standard and arbitrary for the Board to limit the building height for the representation site to only 6 storeys;
- (d) no adverse visual impact was envisaged by allowing redevelopment up to 10 storeys for the representation site since the new development at Au Shue Hung Health Centre site was 10-storey high, the adjacent Lady Lily Shaw Building with a building height of 60.1mPD was a multi-storey carpark, and a building height of 8 storeys was allowed for the Franki Centre site; and
- (e) the building height restriction of 6 storeys would result in a “square box type” development with nearly 100% site coverage on each floor at the representation site as it was allowed to be built to a plot ratio of 5.8. It was proposed to relax the building height restriction to 10 storeys (excluding basements) so that a slimmer building with a smaller site coverage could be built, which could provide more space and open view for public enjoyment.

67. As the representatives of Representer No. 128 had finished their presentation and Members had no further question to raise, the Chairperson informed them that the hearing

procedures had been completed, and the Board would deliberate on the representations and comments in their absence and inform the representers and commenters of the Board's decisions in due course. The Chairperson thanked the representatives of the representer and the PlanD for attending the meeting. They all left the meeting at this point.

### Deliberation Session

68. The Chairperson summarized that the representations and comments heard in Groups 1, 2 and 3 were related to the "R(C)" sub-zones, "G/IC" sub-zones and "C(1)" zone respectively. Most of the opposing representers proposed to delete or relax the building height restrictions to allow greater design flexibility. The major grounds of the representations were that with the building height restrictions for the representation sites, the buildings would be built to greater site coverage and there would be less open areas and less space for landscaping. Besides, they also considered that the photomontages prepared by the PlanD were misleading and they had provided their photomontages and models for Members' consideration. The Board should consider whether their grounds of representations were acceptable, and whether amendments to the OZP should be proposed to meet the representations. However, she reminded Members that it would be important to consider the Kowloon Tong area as a whole rather than for specific site on a piecemeal manner.

69. Members concurred with the points made by the Chairperson and had the following views on the representations and comments:

- (a) from the questionnaire survey conducted by Representer No. 4, it was noted that numbers supporting and opposing the building height restrictions for the subject "R(C)" sub-zones were roughly about half and half. While most of the representers considered that their representation sites should not be subject to the stipulated restrictions, they generally expressed support for the need for building height control to preserve the development character of the Kowloon Tong area;
- (b) noted that the Kowloon City District Council had no objection to the amendments to the OZP and had actually expressed concerns on the recent high-rise development in the area;

- (c) could not agree that allowing redevelopment into slimmer and taller buildings would substantially improve and enhance the environment of the area. The justification of legitimate expectation of no building height restrictions was not reasonable, particularly because there was no loss in the development potential of the sites given no change in the plot ratio restrictions;
- (d) the suggestion of one of the representers to allow big developments like Langham Place would result in developments totally out of place and not in line with the planning intention of the Kowloon Tong area;
- (e) the need for expansion of the HKBU campus was well recognized. The HKBU could submit an application for any development proposal exceeding the relevant building height restriction under s.12A or s.16 of the Town Planning Ordinance for the Board's consideration, when such development proposal had been firmed up;
- (f) the building height restrictions stipulated on the OZP were considered appropriate. Removing and amending the building height restrictions was not supported as it would encourage more high-rise developments, thereby adversely affecting the character of the Kowloon Tong area;
- (g) agreed that planning consideration should be given not only at a macro level but also at a micro or human level. In response to the need for giving due consideration at a micro level, the Explanatory Statement of the OZP could be revised to elaborate on the planning and design merits that the Board would take into account in considering applications for minor relaxation of the building height restrictions. These include such merits as greater scope for tree preservation, provision of more space for landscaping or greening, provision of landscaped podium to allow better air ventilation, improvement in streetscape and smoothening of the building height profile;
- (h) a relaxation of the building height restriction of more than 10% might be considered for genuine cases with severe site constraints and substantial

planning and design merits; and

- (i) noted the Secretary's clarification on what would be regarded as minor relaxation. In general, a less than 10% increase in building height would be considered as minor, and would usually be approved by the Board if there were sufficient planning and design merits. For cases involving increase over 10%, whether it would be considered as a minor relaxation would depend on the facts and circumstances of each case. Based on previous legal advice, an increase of 20% might also be acceptable, taken into account the impacts of the proposal (i.e. whether the impacts were insignificant) and the merits of the case under application.

70. Members did not support the opposing representations which proposed piecemeal amendments to the building height restrictions for individual sites. As such, it would not be appropriate to amend the OZP to meet these representations. There were already provisions under s.16 and s.12A of the Town Planning Ordinance for seeking approvals from the Board for a minor relaxation of building height restrictions or for a change to the building height restrictions on the OZP. Members agreed that the Explanatory Statement to the OZP could be revised to explain in more detail the flexibility provided under s.16 of the Town Planning Ordinance for application for minor relaxation of the building height restrictions and the factors that would be taken into account when considering such applications on individual planning and design merits.

#### Representations No. 4 to 125 and 129

71. After deliberation, the Board decided not to propose any amendment to the plan to meet Representations No. 4 to 125 and 129 for the following reasons:

- (a) the planning intention of Kowloon Tong was to maintain the low to medium-rise development character of the area. Any new development or redevelopment should blend in well with the local context. As such, building height restrictions were required;
- (b) the current building height restrictions of 13, 8 and 10 storeys, excluding basement floor(s), for the "R(C)6", "R(C)9" and "R(C)10" zones

respectively had taken into account the development potential, overall building height profiles of Kowloon Tong and surrounding areas, and the local circumstances. Deletion of the statutory building height restrictions or relaxation of such restrictions would lead to proliferation of out-of-context buildings and cumulatively erode the existing townscape and character of Kowloon Tong;

- (c) the representation sites were the integral part of the overall townscape of Kowloon Tong. Piecemeal amendments to the building height restrictions for individual sites were not supported. For developments with special design merits, minor relaxation of building height restriction might be considered by the Board on application under s.16 of the Town Planning Ordinance; and
- (d) other urban design elements and technical requirements should be dealt with by other mechanisms/initiatives as appropriate, such as the Government lease, relevant Ordinances, regulations and guidelines.

#### Representation No. 126

72. After deliberation, the Board decided not to propose any amendment to the plan to meet Representation No. 126 for the following reasons:

- (a) in order to maintain the existing unique character and townscape of Kowloon Tong and allow variety in height profile, the current building height restrictions for the “Government, Institution or Community” (“G/IC”) sub-zones under the Plan were specified mainly to reflect the existing building heights taking into account the local circumstances. Similar to the other GIC developments in Kowloon Tong, the Hong Kong Baptist University (HKBU)’s existing and proposed developments should be in line with the overall planning intention to maintain the existing character of Kowloon Tong; and
- (b) the HKBU’s proposals were yet to be agreed by concerned Government departments. It was premature to revise the building height restrictions for

the “G/IC” zones as requested by HKBU. Should there be any development/redevelopment proposal that might exceed the building height restrictions in the future, HKBU might seek the Board’s permission for a minor relaxation of the building height restrictions or to apply for amendments to the Kowloon Tong OZP under s.16 and s.12A of the Town Planning Ordinance respectively.

Representation No. 127

73. After deliberation, the Board decided not to propose any amendment to the plan to meet Representation No. 127 for the following reasons:

- (a) the new annex block of Kowloon True Light Middle School was a School Improvement Project (SIP) project which aimed at upgrading school facilities to the current school standard. There was no increase in the number of students, staff, operating classes as well as the car parking provision, and thus, significant traffic and environmental impacts were not anticipated; and
- (b) in order to maintain the existing character of Kowloon Tong and allow variety in height profile, the current building height restrictions for the “Government, Institution or Community” (“G/IC”) sub-zones under the Plan were specified mainly to reflect the existing building heights. They were specified in terms of number of storeys, instead of mPD, in order to allow more interesting height profile following the topography and more design flexibility for developments. These restrictions were applicable for the entire sub-zone instead of specifying for individual building because the latter arrangement would be too restrictive and unduly limit the design flexibility.

Representation No. 128

74. After deliberation, the Board decided not to propose any amendment to the plan to meet Representation No. 128 for the following reasons:

- (a) the building height restriction for the representation site zoned “Commercial(1)” was to maintain the existing character of Kowloon Tong and allow variety in the overall building height profile of Kowloon Tong. There was no strong justification to relax the building height restriction from 6 to 10 storeys;
- (b) there was no amendment item as shown on the Plan which was in relation to the plot ratio restriction and there was no strong justification to relax the plot ratio restriction from 5.8 to 8.8; and
- (c) should there be any development/redevelopment proposal of the representation site that might exceed the building height restriction in the future, planning approval should be sought for a minor relaxation of the building height restriction or for amendment to the Kowloon Tong Outline Zoning Plan (OZP) under s.16 and s.12A of the Town Planning Ordinance respectively; and for that might exceed the plot ratio restriction, amendment to the OZP under s.12A of the Ordinance should be sought.

75. The meeting was resumed at 3:40 p.m.

76. The following Members and the Secretary were present in the afternoon session:

Mrs. Rita Lau

Mr. Michael K.C. Lai

Ms. Carmen K.M. Chan

Mr. Nelson W.Y. Chan

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Mr. B.W. Chan

Mr. Walter K.L. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Mr. Patrick L.C. Lau

Dr. Michael Chiu

Mr. K.S. Ng

Mr. Bosco C.K. Fung

### **Agenda Items 5**

[Open Meeting (Presentation and Question Session Only)]

Consideration of Representations and Comments in Respect of  
Draft Sham Chung Development Permission Area Plan No. DPA/NE-SC/1  
(TPB Papers No. 7618)

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[The hearing was conducted in English and Cantonese]

### **Presentation and Question Session**

77. The Secretary reported that the following Members had declared interests in the item:

Dr. C.N. Ng

- being a director of the Conservancy Association (CA) which requested for preparation of the DPA. CA also submitted Representation No. 4 and Comment No. C1.

- Dr. Greg C.Y. Wong,  
Mr. Alfred Donald Yap and  
Mr Y.K. Cheng
- having current business dealings with Sun Hung Kai Properties Ltd. (SHK) the parent company of Land Bright Development Ltd. which submitted Representation No. 3 and Comment No. C4.
- [Prof. David Dudgeon](#)
- being an Advisor of World Wildlife Fund Hong Kong (WWF) which submitted Representation No. 5 and Comment No. C3, and a personal acquaintance of Mr. Allan Leung who was the representative of WWF at this hearing, and having current engagement with CA which submitted Representation No. 4 and Comment No. 1.
- [Prof. Nora Tam](#)
- Being a member of WWF which submitted Representation No. 5 and Comment No. C3.

78. The Secretary reported that Dr. Greg C.Y. Wong, Prof. David Dudgeon, Mr. Alfred Donald Yap, Dr. C.N. Ng and Prof. Nora Tam had tendered apologies for being unable to attend the meeting and Mr Y.K. Cheng had not yet arrived to join the meeting.

79. Prof. Paul K.S. Lam declared an interest in this item as he was a general member of WWF but he was not personally involved in the subject representation and comment. Dr. James C.W. Lau also declared an interest as he was an ex-member of WWF. Dr. Michael Chiu also said he knew the Chairmen of all the green groups which submitted Representations No. 2, 4, 5 and 6 due to his work as Director of Environmental Protection. Members noted that as Prof. Lam had no direct relation with Representer No. 5 (WWF), Dr. Chiu had no direct relation with Representers No. 2, 4, 5 and 6, and Dr. Lau had no relation with Representer No. 5 being not a current member of WWF, their interests were considered indirect and they could remain and participate in the hearing.

80. The Secretary reported that Mr. Chan Kam-wai, the Representer for Representation No. 33, had verbally requested the Secretariat to arrange for an individual hearing of his presentation to avoid possible conflict with the other representers/commenters. As the subject of the representations/comments was inter-related, the Board had previously agreed to conduct a collective hearing and such decision had been conveyed to all representers/commenters. The Secretary said since all the papers were available for public inspection and the hearing would be conducted in an open meeting, the views of representers/

commenters and their identity were already made known to the public, it appeared that there was insufficient justification for conducting an individual hearing of Representation No. 33. Members agreed not to accede to the request and considered that Representation No. 33 should be heard in the collective hearing as previously agreed.

81. [Mr. Hui Wai-keung, District Planning Officer/Shatin, Tai Po and North \(DPO/STN\)](#) and [Dr. Kenneth Tang, Senior Town Planner/STN](#) of Planning Department (PlanD) and the following representers, commenters and their representatives were invited to the meeting at this point:

### **Representers**

#### Representer No. 1

Mr. Li Chun-fai  
Mr. Lee Kwok-on  
Mr. Li Kwok-tsing  
Mr. Lee Kap-yau  
Mr. Wong Man-kwong  
Mr. Lee Sing-cheung  
Mr. Lee Shing-wong  
Mr. Wong Kwok-wing  
Ms. Chan Miu-chu

- Representer's representatives  
Village Representatives of Sham  
Chung Village and individual  
villagers

#### Representer No. 2

Mr. Cheng Luk-ki

Representer's representative  
Green Power

#### Representer No. 3

Mr. Alan Macdonald  
Mr. Brian Ashcroft  
Mr. David Sanderson  
Mr. David Morkel  
Mr. Paul Leader  
Ms. Brenda Yau  
Mr. Bill Chau  
Ms. Wendy Ho

- Representer's representatives  
Land Bright Development Ltd.  
Land Honest Development Ltd.

#### Representer No. 4

Mr. Peter Li Siu-man

- Representer's representative  
CA

#### Representer No. 5

Mr. Alan Leung  
Ms. Peggi Liu

- Representer's representatives  
WWF

Representer No. 6  
Mr. L.C. Wong  
Mr. Mike Kilburn

- Representer's representatives  
Kadoorie Farm and Botanic Garden  
Corporation (KFBG)

Representer No. 8  
Mr. Lee Chi-hung

Representer  
Villager of Sham Chung

Representer No. 13  
Mr. Lee Kwok-ki

Representer  
Villager of Sham Chung

Representer No. 14  
Ms. Lee Ka-yan

Representer  
Villager of Sham Chung

Representer No. 25  
Mr. Lee Kwok-wing

Representer  
Villager of Sham Chung

Representer No. 28  
Mr. Ching See-ho

- Representer's representative  
Eco-Education and Resources  
Centre

Representer No. 33  
Mr. Chan Kam-wai

- Representer's representative  
Sai Kung Association

Representer No. 35  
Mr. Wong Ming

Representer

### **Commenters**

Commenter No. C1  
Mr. Peter Li Siu-man

- Commenter's representative  
CA

Commenter No. C2

Mr. Li Chun-fai  
Mr. Lee Kwok-on  
Mr. Lee Kwok-ki  
Mr. Li Chi-hung  
Mr. Li Kwok-tsing  
Mr. Lee Kwok-wing  
Mr. Lee Ka-yan  
Mr. Lee Kap-yau  
Mr. Wong Man-kwong  
Mr. Lee Sing-cheung  
Mr. Lee Sing-wong  
Mr. Wong Kwok-wing  
Ms. Chan Miu-chu

Commenter's representatives  
Village Representatives of Sham  
Chung Village

Commenter No. C3

Mr. Alan Leung  
Ms. Peggi Liu

- Commenter's representatives  
WWF

Commenter No. C4

Mr. Alan Macdonald  
Mr. Brian Ashcroft  
Mr. David Sanderson  
Mr. David Morkel  
Mr. Paul Leader  
Mr. Ringo Chu  
Ms. Brenda Yau  
Mr. Bill Chau  
Ms. Wendy Ho

- Commenter's representatives  
Land Bright Development Ltd.  
Land Honest Development Ltd.

82. The Secretary reported that sufficient notice had been given to the representers but the other representers had either confirmed that they would not attend or be represented at the hearing, or could not be contacted. Members agreed to proceed with the hearing in the absence of the other representers.

83. The Chairperson extended a welcome and explained briefly the procedures of the hearing. She then invited Dr. Kenneth Tang to brief Members on the background to the representations and comments.

84. With the aid of a powerpoint presentation, Dr. Kenneth Tang did so as detailed in the Paper and made the following main points:

Background

- (a) on 3.2.2006, the draft Sham Chung Development Permission Area (DPA) Plan No. DPA/NE-SC/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the 2-month exhibition period, 37 valid representations were received. During the first 3 weeks when the representations were available for public inspection, 4 public comments were received;

Hearing Arrangement

- (b) as the subject of the representations and comments was closely inter-related, the Board agreed on 12.5.2006 that the representations and comments should be considered collectively in the Board's regular meeting;

Hearing of Representations

*Group 1 – Villagers*

- (c) the representations were submitted by:

Representation No. 1	Mr. Li Chun-fai, and Mr. Lee Kwok-on Village Representatives of Sham Chung Village
Representations No. 7-27	Individual villagers

Grounds of Representations

- (d) the grounds of representations were:

Object to the “Green Belt” (“GB”), “Conservation Area” (“CA”), “Coastal Protection Area” (CPA”) and “Agriculture” (“AGR”) Zonings

- the “GB”, “CA” and “CPA” zones failed to respect the historical development of the village and deprived villagers of the right to develop Small Houses (SH). As the villagers no longer practised farming, the “AGR” zone would render the land lying idle and affect their livelihood.

Government should not only consider the views of environmental organizations and deprive them of their entitlement;

Designate 'Road' zone

- the existing footpath to the ferry pier and Yung Shue O Tsuen was the only access. Since 1970s the villagers had requested the Government to improve the traffic and infrastructure to improve their livelihood;

Representers' Proposals

- (e) Representer No. 1 proposed to enlarge the "Village Type Development" ("V") zone;
- (f) Representers No. 1, 7 to 27 proposed to show the existing access as 'Road' on the draft DPA Plan;

Commenter's Views (Commenter No. C4 (same as [Representer No. 3](#)))

- (g) submitted by Representer No. 3 who owned the majority of land in the "AGR" zone;
- (h) "AGR" zone was inappropriate and should be replaced by the proposed "Other Specified Uses (Recreation & Tourism-related Uses)" ("OU (Recreation & Tourism-related Uses)") zone for planned and managed low density development. Commenters No. 4 claimed that their proposal could fulfil the Nature Conservation Policy (NPC) and would be compatible with the local setting with no adverse impacts on water quality and stream ecology;

**Group 2 – Green Groups and Other Individuals**

(i) the representations were submitted by:

Representation No. 2	Green Power
Representation No. 4	CA
Representation No. 5	WWF
Representation No. 6	KFBG
Representation No. 28	Eco-Education and Resources Centre
Representations No. 29-37	Various individuals

**Grounds of Representations**

(j) the grounds of representations were:

**Ecological Considerations**

- Sham Chung, being one of the 12 priority sites for enhanced conservation under the new NCP, was rich in ecological interests with high potential of ecological enhancement. There was an urgent need for proper land use zonings to restrict further development. The proposed zonings on the draft DPA would promote large-scale development and infrastructure which would further destroy the existing ecological value of the wetlands. Extensive village development would cause pollution;
- the central “AGR” zone was not appropriate as the use of pesticides and chemical fertilizers would pollute the soils and water resources thus affecting the ecology of the area, especially the nearby stream courses and the water quality of the Three Fathom Cove;

Lack of Buffer Area

- the stream in the southern and western part was ecologically significant. The rare and valuable species in the stream courses should be protected;

Conserving the Catholic Church and School

- the Catholic Church and old school building with historical value should be preserved to protect the heritage;

Representers' Proposals

Ecological Considerations

- (k) Representers No. 2, 4, 5, 6, 28, 29 to 37 proposed to rezone part of the "AGR", "V" and a 30m on both sides of the stream to "CA", "GB" and "CPA" zones to protect the wetlands and newly found mangrove colony to avoid negative impacts on the ecologically sensitive area;
- (l) Representer No. 4 proposed to reduce the "V" zone to reflect the needs and constraints of the area. Representers No. 28, 29 to 37 proposed to reduce the "V" zone by 70% to 80%;
- (m) Representer No. 4 proposed to delete 'Barbecue Spot' from Column 1 of the "GB" zone to ensure protection of the natural environment against pollution;

Lack of Buffer Area

- (n) Representer No. 4 proposed to designate the stream course and 30m buffer along the stream as "Site of Special Scientific Interest" ("SSSI"). Representer No. 6 proposed a buffer of 30m as "GB";

Conserving the Catholic Church and School

- (o) Representer No. 4 proposed to zone the school as "OU (Heritage Conservation)";

Commenters' Views (Commenters No. C2 (same as Representer No. 1) and C4 (same as Representer No. 3))

- (p) the villagers considered the Representer's proposals would hinder SH and other developments thus jeopardizing their livelihood and income. Compensation should be made by the Government or the green groups;
- (q) the private developers/land owners reiterated their comments on representations in Group 1 above. They considered that a 20m buffer zone would be sufficient to protect the stream from adjacent land uses;

**Group 3 – Developers**

- (r) the representation was submitted by:

Representation No. 3	Land Bright Development Ltd. Land Honest Development Ltd.
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**Grounds of Representations**

- (s) the grounds of representation were:

**New “Other Specified Uses (Recreation & Tourism-related uses)” (“OU (Recreation & Tourism-related uses)” zone**

- the draft DPA Plan did not offer any incentive for majority landowners and conservation management. They claimed that their proposal could meet the NCP and was compatible with the local setting. They proposed to replace the “AGR” zone by a new “OU (Recreation & Tourism-related uses)” zone. The Board was requested to amend the Explanatory Statement (ES) to state the intention under the NCP for a potential Public-Private Participation (PPP) pilot scheme initiated by landowners; and to acknowledge that an appropriate scale of development in the proposed “OU (Recreation & Tourism-related Uses)” zone would be considered upon application if the proposal had policy support;

**Low-rise, Resort-style Development was Compatible with Rural Character**

- they claimed that commercial farming at Sham Chung should not be promoted as the dominant land use. The central part of the “AGR” zone

was of low ecological value and such zoning was inappropriate. A low-rise spa resort development could be considered for the “OU (Recreation & Tourism-related Uses)” zone to fund long-term management of the natural habitats, without causing adverse impacts on water quality and stream ecology. The affected landowners could help to mitigate adverse impacts while infrastructural services and improved access could be provided;

#### Representers' Proposals

##### Revised Zoning Boundaries

- (t) revised boundaries were proposed to accord with eco-value realities, including rezoning of “CA”, “GB” and “AGR” to “V”, rezoning of “V”, “AGR”, “GB” and “CA” to “OU (Recreation & Tourism-related uses)”, rezoning of “CA” and “AGR” to “GB” and rezoning of “GB” to “CA”. A 20m buffer on both sides of the stream and 5m buffer for other minor stream courses were proposed for enhancement and protection;

##### Commenters' Views ([Commenters No. C1 \(same as Representer No. 4\)](#) and [C3 \(same as Representer No. 5\)](#))

- (u) the planning intention for the proposed “OU (Recreation & Tourism-related Uses)” zone was obfuscating and might allow Column 2 uses that might be incompatible with conservation. The proposal was against the planning intention with no detailed Conservation Management Plan or funding commitment. It underestimated the ecological importance of the wetlands and freshwater marshes at Sham Chung;
- (v) the majority of the central area should be zoned “CA” to restore the damaged ecologically important habitats, with a buffer area of at least 20m along the minor streams and 30m along the stream course with important ecological value; and
- (w) Commenter No. C3 (also Representer No. 5) recognized that allowing landholders to develop some less ecologically sensitive areas might offer

benefits to the long-term conservation of the most ecologically sensitive areas through management agreements.

85. Dr. Kenneth Tang went on to elaborate on the assessment of representations and comments with the following main points:

**Group 1 – Representations No. 1, 7-27 and Comment No. C4**

**“GB”, “CA”, “CPA”, “AGR” Zones and “V” Zone Boundaries**

- (a) the main objective of the “CA” and “CPA” zones was to provide adequate and appropriate protection to the ecologically sensitive areas. The land use proposal on the draft DPA Plan was a balance of conservation needs and village development. Areas outside the “V” zone were mostly designated as “AGR” to reflect the land status and uses, or as “GB” to define the limits of development by natural features and provide passive recreational outlets. In areas where the intention was to protect and retain the coastlines, sensitive coastal environment, natural landscape, ecological or topographical features, “CA” or “CPA” zones were designated as advised by DAFC. The present zonings were appropriate from a conservation viewpoint;
- (b) the “V” zones were drawn with due considerations to the future SH demand, ‘village environs’ (VE) boundaries and topography while suitable locations were designated as “V” for orderly and efficient use of land and conservation of natural setting. Areas outside were designated as “AGR” zone reflecting the land right and the uses. According to the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD), the outstanding SH applications and 10-year SH forecast for Sham Chung Village were 23 and 50 respectively. Accordingly 2.64ha of land was zoned “V” for about 79 SH. There was provision for planning application for SH within the “AGR” and “GB” zones to meet unforeseen demands;
- (c) LandsD objected to any “V” zone outside ‘VE’ boundaries. The Geotechnical Engineering Office, Civil Engineering Development Department also objected to the expansion of “V” zone into areas of potential natural terrain hazards in the “GB” zone. Director of Agriculture,

Fisheries and Conservation (DAFC) advised that the expanded area could encroach into the ecologically sensitive areas, including woodland, stream and wetland in the “GB”, “CA” and “CPA” zones. Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had concern on access and transport services;

- (d) revision to the “V” zone boundaries would be considered in the preparation of the Outline Zoning Plan (OZP) with further discussion with the villagers. The “AGR” zone was considered appropriate to reflect the land rights and adequate for interim control. Suitable developments might be permitted upon application to the Board;

Designate Road Zone

- (e) as the existing access to the ferry pier and Yung Shue O Tsuen was a footpath but not a public road, it was not essential to be designated it as ‘Road’ on the draft DPA Plan which was intended to indicate broad land use zonings. Flood improvement works was being considered by District Officer/Tai Po (DO/TP) but there was no plan for access and infrastructure improvement;

**Group 2 – Representations No. 2, 4-6, 28, 29-37 and Comments No. C2 and C4**

Ecological Considerations

- (f) the land use proposal on the draft DPA Plan was a balance of conservation needs and village development. The present zonings were appropriate from a conservation viewpoint. No new mangrove colony had been found;
- (g) the central valley floor was disturbed significantly by previous turfing and site levelling while the wetland habitats were destroyed. DAFC had reservation on the proposed “CA” zone. Given the land status, “AGR” zoning was considered more appropriate. DAFC advised that as only pesticides registered locally were allowed to be used, proper use of registered pesticides would not cause significant hazards to the environment;

- (h) as the “V” zone was to meet SH demand, it would be inappropriate to reduce the “V” zone. DLO/TP advised against such reduction as sufficient land should be reserved for SH development;
- (i) according to the Definition of Terms, ‘Barbecue Spot’ excluded those which were privately owned and commercially operated. Such use, if well managed, would be compatible with the “GB” zone. Its deletion from Column 1 use of the “GB” zone was not considered suitable;

Lack of Buffer Area

- (j) DAFC advised that the streams do not meet the criteria for “SSSI” listing. The “CA” zoning was adequate for protection of the main stream and riverine;

Conserving the Catholic Church and School

- (k) according to the Antiquities and Monuments Office, the Church and school were not graded buildings, hence there were no strong justifications to rezone the buildings to “OU (Heritage Conservation)”;

**Group 3 – Representation No. 3 and Comments No. C1 and C3**

New “OU (Recreation & Tourism-related Uses) zone and the proposed Low-rise, Resort-style Development

- (l) DAFC advised that the proposed “OU (Recreation & Tourism-related Uses)” zone was not in line with the planning intention as it could contrast with the traditional villages and generate adverse impact on existing landscape resources. Director of Environmental Protection (DEP) did not support the proposed spa resort due to undesirable environmental impacts during construction and operation stages. PlanD was of the view that due to a lack of planned or existing sewerage infrastructure, the sewage load might cause undesirable impact on the water body and Tolo Harbour Catchment;
- (m) the “AGR” zone was considered appropriate to reflect the land rights and adequate for interim development control. Suitable developments might

be permitted upon application to the Board;

Revised Zoning Boundaries

- (n) land use zonings for the area would be comprehensively reviewed during the preparation of the OZP; and
- (o) based on the above assessment, PlanD considered that the draft DPA Plan should not be amended to meet the representations.

86. The Chairperson then invited the [representers and their representatives](#) to elaborate on the [representations](#).

**Group 1 – Villagers**

87. Mr. Li Chun-fai, Village Representative of Sham Chung Village (representative of Representers No. 1, 8, 13, 14 and 25) made the following main points:

- (a) Sham Chung had a long history and became a farming settlement after their ancestors built the seawall and tilled the land. The original population was over 1,000. But livelihood became difficult due to poor accessibility, lack of infrastructure and decline of agriculture, thus forcing the majority of villagers to move out to other parts of Hong Kong and overseas for a living. Many would return if the situation improved;
- (b) the conservation-related zoning, including “CA”, “CPA” and “GB”, deprived villagers of their traditional land rights. As the area was already surrounded by country park, there should be sufficient ecological protection and it was not necessary to zone the major part of Sham Chung for conservation purpose thus denying villagers opportunities to develop and driving them away from their homeland, which was not in line with the provisions of the Basic Law. The local villagers respected their own land and protected the environment more than the others;
- (c) they strongly supported the development proposal put forward by the developers which was a win-win scenario for all concerned as it would

respect property rights of the villagers, protect the damaged habitats to satisfy the green groups, bring benefit to the community and generate revenue to the Government; and

- (d) they objected to the conservation-related land use zones and demanded compensation for loss of development rights.

88. The Representatives of Representatives No. 8, 13, 14 and 25 informed the meeting they had no additional points to supplement.

**Group 2 – Green Groups and Other Individuals**

89. Mr. Wong Ming (representative of Representatives No. 28, 33 and 35) made the following main points with the aid of a powerpoint presentation:

- (a) they represented a group of nature lovers and countryside trailers who wanted to protect the beauty and ecosystem of Sham Chung. Their petition to save Sham Chung from the developers was signed by some 250 people;
- (b) in addition to the key features, such as the seawall, church, village houses, streams and wetland, Sham Chung possessed a rich bio-diversity, including White-bellied Sea Eagle, Brown Fish Owl, seahorse, and particularly the rare Hong Kong Paradise Fish which was found in the stream in large quantity. Based on their survey since 2004, there were 17 species of birds, 12 dragonflies, 7 butterflies and 8 fishes found in Sham Chung;
- (c) the development allowed for in the draft DPA Plan would endanger the ecosystem, and create visual and landscape impacts on the natural setting;
- (d) whilst the efforts of the locals to build the village were appreciated, the wish of Hong Kong citizens to protect the rural countryside should be recognized. There was a need to strike a balance between conservation and development; and
- (e) they proposed to rezone the farmland to “CA”, reduce the “V” zone and shift it to the northeast in consideration of the spatial distribution of

valuable habitats.

90. Mr. Ching See-ho of Eco-Education and Resources Centre (representative of Representer No. 28) and Mr. Chan Kam-wai of Sai Kong Association (representative of Representer No. 33) informed the meeting they had no additional points to supplement.

91. Mr. Peter Li Siu-man of CA (representative of Representer No. 4) made the following main points with the aid of a powerpoint presentation:

- (a) in a broader context, Three Fathom Cove area including Sham Chung was intended for 'Countryside Conservation Area' in the 'North Eastern New Territories Development Strategy' and considered to possess high landscape value in the 'Landscape Value Mapping'. Sham Chung should be preserved for public enjoyment to compensate for a large development by the same developer on the other side of Three Fathom Cove in Shap Sz Hueng;
- (b) since 1997, Sham Chung was subject to formation works to make way for a so-called organic farm and an apparent golf course without a proper environmental impact assessment. Such formation works had affected the freshwater marsh and mangrove areas;
- (c) while the developer, Representer No. 3, alleged that the "OU (Recreation & Tourism-related Uses) zone would improve the access and infrastructure, such works would encroach onto the surrounding country park thus causing further adverse impacts on the environment. Their 'destroy first, develop later' strategy, i.e. destruction of ecological attributes at an early stage to pave way for future development, should not be encouraged;
- (d) being listed as a priority site under the NCP, the ecological value of Sham Chung should be restored and the area zoned "AGR" should be rezoned "CA" to avoid further degradation; and
- (e) it was proposed to reduce the "V" zone to near the original village; extend the "CPA" to protect the wetland and mangrove belt including new

mangrove areas; rezone the ecologically significant stream and 30m buffer area on both sides of the stream to “SSSI”; rezone “AGR” to “GB” to remove the possibility for golf course and intensive development; rezone the Church and school as “OU (Heritage Conservation)” as no grading did not imply the structures were not worth preserving; and delete ‘Barbeque Spot’ from Column 1 of the “GB” zone to protect the natural environment.

92. Mr. Alan Leung of WWF (representative of Representer No. 5) made the following main points with a powerpoint presentation:

- (a) one of the objectives of the NCP was to rehabilitate degraded ecosystem and promote recovery of threatened species where practicable. In the degraded ecosystem in Sham Chung, the unique Hong Kong Paradise Fish was threatened with limited protection indicating a loophole in protection of rare species;
- (b) from conservation perspective, appropriate land use zoning with control measures and support from stakeholders could encourage rehabilitation of the degraded wetland and promote recovery of the rare species such as the Hong Kong Paradise Fish;
- (c) the “AGR” and “V” zoning provided little incentive for ecological rehabilitation. The planned population of 570 persons and development for 79 SH was oversized given the limitation of sewerage facilities and inaccessibility. The proposed spa resort was not in line with conservation purpose and its feasibility had not been demonstrated; and
- (d) the draft DPA Plan should aim to preserve and enhance the conservation value. The lowland abandoned field should be rezoned to “CA”. The “V” zone should be scaled down and partly changed to “GB” to reduce potential adverse water quality impacts to the streams. The provision for submitting planning application for SH within the “AGR” and “GB” zones could cater for future increase in SH demand.

93. Mr. L.C. Wong of KFBG (representative of Representer No. 6) made the

following main points with a powerpoint presentation:

- (a) the “CPA” should be expanded to cover the western part of the “V” zone which was an inter-tidal wetland. PlanD stated that no new mangrove colony was found (para 3.10 (f) of the Paper). It should be clarified that mangrove fern, which was a common brackish wetland plant species, could be treated as an indicator to show that the area was an inter-tidal wetland, and hence not suitable for SH development;
- (b) the riparian vegetation should be better protected. Special conditions should be included in approved planning applications to restrict felling of riparian vegetation, particularly along the stream;
- (c) the provision of 2.64ha of “V” land for 79 SH seemed to be on the high side, involving a larger area than the standard footprint of 700 sq ft per SH. The “V” zone could be reduced. With a planned population of some 240 (3 persons for each SH), there was no information on the availability of supporting facilities, including sewerage, drainage and access. The availability and delivery of filling materials for site formation works was also problematic. Experience in Tai Long Wan indicated that the “V” zone boundary could be scaled down in view of the actual demand which was lower than expected. Demand for SH could also be met by submitting planning applications for SH in the “AGR” and “GB” zone; and
- (d) if the “AGR” zoning of the disturbed valley floor was justified due to its existing low conservation value (para 3.10 (g) of the Paper), then the Board would be seen as rewarding the developer’s ‘destroy first, develop later’ strategy, which was also adopted in To Fung Shan and Tai Mei Tuk. In order to plug the loophole and resolve the development problem, the valley floor should be rezoned as “GB” to retain its rural character. Such an approach was adopted in the Wong Chuk Yueng area in Sai Kung. The “GB” zone, which allowed agricultural activity as of right and SH upon application, would send a clear message to deter incompatible development.

informed the meeting he would not make a presentation.

**Group 3 – Private Development Companies/Land Owners**

95. Messrs. Alan Macdonald, Brian Ashcroft and David Sanderson of Land Bright Development Ltd. and Land Honest Development Ltd. (representatives of Representer No. 3) made the following main points:

Sustainability

- (a) the concept of sustainability was the integration of environmental, social and economic perspectives, with time as the fourth dimension in recognition that the balance of sustainability would change as an evolving process;
- (b) this explained why Sham Chung, being a village in natural setting prior to the 1960's, turned into an agricultural-driven settlement until 1990's, but then became deserted in the 2000's due to the decline of farming and out-migration;

Current Draft DPA Plan

- (c) the DPA Plan needed to set a direction for the future, re-establish a sustainable balance amongst the key stakeholders, and provide a practical mechanism for implementation. The current draft DPA Plan was not able to achieve such purpose. An alternative approach was proposed by the representer;

Alternative Zonings

- (d) the area was not natural but man-made ever since the building of the seawall some 60 years ago for wave protection and the sluice gate for control of irrigation water to facilitate settlement and cultivation;
- (e) the zoning of the draft DPA Plan did not entirely synchronize with the site conditions and distribution of ecological features. The "V" zone was not close to the existing village with some parts lying in low-lying and flood-prone areas as pointed out by some representers. With the decrease

in agricultural land (12% of total land area in 1950's to 5% in 2004) and reduction of farmers/fishermen (a workforce of 25,000 in 1991 to less than 10,000 in 2001) in Hong Kong, it was not appropriate to promote "AGR" zone as the dominant land use in Sham Chung;

- (f) a new "OU (Recreation & Tourism-related uses)" zone was proposed. The scheme, comprising a low-rise spa resort development, would fund the long-term management of the natural habitats. It would bring about infrastructural and access improvement, and would not cause adverse impacts on water quality as ecological protection measures would be put in place and adequate buffer on both sides the stream would be provided;
- (g) zoning revision was proposed to accord with the ecological attributes. While the "CPA", "GB" and "CA" zones were basically retained, the "V" zone would be redistributed to a few locations to integrate with existing settlements and suit local needs. The "AGR" zone would be rezoned to "OU (Recreation & Tourism-related uses)" for the proposed spa resort;

#### Ecology

- (h) the proposed alternative zoning would give sympathetic consideration to ecological zonings to accord with protection and enhancement to woodlands, freshwater ecology along streams/abandoned wet fields, and brackish wetland at the estuary. Proactive measures would be adopted for creation of new ecological habitats, enhancement of existing ecological resources, and initiation of long-term management plan. The alternative plan would include land use zones to protect important ecology from disturbance, enhance existing wetland with new ones, formulate wetland management plan and demonstrate commitment to management and funding;

#### Local and International Examples

- (i) such proposal was considered feasible with reference to both local and overseas experiences, such as wetland development in Awaroa Lodge Reosrt in New Zealand based on a land use planning concept; Angkhang Nature Resort in Thailand which integrated planning, architecture and

management; Barn Elms in UK which was a Public-Private Participation (PPP) scheme with mixed residential and habitat restoration development; Hong Kong Wetland Park combining wetland creation and other features for public enjoyment; and

Conclusion

- (j) the alternative zoning proposal was practical and able to provide a sustainable planning direction. It offered a mechanism for the protection, enhancement and management of environmental resources, and a positive way forward.

[Mr. K.Y. Leung arrived to join the meeting at this point.]

96. Members had no question to raise on the representations, the Chairperson then invited the commenters and their representatives to elaborate on their comments.

97. Mr. Li Chun-fai, Village Representative of Sham Chung Village (representative of Commenter No. 2) made the following main points:

- (a) the villagers were entitled to build SH within the “VE” within 300 feet of the village. They should be compensated for loss of development rights in their private land;
- (b) the issue of inadequate infrastructure provision, access and sewerage would be addressed by the development of the proposed spa resort scheme;
- (c) the river had no ecological significance while the mangrove were not natural nor in existence in the past. The dry fields were once for cultivation of dry crops while the lower wet fields were irrigated by streams from the upland. Due to the lack of resources to repair the dam damaged in typhoon in accordance with EPD’s requirements, the lowland fields were later deserted, filled with seawater and turned into brackish wetland and mangrove areas;
- (d) he had never seen any White-bellied Sea Eagle, Brown Fish Owl or yellow

seahorse before. There were only a few Hong Kong Paradise Fish in the stream but never in large number as suggested by some representers;

- (e) about 500-600 villagers were forced to migrate elsewhere for a living due to poor accessibility in Sham Chung. The query on the estimated number of population and SH demand was groundless as the forecast, based on clan records kept by DO/TP, was reliable;
- (f) the local villagers were also mindful of their living environment as witnessed in the planting of fung shui trees in the village; and
- (g) compared with the conservation-related zones which accounted for the majority of the land area, the “V” zone only constituted less than 10%. The rights of the local villagers should not be compromised.

98. Other commenters confirmed that they had already covered the key points raised in their comments during their presentations as representers and had nothing to add.

[Ms. Carmen K.M. Chan arrived to join the meeting at this point.]

99. As the [representers, commenters and their representatives](#) had finished their presentations and responses and Members had no question to raise, the Chairperson informed them that the hearing procedures had been completed and the Board would further deliberate on the [representations and comments](#) in the absence of the [representers, commenters and their representatives](#) and inform the [representers and commenters](#) of the Board’s decision in due course. The Chairperson thanked the [representers, commenters and their representatives](#), and PlanD’s representatives for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

100. The Chairperson said that as each party had its own concerns and the Board had to balance different views in considering the various land use proposals on the draft DPA Plan. She noted that the draft DPA Plan was only an interim plan and would be replaced by an OZP in 3 years’ time. It would allow time for a detailed comprehensive land use review

and further discussions with the parties concerned. In this regard, Members were invited to consider whether it was appropriate to undertake any amendments to the draft DPA Plan at the current juncture.

101. A Member opined that discussion on areas for conservation often had to be conducted confidentially as there were cases where ecologically sensitive habitats were destroyed before conservation measure were taken. The rapid degeneration of Sham Chung within a short time was a case in point. However, the objective of conserving the ecologically sensitive areas of Sham Chung should not change even if some parts were degraded. A once-and-for-all rezoning of “AGR” to “GB” as proposed by some green groups was not supported as most of the areas were privately owned. Flexibility should be allowed for proponents to come up with restoration proposals with viable management plan for the natural habitats and funding arrangements in future. The current land use proposal of Sham Chung zoning, striking a balance between conservation and development, was considered acceptable. The Chairperson concurred and considered that it now was not the suitable time for making amendments to the DPA.

102. Another Member recalled that in the early draft of the DPA Plan, the central part of Sham Chung was proposed to be designated as “Undetermined”, a zoning which was rather more open-ended. The decision to amend it to “AGR” reflected Members’ prudence in seeking to protect agricultural use as of right and at the same time provide the flexibility for some compatible recreational uses on application, while precluding intensive development. A balance had already been struck.

103. The Chairperson noted that the developer had not submitted its spa resort development proposal under the NCP within the specified time limit. A Member commented that there might be further opportunities for submitting pilot schemes in future and surmised that proponents might prefer to wait-and-see the experience of others. Dr. Michael Chiu, with reference to EPD’s views in a memorandum dated 13.7.2006 which was tabled for Members’ and representers’ information during the meeting, supplemented that there was already a mechanism for submission and consideration of PPP pilot schemes stipulated under the NCP. The spa resort proposal submitted by the Representer No. 3 in the context of the draft DPA Plan could not be taken as a potential PPP pilot scheme under the NCP.

104. The Chairperson concluded that the DPA Plan had struck a reasonable balance between conservation and development. As the plan would be comprehensively reviewed and replaced by an OZP in 3 years' time, it would be more appropriate to review the zonings in the future preparation of the OZP. Members agreed and considered that the draft DPA Plan should not be amended to meet the representations.

[Representation No. 1](#)

105. After further deliberation, the Board decided not to propose any amendment to the plan to meet Representation No. 1 for the following reasons:

- (a) the land use proposal on the draft Development Permission Area (DPA) Plan was a balance of conservation needs and village development. Areas outside the "Village Type Development" ("V") zone were mostly designated as "Agriculture" ("AGR") zone in particular at the middle part of the area to reflect the land status and uses or as "Green Belt" ("GB") zone. The latter was intended primarily for defining the limits of development areas by natural features as well as to provide passive recreational outlets. In some areas, where the intention was to protect and retain the coastlines, sensitive coastal environment, natural landscape, ecological or topographical features, "Conservation Area" ("CA") or "Coastal Protection Area" (CPA") zones were designated. The present zonings on the draft DPA Plan were appropriate from a conservation viewpoint;
- (b) there was sufficient reservation of land in the "V" zone to meet the outstanding and future 10-year forecast demand of Small House in Sham Chung Village. Hence, there was insufficient justification for extending the "V" zone. Also, there was insufficient information in the representation that the proposed enlargement of "V" zone would have no adverse geotechnical, conservation, traffic, landscaping and environmental impacts on the area; and
- (c) the existing access to the ferry pier and Yung Shue O Tsuen was a footpath only but not a public road. It was considered not essential to designate the

existing village access as 'Road' on the draft DPA Plan which was intended to indicate broad land use zonings.

### Representation No. 2

106. After further deliberation, the Board decided not to propose any amendment to the plan to meet Representation No. 2 for the following reasons:

- (a) it would be inappropriate to reduce the "Village Type Development" ("V") zone as sufficient land should be reserved for Small House development. The land use proposal on the draft Development Permission Plan (DPA) Plan was a balance of conservation needs and village development. Areas outside "V" were mostly designated as "Agriculture" ("AGR") zone to reflect the land status and uses or as "Green Belt" ("GB") zone. The latter was intended primarily for defining the limits of development areas by natural features as well as to provide passive recreational outlets. In some areas, where the intention was to protect and retain the coastlines, sensitive coastal environment, natural landscape, ecological or topographical features, "Conservation Area" ("CA") or "Coastal Protection Area" ("CPA") zones were designated. As the middle part of Sham Chung valley was disturbed significantly by the previous turfing and site levelling and the wetland habitats were destroyed, it was considered more appropriate to zone the Area as "AGR" rather than "CA"; and
- (b) proper use of registered pesticides and fertilizers would not cause significant hazards to the environment in Sham Chung.

### Representation No. 3

107. After further deliberation, the Board decided not to propose any amendment to the plan to meet Representation No. 3 for the following reasons:

- (a) the "Other Specified Uses (Recreation & Tourism-related Uses)" zone and the development proposal had to be carefully considered in view of the ecologically sensitive nature of the Area. There was as yet insufficient

justification to demonstrate that the proposed spa resort would had no adverse conservation, landscaping, environmental and infrastructural impacts on the Area. In the interim, the “Agriculture” (“AGR”) zone was considered appropriate to reflect the land rights and adequate for development control purpose. Suitable developments might still be permitted upon application to the Board;

- (b) the “Conservation Area” (“CA”) zoning was adequate for protection of the main stream and riverine since planning permission would be required for a large varieties of land uses; and
- (c) there was no need to revise the zoning boundaries since land use zonings for the area would be comprehensively reviewed in the preparation of the Outline Zoning Plan with more detailed analysis of the land use pattern, infrastructural provisions and development options.

#### [Representation No. 4](#)

108. After further deliberation, the Board decided not to propose any amendment to the plan to meet Representation No. 4 for the following reasons:

- (a) it would be inappropriate to reduce the “Village Type Development” (“V”) and rezone part of the “V” zone to “Green Belt” (“GB”) zone as sufficient land should be reserved for Small House development. The land use proposal on the draft Development Permission Plan (DPA) Plan was a balance of conservation needs and village development. Areas outside “V” were mostly designated as “Agriculture” (“AGR”) zone to reflect the land status and uses or as “GB” zone. The latter was intended primarily for defining the limits of development areas by natural features as well as to provide passive recreational outlets. In some areas, where the intention was to protect and retain the coastlines, sensitive coastal environment, natural landscape, ecological or topographical features, “Conservation Area” (“CA”) or “Coastal Protection Area” (CPA”) zones were designated. As the middle part of Sham Chung valley was disturbed significantly by the previous turfing and site levelling and the wetland habitats were destroyed,

it was considered more appropriate to zone the Area as “AGR” rather than “GB”;

- (b) proper use of registered pesticides and fertilizers would not cause significant hazards to the environment in Sham Chung;
- (c) according to the Definition of Terms, ‘Barbecue Spot’ excluded those which were privately owned and commercially operated. The said use, if well managed, would be compatible with the “GB” zone. It was considered not suitable to amend the Notes of the draft DPA Plan to delete such use;
- (d) the streams in the Area did not meet the criteria for “Sites of Special Scientific Interest” (“SSSI”) listing. The “CA” zoning was adequate for protection of the main stream and riverine since planning permission would be required for a large varieties of land uses; and
- (e) the Church and the School were not graded buildings. Hence, there were no strong justifications to zone the Church and the School as “Other Specified Uses (Heritage Conservation)”. The issue would be further considered at the Outline Zoning Plan preparation stage.

#### [Representation No. 5](#)

109. After further deliberation, the Board decided not to propose any amendment to the plan to meet Representation No. 5 for the following reason:

it would be inappropriate to reduce the “Village Type Development” (“V”) zone and rezone part of the “V” zone to “Green Belt” (“GB”) zone as sufficient land should be reserved for Small House development. The land use proposal on the draft Development Permission Plan (DPA) Plan was a balance of conservation needs and village development. Areas outside “V” were mostly designated as “Agriculture” (“AGR”) zone to reflect the land status and uses or as “GB” zone. The latter was intended primarily for defining the limits of development areas by natural features as well as to provide passive recreational outlets. In some areas,

where the intention was to protect and retain the coastlines, sensitive coastal environment, natural landscape, ecological or topographical features, “Conservation Area” (“CA”) or “Coastal Protection Area” (“CPA”) zones were designated. As the middle part of Sham Chung valley was disturbed significantly by the previous turfing and site levelling and the wetland habitats were destroyed, it was considered more appropriate to zone the Area as “AGR” rather than “CA”.

#### [Representation No. 6](#)

110. After further deliberation, the Board decided not to propose any amendment to the plan to meet Representation No. 6 for the following reasons:

- (a) it would be inappropriate to reduce the “Village Type Development” (“V”) zone and rezone part of the “V” zone to “Coastal Protection Area” (“CPA”) and “Green Belt” (“GB”) zones as sufficient land should be reserved for Small House development. The land use proposal on the draft Development Permission Plan (DPA) Plan was a balance of conservation needs and village development. Areas outside “V” were mostly designated as “Agriculture” (“AGR”) zone to reflect the land status and uses or as “GB” zone. The latter was intended primarily for defining the limits of development areas by natural features as well as to provide passive recreational outlets. In some areas, where the intention was to protect and retain the coastlines, sensitive coastal environment, natural landscape, ecological or topographical features, “Conservation Area” (“CA”) or “CPA” zones were designated. As the middle part of Sham Chung valley was disturbed significantly by the previous turfing and site levelling and the wetland habitats were destroyed, it was considered more appropriate to zone the Area as “AGR” rather than “CPA” and “GB”; and
- (b) the “CA” zoning was adequate for protection of the main stream and riverine since planning permission would be required for a large varieties of land uses.

#### [Representations No. 7-27](#)

111. After further deliberation, the Board decided not to propose any amendment to the plan to meet Representations No.7-27 for the following reasons:

- (a) the land use proposal on the draft Development Permission Plan (DPA) Plan was a balance of conservation needs and village development. Areas outside the “Village Type Development” (“V”) zone were mostly designated as “Agriculture” (“AGR”) zone in particular at the middle part of the area to reflect the land status and uses or as “Green Belt” (“GB”) zone. The latter was intended primarily for defining the limits of development areas by natural features as well as to provide passive recreational outlets. In some areas, where the intention was to protect and retain the coastlines, sensitive coastal environment, natural landscape, ecological or topographical features, “Conservation Area” (“CA”) or “Coastal Protection Area” (“CPA”) zones were designated. The present zonings on the draft DPA Plan were appropriate from a conservation viewpoint;
- (b) there was sufficient reservation of land in the “V” zone to meet the outstanding and future 10-year forecast demand of Small House in Sham Chung Village. Hence, there was insufficient justification for extending the “V” zone. Also, there was insufficient information in the representations that the proposed enlargement of “V” zone would have no adverse geotechnical, conservation, traffic, landscaping and environmental impacts on the area; and
- (c) the existing access to the ferry pier and Yung Shue O Tsuen was a footpath only but not a public road. It was considered not essential to designate the existing village access as ‘Road’ on the draft DPA Plan which was intended to indicate broad land use zonings.

#### [Representation No. 28](#)

112. After further deliberation, the Board decided not to propose any amendment to the plan to meet Representation No. 28 for the following reason:

it would be inappropriate to reduce the “Village Type Development” (“V”) zone as sufficient land should be reserved for Small House development. The land use proposal on the draft Development Permission Plan (DPA) Plan was a balance of conservation needs and village development. Areas outside “V” were mostly designated as “Agriculture” (“AGR”) zone to reflect the land status and uses or as “Green Belt” (“GB”) zone. The latter was intended primarily for defining the limits of development areas by natural features as well as to provide passive recreational outlets. In some areas, where the intention was to protect and retain the coastlines, sensitive coastal environment, natural landscape, ecological or topographical features, “Conservation Area” (“CA”) or “Coastal Protection Area” (“CPA”) zones were designated. As the middle part of Sham Chung valley was disturbed significantly by the previous turfing and site levelling and the wetland habitats were destroyed, it was considered more appropriate to zone the Area as “AGR” rather than “CA”.

Representations No. 29-37

113. After further deliberation, the Board decided not to propose any amendment to the plan to meet Representations No. 29-37 for the following reason:

it would be inappropriate to reduce the “Village Type Development” (“V”) and rezone part of the “V” zone to “Conservation Area” (CA) zone as sufficient land should be reserved for Small House development. The land use proposal on the draft Development Permission Plan (DPA) Plan was a balance of conservation needs and village development. Areas outside “V” were mostly designated as “Agriculture” (“AGR”) zone to reflect the land status and uses or as “Green Belt” (“GB”) zone. The latter was intended primarily for defining the limits of development areas by natural features as well as to provide passive recreational outlets. In some areas, where the intention was to protect and retain the coastlines, sensitive coastal environment, natural landscape, ecological or topographical features, “Conservation Area” (“CA”) or “Coastal Protection Area” (CPA) zones were designated. As the middle part of Sham Chung valley was disturbed significantly by the previous turfing and site levelling and the wetland habitats were destroyed, it was considered more appropriate to zone the Area as “AGR” rather than “CA”.

Agenda Item 6 & 7

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-KLH/343

Proposed New Territories Exempted House (NTEH) (Small House)

in “Agriculture” zone, Lots 539C and 541B8 in DD 9,

Yuen Leng Village, Kau Lung Hang, Tai Po

(TPB Paper No. 7619)

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Review of Application No. A/NE-KLH/344

Proposed New Territories Exempted House (NTEH) (Small House)

in “Agriculture” zone, Lots 535A3 and 539D in DD 9,

Yuen Leng Village, Kau Lung Hang, Tai Po

(TPB Paper No. 7620)

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[The meeting was conducted in Cantonese.]

114. The Secretary said that the two applications, represented by the same representatives and applying for the same use, were similar in nature and adjoining each other, hence could be considered together. Both applicants sought planning permission to build a New Territories Exempted House (NTEH/Small House) on two sites zoned "Agriculture" ("AGR"). The applications were rejected by the Rural and New Town Planning Committee (RNTPC) on 9.12.2005 for non-compliance with the Interim Criteria for assessing planning application for NTEH/Small House development (Interim Criteria) in that the application sites fell within water gathering grounds (WGGs) and was not able to be connected to existing or planned sewerage system in the area.

[Mr. Y.K. Cheng arrived to join the meeting at this point.]

115. The Secretary went on to say that the applicants had subsequently submitted solicitor's letters, indicating agreement between the adjoining private lot owners and the applicants to allow them to construct and maintain the septic tank/soakaway pit system in the "Village Type Development" ("V") zone on the concerned lots. In this regard, the sewerage proposals generally complied with the Interim Criteria. Reference was made to two similar cases in Lam Tsuen which were allowed by the Town Planning Appeal Board (TPAB), based on the appellants' submission of an executed Deed of Grant of Easement demonstrating the technical and legal feasibility of connection to the planned sewerage system via another private lot over a short distance. A similar application (No. A/NE-LT/346) for a NTEH at Lam Tsuen was approved by the Board on 17.3.2006 on the same grounds. The current applications were largely similar to the circumstances of the two appeal cases and Application No. A/NE-LT/346, in that subject to agreement with adjoining lot owners and future execution of Deed of Grant of Easement, the proposed NTEHs could be connected to the planned sewerage system in the "V" zone, hence complying with the Interim Criteria. Water Supplies Department (WSD) had no objection to such arrangement. The application sites were also located within the village environs of Yuen Leng Village with a general shortage of land to meet the Small House demand in the "V" zone. Sympathetic consideration might hence be given.

116. As the reasons for rejection by the RNTPC had been resolved, Members

generally agreed that the applications could be approved subject to the conditions set out in paragraph 6.2 of Papers No. 7619 and 7620.

### Presentation and Question Session

117. Mr. W.K. Hui, District Planning Officer/Shatin, Tai Po and North (DPO/STN) of the Planning Department (PlanD), and the following applicants' representatives were also invited to the meeting at this point:

Mr. Pang Chun-sing	]	Applicants' Representatives
Mr. Lee Koon-hung	]	

118. The Chairperson extended a welcome and explained that given the same nature and adjoining locations, the two applications would be considered together. She informed the applicants' representatives that the Board agreed to grant planning permissions to the two applications with conditions. She asked if the applicant's representatives had any comments on the Papers or the conditions. The applicants' representatives confirmed they had no points to make.

119. As the applicants' representatives had no comment to make and Members had no question to raise, the Chairperson informed them that the hearing procedures for the review had been completed and the Board would further deliberate on the applications in their absence and inform the applicants of the Board's decision in due course. The Chairperson thanked the applicants' representatives and PlanD's representative for attending the meeting. They all left the meeting at this point.

### Deliberation Session

#### Application No. A/NE-KLH/343

120. After further deliberation, the Board decided to approve the application on review on the terms of the application as submitted to the Board. The permission should be valid until 14.7.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was

renewed. The permission was subject to the following conditions:

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (d) the provision of protective measures to ensure no siltation occurred or no pollution to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant was required to register a relevant Deed of Grant of Easement annexed with a plan for constructing a septic tank and connection pipes on the lots concerned (including Lot 541 S.BRP) in the Land Registry against all affected lots before execution of a Small House grant document; and
- (d) appropriate measures should be taken to avoid affecting the nearby stream, Kau Lung Hang which was listed as an Ecologically Important Stream under the Environment, Transport and Works Bureau Technical Circular (Works) No. 5/2005 during the construction of the house.

122. After further deliberation, the Board decided to approve the application on review on the terms of the application as submitted to the Board. The permission should be valid until 14.7.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (d) the provision of protective measures to ensure no siltation occurred or no pollution to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant was required to register a relevant Deed of Grant of Easement annexed with a plan for constructing a septic tank and connection pipes on the lots concerned (including Lot 541 S.BRP) in the Land Registry against all affected lots before execution of a Small House grant document;
- (d) appropriate measures should be taken to avoid affecting the nearby stream, Kau Lung Hang which was listed as an Ecologically Important Stream

under the Environment, Transport and Works Bureau Technical Circular (Works) No. 5/2005 during the construction of the house; and

- (e) there was a low voltage cable in the vicinity of the site. The applicant and his contractors should observe the “Code of Practice on Working near Electricity Supply Lines” when carrying out works in the vicinity of electricity supply lines.

[Mr. Bosco C.K. Fung left the meeting temporarily at this point.]

### **Agenda Item 8**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/SK-HH/36

Temporary Showroom (Ship) and Office, Open Storage of Ship,

Steel Frame for Sign Board, Store Room for a Period of 3 Years

in “Green Belt” zone, Ground Floor of House 38 and Adjoining Government Land,

Tai Chung Hau Village, Sai Kung

(TPB Paper No. 7631)

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[The hearing was conducted in Cantonese]

### **Presentation and Question Session**

124. [Ms. Ann Wong, Senior Town Planner/Sai Kung and Islands \(STP/SKIs\)](#) of the Planning Department (PlanD) and the following applicant’s representatives were also invited to the meeting at this point:

Ms. Betty Ho	]
Mr. Rico Yeung	] <a href="#">Applicant’s Representatives</a>
Mr. K.Y. Yeung	]

[Mr. B.W. Chan arrived to join the meeting at this point.]

125. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited Ms. Ann Wong to brief Members on the background to the application. With the aid of some plans, Ms. Wong did so as detailed in the Paper and made the following main points:

- (a) the reasons of the Rural and New Town Planning Committee (RNTPC) to reject the application on 23.12.2005;
- (b) the applicant's previous two requests for deferment to allow time to employ consultant for preparation of supplementary information were allowed by the Board. On 23.6.2006, the Board decided not to accede to a third request as it did not meet the criteria for deferment of the Board's Guidelines on Deferment of Decision of Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33);
- (c) the justifications put forth by the applicant in support of the review application;
- (d) departmental comments – District Lands Officer/Sai Kung (DLO/SK) confirmed that he only advised the applicant to submit an application to the Board and had not guaranteed that planning permission would be granted;
- (e) two public comments were received during the public inspection period, objecting to the applications on grounds of illegal use of Government land, safety hazard of signboard, traffic concerns due to light reflection and removal of yachts using cranes, environmental hygiene caused by washing of yachts, security problem and intrusion of privacy of nearby residents; and
- (f) PlanD's view – not supporting the application as it was not in line with the planning intention of the "Green Belt" ("GB") zone with presumption against development, and was incompatible with the surrounding developments, which comprised residential uses and the Tsiu Hang Special Area. The application site was next to the highway where improvement

works was under study. There were local objections due to environmental, traffic safety, security and other concerns. There was no information to demonstrate that the proposed signboard and ship display would not cause nuisances to the neighbourhood.

[Mr. Bosco C.K. Fung returned to join the meeting at this point.]

126. The Chairperson then invited the [applicant's representatives](#) to elaborate on the application. With the aid of some plans, Ms. Betty Ho made the following main points:

- (a) the area comprised 3 houses including the subject site. The showroom used to be operated in the adjoining house but the short term tenancy (STT) offered by DLO/SK was not taken up due to relocation to the current site. The applicant intended to apply for STT to continue with the operation after obtaining the planning approval. The operation was small scale with display of only one small boat and the 4m long signboard mounted on a post would only be lit up during 10am-8pm so that the neighbours would not be affected;
- (b) the applied use was compatible with the surrounding mixed land uses, including an established car repair workshop next door and the yacht club nearby. The application site, directly abutting the Hiram's Highway, was subject to traffic noise and nuisances rendering it difficult to be developed for noise sensitive uses. The 3 houses were largely vacant. The proposed boat display was considered appropriate; and
- (c) to address the local concerns, the signboard would be secured safely and firmly on the steel frame. According to the police record, no traffic accident had occurred at this location while there would be no lighting at night time. As for security issue, the Commissioner of Police advised there was no complaint of nuisance or obstruction lodged against the operator since 1.1.2005. The display vessel would not be washed by water but wiped by cloth. The local objection was over-worried without substantial evidence. Regarding the comment by the Sai Kung District Councillor that there were already such operation in the area, it should be

clarified that it referred to the operation by the same applicant who had just moved over from the adjoining house.

127. A Members asked whether there were similar cases for display and storeroom in the vicinity. [Ms. Ann Wong](#) replied that there was no similar application in the same OZP. However, she recalled a previous application for display of furniture and office in the “GB” zone in the North District was rejected due to incompatibility with the planning intention.

128. In response to the Chairperson’s question on the future use of the site after the proposed 3-year temporary operation, Ms. Betty Ho said that as there might be changes and realignment of the road after the future highway improvement, the future use of the site was uncertain for the time being.

129. As the [applicant’s representatives](#) had no further comment to make and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board’s decision in due course. The Chairperson thanked the [applicant’s representatives](#) and PlanD’s representative for attending the meeting. They all left the meeting at this point.

### Deliberation Session

130. Members had the following views:

- (a) during the deliberation of the RNTPC, there was concern that the boat for display, which was on wheels and movable, would likely be towed to different locations instead of being placed at a fixed point;
- (b) the grounds of local objections appeared to be worries rather than genuine problems substantiated with facts and departmental comments. Consideration should be given to whether local concerns could be regarded as one of the rejection reasons as such. However, the proposed use was considered not compatible with the planning intention of the “GB” zone and surrounding development. There was insufficient justifications to support this case; and

- (c) given the ongoing study for improvement of the Hiram's Highway, the road alignment might be revised. If a 3-year temporary approval was granted, it might set an undesirable precedent and would also jeopardize the long term planning intention of the "GB" zone.

131. In response to a Member's query on the Small House (SH) development within the "GB" zone, Mr. Patrick L.C. Lau clarified that the SHs were approved in the early 1980's with licence granted in 1984 prior to the designation of the "GB" zone in 1990's.

132. The Chairperson agreed with Members' views that the subject application was not in line with the planning intention of the "GB" zone and not compatible with the surroundings which were primarily for residential use. In communicating the decision to the application, reasons for rejection should be stated clear and specific. Members agreed that the application could not be supported.

133. After further deliberation, the Board decided to reject the application on review for the reason that the proposed temporary office and showroom were not compatible with the surrounding developments, which were primarily for residential use.

[Mr. Tony C.N. Kan left the meeting temporarily at this point.]

### **Agenda Item 11**

[Open Meeting]

Draft Aberdeen and Ap Lei Chau Outline Zoning Plan No. S/H15/23  
Information Note and Hearing Arrangement  
for Consideration of Representations and Comments  
(TPB Paper No. 7633)

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[The meeting was conducted in Cantonese.]

149. The Secretary briefly introduced the Paper and briefed Members on the hearing arrangements for the representations and public comment to the draft Aberdeen and Ap Lei

Chau Outline Zoning Plan (OZP) No. S/H15/23 as set out in paragraph 2 of the Paper.

150. After deliberation, the Board agreed that the representations and related public comment to the draft Aberdeen and Ap Lei Chau OZP No. S/H15/23 should be considered collectively in the Board's regular meeting.

[Messrs. Michael K.C. Lai and Tony C.N. Kan left the meeting at this point.]

### **Agenda Item 12**

[Open Meeting]

Draft Urban Renewal Authority Yu Lok Lane/Centre Street  
Development Scheme Plan No. S/H3/URA2/1  
Information Note and Hearing Arrangement for  
Consideration of Representations and Comments  
(TPB Paper No. 7634)

[The meeting was conducted in Cantonese.]

151. The Secretary briefly introduced the Paper and briefed Members on the hearing arrangements for the representations and public comment to the draft Urban Renewal Authority Yu Lok Lane/Centre Street Development Scheme Plan (DSP) No. S/H3/URA2/1 as set out in paragraph 2 of the Paper.

152. After deliberation, the Board agreed that the representations and the related public comments to the draft Urban Renewal Authority Yu Lok Lane/Centre Street DSP No. S/H3/URA2/1 should be considered collectively in the Board's regular meeting and in the manner as set out in paragraph 2.2 of the Paper.

### **Agenda Item 13**

[Open Meeting]

Draft Sai Ying Pun and Sheung Wan Outline Zoning Plan No. S/H3/21  
Information Note and Hearing Arrangement  
for Consideration of Representations and Comments  
(TPB Paper No. 7635)

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[The meeting was conducted in Cantonese.]

153. The Secretary briefly introduced the Paper and briefed Members on the hearing arrangements for the representations and public comments to the draft Sai Ying Pun and Sheung Wan Outline Zoning Plan (OZP) No. S/H3/21 as set out in paragraph 2 of the Paper. As Representation No. TPB/R/S/H3/21-2 appeared not to be related to the amendments of the Plan and might be invalid, the Secretary of the Board was currently seeking clarification from the representer and would seek legal advice if necessary.

154. After deliberation, the Board agreed that the representations and the related public comments should be considered collectively in the Board's regular meeting.

#### **Agenda Item 14**

[Open Meeting]

Submission of the Draft Tsim Sha Tsui Outline Zoning Plan No. S/K1/21A  
under Section 8 of the Town Planning Ordinance  
to the Chief Executive in Council for Approval  
(TPB Paper No. 7637)

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[The meeting was conducted in Cantonese.]

155. The Secretary briefly introduced the Paper.

156. After deliberation, the Board:

- (a) agreed that the draft Tsim Sha Tsui Outline Zoning Plan (OZP) No. S/K1/21A and its Notes were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Tsim Sha Tsui OZP No. S/K1/21A as an expression of the planning intentions and objectives of the Board for the various land-use zonings on the draft OZP; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP No. S/K1/21A.

#### **Agenda Item 16**

[Open Meeting]

#### **Any Other Business**

[The meeting was conducted in Cantonese.]

159. There being no other business, the meeting was closed at 7.30 p.m.