

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Ms. Starry W.K. Lee

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

Deputy Director of Environmental Protection
Dr. Michael Chiu

Director of Lands
Miss Annie K.L. Tam

Director of Planning
Mrs. Ava S.Y. Ng

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

Secretary

Absent with Apologies

Dr. Peter K.K. Wong

Dr. Greg C.Y. Wong

Professor David Dudgeon

Mr. Edmund K.H. Leung

Mr. Felix W. Fong

Professor Paul K.S. Lam

Mr. K.Y. Leung

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Senior Town Planner/Town Planning Board
Mr. Ivan Chung (a.m.)
Mr. W.S. Lau (p.m.)

1. The Chairman extended a welcome to Members.

Agenda Item 1

Confirmation of Minutes of the 892nd Meeting held on 17.8.2007

[Open Meeting. The meeting was conducted in Cantonese.]

2. The minutes of the 892nd meeting held on 17.8.2007 were confirmed without amendment.

[Dr. Daniel B.M. To and Miss Annie K.L. Tam arrived to join the meeting at this point.]

Agenda Item 2

Matters Arising

[Open Meeting. The meeting was conducted in Cantonese.]

- (i) **Town Planning Appeal Decision Received**

Town Planning Appeal No. 25 of 2005

Proposed Temporary Open Storage of Vehicles for Exhibition and Sale for a Period of 3 Years in “Agriculture” and “Open Storage” Zones,

Lot 506 RP in D.D. 83 and Adjoining Government Land, Ta Kwu Ling

(Application No. A/NE-TKL/272)

3. The Secretary said that the subject appeal was in relation to an application for temporary open storage of vehicles for exhibition and sale for a period of 3 years at an area zoned “Agriculture” (“AGR”) and “Open Storage” (“OS”) on the draft Ping Che and Ta Kwu Ling Outline Zoning Plan. The appeal was heard by the Town Planning Appeal Board (TPAB) on 6.3.2007 and dismissed by the TPAB on 8.8.2007 based on the following considerations:

- (a) the application site fell within the Category 3 area under the Town Planning Board Guidelines No. 13C (when the application was submitted) and 13D (currently in force). It was quite clear that further proliferation of open storage and port back-up uses was not acceptable, unless the site had previous planning approvals. This was not applicable to the subject site.

Given that the TPAB had to consider the Guidelines when exercising the independent planning judgment and the Guidelines had laid down very clearly the planning intention and the expressed prohibition of proliferation of such open storage and port back-up uses, it might already be sufficient to dismiss the appeal on the ground that it did not comply with the Guidelines. Further, there was no previous planning approval in relation to the site, and no satisfactory technical assessments had been put before the TPAB;

- (b) the TPAB had also reviewed other factors including part of the access road lay on Government land. The subject site was in rural area and the planning intention was to maintain its rural character. There were domestic premises adjacent to the site. There had been expressed concerns about the adequacy of traffic arrangements, and the landscape proposal was rather vague and was not acceptable; and
- (c) on the appellant's argument that the application site was at the fringe of Category 1 area which was zoned "OS" and hence should not be subject to the Category 3 area limitations, without the 90% of the land which was zoned "AGR", that 10% open storage area was actually meaningless.

4. The Secretary said that a copy each of the Summary of Appeal and the TPAB's decision had been sent to Members for reference.

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

(ii) Abandonment of Town Planning Appeal

Town Planning Appeal No. 22 of 2006

Temporary Vehicle Park for Private Cars, Coaches, Container Vehicles, Goods Vehicles and Truck-mounted Crane and Repair Area (Goods Vehicles Include Light, Medium and Heavy Goods Vehicles), Mobile Crane Parking and Repair Area, Storage Area (Including Container Storage) and Ancillary Site Office

for a Period of 3 Years in "Green Belt" zone,

Lots 868 and 869 in DD 130, Lo Fu Hang, Tuen Mun

(Application No. A/TM-LTYT/137)

5. The Secretary said that the subject appeal was received by the Town Planning Appeal Board (TPAB) on 4.12.2006 against the decision of the Board to reject on review an application for a temporary vehicle park for private cars, coaches, container vehicles, goods vehicles and truck-mounted crane and repair area, mobile crane parking and repair area, storage area and ancillary site office for a period of 3 years at a site zoned “Green Belt” on the approved Lam Tei and Yick Yuen Outline Zoning Plan.

6. On 28.8.2007, the appeal was withdrawn by the appellant of his own accord. On 30.8.2007, the TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(iii) Appeal Statistics

7. The Secretary reported that as at 7.9.2007, 19 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows:

| | | |
|-----------------------------|---|-----|
| Allowed | : | 17 |
| Dismissed | : | 100 |
| Abandoned/Withdrawn/Invalid | : | 124 |
| Yet to be Heard | : | 19 |
| Decision Outstanding | : | 7 |
| <hr/> | | |
| Total: | | 267 |

Agenda Item 3

[Open Meeting. The meeting was conducted in Cantonese and English.]

Hung Hom District Study and Stage 2 Public Engagement Programme
(TPB Paper No. 7892)

8. The Secretary said that Ms. Starry W.K. Lee had declared an interest for being a Member of the Kowloon City District Council, the administrative boundaries of which covered the study area. Professor Bernard V.W.F. Lim had also declared an interest as he

and his company, the Centre of Architectural Research for Education, Elderly, Environment and Excellence Ltd, were the consultant for the subject Public Engagement Programme (PEP). Members considered that the interest of Ms. Lee was indirect and agreed that she could stay at the meeting and participate in the discussion of the item. Members noted that Professor Lim had not yet arrived to join the meeting.

9. The following representatives from the Planning Department (PlanD) and consultants were invited to the meeting at this point to brief Members on the Paper:-

| | |
|-------------------------|--|
| Mr. Raymond Lee | Chief Town Planner/Sub-Regional, PlanD |
| Mr. Peter Cookson Smith |) Urbis Limited |
| Miss Helen Lung |) |
| Mr. Ray Tang | Ove Arup & Partners Hong Kong Ltd. |
| Mr. Daniel Cheung |) Centre of Architectural Research) for Education, Elderly, Environment) and Excellence Ltd. |
| Ms. Betty Ho | PlanArch Consultants Limited |

10. The Chairman extended a welcome and invited the representatives to brief Members on the Paper.

11. Mr. Raymond Lee briefly explained the background of commissioning Urbis Limited to undertake the Hung Hom District Study (the Study), as part of the Harbour Plan Review, and the Centre of Architectural Research for Education, Elderly, Environment and Excellence Ltd. to undertake the associated PEP. The objective of the Study was to formulate a comprehensive district plan to guide the planning and design of the Hung Hom harbour-front area. The consultants would brief the Board on the progress of the Study and Stage 2 PEP and seek Members' comments on the draft District Plan proposals.

12. With the aid of Powerpoint slides, Messrs. Daniel Cheung and Peter Cookson Smith covered the following main points:

- (a) Stage 1 of the PEP, which included site visit, a brainstorming session and questionnaire survey to collect public views on enhancement of the Hung Hom harbour-front area, was completed in February 2007. The main concerns raised by the public included:
- improvement of the connectivity between the hinterland and the harbour-front of Hung Hom, as well as along the waterfront from Tsim Sha Tsui East through the study area to To Kwa Wan and Kai Tak;
 - enhancement of the harbour-front as a leisure and recreation space with visual amenity, quality landscaping and open space;
 - regulation of development density and building height at the harbour-front to prevent “wall-effect”, which might hinder air circulation and reduce visual permeability to the harbour;
 - relocation of existing uses such as the KCRC Freight Yard and the International Mail Centre (IMC), which had become increasingly incompatible with the latest developments in the district;
- (b) the draft District Plan identified four Potential Development Sites (PDS), namely, the KCRC Freight Yard and IMC sites, “Comprehensive Development Area” (“CDA”) and Adjoining Open Spaces site, Hung Luen Road “Residential (Group A)2” (“R(A)2”) site and Tai Wan Shan Park;
- (c) different options had been explored and studied for each PDS and were explained in turn;
- (d) the following recommended development option was put forward for each PDS to facilitate public discussion at the Stage 2 PEP:
- PDS 1 (KCRC Freight Yard and IMC): the site was proposed to be designated for waterfront related tourism, commercial and leisure uses with medium-rise hotel/service apartments (about 75mPD) at the

- southern edge of the Coliseum podium. Low-rise retail and open space uses were proposed at the waterfront;
- PDS 2 (“CDA” and Adjoining Open Space site): the site would incorporate a public transport terminus, a new urban park, waterfront promenade and a range of commercial uses including office, retail, hotel and alfresco dining. The existing control of the relevant Outline Zoning Plan (OZP) would be strengthened to avoid excessive building massing;
 - PDS 3 (Hung Luen Road “R(A)2” site): the site was proposed to be developed at a reduced plot ratio of 6 (vs current plot ratio of 9) with two tower blocks to allow visual porosity and enhance air circulation. This proposed arrangement would allow more room for green space development;
 - PDS 4 (Tai Wan Shan Park): part of the park would be designated for waterfront related commercial and leisure uses such as small-scale café. Public art and façade treatments were recommended for exterior enhancement of the swimming pool and the nearby marine Police mooring facility;
- (e) in response to the public concerns about the inadequate connectivity of the Hung Hom harbour-front, the draft District Plan proposed a continuous promenade along the waterfront, with new and improved pedestrian connections from the hinterland of Hung Hom District, including the Hung Hom Station area, to the harbour-front; and
- (f) the draft District Plan had also taken account of the proposed Shatin to Central Link (SCL), and the possible MTR Kwun Tong Line Extension or the Whampoa Automated People Mover (APM) as future rail service to Hung Hom and Whampoa Garden. All these transport proposals would help improve access to the study area.

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

13. The following was a summary of views and questions raised by individual Members:

Study Objective

- (a) the objective of the Study to formulate a comprehensive district plan to guide the planning and design of the Hung Hom harbour-front area was laudable. The Kowloon City District Council on 6.9.2007 had expressed support for the Study;

Draft District Plan Proposals

- (b) the proposal of the draft District Plan to improve the connectivity between the hinterland and the harbour-front of Hung Hom as well as along the waterfront from Tsim Sha Tsui East through the study area to To Kwa Wan and Kai Tak was welcomed by the local residents;
- (c) given the proximity of Tai Wan Shan Park to residential developments, the proposed inclusion of small-scale cafés and restaurants in PDS 4 might cause disturbance to the existing residents there;
- (d) whether it was appropriate to propose two hotel towers in PDS 1, being taller than the Coliseum which was a landmark in the area, and whether the need for hotel development in PDS 1 had been assessed;
- (e) only scattered pockets of open space were provided in the draft District Plan and consideration should be given to providing more green and open area within the PDSs;
- (f) whilst most of the proposals were long-term objectives, the consultants should consider recommending some quick-win enhancement projects;

Traffic Assessment

- (g) given the traffic congestions in the Hung Hom District, the consultants should suggest traffic improvement measures in tandem with the land use proposals put forward in the District Plan;

- (h) whether the Study had assumed the proposed SCL, the proposed MTR Kwun Tong Line Extension and the APM would be provided in conducting the traffic assessments;
- (i) given the segregation of the waterfront areas from the old urban areas by the existing road network, whether the Study had examined how the pedestrian connectivity of the harbour-front area with the old urban areas could be improved;

Relocation of Incompatible Uses

- (j) whether relocation of the existing pier of the Green Island Cement (Holdings) Ltd. would be examined in the Study;
- (k) as it was the local residents' common consensus to relocate the KCRC Freight Yard and the IMC, whether the Government departments had started working on relocating these uses and what the current progress was;

Public Engagement

- (l) as the Stage 1 PEP had already gathered views from the stakeholders and the public on their aspirations and visions on how to enhance the harbour-front, the consultants should prepare more options for each PDS for public consultation at the Stage 2 PEP;
- (m) apart from the proposed waterfront promenade with cafés and restaurants, the consultants should come up with more innovative land use proposals and options (e.g. more variations in the design of the promenade and disposition of buildings) in the District Plan for the public to comment and choose. Simply presenting them with a recommended option was not adequate; and
- (n) to enable a meaningful discussion and consultation with the public at the Stage 2 PEP, the consultants should provide more detailed information on their assessment of different options of each PDS before coming up with the recommended land use proposals. Preparation of 3-D digital models, photomontages and relevant graphic presentations showing different

options would be helpful in this regard.

[Ms. Maggie M.K. Chan and Mr. Walter K.L. Chan left the meeting temporarily at this point.]

14. Messrs. Raymond Lee, Peter Cookson Smith, Ray Tang and Daniel Cheung had the following responses:

Study Objective

- (a) the Study was one of the district review studies undertaken as part of the overall Harbour Plan Review. Different studies e.g. Kai Tak Planning Review and Wan Chai Development Phase II Review had been carried out in parallel to examine the improvement of the harbour-front in other areas. The findings of these studies would help contribute to an overall enhancement of the harbour-front;

Draft District Plan Proposals

- (b) Members' comments on the specific proposals would be noted and taken into account in refining the District Plan;
- (c) the proposed hotel development in PDS 1 was based on the consultants' assessment of hotel demand for the territory. The development theme of this PDS was to create an attractive waterfront destination with vibrant, mixed-use development in consideration of the rather isolated and inaccessible location of the existing Coliseum. Through appropriate planning and landscape design, the proposed hotels and the Coliseum would form a coherent development, providing pedestrian connectivity from the Coliseum to the waterfront. That said, the whole concept e.g. acceptability of having medium-rise hotels side-by-side with the Coliseum was subject to public comments and views at the Stage 2 PEP;
- (d) sufficient open space had been planned for within the study area. Based on current proposals, about 4 ha of land were designated for open space use within the study area. In addition, more than 3 ha of publicly accessible open space were proposed in the draft District Plan;

- (e) quick-win enhancement projects would be considered under the Study;

Traffic Assessment

- (f) a preliminary traffic impact assessment (TIA) had been carried out as part of the Study. The SCL, the MTR Kwun Tong Line Extension and the APM had been taken into account in the TIA. The Transport Department had no objection to the findings of the TIA. The proposals of the draft District Plan had also assumed a development intensity lower than the current restrictions on the OZP. As such, the traffic to be generated by the PDSs would not worsen the traffic situation caused by the existing and OZP planned developments;
- (g) the PDSs would incorporate elevated walkways to improve pedestrian connectivity to the harbour-front. New and improved pedestrian connections would be provided from the Hung Hom Station to the harbour-front;
- (h) the existing traffic congestions and related problems in the Hung Hom District raised by Members would continue to be tackled through the joint efforts of concerned departments;

Relocation of Incompatible Uses

- (i) in response to the Board's earlier request, PlanD was separately examining the future use of the existing pier of the Green Island Cement (Holdings) Ltd. in the context of OZP review;
- (j) the consultants had discussed with the KCRC and relevant government departments on the relocation of KCRC Freight Yard and IMC. It was the long-term planning intention to relocate these incompatible uses with a view to enhancing the harbour-front but there was no firm time-table at the moment;

Public Engagement

- (k) the Stage 1 PEP was essentially a sounding-out exercise to solicit public views and understand their expectations of the future development of the

harbour-front area. Based on the views and comments gathered, the Stage 2 PEP aimed at putting forward some preliminary options and recommendations on the land use proposals as a basis for public discussion;

- (l) suitable and practical means of presentation, such as 3-D digital images, physical models and photomontages, to enhance public understanding of the proposals would be considered for the purpose of public forum. Different options for each PDS would be presented to the public to enable them to comment on the draft District Plan; and

[Ms. Maggie M.K. Chan and Mr. Walter K.L. Chan returned to join the meeting at this point.]

- (m) the Stage 2 PEP had already commenced in late August. Members were welcome to attend the roving exhibition and the coming public forum on 15.9.2007. The District Plan would be further refined in the light of the comments received at the Stage 2 PEP before its finalization.

15. On the traffic issues raised by Members, the Chairman pointed out that the draft District Plan had adopted a development intensity lower than that adopted in the current OZP and therefore the proposed PDSs would unlikely induce additional traffic exceeding the capacity of the existing and planned transport network. He also added that in the engagement digest, nine items of connectivity enhancement proposals had been put forth to address pedestrian connectivity issues.

16. The Chairman thanked the representatives of the PlanD and consultants for attending the meeting and they all left the meeting at this point.

[Ms. Starry W.K. Lee, Ms. Anna S.Y. Kwong and Mr. B.W. Chan left the meeting temporarily at this point.]

17. Some Members considered that more information on the rationale behind the preferred options and on the traffic assessments would be required in order to provide more constructive comments. Mrs. Ava Ng said that PlanD could prepare 3-D images on the proposals of the draft District Plan to enable Members to have a better understanding of the proposals. In this regard, the Chairman suggested that it should be worthwhile to invite

PlanD and the consultants to make another presentation to the Board after the 3-D images were ready. Members agreed.

Agenda Item 4

Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun

Outline Zoning Plan No. S/K15/15

Review of Yau Tong Bay "Comprehensive Development Area" Zone

(TPB Paper No. 7893)

[Open Meeting. The meeting was conducted in Cantonese.]

18. The Secretary reported that Messrs. Raymond Y.M. Chan and Alfred Donald Yap had declared interests on this item for having current business dealings with Henderson Real Estate Agency Ltd., the project proponent of the "Comprehensive Development Area" ("CDA") zone at Yau Tong Bay. Members noted that Mr. Chan had not yet arrived to join the meeting.

[Mr. Alfred Donald Yap left the meeting temporarily at this point.]

19. The Secretary added that Dr. Greg C.Y. Wong, Mr. Leslie H.C. Chen, Ms. Starry W.K. Lee and Mr. K.Y. Leung had declared interests on the item as they were members of the Harbour-front Enhancement Committee (HEC) which had been consulted on a proposal submitted by the project proponent. Dr. C.N. Ng and Professor Peter R. Hills had declared interests on the item as they were members of the Advisory Council on the Environment which had approved the environmental impact assessment (EIA) for the original reclamation proposal for the "CDA" zone. The Chairman said that as their interests were considered indirect and remote, they might be allowed to stay in the meeting and participate in the discussion on the item. Members agreed and also noted that Dr. Greg C.Y. Wong and Mr. K.Y. Leung had sent apologies for being unable to attend the meeting.

[Ms. Starry W.K. Lee and Mr. B.W. Chan returned to join the meeting at this point.]

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

Mr. Eric Yue

District Planning Officer/Kowloon

Miss Helen So

Senior Town Planner/Kowloon

21. The Chairman extended a welcome and invited Mr. Eric Yue to introduce the Paper. With the aid of Powerpoint slides, Mr. Eric Yue covered the following main aspects as detailed in the Paper:

- (a) background – the Yau Tong Bay “CDA” zone covering an area of about 17.31 ha was incorporated into the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (the OZP) in January 1993. On 31.12.2001, the proponent submitted a development scheme for the “CDA” zone to the Board to expand the reclamation limit (the 2001 Submission). The proposal, supported by an EIA report, was agreed by the Metro Planning Committee on 15.3.2002. The OZP with the new “CDA” zoning boundary was exhibited on 21.6.2002 for public inspection under the Town Planning Ordinance (TPO). After completion of the objection procedure, the OZP was submitted to the Chief Executive in Council (CE in C). Consideration of the draft OZP by CE in C was held up pending the court ruling of a judicial review on the draft Wan Chai North OZP, which involved the interpretation of the presumption against reclamation under the Protection of the Harbour Ordinance (PHO). On 8.7.2003, the High Court quashed the Board’s decision on the draft Wan Chai North OZP. On 9.1.2004, the Court of Final Appeal handed down its Judgment, dismissing the Board’s appeal and clarifying the legal principles on the interpretation of the PHO. On 2.12.2003, CE in C ordered the reference back of the OZP to the Board for further consideration. The Board on 20.2.2004 agreed to review the future development of Yau Tong Bay by taking a “no reclamation” approach. The Board also agreed that the developer should be engaged at an appropriate time in the review process. On 22.9.2006, after considering the three options submitted by the proponent, the Board advised that the proponent should submit a more acceptable scheme for the Board’s consideration;
- (b) current proposal: the proponent on 30.3.2007 submitted a planning report presenting two development schemes under “no reclamation” approach

(Schemes 1 and 2) by excluding the sea area, the Wing Shan Industrial Building site and the area to its west which was currently being occupied by various Government and utility facilities from the “CDA” zone. The total land area for the proposed “CDA” zone under these two schemes was about 83,166m². In response to the concerns of the Sub-committee on Harbour Plan Review of the HEC and PlanD on the building height, the proponent had prepared an alternative scheme (Scheme 1A) with the same gross floor area (GFA) but lower building height for the residential towers, i.e., from the maximum of 188mPD to 150mPD. The key development parameters of the three schemes were summarised in paragraph 3.7 of the Paper;

- (c) justifications from the proponent: the justifications and comparison of the Schemes 1, 2 and 1A were summarised in paragraph 4 of the Paper. In brief, the main difference between Schemes 1 and 2 was Tower 6, i.e., an office block (in Scheme 1) and a residential tower (in Scheme 2) and the reduction of the total plot ratio from 6 in Scheme 1 to 5.8 in Scheme 2. Comparing the three schemes, the proponent considered Scheme 2 better than Scheme 1 on the grounds of better planning and design, reduced traffic impact, better ventilation and reduced visual impact, and Scheme 1 better than Scheme 1A from air ventilation and visual impact points of view;
- (d) consultation: relevant government departments had no adverse comments, technical assessments would be required during the section 16 application stage, whilst the sub-committee on Harbour Plan Review of HEC had raised concerns on building height. The Kwun Tong District Council and the public had not been consulted yet as the schemes were not submitted under the TPO;
- (e) PlanD’s views: PlanD’s views were summarized in paragraph 10 of the Paper:
 - the current schemes demonstrated noticeable improvement to the previous submission in 2006;

- the proponent’s zoning boundary covered only portion of the land area of the original “CDA” zone, which might cause possible industrial/residential interface problem;
- the GFA in the proposed schemes was considered excessive and not acceptable for a waterfront development;
- the proposed promenade was included in the site area for the calculation of GFA and plot ratio (PR), which deviated from the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG);
- should the domestic PR and non-domestic PR (excluding waterfront promenade from site area calculation) be considered acceptable to the Board, consideration could be given to relaxing the domestic PR of 5 and non-domestic PR of 1 to a total PR of 6 to give flexibility in design; and
- the proposed building heights (maximum 188mPD in Schemes 1 & 2 and 150mPD – 200mPD in Scheme 1A) were not acceptable. A maximum building height of 120 mPD for domestic towers and 150 mPD for office development would be more acceptable for this waterfront location.

22. A Member asked whether the Board would be bound by PlanD’s assessments in commenting and deliberating on the three schemes submitted by the project proponent. Mr. Eric Yue responded that the Paper mainly provided an assessment of the three schemes with a view to facilitating the Board’s consideration. Subject to the Board’s comments and views, if the three schemes currently submitted by the project proponent were not accepted, PlanD would proceed to prepare an alternative set of development parameters for the Yau Tong “CDA” zone for the consideration of the Metro Planning Committee (MPC) of the Board.

23. Members generally did not support any of the three schemes proposed by the proponent. The questions and comments raised by individual Members were summarized as follows:

Building Height and Development Intensity

- (a) the building heights of the proposed development in all three schemes were considered excessive given its waterfront location. As compared with other developments on the harbour-front being restricted to a maximum of 100mPD or lower, the proposed building heights would create adverse visual impact and infringe the ridgeline;
- (b) as to PlanD's recommended building heights of 120mPD (residential) and 150mPD (office), it was difficult to make a decision at this meeting as more detailed analysis would be required to assist the Board in determination of the appropriate building heights for this site;
- (c) if the 120mPD and 150mPD were still considered excessive, it might be necessary to consider lowering the PR of the "CDA". Otherwise, it would result in very massive buildings along the waterfront as PR, building height and site coverage were inter-related;
- (d) given the long history of the case, the Board had to decide on a set of development parameters as soon as possible, rather than leaving it to the proponent to continue working on alternative schemes;

Planning Brief

- (e) whether a planning brief would be prepared to set out a set of planning parameters for the "CDA" zone;

Proposed Uses

- (f) the project proponent should consider providing more GIC facilities within such a large-scale residential development to meet community need and the district council should be consulted on the GIC requirements;
- (g) the proposed comprehensive development should add more vibrancy to the Yau Tong area. Pure residential development might be undesirable and it would be better to bring in more commercial uses to ensure a balanced development;

- (h) whether the proposed public waterfront promenade would become a “private garden” of the proposed residential development;

Odour Impact

- (i) how the adverse odour impact arising from the Yau Tong Bay would be addressed;

Boundary of the CDA

- (j) whether PlanD would exclude the Wing Shan Industrial Building site from the “CDA” site in the light of the current submission made by the project proponent; and

Public Consultation

- (k) the public and the Kwun Tong District Council had yet to be consulted on the schemes. Early consultation was suggested as it would avoid any future controversy on the proposed development.

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

24. Mr. Eric Yue had the following responses to the questions and comments raised by Members:

Building Height and Development Intensity

- (a) the proposed development of 31 to 48 storeys for domestic towers with the maximum building height of 188mPD in Schemes 1 and 2 and the maximum building height of 150mPD in Scheme 1A were considered not acceptable and not in line with the Harbour Planning Principles. As recommended by Chief Town Planner/Urban Design & Landscape, a stepped height profile with the maximum building height of 120mPD for domestic towers and 150mPD for the office block would be more acceptable in this waterfront site. Moreover, building heights of 45 to 60mPD were recommended at the two ends (i.e., near the Cross Harbour Tunnel Toll Plaza in the northern part and adjacent to the sewage treatment plant in the southern part) of the “CDA” site fronting the harbour, and

80mPD at the eastern strip (in front of the MTR Yau Tong Station) of the “CDA” site forming a gradation of building height profile. The building heights proposed by PlanD would not infringe the ridgeline;

- (b) given the large site area and waterfront location, the development intensity should be carefully considered. It was recommended that the proposed waterfront promenade should be excluded from the site area in the calculation of GFA and PR in accordance with the HKPSG;

Planning Brief

- (c) subject to the Board’s decision on the current submission made by the project proponent, PlanD would prepare a planning brief setting out the planning parameters for the Yau Tong Bay “CDA” site for the MPC’s consideration;

Odour Impact

- (d) the Director of Environmental Protection had expressed his concerns on the possible adverse odour impact arising from the Yau Tong Bay which needed to be addressed in the future detailed technical environmental assessment to be submitted by the project proponent; and

Boundary of the CDA

- (e) the redevelopment of the Yau Tong marine lots in a comprehensive manner was in line with the long-term planning objectives of phasing out the existing industrial operation and providing a waterfront promenade for public enjoyment. The exclusion of Wing Shan Industrial Building site and its area to the west might impose a constraint on the design and implementation of the comprehensive redevelopment scheme, causing possible industrial/residential interface problem in the area. It was recommended that these sites should remain within the “CDA” zone.

25. As to a Member’s question on the required provision of public waterfront promenade in private land and its exclusion from PR calculation, the Chairman responded that PlanD had all along maintained a close dialogue with the project proponent in discussing the development parameters for the subject site. Given the “CDA” zoning of the site, the

whole development scheme in the form of a Master Layout Plan would need the Board's approval. Should the waterfront promenade be required and opened up for public use, the planning conditions and lease conditions would spell out this requirement. As to Members' concerns about the development intensity, the Chairman pointed out that the proposed PR of 6 as suggested by PlanD in paragraph 10.5 of the Paper was based on the net site area. If taking the gross site area as the basis, the total plot ratio would only be about 4.55.

26. The Chairman added that the current schemes were not processed under the TPO and thus there was no provision to publish the schemes for public comment. Should a set of development parameters be agreed by the Board, the OZP would be duly revised as appropriate and exhibited for public comments under the relevant provisions of the TPO.

27. After further deliberation, the Board decided not to agree to all schemes proposed by the proponent for the following reasons:

- (a) the proposed development scale, intensity and height of the schemes submitted by the proponent were considered excessive and not acceptable;
- (b) the gross floor area and plot ratio calculation had not followed the requirements of the Hong Kong Planning Standards and Guidelines; and
- (c) Harbour Planning principles had not been observed in the design of the development schemes for the "Comprehensive Development Area" site which was located at the waterfront location.

28. The Board also requested PlanD to submit, in one to two months' time, proposals to amend the Yau Tong Bay "Comprehensive Development Area" zone taking account of the views and comments raised by Members at the meeting.

29. The Chairman thanked Mr. Eric Yue and Miss Helen So for the attending the meeting. They all left the meeting at this point.

Agenda Item 5

Submission of the Draft Urban Renewal Authority Kwun Tong Town Centre – Main Site and

Yuet Wah Street Site Development Scheme Plans No. S/K14S/URA1/A and S/K14S/URA2/A
Prepared under Section 25 of Urban Renewal Authority Ordinance
(TPB Paper No. 7894)

[Open Meeting (Presentation and Question Sessions only). The meeting was conducted in Cantonese.]

[Mr. Raymond Y.M. Chan arrived to join the meeting at this point.]

30. The Secretary said that as the two Development Scheme Plans (DSPs) were submitted by the Urban Renewal Authority (URA), the following Members had declared interests on this item:

Mrs. Ava S.Y. Ng) being a non-executive director of
as the Director of Planning) the URA

)

Miss Annie K.L. Tam)
as the Director of Lands)

)

Mr. Walter K.L. Chan)

Mr. Nelson W.Y. Chan) being a member of the
) Kwun Tong District Advisory
) Committee of the URA

Ms. Margaret Hsia) being a co-opt member of the
as the Assistant Director(2)) Planning, Development and
Home Affairs Department) Conservation Committee of
) the URA

Dr. Greg C.Y. Wong) having current business dealings
) with the URA

Professional Bernard V.W.F. Lim)

Mr. Alfred Donald Yap) his wife owning a property
) within the area covered by the

33. The Chairman extended a welcome and briefly explained the procedures of the meeting. He then invited Mr. Eric Yue to brief Members on the background of the KTTC redevelopment.

34. With the aid of Powerpoint slides, Mr. Eric Yue covered the following points as detailed in the Paper:

- (a) background – URA on 20.4.2007 submitted the draft KTTC - Main Site DSP and the draft KTTC - Yuet Wah Street Site DSP under section 25(5) of the URA Ordinance (URAO) to the Board for consideration. The two draft Planning Briefs for the Main Site and Yuet Wah Street Site were also submitted for endorsement by the Board;
- (b) the scheme - the Main Site was currently zoned partly “Residential (Group A)” (“R(A)”), “Commercial” (“C”), “Government, Institution or Community” (“G/IC”) and “Open Space” (“O”), and partly shown as ‘Road’ on the approved Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/14. The Yuet Wah Street Site was currently zoned partly “G/IC” and partly shown as ‘Road’ on the aforesaid OZP. Both sites were proposed to be rezoned to “Comprehensive Development Area” (“CDA”) on the draft DSPs. The Main Site was intended mainly for residential and commercial uses with a public transport interchange (PTI), open space and GIC facilities. The Yuet Wah Street Site was proposed for residential use and GIC facilities. The hotel and office uses would be located in the landmark tower at the junction of Kwun Tong Road and Hip Wo Street. The retail use would comprise a multi-storey retail mall, traditional street side shops and hawker bazaar. Communal facilities such as amphitheatre, sculpture garden, water features, art street and a “Kai Fong” street with shops of traditional small trades would also be provided;
- (c) draft Planning Briefs (PBs) - the two draft PBs for the Main Site and Yuet Wah Street Site were presented to the Kwun Tong District Council (KTDC) on 17.5.2007 by URA and PlanD. KTDC in general supported the draft PBs;

- (d) Social Impact Assessment (SIA) - a SIA survey for the KTTC redevelopment project was conducted from 30.3.2007 to 9.4.2007 by URA. Findings of the SIA were detailed in paragraph 6 of the Paper;
- (e) government departments' views – relevant government departments had been consulted on the draft DSPs and URA's responses to their comments were summarized in paragraphs 8.3 and 8.4 of the Paper;
- (f) public consultation - URA and PlanD on 17.5.2007 consulted KTDC on the draft DSPs for the Main Site and Yuet Wah Street Site. The KTDC expressed support for the KTTC redevelopment and urged for its early implementation. The draft DSPs and the SIA report were also made available for public inspection. A total of 1,254 comments were received. About 97% (1,214) of the comments indicated support of the proposed KTTC redevelopment. 3 comments specifically commented on the detailed SIA (Stage II) and agreed with the findings of the detailed SIA. 21 comments objected to the proposed KTTC redevelopment. The rest had commented on various aspects of the development schemes such as planning intention and objectives, development intensity, design and development parameters, development phasing, shopping facilities, public open space and acquisition and redevelopment period. Public comments were summarised in paragraph 9 of the Paper;
- (g) PlanD's view – PlanD had no objection to the two draft DSPs for the reasons set out in paragraph 11.1 of the Paper:

Need for Comprehensive Redevelopment and DSP Boundary

- the need for comprehensive redevelopment of the KTTC had long been recognized;
- buildings falling within the boundaries of the two DSPs were mainly over 40 years old and generally in deteriorating or poor conditions;
- comprehensive redevelopment of the KTTC through a “CDA” zone could ensure appropriate control on the overall development scale and

design through the submission of master layout plan (MLP) and other technical assessments;

2-DSP Approach

- the 2-DSP approach would facilitate the implementation of the Yuet Wah Street site first without waiting for clearance of the Main Site. In view of the complexity and development scale of the project as well as the acquisition/resumption implication of the Main Site, such an approach was considered acceptable to facilitate the implementation of the project and to retain the greatest flexibility in future implementation;

PBs

- the proposed plot ratio of 7.5 was considered on the high side. However, a balanced approach had to be taken in determining the development intensity of the project. Given that the KTTC redevelopment was the largest project ever undertaken by URA, the relatively long time span (more than 10 years) of implementation and the fact that a town centre development could allow a higher level of commercial development, the proposed plot ratio of 7.5 over an area of 5.35 ha represented a palatable and balanced option;

Notes and ESs of the Draft DSPs

- the building height restriction for the residential sub-area of the Main Site was restricted to 170mPD with the incorporation of minor relaxation clause. Planning permission would be required if the proposed residential towers at the Main Site was 178mPD as indicated in the notional MLP; and
- in view of the complexity of the project, the development intensities of the residential sub-area and commercial sub-area of the Main Site might exceed those proposed in the Notes of the Main Site DSP. A minor relaxation clause for the plot ratio restrictions was therefore proposed to allow flexibility at the MLP stage. However, the total

GFA should be kept at a maximum of 401,250m².

35. The Chairman then invited the representatives of URA to elaborate on the DSPs.

36. With the aid of Powerpoint slides, a video and physical models, Mr. Billy Lam, Ms. Iris Tam and Mr. Lam Wo-hei made the following main points:

Key guiding principles

- (a) there was an urgent need to proceed with the redevelopment of KTTC given the traffic congestion, dilapidated buildings and poor living conditions within the area. The Chief Executive in his last Policy Address had also committed to expedite the programme of the redevelopment project;
- (b) URA had adopted five key guiding principles for the redevelopment project:
 - application of URA’s prevailing compensation and rehousing policies;
 - phased implementation in order to maintain the vitality and reasonable levels of services within the town centre during redevelopment;
 - wide public consultation and participation, especially on planning and design matters;
 - showcase for a modern, green, environmentally friendly, creative and visionary design for a 21st century town centre;
 - financial sustainability, striking the right balance between heavy acquisition costs, market risks, and development potential of the site;

Community engagement and the draft DSPs

- (c) for the past two years, four rounds of consultation with the public and various stakeholders had been carried out to solicit their views on the KTTC redevelopment;

- (d) based on the consultation feedback, three design concepts, viz. “City of Tomorrow”, “Metamorphosis” and “Civic Hub” had been formulated for the roadshow. More than 80% visitors accepted the design concept of “City of Tomorrow”;
- (e) the two DSPs covered a total land area of 5.35 ha with a proposed plot ratio of 7.5. It was the largest project ever carried out by the URA. It was estimated that it would incur a total investment of \$30 billion with a development period of 12 years;
- (f) KTDC had expressed full support for the KTTC redevelopment in the meeting on 17.5.2007. Out of a total of 1,254 public comments received, 1,217 (97%) supported the project;

People’s Design and Technical Assessments

- (g) 12 mainstream features e.g. appropriate building height, increasing public open space and water features had been adopted after four rounds of public consultation;
- (h) KTTC redevelopment aimed at creating an open and ventilated environment made possible by the quality layout and orientation of the development;
- (i) the overall plot ratio of the project had been reduced from 7.98 to 7.5, of which the PTI and “G/IC” facilities had a plot ratio of 0.6. The total gross floor area of the project was about 401,250m²;
- (j) there would be a stepped height profile for the project: residential building height had been lowered to 140-178mPD whereas commercial building height of 280mPD was intended to create a town centre landmark;
- (k) a total of 23,200m² would be provided as public open space (including 8,700m² at-grade and 14,500m² at podium level);

- (l) open space would be maximized as focus of community life. Public space would be increased by building setback and pavement widening;
- (m) a vibrant commercial mix would be provided to preserve local character and street life and meet the daily needs of all walks of life. A variety of affordable goods and services were available in the planned “Kai Fong Lane”;
- (n) seven elevated walkways and underground links would be provided to connect the KTTC project with its surrounding areas;
- (o) the planned PTI would adopt all-weather and ventilated design whilst the pedestrian zone would be separated from vehicles. A split level PTI would be provided with the buses on the upper level and the public light bus on the lower level;
- (p) GIC facilities to be provided included Kwun Tong Jockey Club Health Centre, PTI, Kwun Tong Government Offices, Post Office, Multi-purpose Activity Venue and Methadone Clinic;
- (q) the GIC building at the junction of Kwun Tong Road and Hong Ning Road would be an iconic building with a landmark design;
- (r) with regard to the social and elderly needs, public space for social activities and group functions and public facilities accessible to wheelchair users would be incorporated into the redevelopment project; and
- (s) different technical assessments on air ventilation, visual impact, drainage impact, sewerage impact, utilities and waterworks impact, traffic impact and environment had been carried out to support the feasibility of the proposed development schemes.

37. Members noted the need to proceed with the development schemes in the light of the aspirations of the locals and the KTDC. On some specific issues of the DSPs, the views and comments raised by individual Members were summarised as follows:

Design of the iconic GIC building

- (a) the use of glass structure for the GIC building might not be energy efficient and might create greenhouse effect. Further consideration should be given to reviewing the use of building materials from the environmental point of view;

Plot Ratio

- (b) whether there was any intention for URA to apply for further relaxation of the plot ratio for the KTTC project in view of the high financial risk of the project;

Building Height

- (c) while appreciating the URA's intention to create a landmark building in the KTTC, the proposed height of the commercial building at 280mPD was considered excessive when compared with the neighbouring buildings e.g. APM with a height of 200mPD. More justifications and assessments should be provided to justify the proposed building height and demonstrate its compatibility with the neighbouring developments;
- (d) if vantage points were taken at Shau Kei Wan and North Point, the impact of the proposed commercial building with 280mPD would have an adverse impact on the ridgeline of Fei Ngo Shan;
- (e) putting up a high-rise building was not the only way to create a landmark in the KTTC redevelopment. The iconic GIC building or provision of more green landscaped area could also create a landmark and should further be explored by URA;

GIC facilities

- (f) what the locals' views were on the proposed location of the methadone clinic;
- (g) within the 8,000m² GIC facilities to be provided within the Main Site, the amount of floor area reserved for new GIC facilities;

PTI

- (h) some outstanding issues pertaining to the design of the PTI had yet to be resolved. Transport Department (TD) had expressed concerns about the design, management and maintenance issues relating to the PTI;

Environmental Aspects

- (i) whether there was any data to support that the development schemes would bring about improvement of air quality and show its impact on the surrounding areas, and whether the podium development along Hip Wo Street would create a “valley effect” to the detriment of the air quality of the area;

Connectivity with Neighbouring Areas

- (j) the DSPs only proposed one connection point from the Main Site across Hip Wo Street and whether there was scope to provide more pedestrian links across Hip Wo Street;
- (k) whether it was possible to provide better linkage from the Yuet Wah Street site to the existing Yuet Wah Street Recreation Ground; and

SIA

- (l) the SIA only focussed on reprovisioning and compensating the affected retail shops and hawkers. It had not sufficiently addressed such aspects as how to ensure sustainable development of the local business activities and mitigate the possible adverse impact arising from the redevelopment project.

38. The responses made by Mr. Eric Yue were summarized below:

Building Height

- (a) the proponent had not yet provided sufficient justifications for the proposed building heights, as indicated in the notional MLP, of the KTTC project. More work on optimising the density of the town centre to make best use of its hub function and to keep its vibrancy and vitality, and minimising the

footprint of the towers to provide more public open space and improve the wind environment, pedestrian connections and visual corridors needed to be done at the MLP and detailed design stage;

PTI

- (b) noting the departments' concerns about the funding, design, building, management and maintenance of the proposed PTI, URA had agreed to resolve the above issues between URA and concerned departments/bureaux at the MLP and detailed design stages; and
- (c) in commenting on the air quality impact assessment, the Environmental Protection Department (EPD) had reservation on URA's explanation on the sideways dispersion from the proposed pedestrian link connecting to the MTR Kwun Tong Station and on some other assumptions used in the air quality models. The acceptability of the vehicular emission impact for the proposed scheme, in particular the proposed pedestrian link, still needed to be demonstrated by the URA.

39. The responses made by Mr. Billy Lam, Ms. Iris Tam and Mr. Lam Wo-hei were summarized below:

Design of the iconic GIC building

- (a) the transparent design of the GIC building was based on the feedback from the public and intended to create an attractive node for multi-purpose social activity, alongside the civic square. URA was aware of the GPA's concerns about the usable floor area of the GIC due to its current egg-shaped design. Nonetheless, the current design was a notional concept and would be subject to review at the detailed design stage. Members' concerns relating to energy efficiency would also be duly taken into account;

Plot Ratio

- (b) the proposed incorporation of a minor relaxation clause for plot ratio restriction in the Main Site was intended to allow flexibility for phased development as URA had indicated that the proposed commercial building

might exceed the permitted plot ratio of 12 due to its phasing and other implementation problems. Nevertheless, the whole project (Main Site and Yuet Wah Street site) was subject to a maximum total gross floor area restriction of 401,250m²;

Building Height

- (c) the development of a high-rise landmark building was raised by the local residents during the early rounds of public consultation. Besides, a high-rise landmark building was justified based on a balanced consideration of a host of factors including its unique location (i.e. on top of the MTR Station within the town centre whilst away from the harbour-front), need to optimise the permissible plot ratio allowed for the commercial development and the size of typical floor space on each floor, provision of more open space on the ground floor, avoidance of creating a low-rise building with wall-effect. If the building height of the commercial building had to be reduced, there would be the consequential impact of increasing the typical floor area to more than 2,000m², affecting the marketability of the commercial building and the financial viability of the whole project;
- (d) future design of the KTTC project would be based on, inter alia, sound design concepts, giving due regard to appropriate building height, reasonable development intensity, increasing public open space and augmenting greening coverage;

GIC facilities

- (e) the methadone clinic was proposed to be reprovisioned at Kwun Tong Road/Hoi Yuen Street roundabout with easy accessibility from the MTR Station above, but away from the busy pedestrian routes. This proposed location was supported by the locals;
- (f) the 8,000m² GIC facilities were mainly for the reprovisioning of the existing facilities. The new facility proposed by URA was the multi-purpose activity venue intended for communal activities like exhibition, community gatherings and art performance at the request of the public;

PTI

- (g) design of the PTI would be sorted out with concerned departments during the preparation of MLP and detailed design stages. Also, more detailed assessments e.g. wind tunnel test would be carried out to demonstrate that the air circulation within the PTI would meet EPD's standards and requirements. As to EPD's concerns about vehicular emission under the landscape deck over Kwun Tong Road, the consultants would liaise closely with EPD with a view to addressing their concerns at the detailed assessment stage;

Environmental Aspects

- (h) the current design of the Main Site would provide a landscaped podium along Hip Wo Street to avoid creating wall effect. This would be an improvement to the current situation whereby the view of the buildings along Hip Wo Street towards Yue Man Square was blocked. This view corridor would also facilitate air circulation of the area;

Connectivity with Neighbouring Areas

- (i) during the previous rounds of public consultation, the main concerns put up by the locals were the pedestrian connectivity from the Yuet Wah Street site to the Main Site and the connectivity to the Kwun Tong MTR Station from the Main Site. Given that the existing buildings facing the Main Site along Hip Wo Street were under private ownership, it was difficult to provide additional pedestrian links to these buildings without the owners' consent;
- (j) as to the proposed connectivity with the existing Yuet Wah Street Recreation Ground, URA would explore its feasibility with the concerned departments;

SIA

- (k) URA's prevailing compensation and rehousing policies together with the services offered by the social service team (SST) should be sufficient to reasonably mitigate the impact on the majority of residents and business

operators. The SIA had already gathered information on the needs of the locals and assessed the social impact of the project. URA had been maintaining a close dialogue with the locals to ascertain their needs. The SST would follow up individual cases, if necessary; and

- (l) the proposed “Kai Fong Lane” would provide the opportunity for shops with traditional small trades to operate.

40. On the proposed building height of the commercial building to make it a landmark building, while the majority of Members considered that 280mPD excessive and that an iconic building needed not be a tall building, some Members considered that the proposed height of 280mPD justified given the imposition of the maximum GFA control, financial viability of the project and long development period. Reduction of the building height of the commercial building would result in a larger footprint and reduce the open greening area.

[Ms. Starry W.K. Lee left the meeting at this point.]

41. In response to a Member’s enquiry on whether a SIA would be required at MLP stage, the Secretary explained that the SIA was prepared by URA under the requirements of the Urban Renewal Strategy and submitted to the Board for information. No SIA would thus be required at the MLP submission stage. To enable URA to proceed with development schemes and commence the preparation of detailed MLP, the DSPs should first be deemed by the Board as being suitable for publication under the TPO.

[Professor Peter R. Hills left the meeting at this point.]

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

43. The deliberation session was reported under confidential cover.

44. The meeting was adjourned for lunch at 1:10p.m..

45. The meeting was resumed at 2:30 p.m..

[Mr. Tony C.N. Kan and Professor Bernard V.W.F. Lim arrived to join the meeting at this point.]

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

Mr. Raymond Young
Professor Nora F.Y. Tam
Mr. Nelson W.Y. Chan
Mr. David W.M. Chan
Mr. Tony C.N. Kan
Professor Bernard V.W.F. Lim
Dr. C.N. Ng
Mr. Alfred Donald Yap
Ms. Sylvia S.F. Yau
Mr. Walter K.L. Chan
Mr. Raymond Y.M. Chan
Mr. Y.K. Cheng
Ms. Anna S.Y. Kwong
Dr. James C.W. Lau
Dr. Michael Chiu
Miss Annie Tam
Mrs. Ava Ng

Agenda Item 6

[Open Meeting]

Revision to Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories

(TPB Paper No. 7891)

[The hearing was conducted in Cantonese]

47. The Secretary reported that Mr. Tony C.N. Kan, Ms. Carmen K.M. Chan and Mr. Alfred Donald Yap had declared interest on the item as they had connections with the Heung Yee Kuk. Members noted that Ms. Carmen K.M. Chan had sent her apologies for being unable to attend the meeting in the afternoon, Mr. Alfred Donald Yap had not yet arrived and Mr. Tony C.N. Kan had left the meeting temporarily at this point.

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

| | |
|--------------------|---|
| Ms. Brenda K.Y. Au | Chief Town Planner/Town Planning Board |
| Mr. W.S. Lau | Senior Town Planner/Town Planning Board |

49. The Chairman extended a welcome and invited Ms. Brenda K.Y. Au to brief Members on the Paper.

Presentation Session

50. With the aid of Powerpoint presentation, Ms. Au did so and made the following main points:

Background

- (a) the background of the proposed revisions was detailed in paragraph 1 of the Paper. The review on the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House (SH) in New Territories (the IC) was undertaken in response to the Board's

request to provide some guidelines on handling of applications with previous approval lapsed arising from a review application in Kau To Village and the Heung Yee Kuk (HYK)'s request for a more flexible approach on planning application for NTEH/SH developments on sites straddling other zones but with footprints wholly or mainly inside the "Village Type Development" ("V") zone.

Existing Practice

- (b) planning permission was required when the application site encroached on other zones, even if the footprint of the NTEH/SH was wholly inside the "V" zone;
- (c) when only a very minor portion of the application site (less than 5% or 10m,² whichever was the less) fell outside the "V" zone, it could be regarded as minor boundary adjustment always permitted under the covering Notes of OZPs provided that there would be no tree felling involved and no adverse impacts envisaged;

Review of Existing Practice

- (d) because of the broadbrush nature of land use zonings, NTEH/SH developments straddling the boundary of "V" and other zones were common;
- (e) if the footprint of a proposed NTEH/SH development was wholly or mainly within the "V" portion of the site, it would normally not incur significant impacts;
- (f) past planning applications under such circumstances were mostly approved by the RNTPC. Between January 2006 and June 2007, for the 65 applications with 50% or more of the footprints falling within the "V" zone, 64 (98.5%) were approved;

PlanD's Initial Proposal

- (g) after balancing the need for planning control and HYK's request, a more flexible approach was initially proposed by PlanD under which planning permission would not be required if the footprint fell wholly within "V" or mainly (i.e. 50% or more) within both the "V" zone and the village environ ('VE'), and to avoid adverse impacts, the proposed exemption would not apply to cases with sites encroaching on conservation-related zonings, "Country Park", "Open Space" ("O"), area shown as 'Road', and "Green Belt" ("GB") zone involving tree felling;

HYK's views

- (h) HYK welcomed the proposal but suggested to further lower the cut-off percentage from '50% or more' to '30% or more'. Details of HYK's counter-proposal were in Annex B of the Paper;
- (i) HYK also proposed that exemption should apply to sites encroaching on "GB" zone (regardless of tree felling) and "O" zone involving private land but the proposed house footprint was entirely within the "V" zone;

Departmental Comments

- (j) comments of concerned Government departments on PlanD's initial proposal and HYK's suggestions were detailed in paragraphs 2.5 to 2.8 of the Paper. In general, concerned departments were in support of PlanD's initial proposal. The Director of Agriculture, Fisheries and Conservation considered that the adoption of '50%' as a threshold was practicable and reasonable. The Director of Environmental Protection and Director of Water Supplies considered that cases within water gathering grounds (WGGs) should not be exempted;
- (k) the Director of Leisure and Cultural Services considered that exemption should not cover cases encroaching on "O" zones. The Chief Town Planner/Urban Design and Landscape and the Director of Civil Engineering and Development had reservation to exempt cases in "O" and "GB" zones;

- (l) the District Officer (Sha Tin) reckoned that all 27 Rural Committees supported HYK's counter-proposal. The District Officer (Sai Kung) supported PlanD's proposal, recognized the importance of the proviso of exemption and had reservation on HYK's proposal to exempt application involving "GB";
- (m) the Director of Lands had no objection to lower the threshold to '30% or more' in view of shortage of SH sites within 'VE';

PlanD's Recommendations

- (n) to adopt the majority rule (50% or more) as the cut-off point for exemption was appropriate as the major part of the NETH/SH footprint was still within the "V" zone and 'VE'. Further relaxation to '30% or more' was not in line with the planning intention of other zone(s) involved;
- (o) for protection of water resources, the NTEH/SH developments in WGGs would not be exempted from application;
- (p) to retain appropriate control, application encroaching on "GB" zone involving tree felling should not be exempted;
- (q) application encroaching upon "O" involving private land could be exempted as the Government would have to resume the private land when the open space project proceeded as planned. Any encroachment on the "O" zone involving Government land could be controlled by the LandsD in the land grant process;

Proposed Revisions to the IC

- (r) explanatory notes to explain the proposed exemption from planning application for NTEH/SH development were as set out in paragraph A of Annex D;

- (s) for planning applications with previous planning permission lapsed, a new criterion was proposed at paragraph B(d) of Annex D to set out the principles in handling such applications. Such applications should be considered on their own merits and developments not in line with the IC would normally not be approved. Sympathetic consideration might be given if there were specific circumstances to justify individual cases, such as infill site and land grant at an advance stage.

51. Ms. Brenda K.Y. Au added that the World Wide Fund For Nature Hong Kong (WWF) had submitted a letter on 6.9.2007, which was tabled at the meeting, objecting to the proposed exemption from planning application for NTEH/SH development in “GB” zone if no tree felling was involved as it would aggravate the existing problem of tree felling in the rural areas. WWF worried that villagers would fell the trees in “GB” so as to avoid planning application. Ms. Au explained that for cases with the majority of the house footprint falling within “V” zone, the area outside the “V” zone that would be built over would not be significant. Very often, the application site was larger than the house footprint, and there was scope to avoid the trees rather than felling them. She quoted the statistics in the period between January 2006 and June 2007 that of the 65 applications with 50% or more of the house footprint within “V” zone, 11 of them encroached on “GB” zone and all were approved. If Members were concerned about the proposed exemption for cases encroaching on “GB” zone, the Board might consider only exempting cases with the house footprint wholly within “GB” zone from planning application.

Discussion Session

52. A Member supported streamlining the planning application procedures and added that consideration should be given to better utilize the limited land resources for meeting SH future demand.

53. Another Member expressed concerns that the proposed exemption of cases encroaching on “GB” zone not involving tree felling would lead to the undesirable effect that villagers would fell the trees in advance to obviate the need for planning application.

54. In response, Ms. Brenda K.Y. Au said that where the application site was larger than the house footprint, tree felling could be avoided by adjusting the disposition of the

house. If the house footprint would affect any tree and tree felling was involved, planning application would be required. She explained the existing land administration mechanism for processing SH application, which would help prevent abuse of the exemption arrangement. The Lands Department would circulate all NTEH/SH development proposals to the PlanD for advice on whether planning application was required. Staff of the PlanD would visit the sites and if any tree felling was found for any case involving “GB” zone, the Board could still require the submission of planning application and impose condition on compensatory planting should the application be approved.

55. The same Member said that apart from trees and vegetation, there were other intrinsic values of “GB” zone. The proposed exemption would deprive the chance for the Board to consider some applications for NTEH/SH development encroaching upon “GB” zone.

56. The Chairman said that Members should strike a proper balance between necessary planning control and streamlining the planning application procedures. In view of Members’ reservation and the public concerns expressed in writing and through the media in the past few days on the undesirable consequences of tree felling in advance to avoid planning application, the Board could consider not exempting those cases involving “GB” zone, whether or not tree felling was involved. Members agreed that all cases involving “GB” zone should require planning permission.

57. On the proposed cut-off percentage for exemption from planning application, Members agreed to PlanD’s proposal to adopt the majority rule (i.e. 50% or more) of the house footprint within both the “V” zone and the ‘VE’. HYK’s proposal of ‘30% or more’ was considered not justifiable.

58. A Member asked whether cases encroaching on “O” involving private land would be exempted from planning application as proposed by HYK as it was not explicitly spelt out in paragraph (A)(3) of Annex D of the Paper.

59. Ms. Brenda K.Y. Au said that SH development encroaching on “O” zone involving private land could be exempted if the footprint did not fall within the “O” zone as the Government would have to resume the subject land not built on upon development of the planned open space. She added that for encroachment on “O” zone involving Government

land, the Lands Department would not approve such cases according to their existing practice of processing SH applications. The Secretary pointed out the wording of the proposed amendments to the IC would effectively mean encroaching on the “O” zone, irrespective of public or private ownership, would be exempted from planning application. She suggested that if Members considered it necessary, it could be made explicit in paragraph (A) of Annex D of the Paper that application encroaching on “O” zone involving Government land would not be exempted.

60. The same Member said that for cases encroaching on “O” zone involving Government land, they should be submitted to the Board for consideration rather than deferring to the land authority. After discussion, the Board agreed to exempt cases encroaching on “O” zone involving private land (with house footprint wholly outside the “O” zone) from planning application but not those cases involving Government land.

61. The Chairman summed up that the Board agreed to:

- (a) the proposed exemption from planning application for NTEH/SH developments as set out in paragraph (A) of Annex D of the Paper subject to amendments to reflect exclusion of those with application sites encroaching on “GB” zone, and those encroaching on “O” zone involving Government land or where the proposed NTEH/SH footprint encroached on the “O” zone; and
- (b) the proposed revisions to the IC for assessing planning applications for NTHE/SH developments as highlighted in paragraph (B) of Annex D of the Paper.

62. The Chairman thanked the representatives of PlanD for attending the meeting.

[Dr. C.N. Ng left the meeting while Mr. Alfred Donald Yap arrived and Mr. Tony C.N. Kan returned to join the meeting at this point.]

Agenda Items 7 to 15

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/K14/533

'Wholesale Trade' Use in "Other Specified Uses" annotated "Business" zone, Unit H, 13/F, Yip Fat Factory Building, Phase 2, 73 and 75 Hoi Yuen Road, Kwun Tong

(TPB Paper No. 7895)

Review of Application No. A/K14/534

'Wholesale Trade' Use in "Other Specified Uses" annotated "Business" zone, Unit G, 11/F, Yip Fat Factory Building, Phase 2, 73 and 75 Hoi Yuen Road, Kwun Tong

(TPB Paper No. 7896)

Review of Application No. A/K14/535

Proposed 'Wholesale Trade' Use in "Other Specified Uses" annotated "Business" zone, Unit F, 1/F, Yip Fat Factory Building, Phase 2, 73 and 75 Hoi Yuen Road, Kwun Tong

(TPB Paper No. 7897)

Review of Application No. A/K14/536

Wholesale Trade in "Other Specified Uses" annotated "Business" zone, Unit H, 11/F, Yip Fat Factory Building, Phase 2, 73 and 75 Hoi Yuen Road, Kwun Tong

(TPB Paper No. 7898)

Review of Application No. A/K14/537

'Wholesale Trade' Use in "Other Specified Uses" annotated "Business" zone, Portion of Unit F, 11/F, Yip Fat Factory Building, Phase 2, 73 and 75 Hoi Yuen Road, Kwun Tong

(TPB Paper No. 7899)

Review of Application No. A/K14/538

'Wholesale Trade' Use in "Other Specified Uses" annotated "Business" zone, Portion of Unit H, 12/F, Yip Fat Factory Building, Phase 2, 73 and 75 Hoi Yuen Road, Kwun Tong

(TPB Paper No. 7900)

Review of Application No. A/K14/539

Proposed 'Wholesale Trade' Use in "Other Specified Uses" annotated "Business" zone, Unit F, 2/F, Yip Fat Factory Building, Phase 2, 73 and 75 Hoi Yuen Road, Kwun Tong

(TPB Paper No. 7901)

Review of Application No. A/K14/541

‘Wholesale Trade’ Use in “Other Specified Uses” annotated “Business” zone, Unit H, 8/F, Yip Fat Factory Building, Phase 2, 73 and 75 Hoi Yuen Road, Kwun Tong

(TPB Paper No. 7902)

Review of Application No. A/K14/542

‘Wholesale Trade’ Use in “Other Specified Uses” annotated “Business” zone, Portion of Unit E, 14/F, Yip Fat Factory Building, Phase 2, 73 and 75 Hoi Yuen Road, Kwun Tong

(TPB Paper No. 7903)

[The hearing was conducted in Cantonese]

Presentation and Question Session

63. The following representatives of the Planning Department (PlanD) and Fire Services Department (FSD) were invited to the meeting at this point:

| | |
|---------------------|---|
| Mr. Eric Yue | District Planning Officer/Kowloon (DPO/K), PlanD |
| Miss Helen So | Senior Town Planner/Kowloon, PlanD |
| Mr. Yeung Chung-hau | Senior Divisional Officer, FSD |
| Mr. Chung Chit-chun | Assistant Divisional Officer, FSD |

64. The following applicants and applicants’ representatives were also invited to the meeting:

Mr. Tommy Hui Fai-kin
Mr. Yu Kin-hou
Mr. Wu Chi-ying
Mr. Wong Pak-leung
Miss Chin Yuk-ling

Miss Cheung Yin-chi

Mrs. Wong Chun-ho

Mr. Wong Wing-fai

Miss Wong Oi-yee

65. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited Mr. Eric Yue to brief Members on the background to the application.

66. With the aid of a Powerpoint presentation, Mr. Eric Yue did so as detailed in the Paper and made the following main points:

- (a) the nine applications were to seek planning permissions for wholesale trade use at the subject premises on various floors (1/F, 2/F, 8/F, 11/F, 12/F, 13/F & 14/F) of Phase 2 of Yip Fat Factory Building which fell within an area zoned "Other Specified Uses" annotated "Business" ("OU(Business)") on the approved Kwun Tong (South) Outline Zoning Plan (OZP);
- (b) applications No. A/K14/533 to 539 and No. A/K14/541 and 542 were rejected by the Metro Planning Committee (MPC) on 11.5.2007 and 25.5.2007 respectively for the reason that the applications were not supported from fire safety point of view;
- (c) written representations were submitted by the applicants for the review applications. The applicants claimed that the majority of the Metro Planning Committee Members and even two members of the public were in support of the applications. There was only one Government department, the FSD, which did not support the application. The outdated guidelines formulated by the FSD in 1966 did not meet the fast-changing environment of Hong Kong;
- (d) departmental comments – highlighting that the District Lands Officer/Kowloon East advised that the proposed use was not permitted under the lease. If planning approvals were granted, temporary waivers would be required for the proposed uses. The FSD did not support mixed

occupancies of commercial and industrial undertakings on upper floors of an industrial building. There were potential risks as industrial activities might involve higher risk of fire and accidents and commercial activities might attract a large number of people who were neither aware of nor prepared to face the risks. As such, the applications were not acceptable from fire safety point of view. Other concerned Government departments had no objection to the applications;

- (e) public comments – 4 public comments (including a Chairman of an Area Committee, 400 consumers in Phase 2 of Yip Fat Factory Building, 40 tenants and employees working in Phase 2 of Yip Fat Factory Building and a member of the public) for each of the applications were received during the statutory publication period. The commenters supported the applications; and
- (f) PlanD's view – PlanD did not support the review applications because they were not supported from fire safety point of view.

[Professor Nora F.Y. Tam left the meeting at this point.]

67. The Chairman then invited the applicants and applicants' representatives to elaborate on the application.

68. Mr. Tommy Hui Fai-kin made the following main points:

- (a) sympathetic consideration should be given to the applications. If 10% of the existing old industrial buildings in Hong Kong were allowed to change in use, it would help to promote the economy and the burden on social security would be reduced;
- (b) only the FSD, which was constrained by resources, had negative comments on the applications. The Board needed an independent professional advice;
- (c) fire concern was only a technical issue which could be overcome. The

FSD's insistence on provision of a buffer floor to separate commercial and industrial uses in an industrial building was not practical. The applications could be approved subject to conditions and the FSD could help to solve the technical matters;

- (d) the FSD's assessment on fire risk was wrong. Since 1995, various industrial premises in Yip Fat Factory Building had changed to other uses but there was no fire accident; and
- (e) the photograph in Plan R-3 was wrong as the boundary line only included two-thirds of the subject building, missing the remaining part where there was an important access.

69. The questions raised by Members were summarized as follows:

- (a) in view of Mr. Hui's query, clarification on the boundary line of the subject building as shown in Plan R-3 was sought;
- (b) other than the concerned application premises, what uses were currently found in the building;
- (c) noting that most parts of the building were used for retail and other commercial uses, why the building was still considered to be under industrial use;
- (d) whether the FSD could consider accepting mixed uses in an industrial building if it was predominantly used for non-industrial purposes;
- (e) whether the applicants had employed professional fire services consultants to discuss with the FSD to resolve the fire safety problems; and
- (f) whether the applicants would consider liaising with all other owners to change the use of the whole building together.

70. In response, Mr. Eric Yue made the following main points:

- (a) all the application premises fell within Phase 2 of Yip Fat Factory Building. The boundary line in Plan R-3 showed Phase 2 of the building and Phase 1 was next to it. Phases 1 and 2 had different access; and
- (b) as shown in the summary of the latest site survey in the Powerpoint presentation, there were a number of other units in the building being used for various commercial uses but no planning permission had been granted for such uses. There were also units being used for warehouse and workshop purposes.

71. Mr. Yeung Chung-hau made the following main points:

- (a) there were no guidelines promulgated by FSD in 1966 as claimed in the applicants' written submissions. However, there was a policy on commercial uses in industrial buildings formulated in the 1960's, and the policy had been modified from time to time to suit changing circumstances. Commercial uses were previously not allowed in industrial buildings but the restriction had subsequently been relaxed to allow for provision of local provisions stores and supporting commercial uses, as well as general commercial uses on the ground floor of an industrial building subject to the aggregate floor area limit of 230m² (without sprinkler system) and 460m² (with sprinkler system);
- (b) the FSD was concerned about mixed occupancies of commercial and industrial undertakings on the upper floors of an industrial building as they were incompatible and had potential risks. For industrial activities, it might involve industrial processes with the use and storage of chemicals/dangerous goods and also storage of products. The chance of fire risks and other accidents was higher. Commercial activities would attract a larger number of people who were neither aware of nor prepared to face the risks. In case of fire and accidents, the consequences could be serious; and
- (c) because of the potential risks, applications for commercial uses on the upper floors of the subject industrial building, which was predominantly

used for commercial purposes without approval, were not supported by the FSD. Units in the industrial building could be put back to industrial use as of right at any time. However, the FSD would have no problem if the whole industrial building was proposed for commercial uses.

72. In response, Mr. Tommy Hui Fai-kin made the following main points:

- (a) there were limited industrial activities in the subject building and the FSD should comment on the applications from a new perspective;
- (b) they had discussed with the FSD trying to resolve the concern raised but their proposals were not accepted;
- (c) the applicants had considered the possibility of changing the use of the whole building. However, this was fraught with difficulties because of the problem of absentee ownership; and
- (d) the site survey included in PlanD's Powerpoint presentation did not reflect the actual use of the building as many units used for commercial purposes were closed down due to lease enforcement. About 70 to 80% of the premises in the building had previously been used for commercial purposes as the building was only about 10 minutes walk from the nearest MTR station.

73. Regarding the rationale of limiting the aggregate commercial floor area on the ground floor of an industrial building to 230m² (without installation of sprinkler system) and 460m² (with installation of sprinkler system) raised by Mr. Tommy Hui Fai-kin, Mr. Yeung Chung-hau explained that it was an arrangement to provide some flexibility for accommodating commercial uses on the ground floor of an industrial building. It was formulated having regard to the capability of a 9,000-litre water tank in fire fighting. If there was no sprinkler installed, they could tolerate commercial use in not more than 230m² of floor area. With the installation of sprinkler facilities, they could tolerate commercial use in 460m² of floor area.

74. In response to Mrs. Ava S.Y. Ng's enquiry on whether all the applications were

within Phase 2 of the building as shown in the photograph in Plan R-3, Mr. Tommy Hui Fai-kin said that part of Phase 2 of the building was not covered by the boundary line in the photograph. The discrepancy was vital and might have affected the decision of the MPC. The Board should therefore review the MPC's decision.

75. The Chairman asked whether Members who sat in the MPC meeting considered that the subject photograph was material in their decision. The concerned Members considered that it was immaterial.

76. As the applicants and applicants' representatives had no further comment to make and Members had no further question to raise, the Chairman 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 Chairman thanked the applicants and applicants' representatives and representatives of PlanD and FSD for attending the meeting. They all left the meeting at this point.

Deliberation Session

77. Members considered that the applications could not be supported because of the potential fire risks. A Member said that to resolve the problem, all the owners could join together to change the use of the industrial building in whole. Another Member suggested that the FSD could look into the possibility of conditionally relaxing the rule on mixed uses if an industrial building was predominantly proposed for commercial uses to facilitate the economic restructuring.

78. The Chairman said that apart from considering further relaxation of commercial uses on the ground floor of an industrial building, the FSD could perhaps examine whether mixed uses on the upper floors could be allowed if the industrial building was predominantly proposed for commercial uses by imposing certain restrictions on the remaining industrial premises.

79. Miss Annie Tam said that she had previously convened a meeting with the FSD and other concerned departments when she was working in the then Housing, Planning and Lands Bureau to review the issue of mixed uses in industrial buildings. The FSD had agreed to consider further relaxation of commercial uses on the ground floor of an industrial building,

but did not accept mixed use on the upper floors because of fire risks unless there was a buffer floor to separate the commercial and industrial portions. She added that for any permanent change from industrial to commercial uses, a premium for lease modification was required but some owners might not be prepared to pay. As such, it would take time for all the owners to come together.

80. After further deliberation, the Board decided to reject the applications on review and the reason was that the applications were not supported from fire safety point of view.

Agenda Item 16

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-TT/209

Temporary Warehouse for Storage of Recyclable Materials for a Period of 3 Years in “Residential (Group D)” zone, Lots 4070RP(Part), 4071-4075, 4076RP(Part) and 4087 in DD 116 and Adjoining Government Land, Tai Shu Ha Road East, Tai Tong, Yuen Long (TPB Paper No. 7905)

[The hearing was conducted in Cantonese]

81. The Secretary reported that Dr. James C.W. Lau had declared an interest in this item as he had current business dealings with the consultant for this application.

[Dr. James C.W. Lau left the meeting temporarily at this point.]

Presentation and Question Session

82. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD), and the following applicant and applicant’s representative were invited to the meeting at this point:

Ms. Yeung Pik-yuk

Mr. Cheung Yee-sang

83. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman then invited Mr. Wilson So to brief Members on the background to the application.

84. With the aid of some plans, Mr. Wilson So did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for temporary warehouse for storage of recyclable materials for 3 years in an area zoned “Residential (Group D)” (“R(D)”);
- (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 11.5.2007 were set out in paragraph 1.2 of the Paper;
- (c) no written representation in support of the review application had been submitted by the applicant;
- (d) departmental comments – the departmental comments were summarized in paragraph 3 of the Paper. The Director of Environmental Protection did not support the application as there were sensitive receivers in the vicinity. The Assistant Commissioner for Transport/New Territories advised that approval of the application might set an undesirable precedent with cumulative adverse traffic impact. The Chief Town Planner/Urban Design and Landscape did not support the application from landscape planning point of view;
- (e) public comments – during the statutory publication period, 3 public comments from Yuen Long District Councillors were received, objecting to the application on the grounds of proximity to adjoining residential dwellings, incompatibility with the “R(D)” zoning and environmental impacts; and

- (f) PlanD's view – PlanD did not support the application for reasons stated in paragraph 5.1 of the Paper. The proposed development was not in line with the planning intention of the “R(D)” zone, not compatible with the residential dwellings and agricultural land in the vicinity, and not supported by concerned departments. There was insufficient information to demonstrate that the proposed development would not cause adverse environmental, traffic and landscape impacts and its approval would set an undesirable precedent.

85. The Chairman then invited the applicant to elaborate on the application.

86. Ms. Yeung Pik-yuk made the following main points:

- (a) they had applied for Small House development on the site but it was not approved. The proposed temporary use was an efficient use of land resources;
- (b) the proposed use was for storage of recyclable materials which would contribute to environmental protection. The use would not generate any noise and caused no environmental nuisances;
- (c) there was a site being used for open storage of steel adjoining to the application site; and
- (d) sympathetic consideration should be given to the application. The applicant had entered into a three-year agreement for the operation and would be liable if the application was rejected.

87. In response to Members' queries, Mr. Wilson So made the following main points:

- (a) to the north of the application site, there was a site being used for open storage of steel. The use existed before the publication of the relevant Development Permission Area Plan and was an “existing use” tolerated under the Town Planning Ordinance; and

- (b) he had no information on the application for Small House development. In the “R(D)” zone, any Small House development required planning permission from the Board.

88. A Member asked whether there was any complaint on noise pollution for the site being used for open storage of steel to the north of the application site. Mr. Wilson So said that he had no information at hand. This Member asked Ms. Yeung if she knew that there were 2 public complaints on air and noise pollution received by the Environmental Protection Department for the use on the application site in 2006. Ms. Yeung said that she was not aware of the complaints and added that as the use only involved storage of recyclable materials, there was no air, noise and water pollution. Comparatively, the open storage of steel in the adjoining site would generate more noise.

89. As the applicant and applicant’s representative had no further comment to make and Members had no further question to raise, the Chairman 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 Chairman thanked the applicant and applicant’s representative and PlanD’s representative for attending the meeting. They all left the meeting at this point.

90. Members considered that the proposed development was not compatible with the residential dwellings and agricultural land nearby and noted that there were adverse departmental comments on the application. As such, the application could not be supported.

91. After further deliberation, the Board decided to reject the application on review and the reasons were:

- (a) the proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. There was no strong justification for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development was not compatible with the residential

dwellings and agricultural land in the vicinity of the site. No previous planning approval had been granted at the site and there were adverse departmental comments against the applied use;

- (c) there was insufficient information in the submission to demonstrate that the proposed development would not cause adverse environmental, traffic and landscape impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar uses to proliferate further into the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[Dr. James C.W. Lau returned to join the meeting at this point.]

Agenda Item 17

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TM-SKW/52

Proposed Religious Institution in “Village Type Development” zone, Lot 380 in DD 385, So Kwun Wat, Tuen Mun, New Territories

(TPB Paper No. 7904)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

92. The Chairman said that sufficient notice had been given to the applicant to attend the hearing but the applicant had indicated not to attend. The Board decided to proceed with the hearing in the absence of the applicant.

93. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD), was invited to the meeting at this point.

94. The Chairman extended a welcome and invited Mr. Wilson So to brief Members on the background to the application.

95. With the aid of some plans, Mr. Wilson So did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for a religious institution of Taoism in an area zoned “Village Type Development”(“V”);
- (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 9.3.2007 were set out in paragraph 1.2 of the Paper;
- (c) written representation was submitted by the applicant and the major justifications in support of the review were detailed in paragraph 3 of the Paper;
- (d) departmental comments – the departmental comments were summarized in paragraph 4 of the Paper. No vehicular access nor parking provision was proposed for the development. The Assistant Commissioner for Transport/New Territories considered that the applicant should carry out a traffic study and review the transport related facilities required for the development. The Director of Fire Services considered that no satisfactory emergency vehicular access (EVA) had been included in the submission and the possible 3m-wide access suggested by the applicant was not acceptable from fire safety point of view. The Chief Building Surveyor/New Territories West commented that the EVA arrangement should comply with Building (Planning) Regulation 41D(1). The Chief Engineer/Mainland, Drainage Services Department was concerned that the works for provision of access for fire fighting might affect the existing watercourse and required submission of drainage proposals;
- (e) public comments – 5 public comments (including 2 on the further information submitted by the applicant) were received on the review

application from villagers of Tai Lam Chung Tsuen, village representative of Tai Lam Chung Tsuen and Tuen Mun Rural Committee objecting to the application on the grounds of “fung-shui” and incompatibility with local religious practice causing undesirable consequences. There were also 2 local objections from villagers of Tai Lam Chung Tsuen received via the District Officer/Tuen Mun on similar grounds; and

- (f) PlanD’s view – PlanD did not support the application for reasons stated in paragraph 6.1 of the Paper. There was no vehicular access nor parking provision for the development. The applicant’s claim of the capacity of the assembly hall was doubtful. With a total gross floor area of 613m², the capacity of the whole development was well above the 41 persons claimed by the applicant. A traffic study and a review on the transport related facilities were required. No satisfactory EVA arrangement had been proposed and there was no information to demonstrate that the works for provision of access for fire fighting would not worsen the existing drainage condition.

96. Members had no question on the application. The Chairman thanked Mr. Wilson So for attending the meeting and Mr. So left the meeting at this point.

97. After deliberation, the Board decided to reject the application on review and the reasons were:

- (a) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic impacts on the surrounding areas; and
- (b) there was no provision of emergency vehicular access to serve the proposed development.

Agenda Item 18

Any Other Business

98. There being no other business, the meeting was closed at 4:20 p.m.