

**Minutes of 904th Meeting of the
Town Planning Board held on 25.1.2008**

Present

Permanent Secretary for Development
(Planning and Lands)
Mr. Raymond Young

Chairman

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Professor David Dudgeon

Professor Peter R. Hills

Professor N.K. Leung

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Professor Paul K.S. Lam

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Director of Planning
Mrs. Ava S.Y. Ng

Deputy Director of Environmental Protection
Dr. Michael Chiu

Director of Lands
Miss Annie Tam

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

Secretary

Absent with Apologies

Dr. Peter K.K. Wong

Mr. Michael K.C. Lai

Dr. Greg C.Y. Wong

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Dr. Lily Chiang

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor Bernard V.W.F. Lim

Mr. Alfred Donald Yap

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

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

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

In Attendance

Assistant Director of Planning/Board
Mr. S. Lau

Chief Town Planner/Town Planning Board
Ms. Brenda K.Y. Au

Senior Town Planner/Town Planning Board
Mr. W.S. Lau

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 903rd Meeting held on 11.1.2008

[The meeting was conducted in Cantonese.]

1. The minutes of the 903rd Meeting held on 11.1.2008 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

- (i) Approval of Development Permission Area Plan

2. The Secretary reported that on 18.12.2007, the Chief Executive in Council (CE in C) approved the Sham Chung Development Permission Area Plan (renumbered as DPA/NE-SC/3) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The approval of the Plan was notified in the gazette on 25.1.2008.

- (ii) Reference of Outline Zoning Plans (OZPs)

3. The Secretary reported that on 15.1.2008, the CE in C referred the following two approved OZPs back to the Board for amendment under section 12(1)(b)(ii) of the Ordinance:

- Hung Hom OZP No. S/K9 /20
- Shek Kip Mei OZP No. S/K4 /21

The reference back of the approved OZPs for amendment was notified in the gazette on 25.1.2008.

Agenda Item 3

[Open Meeting]

Implications of Town Planning Appeal Board's Decision on Proposed House Development in "Green Belt" zone, Ha Yeung, Sai Kung
(TPB Paper No. 7999)

[The meeting was conducted in Cantonese.]

4. Ms. Brenda Au, Chief Town Planner/Town Planning Board of the Planning Department (PlanD), was invited to the meeting.

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

Presentation Session

6. With the aid of a Powerpoint presentation, Ms. Brenda Au presented the Paper and made the following main points:

(a) the paper was to address Members' concern on the implications of the subject Town Planning Appeal Board (TPAB)'s decision on the consideration of similar planning applications in future;

Background

(b) the subject site was zoned "Green Belt" ("GB") on the then approved Clear Water Bay Peninsula South Development Permission Area Plan (DPA Plan) when the planning application was submitted to the Town Planning Board (the Board) on 1.11.2004;

(c) the application was for five two-storey houses (9m) with a plot ratio of 0.4 and a site coverage of 20%;

[Professor David Dudgeon and Ms. Sylvia S.F. Yau arrived to join the meeting at this point.]

- (d) on 22.4.2005, the Board rejected the application upon review for the reasons as set out in paragraph 3.1 of the Paper;
- (e) the appeal was allowed by the TPAB on 30.7.2007 with conditions mainly on the grounds as summarized in paragraph 4.2 of the Paper;

TPAB's Main Considerations

- (f) a major factor governing the TPAB's decision was the 'existing use' of the site. The TPAB considered that the 'existing use' of the site for car park was not a ground for weakening the presumption against development and also the requirement for strong grounds for permitting development in the "GB" zone. However, while agreeing that the improvement brought by a proposed development could not per se always be sufficient to justify the grant of permission, and what improvement would be required was a matter of degree, the TPAB considered that the subject development would bring about a general improvement to the environment, which was a very important factor that should be taken into account;
- (g) the TPAB also considered that the planning intention of the "GB" zone was not lost by allowing the proposed development;
- (h) every application for planning permission should be considered in the light of its own facts, and the TPAB considered its decision a desirable precedent rather than an undesirable precedent;

[Mr. Nelson W.Y. Chan, Professor Paul K.S. Lam, Dr. C.N. Ng and Mr. David W.M. Chan arrived to join the meeting at this point.]

Implications of the Decision

- (i) in the past 5 years, there were 11 similar s.16/s.16A applications for house or residential developments relating to 8 sites in “GB” zones in the rural OZP areas. Only 3 of the cases involved ‘existing use’ - one first approved by the Board upon review in April 1999, and the other two rejected by the Rural and New Town Planning Committee (RNTPC) in January 2006 and February 2007;
- (j) the approved case (Application No. A/SK-HH/14) involved a site situated in a densely vegetated “GB” zone in Nam Wai, Sai Kung with an ‘existing use’ as a foam manufacturing factory. It was approved mainly on the consideration that the proposed development (8 houses) was a better alternative than the existing factory use in terms of traffic implications, it would phase out the undesirable ‘existing use’ and bring improvement to the general environment, and the proposed development intensity (plot ratio of 0.4) was in line with the Board’s relevant Guidelines;
- (k) the other two rejected cases (Applications No. A/SK-HC/114 and 139) were related to a site in Ho Chung, Sai Kung. The site was abandoned farmland and was still largely covered with vegetation. The cases were rejected mainly for the reasons of clearance of existing vegetation, possible adverse landscape and other impacts, as well as setting of an undesirable precedent;
- (l) the approach taken by the TPAB was not different from that of the Board. In considering planning applications in “GB” zone, both would consider the individual merits and such factors as the ‘existing use’, possible impacts (including improvement), compatibility of the proposed development (including scale and design, etc.) with the planning intention, and precedent effect.

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

- (m) as ‘House’ was a Column 2 use in “GB” zone, it would not be regarded as incompatible with the planning intention in all situations. Where there was already an established ‘existing use’ and vegetation on site cleared well before the Interim DPA or DPA Plan, such applications might be approvable based on individual merits and subject to no adverse impacts. In view of the general presumption against development in “GB” zone, it was the practice of the Board to allow development by way of rezoning instead of s.16 approval where circumstances so justified. This approach was expressly stated in the Board’s Guidelines No. 10 for Application for Development within “Green Belt” Zone;
- (n) taking into account the specific circumstances of the appeal case, there was no general major implication arising from the decision of the TPAB. The difference in relative weighting given to the various factors was a matter of planning judgement; and
- (o) the Board could continue to consider each planning application for similar use in “GB” zone on its individual merits in the light of its own facts and exercise its independent judgement.

Discussion Session

7. The Chairman said that the assessment was useful for the Board’s consideration of similar applications in “GB” zone in future. As the TPAB had also taken similar approach and factors into consideration, there would be no major implication on the work of the Board.

8. A Member remarked that the assessment had largely addressed Members’ concern on the implication of the TPAB’s decision and asked about the extent of land in

“GB” zones with ‘existing use’ status, as the TPAB’s decision might have implications on such land where similar applications had not yet been submitted. This Member had reservation on the TPAB’s view that its decision was a desirable precedent rather than an undesirable precedent, and considered that development in “GB” zone should proceed by rezoning instead of s.16 approval to reflect the Board’s intention.

9. In response, Ms. Brenda Au said that there were sites in “GB” zones involving ‘existing use’ in the rural New Territories but there was no figure at hand on the exact extent. She said that as the TPAB’s decision was based on individual merits, the Board’s consideration of similar applications in future would not be bound by the TPAB’s decision. In fact, the TPAB had largely followed the considerations laid down in the Board’s Guidelines No. 10 in the consideration of the appeal case. She added that approving development in “GB” zone by way of rezoning was an established approach of the Board, as stated in the Guidelines. She quoted that in the consideration of a s.16 application for a drug rehabilitation centre in Pak Tam, Sai Kung in 2006, the RNTPC decided to allow the development through zoning amendment so as to allow a due process of public representation. In approving the application involving ‘existing use’ in Nam Wai, Sai Kung mentioned earlier, the Board had also considered whether to allow the development through rezoning. In recent years, the Board had adopted the rezoning approach rather than by way of planning permission.

[Ms. Starry W.K. Lee arrived to join the meeting at this point.]

10. Another Member worried that upon residential development, the existing car park at the subject site might be relocated to another site in the vicinity, and then similar treatment would be claimed by submitting a planning application for house development. This Member asked whether there was any control to tackle the problem.

11. Ms. Brenda Au clarified that the subject car park was tolerated as an ‘existing use’ because it was in existence before the publication of the DPA Plan in 2002. Any non-conforming use after gazettal of the Plan would be regarded as unauthorized development subject to planning enforcement and reinstatement under the Town Planning Ordinance.

12. A Member commented that the TPAB’s view that the house development

was better than the existing car park in traffic terms was based on the assumption that there was no similar case in the area. If there were other similar cases, there might be adverse cumulative traffic impact on the area. Another Member noted that the DPA Plan for the area was only prepared in 2002 with the OZP prepared in 2005 and asked whether there were any other areas not yet covered by such plans.

13. Ms. Brenda Au responded that the priority of preparation of DPA Plans was mainly given to North-west New Territories and the North District previously because there was proliferation of open storage uses in those areas, and the preparation of DPA Plan for the Clear Water Bay Peninsula area was done at a later stage as the development pressure was not so great. She said that most of the rural areas which warranted planning control and enforcement had been covered by DPA Plans.

14. In response to a Member's suggestion to prepare a DPA Plan for Tai O which was under great development pressure in recent years, Mrs. Ava Ng said that PlanD was undertaking the preparation of statutory plans for the remaining rural areas. In drawing up the programme for statutory plan preparation, regard would be paid to, inter alia, development pressure and availability of resources.

15. After discussion, the Board noted the assessment of the implications of the TPAB's decision on the subject appeal.

16. The Chairman thanked Ms. Brenda Au for attending the meeting.

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations in Respect of the Draft Tai Tam and Shek O Outline Zoning Plan No. S/H18/9
(TPB Papers No. 7994 and 7995)

[The hearing was conducted in Cantonese and English.]

17. The Secretary reported that Ms. Ava Chiu had declared an interest on the item as her son was studying in the Hong Kong International School, and Ms. Chiu had tendered her apologies for not attending the meeting.

Representation No. 1 (TPB Paper No. 7994)

Presentation and Question Session

18. Ms. Christine K.C. Tse, District Planning Officer/Hong Kong (DPO/HK), and Mr. David C.M. Lam, Senior Town Planner/Hong Kong (STP/HK) of the Planning Department (PlanD) and Mr. She Ka Wang, the representer's representative, were invited to the meeting at this point.

19. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited Ms. Christine K.C. Tse to brief Members on the background to the representation.

20. With the aid of a Powerpoint presentation, Ms. Christine K.C. Tse made the following main points as detailed in the Paper:

- (a) the background of the amendments to the draft Tai Tam and Shek O OZP as detailed in paragraphs 1 and 3 of the Paper;

- (b) subject of representation – the representation was related to all the amendment items. The representer commented that any proposed works should maintain the existing amenity and character of Red Hill Peninsula and should not overload Tai Tam Road. New development should not exceed the existing building height. The representer had not proposed any amendment to the Plan; and
- (c) PlanD's views – PlanD did not propose any amendment to the OZP to meet the representation. The planning considerations and assessment of the representation were detailed in paragraph 4 of the Paper.

21. Mr. She Ka Wang had no elaboration on the representation.
22. As Members had no question to raise, the Chairman informed Mr. She that the hearing procedures for the representation had been completed, and the Board would deliberate on the representation in his absence and inform the representer of the Board's decision in due course. The Chairman thanked Mr. She and the representatives of PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

23. A Member said that the zoning amendments incorporated in the Plan were intended to keep the character and largely maintain the existing building heights of developments in the area. Another Member agreed and added that the representation was in fact in line with the Board's intention.

24. After deliberation, the Board decided not to propose any amendment to the Plan to meet the representation for the following reasons:

- (a) the amendments to the Plan were mainly to impose building height restrictions for developments in the “Government, Institution or Community” zone; to revise the zoning boundary to facilitate the development of two new school buildings and reflect the existing school use; and to revise the road alignment. The proposed

amendments would not generate adverse effect on the general amenity and traffic condition in the area; and

- (b) the current building height restrictions were considered appropriate in that they could maintain the general existing building height profile of the area and avoid excessively tall and out-of-context building, while at the same time provide flexibility for building design. It was therefore not necessary to restrict the height of new developments to those of the existing buildings.

Representation No. 2 (TPB Paper No. 7995)

Presentation and Question Session

25. The following representatives from PlanD were invited to the meeting at this point:

Ms. Christine K.C. Tse, DPO/HK

Mr. David C.M. Lam, STP/HK

26. The following representatives of the representer were also invited to the meeting:

Ms. Evelyn Lee

Mr. Patrick Hall

Ms. Pearl Hui

Mr. Nelson Chen

Ms. Pinky Li

27. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited Ms. Christine K.C. Tse to brief Members on the background to the representation.

28. With the aid of a Powerpoint presentation, Ms. Christine K.C. Tse made the following main points as detailed in the Paper:

- (a) the background to the amendments to the draft Tai Tam and Shek O OZP as detailed in paragraph 3 of the Paper;
- (b) subject of representation – the representation was related to amendment items B1 and B2 concerning the “Government, Institution or Community (3)” (“G/IC(3)”) zone and objecting to the zoning boundary and imposition of a maximum building height of 40 mPD;
- (c) the grounds of representation and the representer’s proposals were summarized in paragraph 2 of the Paper. The representer proposed to relax the height restriction for part of the “G/IC(3)” zone to 51mPD and to adjust the zoning boundary;
- (d) PlanD’s views – PlanD did not support any amendments to the OZP to meet the representation. The planning considerations and assessments of the representer’s proposals were detailed in paragraph 4 of the Paper.

29. The Chairman then invited the representer’s representatives to elaborate on the representation.

30. With the aid of a Powerpoint presentation, Ms. Evelyn Lee made the following main points:

Zoning boundary

- (a) the representer had proposed to amend the boundary of “G/IC(3)” zone to accord with the final land grant and tenancy agreement. Noting PlanD’s view in the Paper that the concerned areas were insignificant on the Plan with a scale of 1:10,000 and minor boundary adjustment between zones was permitted under the Notes of the Plan, the representer withdrew this part of the representation;

Building height control

- (b) noting PlanD's concerns on jeopardizing the stepped height concept and potential visual impact caused by their proposed "G/IC(6)" sub-area with a relaxed building height of 51mPD, the representer would counter-propose to extend the "G/IC(4)" zone (with a height restriction of 48mPD) eastward to cover the existing staff quarters site which was constrained by a 6m-wide drainage reserve cutting the site into two halves. The representer would accept an additional requirement of s.16 application for any future development/redevelopment;
- (c) the counter-proposal respected the stepped height concept and allowed flexibility to meet the demand for school improvement and for more sensitive design at the same time;
- (d) there would be insignificant visual impact when viewed from Tai Tam Harbour, Tai Tam Country Park, Tai Tam Road and Red Hill Peninsula;
- (e) the Board would retain full control over any future development/redevelopment through the s.16 application requirement; and
- (f) it would be unduly rigid for such low-rise development in the area to go through the long rezoning process, which would normally take 1 to 2 years. It would affect the timely provision of facilities for the benefits of the students.

31. The Chairman invited Ms. Christine K.C. Tse to comment on the representer's counter-proposal. Ms. Christine K.C. Tse, referring Members to the photomontages in the Powerpoint, said that the counter-proposal (relaxation from 40mPD to 48mPD) would lead to a taller building near the proposed Centre for the Arts of the school and there would be some visual impact particularly when viewed from Tai Tam

Harbour and Tai Tam Country Park. The suggestion would block part of the sea view from Tai Tam Country Park. She had doubt on the need for relaxation of the building height restriction for the site as it was not certain whether it would be redeveloped for school expansion or staff quarters.

32. Mr. Patrick Hall said that they were not able to determine the actual use of the site at this stage. They requested for some relaxation of the building height to allow for flexibility to meet their school expansion requirements in the next few years. If their representation was not met, it might take them 1 to 2 years to go through the rezoning process in future as the extent of relaxation would be more than 10% and might not be accepted under the s.16 application procedure. Ms. Evelyn Lee added that the requirement for submission of s.16 application in the proposed “G/IC(4)” zone would ensure sufficient planning control on the height and design of the future development. The proposal would obviate the need for another round of rezoning.

33. As the representer's representatives had finished their presentation and Members had no further question to raise, the Chairman informed them that the hearing procedures for the representation had been completed, and the Board would deliberate on the representation in their absence and inform the representer of the Board's decision in due course. The Chairman thanked the representer's representatives and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

34. A Member said that the representer only reserved the site for future expansion and there was no strong justification for relaxing the building height as it would have adverse visual impact on the area, especially when viewed from Tai Tam Harbour.

35. Another Member agreed and added that as the site was at a sensitive location, relaxation of the building height restriction without sufficient justifications was not appropriate. Minor relaxation of the building height restriction could be considered upon submission of a planning application in future.

36. A Member concurred with the view that the counter-proposed building height

would block the view of Tai Tam Harbour when viewed from Tai Tam Country Park. It was also uncertain whether the site would be for expansion of student facilities or staff quarters use. Another Member agreed to the views expressed and added that a lesser extent of relaxation might be more acceptable taking account of the interest of the wider public.

37. The Chairman concluded that the representation could not be met and the representer could submit a s.16 application for minor relaxation of the building height restriction when there was a more concrete school improvement plan. The Board would consider allowing such proposal if there were sufficient justifications and merits.

38. After further deliberation, the Board decided not to propose any amendment to the Plan to meet the representation for the following reasons:

- (a) in formulating the building height restriction for the Hong Kong International School including the representation site, various factors including urban design principles, low-rise character of the area and stepped height profile had been taken into account. The building height restriction of 40mPD for the representation site was considered appropriate to ensure that the urban design principles were followed and the existing character and visual amenity of the area were preserved; and
- (b) the building height restriction proposed by the representer for part of the representation site covering the staff quarters would result in adverse visual impact on the surrounding areas. The representer had not provided sufficient information to demonstrate that the proposed building height restriction was appropriate for the concerned part of the representation site.

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations in Respect of the Draft Yau Ma Tei Outline Zoning Plan
No. S/K2/19

(TPB Paper No. 7996)

[The hearing was conducted in Cantonese.]

Presentation and Question Session only

39. Mr. K.Y. Leung declared an interest for being a visiting lecturer of the Hong Kong Polytechnic University (HKPU) two years ago. Mr. Nelson W.Y. Chan also declared an interest as he had worked with Mr. Suen Kai-lit, the representative of Representation No. 3, at District Council. Members considered that the interests of Messrs. Leung and Chan were indirect and they could stay in the meeting.

40. Members noted that sufficient notice had been given to the representers to invite them to attend the meeting. The representer for Representation No. 3 would attend while that for Representation No. 2 had indicated not to attend and submitted some comments on the Paper which were tabled. The representers of Representation Nos. 4 to 9 did not reply. The Board agreed to proceed with the hearing in the absence of the remaining parties.

41. The following representatives from the Planning Department were invited to the meeting at this point:

Ms. Heidi Chan, District Planning Officer/Tsuen Wan and West Kowloon

Mr. Billy Fong, Town Planner/Tsuen Wan and West Kowloon

42. The following representatives of Representation No. 3 (submitted by the owners and residents of Wylie Court) were also invited to the meeting:

Mr. Sin Sau-keung

Mr. Lee Ming-kwong

43. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited Ms. Heidi Chan to brief Members on the background to the representations.

44. With the aid of a Powerpoint presentation, Ms. Heidi Chan made the following main points as detailed in the Paper:

- (a) the background to the amendments to the draft Yau Ma Tei OZP as detailed in paragraph 2 of the Paper. There were 9 representations received but Representation No. 1 was withdrawn subsequently;
- (b) subject of representations – the 8 representations were related to the rezoning of the representation site from “Open Space” (“O”) to “Government, Institution or Community (1)” (“G/IC(1)”) for expansion of HKPU. 1 representer (Representation No. 2) supported the expansion and 7 representers opposed to the “G/IC(1)” zoning;

[Dr. Daniel B.M. To left the meeting temporarily at this point.]

- (c) the grounds of representations and the representers’ proposals were summarized in paragraph 3 and Annex II of the Paper. Only 5 representers (Representations No. 2 to 6) had made proposals in their submissions as set out in paragraphs 3.18 to 3.22 of the Paper; and

[Dr. Daniel B.M. To returned to the meeting at this point.]

- (d) PlanD’s views – PlanD did not support any amendment to the OZP to meet the representations. The planning considerations and assessments of the representers’ proposals were detailed in paragraph 4 of the Paper.

45. The Chairman then invited the representatives of Representation No. 3 to make their presentations.

46. Mr. Sin Sau-keung made the following main points:

- (a) the residents of Wylie Court objected to the zoning amendment. The representation site had long been zoned “O” but was now changed for HKPU’s expansion;
- (b) the proposed buildings, only 90 m away, were very close to Wylie Court, creating wall effect which did not allow dispersal of air pollutants and worsening the problem of noise pollution;
- (c) the proposed development would generate additional traffic, deteriorating the already congested traffic conditions;
- (d) the subject site should be retained for open space use and more trees should be planted to improve the air quality in the area;
- (e) notwithstanding that concerned Government departments had no adverse comments on the proposal, many civil servants including some from the Environmental Protection Department living in Wylie Court raised objection;
- (f) the proposal would adversely affect property value and also the interests of residents in the district; and
- (g) it was recognised that public open space would be reprovisioned within the development. However, access to the reprovisioned open space through the HKPU campus was inconvenient. It would also affect the security of the campus and personal safety of students.

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

47. Mr. Lee Ming-kwong made the following main points:

- (a) the expansion of HKPU should not be done on an ad hoc basis. Long term planning for the expansion of the university was required. As

the representation site would not be adequate to cater for future expansion, a suitable site large enough for long term development should be found elsewhere;

- (b) although education institution was neither an air polluting source nor a major noise emitter, the building blocks proposed on the representation site would adversely affect the dispersal of noise;
- (c) there was doubt on whether the traffic impact assessment submitted by HKPU had taken into account the traffic flow of the Cross Harbour Tunnel in 2012; and
- (d) the development would generate adverse visual impacts to the residents of Wylie Court up to the eleventh floor.

48. A Member asked whether the new campus could be built on the existing soccer pitch in HKPU and the soccer pitch be relocated to the representation site. This Member also asked for the detailed planning of the Sha Tin to Central Link (SCL) at the representation site and added that the proposed SCL would impose less constraint on provision of sports facilities on the site than on construction of campus buildings.

49. Ms. Heidi Chan said that the alignment and construction details of the SCL had not been finalized. The reserve within the representation site was for future railway related facilities but not for a station. Referring to a plan in the Powerpoint, Ms. Heidi Chan said that the western half of the representation site at ground level (with a clear headroom of 10 m) was reserved for railway related facilities.

50. The Chairman said that if there were structures to be built within the reserve, it might not be possible to use the site as a soccer pitch.

51. In response to a few Members' enquiries, Ms. Heidi Chan added that as over half of the representation site at ground level was reserved for railway purpose and there was a requirement to provide about 6080m² of open space, it was difficult to develop a sports centre in the remaining area. It was also not certain whether the existing soccer pitch could accommodate all the facilities of the proposed expansion of HKPU. Similar

concern had previously been raised by MPC Members during the consideration of the relevant rezoning application (No. Y/K2/3), and HKPU would have to address the issue of integration with the SCL in their future s.16 planning application.

52. A Member asked how the public consultation on the rezoning proposal was conducted. Ms. Heidi Chan said that apart from consulting the locals through the District Office, public consultation on the rezoning application had been conducted in accordance with the provisions of the Town Planning Ordinance.

53. Mr. Sin Sau-keung said that there were 80 persons objecting to the proposal with only 1 person supporting. The District Council also raised objection. In view of strong objection, he queried why the proposal was still allowed to proceed. He suggested that HKPU should be asked to find another site, like the Lingnan University in Tuen Mun and the extension of Baptist University in Shek Mun.

54. Ms. Heidi Chan responded that the proposed development would need to be close to the main campus for operational reasons and to share essential core facilities. There was no alternative site available in the vicinity. Mr. Lee Ming-kwong reiterated that the representation site was inadequate for HKPU's future expansion. HKPU had to find a suitable site elsewhere for long term development.

55. As Members had no further questions to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representation in the absence of the representatives and would inform the representer of the Board's decision in due course. The Chairman thanked the representatives of the representer and PlanD for attending the hearing. They all left the meeting at this point.

Deliberation Session

56. A Member said that in the long term, HKPU might have to find a site elsewhere for further expansion and suggested to consider the proposal from this perspective.

57. In response to the Chairman's enquiry, Mrs. Ava Ng said that there was land reserved for educational use in the New Development Areas in the New Territories but it

would take a rather long time to materialize. At the moment, the representation site was the only site available in the vicinity.

58. A Member appreciated the representer's concerns and said that the Board had retained planning control through the requirement for submission of s.16 application for HKPU's expansion in the "G/IC(1)" zone. As traffic was a major concern in the area, it should be properly addressed at the planning application stage. In response to another Member's enquiry, the Chairman confirmed that traffic impact assessment would be required in submission of the planning application.

59. A Member sought clarification on the extent of land in the representation site reserved for railway related facilities under the SCL project. The Secretary said that an area of about 30m long and 165m wide with a headroom of 10m was reserved. The use of the representation site was much constrained by the SCL project, which made the swapping of the development with the soccer pitch site very difficult, if not impossible. As it was surrounded by major roads with heavy traffic, the Environmental Protection Department had advised that the site was not suitable for active recreational use. Members' concerns were fully deliberated at MPC in the consideration of the rezoning application and since the site was zoned "G/IC(1)", the constraint of the railway reserve on site swapping, accessibility of the proposed open space and connectivity of the site with existing HKPU campus had to be fully addressed in the planning application.

60. The Chairman concluded that the representation site was required for the SCL project and part of the site was proposed to be released for HKPU's expansion. Open space would also be reprovided within the site. The various concerns had already been deliberated by the MPC before and would be further addressed in the s.16 application to be submitted by HKPU. There was no new ground which warranted changing the MPC's decision. In the long term, if HKPU would further expand, they might need to find a suitable site in other districts.

Representation No. 2

61. The Board noted that the representation was in support of the expansion of Hong Kong Polytechnic University (HKPU). The Board also noted the representer's comments tabled at the meeting and considered that the proposed education institution

was neither an air polluting source nor a major/potential noise emitter in accordance with the Hong Kong Planning Standards and Guidelines. There were already building height restrictions imposed on the representation site in the Notes of the Plan to minimize the air ventilation, visual, noise and air impacts of the proposed development. Regarding the representer's proposal to build the new campus on the existing soccer pitch in HKPU, as over half of the representation site at ground level was reserved for railway purpose and there was a requirement to provide about 6080m² of open space, it was difficult to develop a sports centre in the remaining area. It was also not certain whether the existing soccer pitch site could accommodate all the facilities of the proposed expansion. The difficulties of using the existing soccer pitch for developing the new campus would be further explained by the HKPU in the planning application to be submitted to the Board for consideration.

Representation No. 3

62. After deliberation, the Board decided not to propose any amendment to meet the representation for the following reasons:

- (a) the proposed educational institution was neither an air polluting source nor a major/potential noise emitter in accordance with the Hong Kong Planning Standards and Guidelines. There were already building height restrictions imposed on the representation site in the Notes of the Plan to minimize the air ventilation, visual, noise and air impacts of the proposed development;
- (b) the initial Traffic Impact Assessment submitted by the Hong Kong Polytechnic University and accepted by the Transport Department indicated that with the implementation of the proposed mitigation measures, the proposed development would not create significant adverse traffic impact. The traffic impact of the proposed development could be further reviewed during the s.16 planning application stage;
- (c) the landscape proposal would be further reviewed during the s.16 planning application stage;

- (d) the provision of open space in the Yau Ma Tei district was sufficient to meet the demand of the open space and the provision of a public open space of not less than 6,080m² in the proposed development at the representation site had also been stipulated in the Notes of the Plan; and
- (e) the accessibility of the open space at the representation site would be further addressed during the s.16 planning application stage.

Representation No. 4

63. After deliberation, the Board decided not to propose any amendment to meet the representation for the following reasons:

- (a) the proposed educational institution was neither an air polluting source nor a major/potential noise emitter in accordance with the Hong Kong Planning Standards and Guidelines. There were already building height restrictions imposed on the representation site in the Notes of the Plan to minimize the air ventilation, visual, noise and air impacts of the proposed development;
- (b) the initial Traffic Impact Assessment submitted by the Hong Kong Polytechnic University and accepted by the Transport Department indicated that with the implementation of the proposed mitigation measures, the proposed development would not create significant adverse traffic impact. The traffic impact of the proposed development could be further reviewed during the s.16 planning application stage;
- (c) the proposed development would need to be in close proximity to the existing campus and there was no alternative site in the vicinity of the representation site for such a development;
- (d) the Environmental Assessment submitted by the Hong Kong Polytechnic University had demonstrated that with the implementation

of the appropriate mitigation measures, the proposed development at the representation site was technically feasible from the environmental point of view; and

- (e) the landscape proposal would be further reviewed during the s.16 planning application stage.

Representation No. 5

64. After deliberation, the Board decided not to propose any amendment to meet the representation for the following reasons:

- (a) the proposed development would need to be in close proximity to the existing campus and there was no alternative site in the vicinity of the representation site for such a development; and
- (b) the Environmental Assessment submitted by the Hong Kong Polytechnic University had demonstrated that with the implementation of the appropriate mitigation measures, the proposed development at the representation site was technically feasible from the environmental point of view.

Representation No. 6

65. After deliberation, the Board decided not to propose any amendment to meet the representation for the following reasons:

- (a) the proposed educational institution was neither an air polluting source nor a major/potential noise emitter in accordance with the Hong Kong Planning Standards and Guidelines. There were already building height restrictions imposed on the representation site in the Notes of the Plan to minimize the air ventilation, visual, noise and air impacts of the proposed development; and

- (b) the initial Traffic Impact Assessment submitted by the Hong Kong Polytechnic University and accepted by the Transport Department indicated that with the implementation of the proposed mitigation measures, the proposed development would not create significant adverse traffic impact. The traffic impact of the proposed development could be further reviewed during the s.16 planning application stage.

Representation No. 7

66. After deliberation, the Board decided not to propose any amendment to meet the representation for the following reasons:

- (a) the proposed educational institution was neither an air polluting source nor a major/potential noise emitter in accordance with the Hong Kong Planning Standards and Guidelines. There were already building height restrictions imposed on the representation site in the Notes of the Plan to minimize the air ventilation, visual, noise and air impacts of the proposed development;
- (b) the initial Traffic Impact Assessment submitted by the Hong Kong Polytechnic University and accepted by the Transport Department indicated that with the implementation of the proposed mitigation measures, the proposed development would not create significant adverse traffic impact. The traffic impact of the proposed development could be further reviewed during the s.16 planning application stage;
- (c) the provision of open space in the Yau Ma Tei district was sufficient to meet the demand of the open space and the provision of a public open space of not less than 6,080m² in the proposed development at the representation site had also been stipulated in the Notes of the Plan; and
- (d) the accessibility of the open space at the representation site would be further addressed during the s.16 planning application stage.

Representation No. 8

67. After deliberation, the Board decided not to propose any amendment to meet the representation for the following reasons:

- (a) the initial Traffic Impact Assessment submitted by the Hong Kong Polytechnic University and accepted by the Transport Department indicated that with the implementation of the proposed mitigation measures, the proposed development would not create significant adverse traffic impact. The traffic impact of the proposed development could be further reviewed during the s.16 planning application stage;
- (b) the proposed development would need to be in close proximity to the existing campus and there was no alternative site in the vicinity of the representation site for such a development;
- (c) the Environmental Assessment submitted by the Hong Kong Polytechnic University had demonstrated that with the implementation of the appropriate mitigation measures, the proposed development at the representation site was technically feasible from environmental point of view;
- (d) the landscape proposal would be further reviewed during the s.16 planning application stage;
- (e) the provision of open space in the Yau Ma Tei district was sufficient to meet the demand of the open space and the provision of a public open space of not less than 6,080m² in the proposed development at the representation site had also been stipulated in the Notes of the Plan; and
- (f) the public would be able to further comment on the proposed development during the s.16 planning application stage.

Representation No. 9

68. After deliberation, the Board decided not to propose any amendment to meet the representation for the following reasons:

- (a) the proposed educational institution was neither an air polluting source nor a major/potential noise emitter in accordance with the Hong Kong Planning Standards and Guidelines. There were already building height restrictions imposed on the representation site in the Notes of the Plan to minimize the air ventilation, visual, noise and air impacts of the proposed development;
- (b) the initial Traffic Impact Assessment submitted by the Hong Kong Polytechnic University and accepted by the Transport Department indicated that with the implementation of the proposed mitigation measures, the proposed development would not create significant adverse traffic impact. The traffic impact of the proposed development could be further reviewed during the s.16 planning application stage;
- (c) the proposed development would need to be in close proximity to the existing campus and there was no alternative site in the vicinity of the representation site for such a development;
- (d) the Environmental Assessment submitted by the Hong Kong Polytechnic University had demonstrated that with the implementation of the appropriate mitigation measures, the proposed development at the representation site was technically feasible from the environmental point of view; and
- (e) taking into account the existing urban setting in the district and the proposed educational use, the development intensity at the representation site was considered acceptable.

69. The meeting adjourned at 11:15 a.m. for a five-minute break.

[Professor Peter R. Hills, Dr. CN Ng and Professor Paul K.S. Lam left the meeting while

Mr. Walter K.L. Chan, Mrs. Ava Ng and Miss Annie Tam left the meeting temporarily at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Section 16 Application No. A/K5/646

Proposed Comprehensive Development for Residential, Commercial and Social Enterprise/Social Capital Projects Uses with Provision of Public Open Space in "Comprehensive Development Area" zone, Urban Renewal Authority Development Scheme Area at Lai Chi Kok Road/Kweilin Street and Yee Kuk Street (335-365 Lai Chi Kok Road, 55-65 Kweilin Street, 190, 202-212 and 213-219 Yee Kuk Street, Sham Shui Po)

(TPB Paper No. 8004)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

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

- | | |
|--|--|
| Mrs. Ava Ng as the Director of Planning | - being a non-executive director of URA |
| Miss Annie Tam as the Director of Lands | - being a non-executive director of URA |
| Ms. Margaret Hsia as the Assistant Director (2) of Home Affairs Department | - being a co-opt member of the Planning, Development and Conservation Committee of URA |
| Mr. Walter K.L. Chan | - being a non-executive director of URA |
| Professor Bernard V.W.F. Lim | - having current business dealings with |

URA

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

71. The Secretary said that Dr. Greg C.Y. Wong, Professor Bernard V.W.F. Lim and Ms. Margaret Hsia had tendered apologies for not attending the meeting. Members noted that Mr. Walter K.L. Chan, Mrs. Ava Ng and Miss Annie Tam had also refrained from joining the meeting.

72. The Chairman informed Members that as both the Chairperson and Vice-chairman of MPC had to declare an interest, this application was submitted to the Board for consideration.

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

Ms. Heidi Chan, District Planning Officer/Tsuen Wan & West Kowloon

Mr. P.C. Mok, Senior Town Planner/Tsuen Wan & West Kowloon

Ms. Carrie Chan, Town Planner/Tsuen Wan & West Kowloon

74. The Chairman extended a welcome and invited the representatives of PlanD to brief Members on the background to the application.

75. With the aid of a powerpoint presentation, Mr. P.C. Mok covered the following main points as detailed in the Paper:

(a) the proposal – details of the development proposal which covered two sites were set out in paragraph 1 of the Paper. The overall plot ratio of the development was 9. A total of 384 flats was proposed, and the building heights ranged from 98mPD to about 128mPD. A gross floor area of 390m² was reserved for social enterprise/social capital projects and 580m² of public open space would be provided;

- (b) technical assessments – traffic impact assessment, environmental assessment, landscape master plan, air ventilation assessment and visual appraisal had been conducted;
- (c) departmental comments – there were no adverse departmental comments on the application;
- (d) public comments – 3 public comments were received on the application, with 2 from the same private individual objecting to the application and requesting for the provision of more open space, reducing the plot ratio to 6 and the building height to 15 to 20 storeys. The other comment supported the application as the proposed development could revitalise the old urban area; and
- (e) PlanD's view – PlanD had no objection to the application for reasons stated in paragraph 11.1 of the Paper. The development was in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone and compatible with the surrounding uses. The proposed development intensity was also in line with the Planning Brief and provision of public open space was above the requirement. The technical assessments were acceptable and there were no adverse departmental comments.

76. Members then spent some time examining the model of the proposed development displayed at the meeting.

77. A Member asked about the proposed number of flats intended for the elderly in Site B.

78. Mr. P.C. Mok said that 69 flats with an average flat size of 45m² was proposed for Site B. Details on the flats for the elderly would be further explored by the applicant.

79. The same Member asked whether there was priority for allocating of the flats

to elderly of the local district in order not to disrupt their social network and whether there would be any provision of elderly facilities to facilitate the users.

80. Ms. Heidi Chan said that the provision of elderly flats was based on commercial principles. The Chairman added that as the elderly flats would be put up for sale, elderly facilities might need to be provided to attract the potential buyers.

81. As Members had no question to raise, the Chairman thanked PlanD's representatives for attending the meeting. They left the meeting at this point.

Deliberation

82. Members considered that the development proposal was in line with the planning intention of the "CDA" zone and the Planning Brief endorsed by the Board.

83. After deliberation, the Board decided to approve the application on the terms of the application as submitted to the Board. The permission should be valid until 25.1.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission and implementation of a revised Master Layout Plan to take into account the approval conditions as stated in paragraphs (b) to (j) below to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the building height of the proposed development should not exceed 127.85mPD at Site A and 98mPD at Site B;
- (c) the submission of a revised Traffic Impact Assessment including pedestrian flow assessment and design and provision of car parking facilities, loading/unloading bays and laybys, vehicular access points, divergent streets/lanes, traffic/transport and pedestrian improvement works for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

- (d) the design, provision, management and maintenance of the public open space, at no cost to the Government, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (e) the public open space should be open for public enjoyment daily on 24 hours basis;
- (f) the submission and implementation of a landscape master plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (g) the submission of a revised air ventilation assessment and the implementation of mitigation measures identified therein, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (h) the submission of a sewerage impact assessment and the implementation of any necessary upgrading works to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (i) the submission and implementation of monitoring measures to safeguard the Tin Hau Temple and surrounding historic buildings during construction works to the satisfaction of the Antiquities and Monuments Office of the Leisure and Cultural Services Department or of the Town Planning Board; and
- (j) the design and provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

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

- (a) that the approved Master Layout Plan, together with the set of approval conditions, would be certified by the Chairman of the Town Planning Board and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to

incorporate the relevant approval conditions into a revised Master Layout Plan for deposition in the Land Registry as soon as practicable;

- (b) that the approval of the application did not imply that the proposed inclusion of existing lane into site area for plot ratio and site coverage calculation, and extinguishment of and building over existing lanes would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (c) the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Fire Fighting and Rescue administered by the Buildings Department;
- (d) to take note of Director of Environmental Protection's comments to explore and implement further noise mitigation measures to minimize the road traffic noise impact and to ensure the validity of the chimney data in the air quality assessment;
- (e) to consult the Director of Water Supplies on the arrangement and bear all cost associated with the necessary diversion, connection, protection, extension and capping off of the existing water mains; and
- (f) to take note of the District Officer (Sham Shui Po), Home Affairs Department's comments to consider consulting the locals on social enterprise/social capital projects included in the project and to liaise with relevant bureau/department on how to materialize the floor space reserved for social enterprise/social capital projects.

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

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Proposed School (Primary School) in “Village Type Development” zone, Lot 2852 in DD 316, Pui O, Lantau
(TPBPaper No.8006)

[The hearing was conducted in English and Cantonese.]

Presentation and Question Session

85. Mr. Michael Chan, District Planning Officer/Sai Kung & Islands of the Planning Department (PlanD), and the following applicant's representatives were invited to the meeting at this point:

Mr. Serge Bethier

Mr. Louis Fung Kai-lin

86. The Chairman extended a welcome and explained briefly the procedures of the review hearing. The Chairman then invited Mr. Michael Chan to brief Members on the background to the application.

87. With the aid of a Powerpoint presentation, Mr. Michael Chan did so as detailed in the Paper and made the following main points:

- (a) the applicant sought permission for a proposed primary school on the first and second floors of 3 New Territories Exempted Houses (NTEHs) at the application site, which fell within an area zoned “Village Type Development” (“V”);
- (b) the reasons for the Rural and New Town Planning Committee (RNTPC) in rejecting the application on 24.8.2007 were set out in paragraph 1.2 of the Paper;
- (c) further justifications for the review application had been submitted by the applicant as detailed in paragraph 3 of the Paper;
- (d) departmental comments – the departmental comments were as summarized in paragraph 5 of the Paper. The Buildings Department

had raised fundamental technical concerns on the application. The Transport Department required the provision of parking and loading/unloading facilities. The Secretary for Education questioned whether there were proper facilities for school operation;

- (e) public comments – when the review application was published, 13 public comments were received. Two comments had no objection while the others objected on the grounds of various adverse impacts and no need for a new school. When the further information of the review application was published, 12 public comments were received. 3 had no objection/comment and the others objected on grounds similar to previous objections; and
- (f) PlanD’s view – PlanD did not support the application for reasons stated in paragraph 7.1 of the Paper. In essence, the application was not in line with the planning intention for “V” zone; the Buildings Department had fundamental technical concerns on the first and second floors of the building; there was no provision of parking spaces and loading/unloading facilities; there was a lack of proper facilities for school operation and there was no imminent need of new school places.

88. The Chairman then invited the applicant’s representatives to elaborate on the application.

89. Mr. Louis Fung Kai-lin made the following main points:

- (a) there were no other buildings on Lantau suitable for school use. The subject building formerly occupied by the Seabreeze Hotel was unique;
- (b) apart from planning approval, all other Government departments (including the Fire Services Department, the Education Bureau, the Buildings Department and the police) had given their in-principle approvals to the development;
- (c) the application was for conversion of the first and second floors of the

building to provide facilities for the existing students to move up the classes. It would adversely affect the students if approval was refused;

- (d) the Lantau Island School started operation in 1995. It was a small-class, cosy community school. There was a niche market for this unique English-speaking community school on Lantau as evident from the long waiting list;
- (e) the school could not be compared with the Pui O School which offered local Chinese curriculum. Their class size was 22 students per class while the class size of Pui O School was 40 students per class though there were only few students;

[Miss Annie Tam and Mrs. Ava Ng returned to the meeting at this point.]

- (f) as the school building was already in existence, it would be a waste of resources to leave the first and second floors of the building vacant;
- (g) contrary to paragraph 1.2 of the Paper, the subject building had been used as a hotel and had never been for residential use. Opposing the use of the building for school would be applying double-standard. There was also a precedent case in Tung Chung that a 3-storey village house was used for restaurant use;
- (h) the school provided gainful employment for the local people;
- (i) in planning for Lantau South, there was no consultation with the school. The existence and the future of this community type school was ignored;
- (j) in the reply letter to the school from the Private Secretary to the Chief Executive tabled by the applicant's representatives at the meeting, it was confirmed that as a matter of policy, the Government supported the development of a vibrant international school sector to underpin Hong

Kong's aspiration to be a global metropolis and fortify its status as a regional education hub and would facilitate in-situ expansion of international schools;

- (k) as indicated in paragraph 5.2.5 of the Paper, the Director-General of Investment Promotion supported the provision of international school places, the shortage of which would adversely affect foreign investment;
- (l) it was said that the school was in lack of facilities such as playgrounds but the two pieces of Government land adjoining the school were fenced off shortly after the school was opened in September 2007;
- (m) there was provision of sanitation facilities. As stated in the letter from Waylung Waste Services Limited tabled by the applicant's representatives, there was regular desludging service for septic tanks of the school;
- (n) the adverse public comments were on the school itself and on the impact of the school on the environment of the village. Quoting some objection letters as examples, the various adverse comments on traffic problem, noise nuisances, public order, sewage problem, inadequate school facilities and no justified need of a new school were unfounded;
- (o) the school did try to meet with the local villagers, to consult them on the development and to resolve their objections but they refused to meet with the school;
- (p) it should be noted that the objections mainly came from a few families in the village. There were also letters of support for the school and the Board should examine them to have a balanced picture; and
- (q) Members of the Board were invited to pay a site visit to see the site conditions and the operation of the school which would be helpful for consideration of the application.

[Professor N.K. Leung left the meeting at this point.]

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

- (a) whether the applicant was fully aware that in the lease, the subject building was in fact three separate village houses and authorization from the Lands Department was required to use the vacant Government land adjoining the school;
- (b) noting the assessment on the demand for primary school classrooms in the area in paragraph 7.1(e) of the Paper, whether the demand could be split into English-speaking and local classes;
- (c) whether there was any provision of school for non-Cantonese speaking pupils in South Lantau;
- (d) whether the Education Bureau supported the application;
- (e) whether the applicant had conducted any survey on building safety to use the first and second floors for school purposes;
- (f) whether the applicant had submitted any building plans for the school use to the Buildings Department for approval;
- (g) whether there were any facilities to cater for the needs of the students at recess time;
- (h) whether the provision of toilet facilities was adequate; and
- (i) clarification on whether there was any double standard in considering the development.

91. In response, Mr. Michael Chan made the following main points:

- (a) the number of primary classrooms required for the area was estimated to be about 6 at present and 10.2 in the long term. There was no figure on the split between local and English-speaking classes at local level. The provision of international schools was part of the education policy of the Education Bureau;
- (b) in the planning process, sufficient land had been reserved for school development. There was no differentiation on whether the land reservation was intended for English-speaking or local schools. On Lantau Island, there was provision of international schools in Discovery Bay and some provision in Tung Chung was being explored;
- (c) as stated in paragraph 5.2.4 of the Paper, the Education Bureau expressed concern on the use of the first and second floors for school purposes as there was inadequate provision of proper facilities for school operation and did not support the application; and
- (d) there was no double standard in considering the development, but the school had experienced difficulties due to objections from the villagers.

92. Mr. Serge Bethier responded with the following main points:

- (a) the purchase of the subject building was handled by their solicitor. They were fully aware of the lease and building conditions and noted that modifications to the lease for the school development and authorization from the Lands Department to use the adjoining vacant Government land would be required. The concerned Government land adjoining the site had been granted under short term tenancy (STT) for use by the previous landowner for about 30 years. However, when they applied for renewal of the STT under the name of the new landowner, they had encountered difficulties. The subject Government land was fenced off by the Lands Department under the pressure of local villagers shortly after the operation of the school on ground floor;

- (b) an architect had been employed for the conversion works of the building. The building was reinforced with new beams and concrete walls and the architect had examined the structure of the building and confirmed that the whole building was structurally safe for school use. Under the Education Ordinance, if the building safety was certified by an Authorized Person, school registration would be allowed;

[Ms. Sylvia S.F. Yau left the meeting at this point.]

- (c) building plans for reinforcement works had been submitted to the Buildings Department for approval. However, the Department was unable to formally approve the plans as it had no record of the building plans for the NTEHs which were exempted from building plan submission under the Buildings Ordinance;
- (d) the school had applied for STT to get the adjoining Government land in front and at the back for the provision of facilities for the enjoyment of the students at recess time. There was also a proposal to convert the roof-top of the building for playground use;
- (e) a total of 10 toilets would be provided within the school building. The provision was above the requirement under the Education Ordinance; and
- (f) should the application be rejected, it would be hard to explain to parents that there was no space for school expansion for the students to complete their primary school education because of some rigid Government regulations.

93. As the applicant's 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 application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant's representatives and the representative from PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

94. A Member expressed sympathy with the application but opined that while there was a demand for international school places, the application could not be supported because of concerns on building and fire safety.

95. A few Members shared similar views and added that building safety was an important consideration of the application.

96. A Member said that the Education Bureau actually had reservation on the application and according to the comments in paragraph 5.2.4 of the Paper, the Bureau considered that the design of the building was not ideal for school use.

97. Another Member said that as the building plans for the school development would unlikely be approved by the Buildings Department under the Buildings Ordinance on technical grounds particularly in view of the absence of any record of the design and construction of the existing NTEHs, it was more desirable for the school to move to other suitable sites, e.g. abandoned school site, in the area.

98. In response to a Member's enquiry, Miss Annie Tam said that it was acceptable under the lease if the school operated on the ground floor of 3 separate NTEHs. There were however unauthorized building works in the building. The previous STT for the adjoining Government land was for private garden purpose, not for school use. If the Board approved the application, the Lands Department would consider lease modification and granting of STT to the school as appropriate.

99. The Chairman said that Members were fully aware of the site conditions, operation of the school and the building conditions. The Board supported provision of more international school places to meet the demand but not the subject application as it did not comply with the building, fire service, education and transport requirements.

100. A Member added that the students might be adversely affected should the application be rejected. The Chairman said that he would relay the concern to the Secretary for Education and the Director of Buildings to see if any further assistance

could be offered to the school.

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

- (a) the proposed development was not in line with the planning intention of the “Village Type Development” zone which was primarily for development of Small Houses by indigenous villagers. No strong justification had been provided in the submission for a departure from the planning intention; and
- (b) the three existing New Territories Exempted Houses were designed and built for residential use. There were technical concerns relating to the building structures and provision of means of escape. No sufficient information had been provided in the submission to demonstrate that the NTEHs were suitable for school use and there were proper facilities within the existing premises for school operation.

[Dr. Daniel B.M. To, Mr. Stanley Y.F. Wong, Dr. Michael Chiu, Mr. David W.M. Chan , and Ms. Starry W.K. Lee left the meeting at this point.]

Agenda Item 8

[Open Meeting]

Proposed Town Planning Board Guidelines for Application for Tutorial School under Section 16 of the Town Planning Ordinance

(TPB Paper No. 7998)

[The meeting was conducted in Cantonese.]

102. Mr. C.T. Ling, Chief Town Planner/Town Planning Board of the Planning Department (PlanD), was invited to the meeting at this point.

103. The Chairman extended a welcome and invited Mr. C.T. Ling to brief Members on the Paper.

104. With the aid of Powerpoint presentation, Mr. C.T. Ling made the following main points:

Background

- (a) according to the Definition of Terms for Statutory Plans, tutorial school was subsumed under the broad use term of ‘School’;
- (b) in the past 2 years, there were 26 planning applications for tutorial school use considered by the Board. The main concern in deliberation was whether the application premises was suitable for such a use from the planning point of view;
- (c) the draft Guidelines aimed at listing the main planning criteria for the Board to consider planning applications for tutorial school use;

Main Issues

- (d) it was necessary to ensure that the proposed school use would not cause nuisance or not be incompatible with other uses within the same building or surrounding developments. In assessing compatibility with other uses, the Board would normally give consideration only to the permitted uses within the building(s);
- (e) tutorial school relied on the patronage of outsiders. It would normally not be permitted within a residential building or the domestic portion of a composite building unless the proposed access would not cause disturbance or nuisance to the local residents;
- (f) access to tutorial school should be separated from the domestic portion of the main building. For application premises only accessible through the common area of the residential development, the Board would generally not support the application unless the applicant could come up with practical and implementable proposals to demonstrate

that the proposed tutorial school would not create nuisances to the residents;

- (g) under the current statutory arrangements, all planning applications would be published for public comments. The Board would duly take into account all public views in consideration of applications for tutorial school use;
- (h) the requirements of the Fire Services Department (FSD) and Buildings Department (BD) had to be satisfied. The Board might impose a time-limit to ensure compliance with the provision of fire service installations within the application premises;

Draft Guidelines

- (i) the main planning criteria suggested for the Board to deliberate applications for tutorial school use were:-
 - compatibility with other uses within the same building or surrounding developments;
 - the proposed access would not cause disturbance or nuisance to the local residents;
 - the proposed access (entrance) should be separated from that of the domestic portion of the building;
 - the views of the public would be taken into account in the consideration of the application; and
 - the FSD and the BD should be satisfied with the proposals on compliance with the fire and building safety requirements;
- (j) the applicant was obliged to ensure compliance with other statutory and non-statutory requirements including the Education Ordinance and

Regulations; and

(k) each application would be considered by the Board on its own merits.

105. A Member said that he had no comments on the draft Guidelines but considered that the definition of school as stated in paragraph 2.1 of Paper was too general and might not be able to cover tutorial school.

106. Mr. C.T. Ling responded that as the definition of school was laid down in the Education Ordinance, he would refer the comment to the Education Bureau for consideration.

107. Members noted that the draft Guidelines mainly incorporated the existing criteria adopted by the Board in consideration of such applications and had no further questions.

108. After deliberation, the Board endorsed the new Guidelines for Application for Tutorial School under Section 16 of the Town Planning Ordinance and agreed to promulgate the new Guidelines to the public.

109. The Chairman thanked Mr. C.T. Ling for attending the meeting and he left the meeting at this point.

Agenda Item 9

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

110. There being no other business, the meeting was closed at 1:05 p.m.

CHAIRMAN
TOWN PLANNING BOARD