

**Minutes of 919th Meeting of the
Town Planning Board held on 12.9.2008**

Present

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

Chairman

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Mr. Edmund K.H. Leung

Professor N.K. Leung

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Principal Assistant Secretary (Transport) (Acting)
Transport and Housing Bureau
Mr. K.S. Ng

Deputy Director of Environmental Protection
Dr. Michael Chiu

Director of Lands
Miss Annie Tam

Director of Planning
Mrs. Ava S.Y. Ng

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

Secretary

Absent with Apologies

Professor David Dudgeon

Mr. Tony C.N. Kan

Professor Bernard V.W.F. Lim

Mr. Stanley Y.F. Wong

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Mr. K.Y. Leung

Dr. Ellen Y.Y. Lau

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

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

In Attendance

Assistant Director of Planning/Board
Mr. S. Lau

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse (a.m.)
Mr. C.T. Ling (p.m.)

Senior Town Planner/Town Planning Board
Ms. Amy M.Y. Wu (a.m.)
Miss Fiona S.Y. Lung (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 918th Meeting held on 23.8.2008

[The meeting was conducted in Cantonese.]

1. The minutes of the 918th meeting held on 23.8.2008 were confirmed without amendment.

Agenda Item 2

Matters Arising

2. The first item of matters arising was recorded under confidential cover.
 - (ii) Request an Open Meeting for Hearing of Objections to the Draft South West Kowloon OZP No. S/K20/21

[Open Meeting. This item will be conducted in Cantonese]
3. The Secretary reported that on 18.4.2008, the draft South West Kowloon OZP No. S/K20/21 was exhibited for public inspection under section 7 of the pre-amended Ordinance. During the plan exhibition period, 4 objections were received from 21 Architects and Architectural Graduate, Mr. Patrick Lau, Mr. Paul Zimmerman and Lee Hoon respectively. Preliminary consideration of the objections was held on 11.7.2008 and further consideration of the objections was scheduled for 31.10.2008. Objector No. 3, Mr. Paul Zimmerman, wrote to the Board on 19.8.2008 and 21.8.2008 requesting an open meeting for the hearing of the objections.
4. The Secretary informed the Board that a similar request had been raised by Mr. Zimmerman in June 2007 for an open hearing of the objections to the draft Wan Chai North OZP. On 29.6.2007, the Board decided not to agree to Mr. Zimmerman's request on the consideration of the following aspects: absence of expressed provision for opening

hearing under s.6(6) of the pre-amended Ordinance; established practice of conducting s.6(6) hearing in camera; possibilities of open hearing for the further objections to the proposed amendments; and practical difficulties in ascertaining the consent of all 752 objectors on open hearing under s.6(6). The Board, however, agreed to conduct an open hearing for the further objections, if received, to the proposed amendments to the OZP under s.6(8).

5. The Secretary further stated that as the pre-amended Ordinance was silent on whether the Board meetings should be held in public or private, the Board had the discretion to determine its rules of meetings, but it needed to ensure that the conduct of open meetings would comply with the principles of protection of personal data under the Personal Data (Privacy) Ordinance and non-disclosure of confidential information under the equitable doctrine of confidentiality. Members were invited to consider whether Mr. Zimmerman's request should be acceded to, taking into account the hearing arrangement of the Wan Chai North OZP and the small number of objectors involved in the subject OZP.

6. Members generally agreed that unless there was objection from other objectors, an open meeting for the hearing was acceptable.

7. After deliberation, Members agreed to conduct open meeting for the hearing of objections subject to no objection from other objectors. The objectors would be notified of the hearing arrangement prior to the hearing.

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Consideration of Further Representations in respect of the Draft North Point Outline Zoning Plan No.S/H8/20

(TPB Paper No. 8167)

[The meeting was conducted in Cantonese.]

8. The following Members had declared interests in this item :

- | | | |
|--|---|---|
| Mr. K.Y. Leung | - | Owning a property at Cloud View Road |
| Mr. B.W. Chan | - | Owning a property at Braemar Hill Mansion and being a Member of the Hong Kong Housing Society (HKHS) which made Further Representation No. F3 |
| Dr. James C.W. Lau | - | Owning a property at Braemar Hill Road |
| Ms. Anna S.Y. Kwong | - | Owning a property at Cloud View Road |
| Professor Bernard V. W. F. Lim | - | Having business dealings with HKHS which made Further Representation No. F3 |
| Mrs. Ava S.Y. Ng
the Director of Planning | - | Owning a property at Cloud View Road and being a Member of the HKHS which made Further Representation No. F3 |
| Mr. Y.K. Cheng |) | |
| Mr. Timothy K.W. Ma |) | Being Members of the HKHS which made Further Representation No. F3 |
| Miss Annie Tam
the Director of Lands |) | |
| Mr. Walter K.L. Chan | - | Being nominated as a Member of the HKHS which made Further Representation No. F3 |
| Mr. Daniel B.M. To | - | Being a Member of the Eastern District Council |

9. Members noted that Mr. K.Y. Leung, Ms. Anna S.Y. Kwong, Mr. Y.K. Cheng, Mr. B.W. Chan and Professor Bernard V.M.F. Lim had tendered apologies for not being able to attend the meeting while Dr. James C.W. Lau had tendered apologies for not being able to attend the morning session of the meeting. Members also agreed that the interests of Mr. Timothy K.W. Ma, Mrs. Ava S.Y. Ng, Miss Annie Tam and Mr. Walter K.L. Chan were direct and substantial and should be excluded from the hearing of further representations. Members agreed that the interest of Mr. Daniel B.M. To was remote and should be allowed to stay in the meeting.

[Mr. Timothy K.W. Ma and Mrs. Ava S.Y. Ng left the meeting temporarily while Miss Annie Tam and Mr. Walter K.L. Chan left the meeting at this point.]

Presentation and Question Session

10. The Chairman said that Further Representatives No. F1, F4 to F13, F16 to F17, F20 to F22 had either indicated not to attend the hearing or made no reply. As sufficient notice had been given to the further representatives, Members agreed to proceed with the hearing in the absence of the said representatives.

11. Members noted that petitions against the relaxation of building height control in North Point were launched by the Incorporated Owners of Summit Court, a property owner of Coral Court and Summit Court, a resident of Oxford Court, a resident and the Incorporated Owners of Broadview Terrace, and individual occupants of Summit Court. The relevant letters and signature forms were tabled at the meeting.

12. The following representatives from the Planning Department (PlanD), consultants, the further representatives and representatives and their representatives were invited to the meeting at this point:

- | | | |
|-------------------|---|---|
| Ms. Brenda Au | - | District Planning Officer/Hong Kong (DPO/HK), PlanD |
| Ms. Phoebe Chan | - | Senior Town Planner/Hong Kong, PlanD |
| Miss Claudine Lee | - | Allied Environmental Consultants Ltd. |
| Mr. Desmond Hui | - | Air Ventilation Assessment (AVA) Advisor of PlanD |

F2

- | | | |
|----------------|---|--|
| Mr. Kenneth To |) | Further Representative's representatives |
| Mr. David Fok |) | |

F3

- | | | |
|-------------------|---|------------------------|
| Ms. Wong Lai Chun |) | |
| Mr. Daniel Lau |) | Further Representative |
| Mr. Benny Hui |) | |

Mr. Patrick Chui)
Ms. Cindy Tsang)
Mr. Peter Lee) Further Representer's representatives
Ms. Carmen Chan)
Mr. Alvin Lee)
Mr. Nicholas Ng)

F14

Ms. Tsang Wai Ping - Further Representer
Mr. Siu Ka Fai - Further Representer's representative

F15

Mr. Owen Tien Tseng - Further Representer
Mr. Oey Hau Chow)
Ms. Helen Cheung) Further Representer's representatives
Ms. Stella Luk)

F18 & R22

Mr. Chow Siu Keung - Further Representer's representative and
Representer

F19

Mr. Ho Yiu Yu - Further Representer's representative

R2

Mr. Li Yin Tai - Representer's representative

R25

Mr. Siu Choi Pai - Representer's representative

13. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited Ms. Brenda Au to brief Members on the background to the further representations. Members noted that two replacement pages of Enclosure V of the

Paper had been tabled at the meeting.

14. With the aid of a Powerpoint presentation, Ms. Brenda Au made the following points as detailed in the Paper :

- (a) the background to the proposed amendments was set out in paragraph 1 of the Paper. During the exhibition of the draft North Point OZP No.S/H8/20, 116 representations were received. After hearing of representations and comments, the Board decided to propose amendments to the OZP to partially meet some of the representations. On 30.5.2008, the proposed amendments were published and 22 further representations were received;
- (b) subject of further representations:
 - F1 was in support of all proposed amendment items;
 - F2 and F3 objected to the proposed reduction of the maximum building height for their sites from 140mPD to 130mPD. F3 also opposed the demarcation of a 10m wide non-building area above 40mPD on its site;
 - F5 to F10 objected to the further reduction of maximum building heights;
 - F4, F11 to F22 opposed the amended building height restriction and asked for more stringent control. F4 also raised objection to the width of the non-building areas and set-backs, and the lack of corresponding reduction in plot ratio.
- (c) the main grounds of the further representations were summarized in paragraphs 2.3 to 2.10 of the Paper;
- (d) the further representers' proposals were set out in paragraph 2.11 of the

Paper and summarized as follows:

- F2 proposed not to amend the OZP;
 - F3 proposed to rezone its site at No.2-4 Tanner Road to “R(A)6” subject to a building height restriction of 140mPD, to reduce the width of the demarcated wind corridor from 10m to 5m, to increase the building height of this strip of land from 40mPD to 44mPD and to provide another 5m wide wind corridor along Tanner Road;
 - F4 proposed that the plot ratios for sites subject to the amendment items be reduced and the width of non-building areas/setbacks be increased and doubled at a minimum; and
 - F11 to F14 and F18 to F20 proposed to further reduce the building heights.
- (e) PlanD’s responses to grounds of further representations and further representers’ proposals as detailed in paragraphs 3.13 to 3.45 of the Paper including:

Supportive Further Representation (F1)

- the support on the proposed amendments was noted;

Further Representations Opposing Further Reduction in Maximum Building Heights (F2, F3, F5 to F10)

Impose Further Building Height Restriction Not Justified

- due regard had been paid to the permissible development intensity under the Building (Planning) Regulations (B(P)R) in drawing up the height restrictions. Reasonable assumptions had been made for

building development, urban design, site characteristics, topography, existing height profile and air ventilation, etc;

- proposed amendments represented a conscientious effort of the Board in striking a proper balance after hearing the conflicting views of various representers;
- revised building height profile still achieved the original planning objective;

Adverse Impacts of Further Reduction in Building Height

- as maximum site coverage was controlled under the B(P)R, it would not result in greater site coverage affecting air ventilation;
- further wind tunnel testing results showed that the overall ventilation performance would generally be maintained or improved for localised areas, except for area with relatively low winds;
- design flexibility would not be adversely affected with due regard to the permissible development intensity, with reasonable assumptions made on storey height, car parking provision and GFA concessions and the provision for application for minor relaxation of building height restrictions;

Insufficient Inquiries and Public Consultation

- the Board had considered all relevant information and submissions in making the decision to propose amendments. The process and the Board's proposal to revise the height bands follow strictly the provisions of the Ordinance and was not a hasty decision;
- publication under section 6C(2) for the proposed amendments was a

part of the statutory public consultation process. Hearing of further representations together with original representations was also an integral part of consultation;

Specific Responses to Hong Kong Housing Society (HKHS) (F3)

- contribution of HKHS in providing elderly housing was well recognized but it was necessary to strike a balance between a better environment and providing more elderly housing. The elderly housing scheme was still in design stage and subject to lease modification. It was not a ‘committed development’ and there was no approved building plan;
- piecemeal relaxation of the 130mPD restriction was not supported in order to maintain the coherence of the stepped height profile. There was provision for application for minor relaxation of building height restriction which would be considered on individual merits;
- F3 had yet to demonstrate why a building with better permeability features could not be applied to the “Base Scheme”. The Explanatory Statement of the OZP stated that future developments were strongly encouraged to adopt suitable design measures, permeable podium and wider building gaps to enhance ventilation;
- the recommended 10m wide wind corridor had taken into account lot size, site characteristics, design constraints, development potential, the existing wind corridor at Tanner Garden and AVA expert advice. The height restriction of 40mPD for podium would also ensure that the podium of the future development would not be significantly taller than the podium of the adjoining Tanner Garden (about 27mPD to 35mPD including the boundary walls);
- the effectiveness of another 5m wind corridor along Tanner Road proposed by F3 had yet to be demonstrated as it lay along a

non-through street with existing MTR vent shaft, ventilation building and proposed lift shaft which would block the wind;

- whilst the presenter claimed that the air ventilation performance of the proposed scheme with a 5m wind corridor across the site and a 5m wind corridor along Tanner Road was better than the scheme with a 10m wide wind corridor, it should be noted that the design of the two schemes was different as a semi-permeable design was adopted for the podium of the proposed scheme;
- the proposal to allow a maximum building height of 140mPD and to amend the 10m wide corridor above 40mPD to 5m wide above 44mPD for the HKHS site was not supported. There was still scope to reduce the car parking provision and the podium height;

Further Representations Asking for More Stringent Restrictions (F4, F11 to F22)

- the Board had taken all relevant consideration into account in proposing the revised building height restrictions and non-building areas/setbacks. More stringent control might pose undue constraints on future development/redevelopment and affect development/redevelopment incentives;
- in determining the appropriate building height restrictions for individual OZPs, factors including the planning intention and local character and air ventilation were taken into account. The building height restrictions adopted for Hung Hom and Tsim Sha Tsui or other parts of Hong Kong did not imply that similar height restrictions should be applicable to North Point, due to different circumstances and planning considerations as explained in paragraph 3.37 of the Paper; and
- imposition of building height restriction did not preclude future plot

ratio control, if justified, which should take due account of infrastructural capacity, public interest and private development right.

- (f) PlanD's views – PlanD noted the support of F1 to all the proposed amendment and did not support the remaining representations for reasons as detailed in paragraphs 5.1 and 5.2 of the Paper. PlanD considered that the Plan should be amended by all the proposed amendments.

[Mr. Edmund K.H. Leung arrived the meeting at this point.]

15. The Chairman then invited the further representers to elaborate on their further representations.

Further Representation No.F2 – Silver Rich Holdings Limited

16. With the aid of a plan, Mr. Kenneth To elaborated on Further Representation No. F2 and made the following points:

- (a) prior to the gazetting of the current OZP, the further representation site (No. 5, 7, 9 & 11 Dragon Road) was not subject to building height restriction. The imposition of the 140mPD height restriction and the further proposed amendment to tighten the restriction to 130mPD was not a relaxation, but an imposition of restriction depriving the development right of the small owners;
- (b) noting that a lot of buildings in North Point had been redeveloped to high-rise developments, the building height restriction had penalised the low-rise buildings which had not yet been redeveloped;
- (c) the justifications for the original building height profile and the height restriction of 140mPD for the site had been clearly spelt out in the Explanatory Statement of the OZP, i.e. to preserve the ridgelines and to

achieve a stepped height profile for visual permeability and wind penetration. There was no valid justification for further reducing the various building height bands by 10m including that of the site (from 140mPD to 130mPD);

- (d) there was no evidence that the revised height bands had been an outcome of a systematic plan preparation process. The revised height bands were unjustified and subjectively set merely to meet the request of some residents for protecting the views of their properties in the North Point mid-level area;
- (e) in view of its location, future development with a building height of 140mPD at the further representation site would not adversely affect the developments in North Point mid-level area or on the uphill side of the site; and
- (f) he urged the Board not to amend the draft OZP under section 6F(8) of the Ordinance.

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

Further Representation No.F3 – HKHS

17. With the aid of a Powerpoint presentation, Ms. Wong Lai Chun elaborated on Further Representation No. F3 and made the following points:

- (a) the representation site (Nos. 2-4 Tanner Road) was formerly developed by the HKHS as a public rental housing estate, i.e. the ex-Tanner Hill Estate. Redevelopment plan was announced in 1996 to redevelop the Estate under the Flats-for-Sale Scheme (FFSS) project. In 2001, general building plans were approved for the FFSS project providing a total of about 900 flats and with a building height of 178.3mPD. The foundation works of the development were completed in 2003 but the development was ultimately halted in 2003 due to Government's

decision to suspend the FFSS;

- (b) in view of recent Government policy to provide urgent elderly housing to meet the aging population, it had been committed to develop the site for elderly housing providing about 800 to 1,000 flats. General building plans were submitted to Buildings Department for the elderly housing project in 2008 which was in compliance with the original building height restriction of 140mPD;
- (c) the sudden imposition of further restriction on height from 140mPD to 130mPD and a proposed 10m wide wind corridor at 40mPD had not given proper consideration to the development history and the constraints of the site including the existing MTR vent shaft/building, water main reserve area, the already completed foundation works and the sloping terrain which was a non-building area. As a result of this proposed amendment, the development potential of the site in terms of GFA had been significantly curtailed by about 30% as compared with that allowed under the original approved building plans for FFSS project (from 68,082m² to 48,210m²);
- (d) the difference in terms of visual impact for a development under both 130mPD and 140mPD building height scenarios was insignificant as shown by the photomontages. The development with a building height of 140mPD was in harmony with the surrounding as viewed from the ex-Kai Tak Airport Runway (one of the public viewpoints identified in the Urban Design Guidelines). It would not affect the ridgelines and the stepped height profile and would also help create the down-wash effect for air ventilation;
- (e) HKHS had made strenuous efforts to design a scheme that complied with the Board's proposed amendment (a "Base Scheme") but concluded that it was not desirable. The elderly housing development involved three tower blocks with spaces in between. Under the "Base Scheme" scenario, the requirement to keep a 10m wide wind corridor at 40mPD

would result in a narrow gap between two of the building blocks. The podium would also extend to the boundary of Tanner Road which resulted in an uncomfortable pedestrian environment. Alternatively, HKHS proposed a “Modified Scheme” with a reduced 5m wide wind corridor at 44mPD and another 5m wind corridor could be provided near the Tanner Road side. The alternative scheme allowed wider building gaps among the three building blocks and a reduced extent of podium which helped improve the wind permeability at pedestrian level. Under the “Modified Scheme”, the development potential of the site in terms of GFA would be reduced by about 21% as compared with the originally approved building plans for FFSS project (from 68,082m² to 53,885m²);

- (f) one of the main components of the development scheme was to provide an elderly hub comprising social and medical supporting facilities at the podium levels to provide one-stop services for elderly residents and other elderly in the neighbourhood. The requirement for a 10m wide wind corridor above 40mPD would break up at least two of the podium levels into separate portions and create a disconnected access. The elderly residents would need to go up and down the podium levels via lift services. Under the “Modified Scheme”, HKHS proposed a wind corridor above 44mPD so as to allow uninterrupted access on podium levels. This arrangement would be more convenient to the elderly people;
- (g) if a 5m wide wind corridor was not accepted by the Board, HKHS might consider a 7.5m/8m wide wind corridor but the building design had to be compromised; and
- (h) the requirement for section 16 application for minor relaxation of the building height restrictions would delay the implementation programme of the scheme and was not favoured by HKHS due to the urgent need for elderly housing.

18. Mr. Siu Ka Fai elaborated on Further Representation No. F14 and made the following points:

- (a) the Board had imposed a lower building height restriction for the Tsim Sha Tsui and Hung Hom waterfront at about 50-60mPD but a comparatively higher height restriction of 100mPD for the North Point waterfront. It was unfair to the residents of the North Point area;
- (b) both building height and plot ratio had significant impacts on air ventilation. To avoid creating wall effect, the Board should reduce the existing plot ratio to allow further reduction in building height;
- (c) according to the 1991 Metroplan, there should be 20% to 30% building free zone below the ridgelines. The proposed 130mPD height restriction in the North Point OZP would however affect the ridgelines and was not in line with the recommendation of the Metroplan;
- (d) future development with a building height of 130mPD at the HKHS site would affect the view from Tin Hau Temple Road. HKHS should revisit whether the site was suitable for elderly housing development;
- (e) the following height restrictions were proposed for the North Point area:
 - waterfront to the north of King's Road – 80mPD
 - area near Java Road to the north of King's Road – 90mPD
 - area near Tsat Tsz Mui Road to the south of King's Road – 100mPD
 - area near the foothill area to the south of King's Road – 100mPD
- (f) in addition to the 1,235 signatures from Braemar Hill residents previously submitted to the Board, new signatures from Legislative Council members in support of Further Representation No.F14 had been tabled at the meeting.

Further Representation No.F15 – Mr. Owen Tien Tseng

19. Mr. Oey Hau Chow elaborated on Further Representation No. F15 and made the following points:

- (a) Ming Yuen Western Street had a very steep gradient and was adjacent to an open nullah. With new tall buildings developed along the street, there would likely be high casualties in case of earthquake and flooding. As such, it would not be appropriate to allow buildings taller than 30m to 40m in height in the area;
- (b) the high density of development in North Point had already created adverse traffic impact, air pollution and serious hygiene problem. The increase in building development would not only create wall effect and poor air ventilation but seriously affect the health of the residents;
- (c) the Government should help preserve the natural asset and environment of the hillside area in North Point by prohibiting developments of over 80m in height. High-rise developments in the Mid-Levels area along Caine Road, MacDonald Road had created an undesirable living environment and the same should not be allowed in North Point; and
- (d) the Government should ensure a better living environment for the public as well as the future generations and should not act in the interest of the developers.

Further Representation No.F18 – Mr. Chan Ping Fui

20. Mr. Chow Siu Keung elaborated on Further Representation No. F18 and made the following points:

- (a) he, as the Chairman of the Incorporated Owners of Kingsford Garden, represented the further representer who was one of the owners of the Kingsford Garden;

- (b) there were four reasons for objecting to the proposed amendments which included:
- the building height restrictions set for the North Point area were much higher than those set for Tsim Sha Tsui and Hung Hom. This resulted in different building height control on both sides of the harbour and was unfair to the North Point residents;
 - the excessive plot ratio permissible for development in North Point might have made it difficult to achieve the planning benefits arising from tightening the building height restrictions. The Board should consider reducing the plot ratio to prevent wall effect and preserve the character of North Point;
 - although the Government had commissioned experts to carry out AVA and proposed wind corridors to facilitate air ventilation, such measures were still insufficient to prevent wall effect without a corresponding reduction both in building height and plot ratio;
 - the building height restrictions of 100mPD to 130mPD imposed in the North Point OZP would only ensure less than 20% of building free zone below the ridgelines of Braemar Hill. It was in contravention with the recommendation of the 1991 Metroplan;
- (c) the same height bands as proposed by Further Representation No. F14 should be adopted by the Board.

Further Representation No.F19 – The Incorporated Owners of Hilltop

21. Mr. Ho Yiu Yu elaborated on Further Representation No. F19 and made the following points:

- (a) PlanD's effort to improve the overall environment of the North Point

area by imposing height restrictions was appreciated. He also supported the plan for the benefit of the district as a whole instead of an individual site. However, there was scope to further improve the consultation process by taking into account more public views;

- (b) in determining the height restrictions, the Board should take into account the special character of the mid-level area in North Point and help preserve the peripheral hilly area;
- (c) the currently proposed amendments would still allow development of buildings up to a height that would block the view of the lower floors of some existing developments in mid-level of North Point and create a canyon effect on air ventilation. While he understood that the Board had to balance the needs of different sectors of the community, he urged the Board to pay respect to the residents' concern and further reduce the height restriction to preserve the view, especially for those living in the Braemar Hill area;
- (d) the Board should consider whether a site was developed to its best use. If there were serious constraints for the development of a particular use, alternative site should be identified; and
- (e) the Government might consider imposing different control for private and government land in North Point.

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

Further Representation No.R25 – Ms. Shek Lai Lin

22. With the aid of a Powerpoint presentation, Mr. Siu Choi Pai made the following points:

- (a) the photomontages prepared by PlanD in the Paper were misleading in the following aspects:

- the building height and form of the projected images were distorted;
 - the adverse impact of some high-rise developments were toned down; and
 - the building height profile did not include redevelopment of all sites within the amendment area.
- (b) with reference to the height of the existing Ibis North Point Hotel (105mPD), Provident Centre (80mPD) and future development at ex-North Point Estate site (80mPD), images with possible building height profile under the proposed amendments as viewed from Hung Hom, Victoria Park and Central Library were shown. The visual impact of the proposed height restrictions of 100mPD and 130mPD were undesirable;
- (c) New Eastern Terrace was located at an area suffering from serious traffic congestion. Redevelopment up to the building height restriction of 130mPD would block the existing green backdrop and the sky when viewed from some popular spots including Victoria Park, Tsim Sha Tsui and Victoria Harbour. PlanD's AVA was misleading as it only assessed the impact on pedestrian wind environment but not the mountain wind to Tin Hau and the air movement along King's Road;
- (d) New Eastern Terrace was subject to a Design, Deposition and Height (DDH) clause and a maximum height of not exceeding 45 feet (existing development on site was 30mPD to 42mPD) under the lease. Lease modification was required to accommodate a redevelopment up to the building height restriction of 130mPD. It was considered more appropriate to re-zone the site to "Residential (Group B)" ("R(B)") or "Residential (Group C)" ("R(C)") with a maximum height of 45mPD to reflect its existing development right;

- (e) there was a current shortfall of open space of about 5.69 ha in North Point. Further development in the district should not be encouraged. The Government should carry out detailed urban design study and comprehensive Traffic Impact Assessment for the area. To respect local character, both building height and plot ratio restrictions should be imposed on the OZP;

- (f) the following building height bands were proposed :
 - for lots subject to lease restrictions - maximum building height/plot ratio as reflected in the lease conditions (e.g. plot ratio of 3 and building height of 45mPD for New Eastern Terrace);

 - for lots under unrestricted leases –
 - a building height restriction of 50mPD for waterfront sites and sites north of King’s Road and east of Victoria Park;
 - a building height restriction of 80mPD for sites extending from south of King’s Road to the foothill area;
 - a building height restriction of 100mPD for the upper hill area;
 - and
 - all sites should be subject to plot ratio control.

23. Members noted that the representative of Representation No. R2 also attended the meeting but would not make oral presentation to the Board.

[Ms. Maggie M.K. Chan left the meeting at this point.]

24. As the presentations from the further representers and representers had been completed, the Chairman invited questions from Members.

25. A Member asked the following questions relating to Further Representation No. F3:

- (a) the views of AVA experts on the air ventilation performance with a reduction of the width of wind corridor from 10m to 7.5m/8m;
- (b) why HKHS selected a sloping site for the development of elderly housing;
- (c) whether the elderly housing scheme would allow family members to live with the elderly and the traffic arrangement at emergency; and
- (d) whether it would be acceptable to reduce the height of the housing scheme by a few storeys.

26. In response, Mr. Peter Lee replied that he agreed with PlanD's proposal to provide a wind corridor within the site for air ventilation purpose. As the completion of foundation works had limited the design flexibility, HKHS had devised an alternative scheme (the "Modified Scheme") by proposing two 5m wide wind corridors, one across the site and another along Tanner Road which allowed air flow towards Kam Ping Street and Ming Yuen Western Street, thus improving the wind environment at pedestrian level along the street.

27. As requested by the Chairman, Mr. Desmond Hui explained to Members that the 10m wide wind corridor above 40mPD was demarcated within the HKHS site to enhance air flow to align with the prevailing wind in an east-west direction. It was located along the air path of an existing building gap of similar width and a sitting-out area at Tanner Garden located to its east. The 40mPD restriction had taken into account the sloping topography of the site and the podium height of Tanner Garden. He further supplemented that the improvement in air ventilation performance of the "Modified Scheme" as shown by Further Representer No.F3 in the Powerpoint presentation was not contributed by the difference in the width of the wind corridors. It was noted that the design of the carparking and loading/unloading levels in the podium was different between the "Base Scheme" and the "Modified Scheme" as a semi-permeable design was adopted for the latter scheme. The air ventilation performance of the "Base Scheme" might also be improved if the semi-permeable design was adopted. He added that the effectiveness of the two 5m wide wind corridors proposed by the Further Representer No.F3 was

doubtful in view of the existence of the MTR vent shaft/building and the proposed lift shaft.

28. Mr. Patrick Chui explained that as shown by the computer model simulation, the wind corridor along Tanner Road under the “Modified Scheme” would be more effective than a wind corridor over the podium level. He stated that as the foundation works of the development had been completed, any revision to the design would entail substantial abortive work and a waste of resources. In response to the Chairman’s query on whether a 7.5m to 8m wind corridor was acceptable, he stated that although it would be technically feasible, the wider wind corridor would imply a further loss in development potential. He reckoned that a balance should be struck between the need to improve the wind environment and the impact on development potential.

29. Apart from the width of the wind corridor, Mr. Patrick Chui also requested the Board to give sympathetic consideration to relax the podium height. Referring to a slide in his powerpoint, he explained that the podium would only occupy less than half of the site with the current extent of excavation works done. If the wind corridor was set at a level of 40mPD, there would only be one level of podium floor which would have the full coverage of the whole floor plate. The remaining two levels would be broken up into two portions with a disconnected access. These podium levels would be used as the elderly hub and the inconvenient access arrangement was undesirable for the elderly.

30. In response to the Chairman’s query on the air ventilation performance along Ming Yuen Western Street and Fort Street which had got worse as a result of the proposed amendments as alleged by some further representers, Miss Claudine Lee advised that the AVA was mainly to assess the wind environment at the pedestrian level. Ms. Brenda Au supplemented that further wind tunnel testing had been carried out to test the air ventilation performance under the currently proposed amendments. The results showed that the overall air ventilation performance was generally maintained with improvements in some localized areas, e.g. waterfront areas, around Victoria Park and the mid-level area, but there was slight reduction in the wind performance of some inland area with relatively low winds, i.e. the local area bounded by Kam Ping Street, Ming Yuen Western Street, Fort Street and Kin Wah Street to the west of the HKHS’s site. However, given the scale of the model at 1:750 adopted for the area-wide AVA, detailed testing on the effect of the

proposed mitigation measures on individual sites would not be possible. To minimize negative air ventilation impact, it had already been stated in the Explanatory Statement of the OZP that future developments should be encouraged to adopt suitable design measures such as lower podium height, permeable podium design, wider building gap, non-building area etc. Given the above, Ms. Au considered that the AVA results pointed to the need for incorporating the mitigation measures proposed for the HKHS site. She also added that it would be more appropriate for the Board to consider the proposal for minor relaxation of the building height restriction through planning permission when detailed design was provided.

31. On the suitability of the site for elderly housing, Ms. Wong Lai Chun clarified that the proposed scheme was intended for elderly over 60 years old who were physically fit. Carers were allowed to live with the elderly, if necessary. The purpose of the scheme was to provide a living environment for retired people to establish their own social network. Hence, an elderly hub with social and medical facilities would be included at the podium levels to serve the elderly residents of the HKHS scheme and also other elderly in the neighbourhood. There were two other pilot schemes in Kowloon and Tseung Kwan O run by HKHS. She considered that if the scheme was developed in other sites with lower population in the neighbourhood, it might not be able to maximize the utilization of the facilities. In view of the aging population, she emphasized that there was an urgent need for elderly housing.

32. Ms. Wong Lai Chun agreed that HKHS would still be able to develop the elderly housing scheme under a building height restriction of 130mPD or 140mPD. However, in view of the scarcity of land resources in Hong Kong, she asked the Board to give sympathetic consideration to relax the building height to accommodate a few more storeys to serve more elderly people, as long as the overall height would not affect the ridgelines and the down-wash effect for air ventilation. On the traffic impact, she stated that the car parking requirement of the elderly was relatively low and HKHS would reduce the car parking provision in the scheme. She considered that there would not be significant additional traffic generated by the development given its close proximity to the MTR North Point Station.

33. A Member asked PlanD about the accuracy of the photomontages included in

the Paper as alleged by Representer No. R25 as misleading. Ms. Brenda Au explained that the photomontages showing the building height profile of future developments were accurate, based on various assumptions on the redevelopment potential of individual sites including their building age and development not yet up to the permissible intensity under the B(P)R. In this regard, not all individual sites were assumed to be redeveloped as shown on the photomontages. Some existing buildings e.g. City Garden and Provident Centre which were not expected to be redeveloped would be shown with their existing building height. She stated that a stepped height profile would still be achieved when the old buildings were redeveloped up to the proposed building height restrictions. She also supplemented that for development in the ex-North Point Estate site, a building height of 80mPD was adopted in the photomontage though the building height restriction of 100mPD was imposed in the OZP as the Government had taken initiative to review the development parameters of the site with a view to lowering the building height for the site to 80mPD. This had been stated in paragraph 3.43 of the Paper. For Provident Centre with an existing building height of about 80mPD, the proposed building height restriction was set at 100mPD to allow a more reasonable storey height and some building gaps upon its redevelopment.

34. A Member asked whether PlanD would consider imposing different building height controls for lots subject to restricted and unrestricted leases as suggested by a further representer. Ms. Brenda Au replied that for sites under unrestricted leases, appropriate building height restrictions would need to be imposed on the OZP to prevent excessively tall buildings. For sites under restricted lease, it might not always be necessary to impose building height control to tally with the lease requirement. The formulation of building height restriction would have to take into account all relevant planning consideration, including the existing building height profile, local characteristics, topography, site constraints, air ventilation and the development potential of sites involved, etc. The lease restrictions were only one of the considerations.

35. As the further representers, representers and their representatives had finished their presentation and Members had no further questions, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the further representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked them and the Government's representatives for attending

the hearing. They all left the meeting at this point.

[The meeting was adjourned for a break of five minutes.]

[Mr. Rock C.N. Chen left the meeting at this point.]

Deliberation Session

36. In respect of the comment of Representer No. R25 on the photomontages prepared by PlanD in the Paper, a Member said that a building might appear to be shorter if it was located further away from the viewpoint. This Member considered that the photomontages prepared by PlanD were not misleading.

37. Members generally considered that there was no strong justification put forward by Further Representations No. F2, F5 to F10 opposing the revised height restriction and by Further Representations No. F11 to F22 asking for more stringent restrictions.

38. For Further Representation No. F3, Members generally considered that the overall building height restriction of 130mPD should be maintained for the site. To allow flexibility in design and especially to cater for site constraints, there was provision under the Notes of the OZP for application for minor relaxation of building height restriction. As for the 40mPD restriction on the wind corridor, a few Members were sympathetic to the difficulty in the podium design due to the sloping site and the disconnected access at some podium levels. They expressed support for a relaxation from 40mPD to 44mPD to facilitate a more convenient access across the podium for elderly residents. A Member however commented that the Board should take into account the impact on a wider area in considering the proposed amendments. This Member considered that a 44mPD podium structure would have adverse impact on air ventilation. A few other Members did not support to relax the 40mPD restriction to 44mPD and considered that the access problem across podium claimed by HKHS could be overcome by design.

39. A Member expressed reservation on the effect of the two 5m wind corridors proposed under the “Modified Scheme” put forward by Further Representer No. F3 noting

that the prevailing wind came from the northeast direction and might create local turbulence. Another member considered that the width of the wind corridor and its effectiveness should be determined by an AVA. A few Members considered that a narrower wind corridor of 8m was acceptable as a marginal difference of 2m should not significantly affect the air ventilation performance as compared to the 10m wind corridor.

40. After some discussion, Members generally considered that the proposed amendment of building height restriction of 130mPD and a height restriction of 40mPD for the wind corridor at the further representation site (No.F3) should be maintained. Though some Members were sympathetic to the constraint on the podium design under the 40mPD restriction, Members generally considered that there was insufficient information to justify the relaxation. If the Further Representer considered it necessary, a planning application for minor relaxation of building height could be submitted to the Board for consideration. The Board could then scrutinize the detailed design and justification of the scheme at the application stage. For the wind corridor, Members generally considered that a slight reduction in the width of the wind corridor from 10m to 8m was acceptable given the completion of the foundation works which limited the design flexibility.

41. After deliberation, the Board decided to amend the draft North Point OZP No.S/H8/21 by varying the proposed amendments, that is, to reduce the width of the wind corridor from 10m to 8m under Amendment Item H with corresponding amendments to the Explanatory Statement of the OZP. This amendment together with other proposed amendments under section 6B(8) should form part of the draft North Point OZP.

Further Representation No. F1

42. The Board noted that Further Representation No.F1 was in support of all the proposed amendments to the draft North Point OZP to partially meet the representations.

Further Representation No. F2

43. After further deliberation, the Board decided not to uphold Further Representation No. F2 for the following reasons:

- (a) the building height restrictions had been formulated after taking into account various factors, including the existing height profile, the local character, the urban design considerations, air ventilation as well as striking a balance between public aspirations for a better living environment and private development rights. The revised building height restrictions also followed the stepped height concept and relevant principles; and
- (b) to cater for site-specific circumstances and schemes with planning and design merits, minor relaxation of the building height restrictions might be considered by the Board through the planning permission system. Each application would be considered on its individual merits.

Further Representation No. F3

44. After further deliberation, the Board decided to partially uphold Further Representation No. F3 by varying the proposed amendments, that is, to reduce the width of the wind corridor from 10m to 8m and decided not to uphold the remaining parts of the Further Representation and the reasons were:

- (a) the stipulation of a building height restriction of 130mPD for the representation site had struck a balance between meeting public aspirations for a better living environment and the objective to provide more elderly housing with due regard to maintaining a stepped height profile for the North Point area. To maintain the integrity of the overall building height concept, piecemeal relaxation of building height restriction for the site was not supported;
- (b) there should be scope to refine and reduce the proposed podium height and the overall height of the development to comply with the building height restrictions; and
- (c) to cater for the site-specific circumstances, minor relaxation of the building height restrictions might be considered by the Board through the

planning permission system on individual merits.

Further Representation No. F4

45. After further deliberation, the Board decided not to uphold Further Representation No. F4 for the following reasons:

- (a) the building height restrictions had been formulated after taking into account various factors, including the existing height profile, the local character, the urban design considerations, air ventilation as well as striking a balance between public aspirations for a better living environment and private development rights. The revised building height restrictions also followed the stepped height concept and relevant principles;
- (b) more stringent control might pose undue constraints on future developments/ redevelopments and adversely affecting the development rights of individual landowners. The further reduction in building height profile suggested might not necessarily result in an enhanced townscape or avoid wall effect of developments; and
- (c) as the designation of the non-building areas had taken into account such factors as site characteristics, existing constraints, land status, surrounding environment and other ventilation improvement measures, further widening of the non-building areas would impose undue constraints on future development/redevelopment. More stringent restrictions in respect of non-building area and setback requirements were not justified.

Further Representations No. F5 to F10

46. After further deliberation, the Board decided not to uphold Further Representations No. F5 to F10 for the following reasons:

- (a) the building height restrictions had been formulated after taking into account various factors, including the existing height profile, the local character, the urban design considerations, air ventilation as well as striking a balance between public aspirations for a better living environment and private development rights. The revised building height restrictions also followed the stepped height concept and relevant principles; and
- (b) to cater for site-specific circumstances and schemes with planning and design merits, minor relaxation of the building height restrictions might be considered by the Board through the planning permission system. Each application would be considered on its individual merits.

Further Representations No. F11 to F22

47. After further deliberation, the Board decided not to uphold Further Representations No. F11 to F22 for the following reasons:

- (a) the building height restrictions had been formulated after taking into account various factors, including the existing height profile, the local character, the urban design considerations, air ventilation as well as striking a balance between public aspirations for a better living environment and private development rights. The revised building height restrictions also followed the stepped height concept and relevant principles; and
- (b) more stringent control might pose undue constraints on future developments/ redevelopments and adversely affecting the development rights of individual landowners. The further reduction in building height profile suggested might not necessarily result in an enhanced townscape or avoid wall effect of developments.

48. The meeting was adjourned for lunch at 1:00 p.m.

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

[Dr. Greg Wong arrived to join the meeting at this point.]

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

Mr. Raymond Young
Dr. Greg C.Y. Wong
Mr. Nelson W.Y. Chan
Mr. Edmund K.H. Leung
Dr. C.N. Ng
Dr. Daniel B.M. To
Mr. Alfred Donald Yap
Mr. Raymond Y.M. Chan
Dr. James C.W. Lau
Mr. Timothy K.W. Ma
Mrs. Ava Ng

Agenda Item 4

[Open Meeting]

Request for Deferral for Review of Application No. A/H18/53
House (Private Garden) in “Green Belt” zone, Government Land Adjoining
8 Big Wave Bay Road, Shek O
(TPB Papers No. 8168)

[The meeting was conducted in Cantonese.]

51. The Secretary reported that subsequent to the issuance of the TPB Paper, a letter was received from the applicant on 10.10.2008, requesting for deferral of consideration of the review application for two months to allow time for preparation of technical proposals to address the concerns raised by relevant Government departments

on landscape, geotechnical and drainage aspects. The request was in compliance with the criteria for deferment set out in the TPB Guidelines No. 33. Notwithstanding it was the second time the applicant requested a deferral, PlanD had no objection to the deferral on consideration that the applicant needed more time to resolve technical issues with relevant Government departments, the deferment period was not indefinite, and the deferment would unlikely affect the interest of other relevant parties.

52. After further deliberation, the Board decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Board agreed that the application should be submitted to the Board for consideration within 3 months from the date of receipt of further information from the applicant.

53. The Board also agreed to advise the applicant that 2 months were allowed for the preparation and submission of further information, and as a total of 4 months had already been allowed, no further deferment would be granted unless under very special circumstances.

54. As the meeting was ahead of schedule due to the request for deferment of agenda item 4, Members agreed to proceed with the procedural items in agenda items 10 to 15 first.

Agenda Item 10

[Open Meeting]

Submission of the Draft Shap Sz Heung Outline Zoning Plan No. S/NE-SSH/8A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance
(TPB Paper No. 8179)

[The meeting was conducted in Cantonese.]

55. The Secretary briefly introduced the Paper.

56. After deliberation, the Board:
- (a) agreed that the draft Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/8A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;
 - (b) endorsed the updated Explanatory Statement (ES) for the draft Shap Sz Heung OZP No. S/NE-SSH/8A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
 - (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 11

[Open Meeting]

Submission of the Draft Ma Tau Kok Outline Zoning Plan No. S/K10/19A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance
(TPB Paper No. 8185)

[The meeting was conducted in Cantonese.]

57. Mr. Raymond Y.M. Chan declared an interest in this item as he owned a property in Ma Tau Kok. As the item was procedural in nature, Members agreed that Mr. Chan could be allowed to stay at the meeting.

58. The Secretary briefly introduced the Paper.

59. After deliberation, the Board:

- (a) agreed that the draft Ma Tau Kok Outline Zoning Plan (OZP) No. S/K10/19A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Ma Tau Kok OZP No. S/K10/19A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 12

[Open Meeting]

Submission of the Draft Kwun Tong (North) Outline Zoning Plan No. S/K14N/10A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance
(TPB Paper No. 8183)

[The meeting was conducted in Cantonese.]

60. Messrs. Nelson Chan, Donald Yap and Timothy Ma had declared interests in this item as Mr. Chan was a member of Kwun Tong District Council and owned a property at Yue Man Centre, Mr. Yap's spouse owned a property in Yue Man Square, and Mr. Ma owned a property in Yuet Wah Street. As the item was procedural in nature, Members agreed that they could be allowed to stay at the meeting.

61. The Secretary briefly introduced the Paper.

62. After deliberation, the Board:

- (a) agreed that the draft Kwun Tong (North) Outline Zoning Plan (OZP) No. S/K14N/10A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Kwun Tong (North) OZP No. S/K14N/10A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 13

[Open Meeting]

Submission of the Draft Kennedy Town and Mount Davis Outline Zoning Plan No. S/H1/15A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance
(TPB Paper No. 8184)

[The meeting was conducted in Cantonese.]

63. Ms. Sylvia Yau, Dr. Ellen Lau and Prof. David Dudgeon had declared interests in this item as Dr. Lau's spouse and Ms. Yau each owned a property in Kennedy Town, and Prof. Dudgeon owned a property in Mount Davis Road. As the item was procedural in nature, Members agreed that they could be allowed to stay at the meeting. Members noted that Ms. Yau had already left the meeting, while Prof. Dudgeon and Dr. Lau had sent their apologies for being unable to attend the meeting.

64. The Secretary briefly introduced the Paper.

65. After deliberation, the Board:
- (a) agreed that the draft Kennedy Town and Mount Davis Outline Zoning Plan (OZP) No. S/H1/15A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;
 - (b) endorsed the updated Explanatory Statement (ES) for the draft Kennedy Town and Mount Davis OZP No. S/H1/15A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
 - (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 14

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Ting Kok Outline Zoning Plan No. S/NE-TK/14

(TPB Paper No. 8180)

[The meeting was conducted in Cantonese.]

66. The Secretary briefly introduced the Paper. The Draft Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/14 was exhibited on 25.1.2008 for public inspection for two months. A total of 4,460 valid representations were received, of which 4438 were supporting and only 22 were opposing the proposed amendments in respect of Lung Mei Beach. A total of 59 valid comments were also received. Since the proposed amendments had attracted wide public interests, it was recommended that the representations and comments should be considered by the full Board. As the

representations and comments were submitted in respect of the zoning of the same site, they could be considered by the Board collectively. The date of consideration of the representations and comments was tentatively scheduled for 17.10.2008.

67. The Board decided to consider the representations and comments by the Board itself and to hear the representations and comments collectively.

Agenda Item 15

68. This item was reported under confidential cover.

69. As the meeting was ahead of schedule and the applicant's representatives for agenda item 5 had not yet arrived, Members decided to proceed with agenda item 9 first.

[Dr. Greg Wong left the meeting temporarily at this point.]

Agenda Item 9

[Closed Meeting]

Draft Cha Kwo Ling, Yau Tong and Lei Yue Mun Outline Zoning Plan No. S/K15/16

Preliminary Consideration of Objections

No. 1-2, 4, 6-15

(TPB Papers No. 8170, 8171, 8172 and 8173)

[The meeting was conducted in Cantonese.]

70. As Objection No. 11 was submitted by Framenti Co. Ltd., a subsidiary of Wharf (Holdings) Ltd (Wharf), Dr. Greg Wong had declared an interest in this item for having current business dealings with Wharf. Members noted that Dr. Wong had temporarily left the meeting.

71. Mr. Eric Yue, District Planning Officer/Kowloon and Miss Helen So, Senior Town Planner/Kowloon, Planning Department (PlanD) were invited to the meeting.

72. The Chairman extended a welcome and invited Mr. Eric Yue to brief Members on the background to the objections.

73. Mr. Eric Yue said that some typing mistakes were made in paragraphs 3.5 and 5.5 of the TPB Papers No. 8170 and 8171 respectively. While the minutes of the MPC meetings were available at the Board's website for public inspection, the MPC Papers were only available at PlanD's Public Enquiry Counters.

74. With the aid of a powerpoint presentation, Mr. Eric Yue made the following main points as detailed in the papers:

- (a) background: the proposed amendments to the draft Cha Kwo Ling, Yau Tong and Lei Yue Mun (CYL) Outline Zoning Plan (OZP) No. S/K15/16 was exhibited on 23.5.2008 for public inspection under s.7 of the pre-amended Town Planning Ordinance (the Ordinance), mainly to incorporate the following amendments:
 - revising the zoning boundary of the "Comprehensive Development Area" ("CDA") zone at Yau Tong Bay by excising the water area from the "CDA" zone and incorporating the revised development parameters for the "CDA" zone;
 - adjusting the zoning boundaries to reflect the as-built conditions of the Lei Yue Mun Estate, Sin Fat Road Rest Garden and Sceneway Garden;
 - stipulating building height (BH) restrictions for the Yau Tong Industrial Area (YTIA); and
 - incorporating a set of Notes for the "Other Specified Uses" ("OU") sub-zones;
- (b) during the three-week exhibition period, a total of 15 objections were

received. Two objections (No. 3 and 5) were subsequently withdrawn. The remaining 13 objections were divided into 3 groups:

- Group 1 (Objections No. 1, 2 and 4) : against the amendments to the Notes of the Yau Tong Bay “CDA” zone;
- Group 2 (Objections No. 6 to 13) : Objections No. 6 to 12 were against the BH restriction for the YTIA, while Objection No. 13 requested for a more stringent BH control for the whole CYL area;
- Group 3 (Objections No. 14 and 15) : general in nature;

Group 1 (Objections No. 1, 2 and 4)

(TPB Papers No. 8170)

- (c) the objectors and subject of objections were set out in paragraphs 2.1 and 2.2 of the Paper respectively. The objections were mainly against the development parameters i.e. BH of 120mPD and plot ratio (PR) of 4.5 for the Yau Tong Bay “CDA” zone;
- (d) the main grounds of objections were summarised in paragraph 2.3 of the Paper, which included:
 - inclusion of the gross floor area (GFA) of Government, Institution or Community (GIC) facilities into PR or GFA calculation was not appropriate (Objection No. 1);
 - imposition of BH restriction of 120mPD would affect design flexibility (Objections No. 2 and 4);
 - BH restrictions stipulated in the Notes (i.e. 120mPD) and the Explanatory Statement (ES) (i.e. 60mPD at the two western ends) would create unnecessary confusion. The height restriction at YTIA waterfront was 80mPD. Yau Tong Bay was sited in a more

prominent location, and imposition of a BH restriction of 60mPD at the western ends was not justified (Objections No. 1 and 4);

- imposition of BH restrictions would deprive the development rights of individual lots (Objection No. 2);
 - consultation period was too short (Objection No. 4); and
 - provision of public waterfront promenade was inappropriate (Objection No. 4);
- (e) the objectors' proposals were summarised in paragraph 2.4 of the Paper, which included:
- to exempt GIC facilities from PR and GFA calculation; delete the BH restriction of 60mPD from the ES; and confirm that development by different parties would be allowed (Objection No. 1);
 - to delineate the boundaries of the objection site, i.e. YTMLs No. 73 & 74, as a sub-area within the "CDA" zone with a designated maximum GFA of 50,255m² for hotel use; and relax BH restriction to 160mPD (Objection No. 2);
 - to realign the waterfront promenade to remove the unfair prejudice against the lot owners of YTMLs No.1 to 4; remove the development restrictions of Yau Tong Bay "CDA" from the Notes and ES; and recommend the Chief Executive in Council (CE in C) not to approve the OZP and gazette the amendment items under a new draft OZP (Objection No. 4);
- (f) PlanD's responses were set out in paragraphs 5.5 and 5.6 of the Paper, which were summarized as follows:

- the inclusion of the GFA of GIC facilities for GFA calculation was mainly to control the development intensity and development bulk of the development. In the planning assessment conducted by PlanD in February 2008, the proposed GFA of GIC facilities had been taken into account in determining the optimal PR for the Yau Tong Bay “CDA” zone (Objection No. 1);
- the formulation of the maximum BH of 120mPD for Yau Tong Bay “CDA” zone had taken into account a number of factors. In order to minimize the adverse visual impacts to Yau Tong Estate and maintain a stepped height profile, the BH of the “CDA” should be lower than that of Yau Tong Estate. Opportunities for BH variation and relaxation of PR were allowed through applications for minor relaxation (Objections No. 2 and 4);
- the ES gave more detailed information about the planning intention and guided the applicant in future submission of the Master Layout Plan (MLP). Due to different site characteristics and configuration, different maximum BH restrictions were imposed along the waterfront of the two adjoining “CDA” sites (Objections No. 1 and 4);
- the imposition of BH restrictions would not affect the maximum PR of 4.5 permitted under the Yau Tong Bay “CDA” zone. The current “CDA” zone implied an upzoning of the lots from industrial use to residential and commercial development, which would not deprive the development rights of the lot owners. As YTMLs No. 73 & 74 formed an integral part of the “CDA” zone, designating them as a sub-area with a designated maximum GFA for hotel use would affect the future design of the “CDA” zone (Objection No. 2);
- the three-week exhibition period for the amendments to the OZP was in accordance with section 7 of the pre-amended Ordinance

(Objection No. 4); and

- the provision of a public waterfront promenade within Yau Tong Bay CDA site was to ensure the provision of a convenient public access to the harbourfront from the inland area and to form a continuous waterfront promenade along the waterfront. As the whole Yau Tong Bay CDA site was planned for comprehensive redevelopment, the distribution of the permitted GFA within the “CDA” zone would be considered in the MLP submission stage. Thus the requirement for the provision of the promenade would not affect the development potential of YTMLs No. 1 to 4 (Objection No. 4)

(g) PlanD’s views: PlanD did not support Objections No. 1, 2 and 4 for reasons stated in paragraph 7 of the Paper.

Group 2 (Objections No. 6 to 13)

(TPB Paper No. 8171)

- (h) the objectors and subject of objections were set out in paragraphs 2.1 and 2.2 of the Paper respectively. Objections No. 6 to 12 were mainly against the incorporation of BH restrictions for YTIA, while Objection No. 13 requested a more stringent BH control for the CYL area;
- (i) the main grounds of objections were summarised in paragraph 2.3 of the Paper, which included:
 - BH restriction would affect the urban design, constrain building design flexibility and lead to “wall effect” (Objections No. 6 to 12);
 - BH restriction did not reflect the BH in the previously approved schemes (Objections No. 9, 10 and 11);
 - redevelopment potential was undermined (Objections No. 6, 7, 9

and 12);

- BH restriction was not suitable for YTIA (Objections No. 6 and 7);
 - unfair to apply different height restrictions to two adjoining “CDA” zones (Objections No. 6 and 7); and
 - incorporation of BH restriction for YTIA was piecemeal (Objection No. 13).
- (j) the objectors’ proposals were summarised in paragraph 2.4 of the Paper, which included:
- delete BH restrictions stipulated on the objection sites (i.e. YTML No. 62, YTILs No. 4B & 9 and YTML No. 57), or the BH restriction should not be worse than that of Yau Tong Bay “CDA” (Objections No. 6 and 7);
 - delete BH restrictions for area fronting the harbour (Objection No. 8);
 - revise BH restriction of the objection site (i.e. YTIL No. 36) to 140mPD (Objection No. 9);
 - allow a maximum BH of 120mPD for the objection site (YTIL No. 27) (Objection No. 10);
 - respect the development right of the objection site (YTIL No. 4 s.A and adjoining Government land), and relax the BH restriction for the objection site to either 147mPD or 120mPD (Objection No. 11);
 - relax BH of the Yau Tong Bay electricity substation site (i.e. YTIL No. 6) from 6 storeys to not more than 120mPD (Objection

No. 12);

- BH and PR restrictions should be urgently imposed to the whole area; lower BH should be imposed for the waterfront area; high-rise developments should be critically reviewed to achieve a lower height; and the large GIC site between Sai Tso Wan Playground and the toll plaza should be rezoned for open space/GIC use with a low BH (Objection No. 13);

(k) PlanD's responses were set out in paragraph 4.5 and 4.6 of the Paper, which were summarized as follows:

- the purpose of setting the BH restriction for YTIA was to provide variation and form a coherent height profile within the area. Assessment had been undertaken to ensure that the development intensity could be accommodated. Flexibility in building design and height variation was allowed through planning application for minor relaxation (Objections No. 6 to 12);
- piecemeal uplifting of BH for individual sites was not supported in general unless the objectors could come up with an alternative height profile which could further improve the concept (Objections No. 6 to 12);
- current BH restrictions reflected the latest planning intention for the area, not the BH of the previously approved schemes. The lot owners could implement the development in accordance with the approved schemes as long as the planning permissions were valid (Objections No. 9, 10, 11 and 12);
- the BH restriction would not affect the maximum PR or GFA permitted under the OZP (Objections No. 6, 7, 9 and 12);
- the proposal to relax the BH restriction for a "G/IC" site was not

supported as proliferation of high-rise GIC developments would result in cumulative loss of visual relief and breathing space, a function which existing GIC buildings served to perform (Objection No. 12);

- although YTIA lied outside the view fan from the vantage point at Quarry Bay Park for ridgeline preservation, the main objective of imposing BH restrictions was to prevent the proliferation of tall and out-of-context buildings in the locality. BH restrictions were also considered necessary in view of YTIA's harbourfront location (Objections No. 6 and 7);
- as the contexts of the two "CDA" sites were not the same, different BH restrictions were adopted (Objections No. 6 and 7);
- a comprehensive BH review had been conducted by the PlanD and agreed by the Metro Planning Committee in May 2008. The BH review of the remaining CYL area was in progress (Objection No. 13);

(l) PlanD's views: PlanD did not support Objections No. 6 to 13 for reasons stated in paragraph 6 of the Paper.

Group 3 (Objections No. 14 and 15)

Objection No. 14

(TPB Paper No. 8172)

(m) the objector, Mr. Paul Zimmerman, had not provided any grounds of objection, but proposed the following amendments to the Notes of the OZP:

- add 'to provide safe public passage along the waterfront' into the Remarks for the Notes of "OU" annotated " Eastern Harbour

Crossing Ventilation Building” zone;

- add “Promenade” into Column 1 of the Notes of “CDA” zone;
 - add ‘demonstrate the application of the harbour planning principles and guidelines, including the provision of public passage along the waterfront’ into the Notes of the “CDA” zone, or to rezone a 10m wide area along the waterfront from “CDA” to “Open Space” (“O”);
 - add “Promenade” into Column 1 of the Notes of “Residential (Group E)” (“R(E)”) zone; and
 - add “safe and sufficient public passage must be provided along the waterfront with a promenade of not less than 10 m” into the Remarks of “R(E)” zone, or to rezone a 10 m wide area along the waterfront to “O”.
- (n) PlanD’s responses were set out in paragraphs 5 of the Paper, which were summarized as follows:
- the feasibility of delineating a public passageway within the lot would need to be explored among concerned Government departments. In the absence of a detailed study, it was premature to incorporate the proposal into the Notes of the OZP;
 - reference would be made to the Harbour Planning Principles and Guidelines in the Planning Brief to guide the design of the waterfront promenade in the MLP submission stage. Requirement of a public waterfront promenade had already been incorporated into the Notes of the Yau Tong Bay “CDA” site. The proposal to rezone a 10m wide promenade along the waterfront from “CDA” to “O” would be taken into consideration

in PlanD's review of YTIA;

- open space use which included promenade was always permitted in all zones. The inclusion of 'Promenade' into Column 1 of the Notes for "R(E)" zone was considered not necessary. ;

- (o) PlanD's views: PlanD did not support Objection No. 14 for reasons stated in paragraph 7 of the Paper;

Objection 15

(TPB Paper No. 8173)

- (p) the objector, Mr. Szeto Ho Kwong, generally opposed or commented on all the amendment items. The grounds of objections and objector's proposals were summarised in paragraph 2.2 of the Paper, which mainly included:

- reclaiming the whole Yau Tong Bay would violate the Protection of the Harbour Ordinance, and objecting to any reclamation in Yau Tong Bay; and
- the BH restrictions of 80mPD, 100mPD, 120mPD and 140mPD in YTIA were still excessive, which should be amended to 40mPD, 60mPD and 80mPD;

- (q) PlanD's responses were set out in paragraph 5 of the Paper, which were summarized as follows:

- the water area of Yau Tong Bay had been excised from the Yau Tong Bay "CDA" zone and no reclamation would be involved for the CDA project; and
- the permissible PR under the Notes of the OZP might not be attained for a further reduction of the BH. A balance had to be

struck between the public and private interests;

- (r) PlanD's views: PlanD did not support Objection No. 15 for reasons stated in paragraph 7 of the Paper; and

Hearing Arrangement

- (s) should the Board decide not to uphold the objections, it was recommended that the objections be heard in three groups by the full Board itself at its regular meeting. The hearing was tentatively scheduled for November 2008.

75. As Members did not raise any question, the Chairman thanked PlanD's representative for attending the meeting. They left the meeting at this point.

Deliberation Session

76. Members noted that the objections were submitted under the pre-amended Ordinance. Upon completion of the preliminary consideration, the objectors would be invited to the hearing to present their objections for consideration by the Board.

Objection No. 1

77. After further deliberation, the Board decided not to uphold Objection No. 1 for the following reasons:

- (a) the formulation of the maximum building height of 120mPD for Yau Tong Bay "Comprehensive Development Area" zone had taken into account a number of factors e.g. local area characteristics, topography, development rights, urban design context, the existing building heights of the surrounding areas and relationship with the neighbourhood. To maintain a more intertwined relationship with the Harbour edge, a maximum building height of 60mPD for the two western ends had been incorporated in the Explanatory Statement (ES) to guide the applicant

in future submission of the Master Layout Plan. Hence, the building height restrictions stated in the Notes and ES of the Outline Zoning Plan should not be deleted; and

- (b) the inclusion of the gross floor area (GFA) of the Government, institution or community (GIC) facilities for plot ratio(PR)/GFA calculation was mainly to control the development intensity and development bulk of the development. Hence, the GFA of the GIC facilities should be PR/GFA accountable.

Objection No. 2

78. After further deliberation, the Board decided not to uphold Objection No. 2 for the following reasons:

- (a) the formulation of the maximum building height of 120mPD for Yau Tong Bay “Comprehensive Development Area” (“CDA”) zone had taken into account a number of factors e.g. local area characteristics, topography, development rights, urban design context, the existing building heights of the surrounding areas and relationship with the neighbourhood. To maintain a more intertwined relationship with the Harbour edge, a maximum building height of 60mPD for the two western ends had been incorporated in the Explanatory Statement (ES) to guide the applicant in future submission of the Master Layout Plan (MLP). Hence, the building height restrictions stated in the Notes and ES of the Outline Zoning Plan should not be deleted; and
- (b) there was no restriction on the development mix between the domestic and non-domestic gross floor areas in the Yau Tong Bay “CDA” zone. The proposed commercial and hotel development could be incorporated in the MLP submission for the Board’s consideration. The current “CDA” zone implied an upzoning of the lots within Yau Tong Bay from industrial use as stipulated in the lease to residential and commercial development, which would not deprive the development

rights of the lot owners.

Objection No. 4

79. After further deliberation, the Board decided not to uphold Objection No. 4 for the following reasons:

- (a) the formulation of the maximum building height of 120mPD for Yau Tong Bay “Comprehensive Development Area” (“CDA”) zone had taken into account a number of factors e.g. local area characteristics, topography, development rights, urban design context, the existing building heights of the surrounding areas and relationship with the neighbourhood. To maintain a more intertwined relationship with the Harbour edge, a maximum building height of 60mPD for the two western ends had been incorporated in the Explanatory Statement (ES) to guide the applicant in future submission of the Master Layout Plan. Hence, the building height restrictions stated in the Notes and ES of the Outline Zoning Plan should not be deleted; and
- (b) the provision of a public waterfront promenade within Yau Tong Bay “CDA” site was intended to link up with the planned open space at Kai Tak to the north and the Yau Tong Industrial Area and Lei Yue Mun to the south to form a continuous waterfront promenade along the Kowloon Peninsula. Since the whole Yau Tong Bay site was comprehensively planned, the provision of promenade would not affect the development potential of the objection sites.

Objections No. 6 and 7

80. After further deliberation, the Board decided not to uphold Objections No. 6 and 7 for the following reasons:

- (a) one of the purposes of setting the building height restriction for Yau Tong Industrial Area (YTIA) was to provide variation and form a

coherent height profile within the area. With careful planning and design, the height restriction would not affect urban design unduly. Residential and commercial developments within the “Comprehensive Development Area” (“CDA”) and “Residential (Group E)” zones required planning permission from the Board. The applicants were required to demonstrate that the proposed developments would not create wall effect and would have no air ventilation problems. Flexibility in building design and height variation were allowed and would be examined at planning application stage. Also, there was provision in the Notes of the Outline Zoning Plan (OZP) to allow for minor relaxation of building height restriction to cater for design flexibility;

- (b) one of the guiding principles for the formulation of the building height profile was that the development rights as permitted under the OZP should be respected. Hence, the incorporation of the building height restriction for YTIA would not have any adverse impacts on the redevelopment potential; and
- (c) the formulation of the building height restrictions for the two “CDA” zones had taken into account a number of factors including local area characteristics, existing building heights of the surrounding areas, topography, development rights, urban design context, site configuration and relationship with the harbour. As the setting of the two “CDA” sites including the site configuration, surrounding building heights and the urban design context were not the same, different building height restrictions were adopted.

Objections No. 8, 10 and 11

81. After further deliberation, the Board decided not to uphold Objection No. 8, 10 and 11 for the reason that one of the purposes of setting the building height restriction for Yau Tong Industrial Area was to provide variation and form a coherent height profile within the area. With careful planning and design, the height restriction would not

affect urban design unduly. Residential and commercial developments within the “Comprehensive Development Area” and “Residential (Group E)” zones required planning permission from the Board. The applicants were required to demonstrate that the proposed developments would not create wall effect and would have no air ventilation problems. Flexibility in building design and height variation were allowed and would be examined at planning application stage. Also, there was provision in the Notes of the Outline Zoning Plan to allow for minor relaxation of building height restriction to cater for design flexibility.

Objections No. 9 and 12

82. After further deliberation, the Board decided not to uphold Objection No. 9 and 12 for the following reasons:

- (a) one of the purposes of setting the building height restriction for Yau Tong Industrial Area (YTIA) was to provide variation and form a coherent height profile within the area. With careful planning and design, the height restriction would not affect urban design unduly. Residential and commercial developments within the “Comprehensive Development Area” and “Residential (Group E)” zones required planning permission from the Board. The applicants were required to demonstrate that the proposed developments would not create wall effect and would have no air ventilation problems. Flexibility in building design and height variation were allowed and would be examined at planning application stage. Also, there was provision in the Notes of the Outline Zoning Plan (OZP) to allow for minor relaxation of building height restriction to cater for design flexibility; and
- (b) one of the guiding principles for the formulation of the building height profile was that the development rights as permitted under the OZP should be respected. Hence, the incorporation of the building height restriction for YTIA would not have any adverse impacts on the redevelopment potential.

Objection No. 13

83. After further deliberation, the Board decided not to uphold Objection No. 13 for the reason that a comprehensive building height review had been conducted by the Planning Department prior to incorporating the building height restrictions for Yau Tong Industrial Area into the Outline Zoning Plan.

Objection No. 14

84. After further deliberation, the Board decided not to uphold Objection No. 14 for the following reasons:

- (a) the existing Eastern Harbour Ventilation Building fell within MTR Lot No. 3. The feasibility of delineating a public passage way within the lot would need to be explored among concerned Government departments. It was premature to incorporate the proposal into the Notes of the Outline Zoning Plan (OZP) at this stage;
- (b) according to the Notes of Yau Tong Bay “Comprehensive Development Area” (“CDA”) zone, a public waterfront promenade of not less than 15m wide and with a site area of not less than 24,700m² was required to be provided in the Yau Tong Bay “CDA” zone in the Master Layout Plan (MLP) submission. Relevant guidelines would also be mentioned in the Planning Brief to guide the applicant in the MLP submission. For the Yau Tong Industrial Area (YTIA) “CDA” zone, the objector’s proposal regarding the provision of a waterfront promenade would be taken into consideration in the “CDA” review; and
- (c) among the “Residential (Group E)” (“R(E)”) sites in YTIA, there was only one site fronting the harbourfront. The requirement for a waterfront promenade for this site would be considered in the next round of OZP amendment. Moreover, as public promenade was classified as open space use which was always permitted in all zones, the inclusion of ‘Promenade’ into Column 1 of the Notes for “R(E)”

zone was considered not necessary.

Objection No. 15

85. After further deliberation, the Board decided not to uphold Objection No. 15 for the following reasons:

- (a) the water area of Yau Tong Bay had been excised from the Yau Tong Bay “Comprehensive Development Area” (“CDA”) zone under Amendment Item A and no reclamation was allowed for the “CDA” project;
- (b) the construction work of Lei Yue Mun Estate had been completed. Amendment Items B1 and B2 were made to reflect the as-built conditions;
- (c) Amendment Item D was to tally with the lot boundary of the Sceneway Garden; and
- (d) the current height restrictions of 80mPD to 140mPD for Yau Tong Industrial Area were considered appropriate. With a further reduction of the building height, the permissible plot ratio/gross floor area under the Notes of the Outline Zoning Plan might not be attained. A balance had to be struck between the public and the private interests.

Hearing Arrangements

86. The Board decided to consider the objections in three groups by the Board itself.

[Dr. Greg Wong returned to join the meeting at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-KTS/421

Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years in “Agriculture” zone, Lot 1595(Part) in DD 113, Ma On Kong, Kam Tin, Yuen Long (TPB Paper No. 8176)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Mr. Raymond Leung)
Miss Li Yee Ting) Applicant’s Representatives
Mr. Lam Tim Kit)
Mr. Billy Lap Chi Ho

88. 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.

89. With the aid of some plans, Mr. Wilson So covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary open storage of construction materials and machinery for a period of 3 years in an area zoned “Agriculture” (“AGR”) on the Kam Tin South Outline Zoning Plan;
- (b) the reasons for the Rural and New Town Planning Committee to reject the application on 23.5.2008 were set out in paragraph 1.2 of the Paper;

- (c) no written representation in support of the review application was submitted by the applicant;
- (d) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. The Environmental Protection Department (EPD) did not support the application as there were residential structures in the vicinity and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) objected to the application as the site was located within a low-lying plain to the northwest of the Tai Lam Country Park and the development was not in keeping with the existing rural landscape character of the area;
- (e) public comments – during the statutory public inspection period, a public comment was received from a member of the Yuen Long District Council. The commenter said that complaints from the village representatives of Ho Pui Tsuen and Ma On Kong were received, mainly raising concern that the change of land uses would generate heavy vehicle trips and the unauthorised provision of access points would cause adverse impacts on other road users. The District Officer (Yuen Long) also received an objection, which was the same as the public comment; and
- (f) PlanD's views – PlanD did not support the review application based on the assessment given in paragraph 6.1 of the Paper. The development was not in line with the planning intention of the “AGR” zone, and did not comply with the TPB Guidelines No. 13D in that there was no previous approval and there were adverse comments from Government departments and local objection. There was insufficient information in the submission to demonstrate the proposed development would not generate adverse environmental, landscape and drainage impacts. The approval of the application, even on a temporary basis, would set an undesirable precedent.

90. The Chairman then invited the applicant's representatives to elaborate on the application.

91. With the aid of a powerpoint presentation, Mr. Raymond Leung made the following main points:

- (a) bounded by mountain to the east, the application site was relatively remote, approximately 1.5km to the east of Tai Lam Tunnel. As shown in Plan R-2 of the Paper, the application site was surrounded by open storage uses and pigsties. The residential structures in the vicinity of the site were mainly used as resting places of the nearby workers;
- (b) as the application site was only used for temporary open storage, the Agriculture, Fisheries and Conservation Department had no strong view against the application, as the potential for agricultural rehabilitation was low. The proposed uses would not jeopardise the long-term planning intention for the area and could be tolerated on a temporary basis. There was a general shortage of suitable land for open storage and port back-up uses in the Territory and the site could help alleviate the problem in the short-term;
- (c) most of the areas identified in the vicinity of the application site had either been left vacant or converted to other more efficient land uses. A number of temporary structures were located to the west and north for the storage uses. Each application should be assessed on its individual merits and other specific consideration of each case. Except EPD and PlanD, other Government departments had no comment on or objection to the review application; and
- (d) there was no sensitive receiver such as residential settlement in the immediate vicinity. The nearest village settlement, Hoi Pui Tsuen, was located over 250m to the northeast, while Ma On Kong was about

300m to the north. There was no environmental complaint in the past 3 years. Similar applications in the “AGR” zone had recently been approved by the Board. The applicant would submit a drainage proposal and revised landscape proposal if the application was approved by the Board.

92. Members had no question on the review application.

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 PlanD’s representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

94. Members noted that the application was not in line with the planning intention of the “AGR” zone and did not comply with the TPB Guidelines No. 13D.

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines No. 13D in that the development was not compatible with the surrounding land uses which were predominantly rural in character;

there was no previous approval granted at the site and there were adverse comments from the Government departments;

- (c) there was insufficient information to demonstrate that the proposed development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-PH/561

Temporary Open Storage of Private Cars Prior to Sale for a Period of 3 Years in “Village Type Development” zone, Lots 327(Part), 328A to 328C, 328D(Part), 328E(Part), 328F(Part), 328G(Part), 328H, 328RP, 329A(Part), 329B(Part), 329C(Part), 329D to 329N, 329RP, 330A1(Part), 330A2, 330A3, 330ARP and 330BRP(Part) in DD 111 and Adjoining Government Land, Fan Kam Road, Pat Heung, Yuen Long
(TPB Paper No. 8177)

[The meeting was conducted in Cantonese]

Presentation and Question Session

96. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL) of the Planning Department (PlanD) and the applicant and his representative were invited to the meeting at this point:

Mr. Lau Wing Kit

Applicant

Mr. Cheng Hon Kiu

Applicant's Representative

97. 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.

98. 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 open storage of private cars prior to sale for a period of 3 years in an area zoned “Village Type Development” (“V”) on the Pat Heung Outline Zoning Plan (OZP). The site was being used for open storage of private cars, lorries and container vehicles without valid planning permission;
- (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 23.5.2008 were set out in paragraph 1.2 of the Paper;
- (c) no written representation in support of the review application was submitted by the applicant;
- (d) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. The Environmental Protection Department (EPD) did not support the application as there were residential structures in the vicinity and environmental nuisance was expected. The District Lands Officer/Yuen Long (DLO/YL) advised that 11 small house applications had been submitted on the application site, of which two had already been approved, and five were under processing;
- (e) public comments – during the statutory public inspection period, a public comment was received from the Mutual Aid Committee of Fu Hing Garden, objecting to the application on traffic, environmental and drainage grounds; and

- (f) PlanD's views – PlanD did not support the review application based on the assessment given in paragraph 6 of the Paper. The development would frustrate the planning intention of the “V” zone and the permanent development of Small Houses by indigenous villagers, given that Small House applications within the application site had been approved or were under processing. In addition, the application did not comply with the TPB Guidelines No. 13D in that there were adverse comments from Government department and local objection. There was insufficient information in the submission to demonstrate the development would not cause adverse environmental impact on the surrounding areas. The previous applications (No. A/YL-PH/438 and 495) were approved for 12 months each. In the last application (No. A/YL-PH/485), the application was approved with conditions on consideration that it would take a while to process the impending Small House applications on site and the applicant had been advised in the approval letter that that the shorter approval period of 12 months was granted so as to provide time for relocation of the use to other suitable location. The current application was submitted by a different applicant for the same use and in the same area.

99. The Chairman then invited the applicant and his representative to elaborate on the application.

100. Mr. Lau Wing Kit, the applicant, made the following main points:

- (a) the site was the subject of a previous application (No. A/YL-PH/495) approved by the Board in November 2005. He only sought to renew the previous approval. There were existing fire services installations, drainage facilities and greening work on site that had already satisfied various Government departments' requirements. These facilities were maintained on a regular basis;
- (b) in recognition that the previous application was approved for 12 months to provide time for relocation of the use to other suitable location, effort

was made to search for other suitable site, but failed, mainly due to shortage of suitable land supply of similar size in Pat Heung. It was thus necessary to apply for renewal of the previous approval;

- (c) he was taken by surprise when the renewal application was rejected by the RNTPC on 23.5.2008, notwithstanding the previous approval conditions had been complied with and there were no adverse departmental comments, except that of the EPD. The application site was also not subject to any environmental complaint;
- (d) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of PlanD had commented that the periphery landscaping trees implemented within the site had been well maintained and it was unlikely that the continued use of the site as open storage would have any further adverse impact on the existing landscape;
- (e) Small House applications within the application site were being processed by the DLO/YL. As some proposed Small Houses were located close to a stream, time would be required for conducting technical assessments to determine the location of retaining walls before construction of Small Houses could proceed. As such, DLO/YL had raised no in-principle objection to the temporary open storage uses in the application site; and
- (f) it was proposed to shorten the approval period from 3 years to 1 year to allow additional time for relocation of the use to other suitable location. Should the application site be required for Small House development, he was willing to vacate the land as and when required. Members were urged to take account of the special circumstances of the application site and grant temporary approval to allow better utilization of land during the interim period.

101. Upon completion of the presentation, the Chairman invited Members to raise questions.

102. A Member asked whether any Small House applications within the application had been approved yet. Mr. Wilson So responded that two Small House applications had already been approved within the site, while five were under processing by DLO/YL.

103. The Chairman asked why DLO/YL had raised no in-principle objection to the application. Mr. Wilson So said that the same comments were made by DLO/YL in the previous application No. A/YL-PH/495. While the applicant might have obtained the consent of some Small House applicants to use the site for temporary open storage uses, the application site fell within the Category 4 areas under the TPB Guidelines No. 13D. The planning intention was to encourage the phasing out of non-confirming uses as early as possible, and a maximum of 2 years might be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. As a total of two years had been allowed in the two previous applications (No. A/YL-PH/438 and 495), no further renewal of approval should be given unless under very exceptional circumstances.

104. As the applicant and his 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 his representative and PlanD's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

105. Members did not consider there were any exceptional circumstances that warranted a departure from the TPB Guidelines No. 13D.

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

- (a) the development was not in line with the planning intention of the "Village Type Development" zone on the Outline Zoning Plan, which

was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that the development was not compatible with the residential dwellings in the vicinity of the site, there were no exceptional circumstances to merit approval of the application and also there were adverse departmental comment and local objection against the applied use; and
- (c) there was insufficient information in the submission to demonstrate that the development would not cause adverse environmental impact on the surrounding areas.

[Dr. Greg Wong and Mr. Raymond Chan left the meeting at this point.]

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/K13/232

Proposed Minor Relaxation of Building Height for Permitted Development (including Office and Shop and Services) in “Other Specified Uses” annotated “Business” zone, 18 Wang Chiu Road, Kowloon Bay, Kowloon (NKIL 5856)

(TPB Paper No. 8175)

[The meeting was conducted in Cantonese]

107. As the application was submitted by a subsidiary of Sino Land Company Limited (Sino), Dr. Greg Wong, Mr. Raymond Chan and Mr. Felix Fong had declared interests in this item for having current business dealings with Sino. Members noted that Dr. Wong, Mr. Chan and Mr. Fong had already left the meeting.

Presentation and Question Session

108. Mr. Eric Yue, District Planning Officer/Kowloon of the Planning Department (PlanD), and the following applicant's representatives were invited to the meeting at this point:

Mr. Kim Chan)	
Miss Kerry Lee)	Applicant's Representatives
Mr. Yuen Siu Fai)	

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

110. 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 applicant sought planning permission for minor relaxation of building height (BH) restriction from 120mPD to 126mPD to incorporate a 6m high sky garden on 9/F of a proposed 27-storey commercial/office development in an area zoned "Other Specified Uses" annotated "Business" ("OU(B)") on the Ngau Tau Kok and Kowloon Bay Outline Zoning Plan;
- (b) the reason for the Metro Planning Committee to reject the application on 23.5.2008 was set out in paragraph 1.2 of the Paper;
- (c) no written representation in support of the review application was submitted by the applicant;
- (d) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. The Architectural Services Department (ArchSD) had no adverse comment on the application and

advised that the proposed sky garden might benefit the local streetscape and air ventilation. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) had no strong view from urban design point of view, but advised the applicant to make every endeavour to minimize the deviation from BH restriction, e.g. to explore reduction of the floor-to-floor heights for the office floors of the proposed development and/or accommodation of the car park storeys in basement;

- (e) public comments – during the statutory public inspection period, a public comment was received, stating that the BH restriction on the OZP for the application site should be retained; and

- (f) PlanD's views – PlanD did not support the review application based on the assessment given in paragraph 7 of the Paper. While the sky garden was a green initiative, its incorporation would increase the BH and exceed the permitted BH of 120mPD under the OZP. As the proposed floor-to-floor height of the office floors would range from 4.18m to 5.14m and the car park would be provided on 5/F to 8/F, there was scope for the applicant to lower the overall BH to accommodate a sky garden by reducing the floor height of the office floors and accommodating the car park facilities in the basement levels. A similar application (No. A/K13/212) for minor relaxation of BH from 120mPD to 126mPD to accommodate a 6m high communal sky garden was approved, taking into account the lower floor height of the office floors (ranged from 4.05m to 4.20m), and the provision of 3 levels of basement car parking. There were no strong justifications and design merits for a minor relaxation of BH restriction for the subject application.

111. The Chairman then invited the applicant's representatives to elaborate on the application.

112. With the aid of a powerpoint presentation, Mr. Kim Chan made the following

main points:

- (a) the application sought planning approval for a minor relaxation of BH restriction from 120mPD to 126mPD in order to provide one storey for a communal sky garden in an approved set of general building plans for a new office development. The proposed communal sky garden fully complied with the criteria set out in the JPN1 and 2 jointly promulgated by the Buildings Department, Lands Department and PlanD, and Government's intention to promote the construction of 'green and innovative' buildings;
- (b) paragraph 7.4 of the Explanatory Statement (ES) set out the criteria for consideration of minor relaxation of BH, and the current application met criteria (c) and (d) in that it would provide better streetscape and achieving green design. A similar application (No. A/K13/212) for minor relaxation of BH from 120mPD to 126mPD to accommodate a 6m high communal sky garden was approved by the Board on 16.6.2006;
- (c) the proposed 6m floor-to-floor height would allow sufficient sunlight to penetrate into the communal sky garden, optimise the natural air ventilation, provide green features and provide a comfortable and relaxing garden for users of the new office development;
- (d) basement car parking was not preferred for the purpose of energy saving. The car park to be provided on 5/F to 8/F, together with the proposed sky garden on 9/F, would in effect provide a 20m air ventilation corridor for the area;
- (e) a comparison of the grade A office in different districts in the South China Morning Post showed that the rents in Central and Kowloon Bay were HK\$90 and HK\$18-20 respectively. Kowloon Bay was developing into a secondary business district as a result of rising market demand for grade A office;

- (f) it was also reported in the Hong Kong Economic Times that in term of global business environment, Hong Kong ranked the fourth, after Singapore. To maintain the competitiveness of Hong Kong, more grade A office with high floor height should be provided. A comparison of the floor height of the office floors showed that the average floor height of AIG Tower (4.5m) and Millennium City 6 (4.313m) was higher than the proposed development at No. 18 Wang Chiu Road (4.287m);
- (g) CTP/UD&L had no objection to the application, advising that the resultant BH would not jeopardise the BH concepts for Kowloon Bay Business Area (KBBA), and had no strong view on the application from an urban design point of view. ArchSD also had no adverse comment on the application and considered that the proposed incorporation of a communal sky garden in the development might benefit the local streetscape and air ventilation;
- (h) the proposed BH was in compliance with the intention of BH restrictions in the KBBA set out in paragraph 7.2 of the ES; and
- (i) 13 Government departments had no objection to or comment on the application.

113. With the aid of a powerpoint presentation, Mr. Yuen Siu Fai made the following main points:

- (a) the developer, Sino, had been making effort in developing Kowloon Bay and improving building designs. With limited supply of grade A office in Central, decentralization to other districts would be inevitable. Kowloon Bay had good infrastructural support and was easily accessible by road and MTR. Major companies, including international companies, began to move in to take up the high quality office buildings in Kowloon Bay;

- (b) as shown in the plan in the powerpoint, many buildings in Kowloon Bay were wholly owned buildings and had good potential for redevelopment. Kowloon Bay presented the opportunity for providing more green and innovative buildings;
- (c) the vertical greening in the Vision City in Tsuen Wan, and the rooftop garden in Skyline Tower and sky gardens at various levels in Exchange Tower in Kowloon Bay all illustrated the past effort made by Sino to provide green features in its developments; and
- (d) with building plans approved and land premium paid, the application site was now under construction. In order not to affect the construction work, the timely approval of the application to allow the incorporation of the sky garden was required. The proposed increase in BH was minor in nature and would not affect the ridgeline. The approval would present a win-win situation.

114. Upon completion of the presentation, the Chairman invited Members to raise questions.

115. In response to a Member's question, Mr. Eric Yue explained the differences between application No. A/K13/212 and the subject application. The former had a floor-to-floor height, ranging from 4.05m to 4.20m, which was lower than the current application, which ranged from 4.18m to 5.14m. It had 3 levels of basement car parking, while the subject application had 4 levels of car parks on the 5/F to 8/F. In deciding to approve application No. A/K13/212, the Board considered that effort had been made by the applicant to reduce the BH and there were design merits in the application. Mr. Yuen Siu Fai said that in view of the value of the commercial floor spaces in the lower floors and the need to provide a large number of loading and unloading bays for large vehicles as required under the lease conditions of the application site for application No. A/K13/212, which was also a project of Sino, basement car parks were provided. If the car parks were provided in the upper floors, the ramps leading to the car parks would take up valuable commercial floor spaces, which was not preferred. The same did not apply

to the subject application. To meet the changing market demand, higher floor-to-floor height was required. Millennium City 6 in Kowloon Bay, for example, had a floor-to-floor height of 4.313m.

116. 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 PlanD's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

117. The Chairman said that the communal sky garden was one of the green features promoted by the Government with a view to improve the built environment and as an incentive, sky garden could be exempted from gross floor area calculation. A Member considered that the proposed 6m increase in BH was minor in nature. The communal sky garden would help improve the quality of the building and should be encouraged. Another Member noted that the application site was next to a building of 140mPD and considered that the proposed minor relaxation of BH from 120mPD to 126mPD was acceptable and could allow flexibility in design.

118. A Member considered that locating the car parking levels on the 5/F to 8/F was not a good design, particularly with reference to buildings in Kowloon Bay with similar car parking arrangement. There were no sufficient planning merits to warrant the approval of the subject application. The applicant should be required to provide setback and/or loading and unloading bays in the subject development to help improve the pedestrian and traffic flow in the area, and such would be considered as planning merits. The Chairman said that it might not be appropriate to require the applicant to resolve what was basically a wider traffic problem. Another Member considered that if the application was not approved, the applicant would very likely proceed without the sky garden and the local population would not stand to gain anything from a visual and air ventilation point of view. The proposed increase in BH of 6m was minor in nature and would not have any traffic impact. The greening brought about by the sky garden would

help improve the built environment of the Kowloon Bay.

119. A few Members considered that the proposed relaxation of BH to 126mPD to accommodate a 6m sky garden was acceptable, noting that the application site was next to a zone which allowed buildings up to 140mPD. The floor-to-floor height was considered acceptable for a high-class office building. The proposed sky garden would help enhance the quality of the building and benefit the local streetscape.

120. After further deliberation, the Board decided to approve the application on review on the terms as submitted to the Town Planning Board. The permission should be valid until 12.9.2012, 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 landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
and
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

121. The Board also agreed to advise the applicant to apply to the District Lands Officer/Kowloon East, Lands Department for the lease modification to permit the minor relaxation on building height.

Agenda Item 8

[Open Meeting]

Request for Deferral for Review of Application No. A/K15/85

Proposed Flat in “Residential (Group E)” zone, 28 Sze Shan Street

Yau Tong, Kowloon (YTIL 27)

(TPB Paper No. 8174)

[The meeting was conducted in Cantonese.]

122. The Secretary briefly introduced the Paper. The review application was originally scheduled for consideration by the Board on 12.9.2008. On 23.5.2008, proposed amendments to the Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan were gazetted under s.7 of the pre-amended Town Planning Ordinance. 15 objections were received and two were subsequently withdrawn. Eight objections were related to the incorporation of building height restrictions for the Yau Tong Industrial Area and one was lodged by the applicant against the height restriction of 100mPD for the application site. In order not to pre-empt the Board's consideration of the objections, it was considered prudent to consider the review application after a decision by the Chief Executive in Council on the objections. The request for deferment met the criteria for deferment as set out in the TPB Guidelines No. 33.

123. The Meeting agreed to defer consideration of the review application after a decision by the Chief Executive in Council on the objections.

Agenda Item 16

Any Other Business

[The meeting was conducted in Cantonese.]

124. There being no other business, the meeting was closed at 4:15 p.m..