

**Minutes of 946th Meeting of the
Town Planning Board held on 30.10.2009**

Present

Permanent Secretary for Development (Planning and Lands)
Mr. Thomas Chow

Chairman

Dr. Greg C.Y. Wong

Vice-Chairman

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Professor N.K. Leung

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Hon. Starry W.K. Lee

Mr. Rock C.N. Chen

Mr. K.Y. Leung

Mr. Maurice W.M. Lee

Mr. Timothy K.W. Ma

Principal Assistant Secretary (Transport),
Transport and Housing Bureau
Mr. Fletch Chan

Director of Lands
Miss Annie Tam

Assistant Director (2), Home Affairs Department
Mr. Andrew Tsang

Deputy Director of Environmental Protection
Mr. Benny Wong

Director of Planning
Mrs. Ava S.Y. Ng

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

Secretary

Absent with Apologies

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor David Dudgeon

Professor Bernard V.W.F. Lim

Professor Edwin H.W. Chan

Dr. Winnie S.M. Tang

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Miss H.Y. Chu (a.m.)
Ms. Christine K.C. Tse (p.m.)

Senior Town Planner/Town Planning Board
Mr. Ivan Chung (a.m.)
Mr. J.J. Austin (p.m.)

1. The Chairman extended a welcome to Members.

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 945th Meeting held on 16.10.2009

[The meeting was conducted in Cantonese.]

2. The minutes of the 945th meeting held on 16.10.2009 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

3. The Secretary reported that there were no matters arising.

Agenda Item 3

[Open Meeting]

Stage 1 Public Engagement for West Kowloon Cultural District
(TPB Paper No. 8413)

[The meeting was conducted in Cantonese and English.]

4. The following representatives from the West Kowloon Cultural District (WKCD) Authority, its planning consultants and the Home Affairs Bureau (HAB) were invited to the meeting at this point:-

Hon. Ronald Arculli] WKCD Authority
Professor Cheung Yan Leung]
Mr. Augustine Ng]
Miss Cathy Chu	HAB
Mr. K.M. Yeung] Mott MacDonald
Mr. David Mepham]
Ms. Fiona Drago] Foster + Partners
Mr. Alan Macdonald]
Mr. David Gianotten] Office for Metropolitan Architecture
Ms. Miranda Lee] (OMA)
Mr. Rocco Yim] Rocco Design Architects Ltd.
Mr. William Tam]
Dr. Vincent Law] Hong Kong Polytechnic University
Mr. Stephen Lee]

5. The Chairman extended a welcome and invited the representatives to brief

Members on the Paper.

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

6. With the aid of a powerpoint presentation and a video, Hon. Ronald Arculli and Professor Cheung Yan Leung made the following main points:

- (a) the WKCD Authority would undertake a 3-stage public engagement exercise to listen to the views of the public and stakeholders on the development of the WKCD. The 3-month Stage 1 public engagement now underway aimed at collecting public views on the aspirations and expectations for the WKCD. The public views collected would be taken into account in the formulation of the three Conceptual Plan options at the Stage 2 public engagement;
- (b) the WKCD would be developed as an integrated arts and cultural district with world class arts and cultural venues, including mega performance venue, great theatre, concert hall, chamber music hall, xiqu centre, two medium-sized theatres, four blackbox theatres, exhibition centre and Museum Plus. Moreover, a 23-hectare (ha.) public open space, including landscaped waterfront promenade and large piazza areas, would be provided within the WKCD for public enjoyment;
- (c) the WKCD Authority had adopted seven planning design principles, namely, creativity, accessibility, connectivity, integration, vibrancy, uniqueness and sustainability, to serve as the foundation for the development of the WKCD; and
- (d) the WKCD Authority would like to listen to Members' views on the development of the WKCD.

[Dr. Daniel B.M. To and Miss Sylvia S.F. Yau arrived to join the meeting at this point.]

7. Members expressed support for the development of the WKCD as an integrated

arts and cultural district. Pertaining to specific issues, Members had the following views and comments:

Functions and Roles

- (a) it was important that the arts and cultural facilities to be provided within the WKCD could be enjoyed by people from all walks of life in Hong Kong;
- (b) there should be a balanced provision of international as well as local arts and cultural activities to cater for different interests of the public;
- (c) if the WKCD could not accommodate all the facilities and requirements raised by the public, thought should be given to exploring the feasibility of using the neighbouring districts for organising different kinds of activities, e.g. ancillary street festivals, with a view to complementing the WKCD;

Connectivity

- (d) as the existing MTR stations were located quite far away from the WKCD, it was crucial to provide convenient pedestrian connectivity and vehicular access between the WKCD and the neighbouring districts such as Tsimshatsui, Mongkok and Yaumatei. Good connectivity would also ensure that WKCD would be well integrated with its neighbouring areas;

Promotion of Cultural Software

- (e) to ensure the success of the WKCD as a world class arts and cultural district, it was necessary to provide the hardware by building venues for arts and cultural activities and the software by promoting the development of local arts and cultural groups, and performing arts companies, and enhancing the art appreciation ability of the public and public participation in art-related activities;

Planned Facilities

- (f) the public space and facilities (e.g. the 23-ha. public open space) should be easily accessible to all age groups and disabled persons without any unnecessary restrictions;

- (g) the arts, cultural and other related facilities to be provided within the WKCD should be developed in an integrated manner, paying particular attention to the interaction amongst visitors;
- (h) given the hot weather in Hong Kong during the summer time, it was necessary to devise design measures to create a microclimate favourable for the public to participate in outdoor activities and also to enjoy the 23-ha. public open space within the WKCD;
- (i) environmentally friendly transport should be explored to enhance connectivity between different facilities within the WKCD;

Planning Control

- (j) whether the development parameters and other related requirements (e.g. building height (BH) and plot ratio (PR) restrictions) on the South West Kowloon Outline Zoning Plan (OZP) would create any constraints on the planning and development of the WKCD; and

Early Implementation

- (k) early implementation of the WKCD in accordance with a firm timetable was needed in view of the competition posed by the rapid development of arts and cultural facilities in the neighbouring Pearl River Delta cities.

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

8. Hon. Ronald Arculli, Professor Cheung Yan Leung and Mr. Augustine Ng made the following responses:

General

- (a) the comments and views expressed by Members were noted and would be taken into account as appropriate when the consultants of the WKCD Authority proceeded to the preparation of Conceptual Plan options at the Stage 2 public engagement;

Specific

Functions and Roles

- (b) the WKCD was planned to be developed as an integrated arts and cultural district to cater for the needs of people from all walks of life. It was not a property project. To provide the WKCD Authority with sustained sources of income, the Government would allow the WKCD Authority to provide retail, dining and entertainment facilities (totalling about 119,000m² GFA) within the WKCD;
- (c) the public needs for providing both international and local arts and cultural activities would be duly taken into account;
- (d) the WKCD Authority would take into account the public views to be collected in the public forums and focus group meetings with different stakeholders during the 3-stage public engagement to work out a Master Layout Plan (MLP) for the WKCD to be submitted to the Board;

Planned Facilities

- (e) during the Stage 2 public engagement, the consultants would prepare Conceptual Plan options and the issues relating to the accessibility of various facilities within the WKCD and connectivity of the WKCD with the surrounding areas would be examined in detail;
- (f) the need to ensure accessibility of the planned facilities (e.g. the 23-ha. public open space) for different age groups and disabled persons was well noted and would be taken into account by the consultants in formulating the Conceptual Plan options;

Promotion of Cultural Software

- (g) the importance of providing the required software as a prerequisite to the success of the WKCD was well appreciated. It was also intended that the WKCD development would help promote arts and cultural development in Hong Kong;

Planning Control

- (h) although the current restrictions of BH and PR, and requirement of providing 23-ha. public open space as stipulated on the OZP would impose constraints on the future preparation of Conceptual Plan options, the consultants would adhere to these restrictions. As the Notes of the OZP had already made provision for relaxation and minor relaxation of BH for the future development within the WKCD upon submission of planning application to the Board, the WKCD Authority would seek the Board's approval to relax the current restrictions should there be justified needs and grounds to do so;

Early Implementation

- (i) according to the current programme, it was intended that upon completion of the 3-stage public engagement, a MLP would be submitted to the Board for consideration by 2012; and
- (j) the WKCD would be developed in phases. Phase 1 including mega performance venue, great theatre, concert hall, chamber music hall, xiqu centre, two medium-sized theatres, four blackbox theatres, exhibition centre and Museum Plus would be completed in 2015 with phase 2 around 2026.

[Miss Annie K.L. Tam arrived to join the meeting at this point.]

9. In response to Members' concerns about the impact of the current restrictions on the formulation of Conceptual Plan options for the WKCD, Messrs. Rocco Yim, David Gianotten and Alan Macdonald gave the following views:

- (a) the WKCD should be planned and developed for the enjoyment of the people of Hong Kong;
- (b) it was vital to have good connectivity between the WKCD and its surrounding areas. This requirement would be taken into account in drawing up the Conceptual Plan options; and

- (c) the intention of imposing the current development parameters and other requirements on the OZP for the WKCD such as preserving views to the ridgeline and waterfront was well appreciated and noted. These restrictions and requirements would be followed by the consultants in working out the Conceptual Plan options. It was hoped that Members would also allow flexibility in considering deviations from the stated restrictions, if necessary, in achieving a creative design for the WKCD.

10. As Members had no more question to raise, the Chairman thanked the representatives of the WKCD Authority, its planning consultants and HAB for attending the meeting. They all left the meeting at this point.

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

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

Representation No. R2 (Joy Wong)

Representation No. R4 (Li Wai Yee)

Representation No. R6 (Cheung Wai On)

Ms. Ho Kar Yin - Representers' representative

Representation No. R3 (H15 Concern Group)

Ms. Yip Mei Yung] Representer's representatives

Ms. Sin Wai Fong]

Commenter No. C1 (URA)

Ms. Iris Tam] Commenter's representatives

Mr. Michael Ma]

Mr. David Au]

14. Members noted that Commenter No. C7 (Designing Hong Kong Limited) sent an email to the Secretariat on 29.10.2009 expressing its support for the subject DSP. A copy of the email was tabled at the meeting. Members also noted that sufficient notice had been given to the remaining representers and commenters. Some did not respond to the notice and some could not be contacted. For those who had responded, they indicated that they would not attend or be represented at the hearing. Members agreed to proceed with the hearing in the absence of the remaining representers and commenters.

15. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. Wilson Chan, DPO/TWK, to brief Members on the background to the representations and comments.

16. With the aid of a powerpoint presentation, Mr. Wilson Chan briefed Members on the Paper and made the following points as detailed in Paper No. 8427:

- (a) on 8.5.2009, the draft URA Prince Edward Road West/Yuen Ngai Street DSP No. S/K3/URA2/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (TPO). A total of 7 representations and 7 comments had been received in respect of the draft DSP;

- (b) representations – of the 7 representations, 1 representation was submitted by a private company (R1), 1 representation was submitted by a concern group (R3) and the remaining 5 representations were submitted by individuals (R2 and R4 to R7). R1 supported the draft DSP provided that its proposed amendments to the draft DSP, its Notes and Explanatory Statement were accepted. R2 to R5 opposed the draft DSP. R6 provided comments on the Social Impact Assessment (SIA). R7 provided comments on the SIA, consultation process and implementation approach;
- (c) grounds of representations – the various grounds of representations as detailed in paragraphs 2.3 to 2.17 of the Paper were summed up as follows:

The draft DSP, Notes and Explanatory Statement

- the draft DSP and Notes should include a set of clearly defined planning guidelines controlling the area to be used by each of the intended uses in the Scheme Area (R1);
- the Scheme Area should be developed into a multi-theme market place for florists, restaurants and film-making studio/workshops and related visual and performing arts centre/school/venues (R1);
- the draft DSP, Notes and Explanatory Statement should be redrafted to reflect that the buildings in the Scheme Area had been accorded Grade II historic building by Antiquities Advisory Board (AAB) in March 2009 (R1);
- the draft DSP had not included residential use into the planning intention (R5);

Consultation

- the whole engagement process should be more precise and accurate (R2, R3, R6);
- the following requirements should be satisfied before implementation of the DSP (R7):

- i. extend the consultation period by at least half a year;
- ii. organize at least 4 briefing sessions for local residents, shop operators and the public;
- iii. assess the comments of existing residents and shop operators in detail, and allow public access to the site after completion of the project;

Residents' and Business Operators' Right to Stay

- URA to allow existing residents and shop operators to opt for staying at the existing premises (R3, R5);
- majority of the shop tenants might not afford the higher rent after restoration of the buildings. None of the directly affected neighbours considered that the DSP aimed to satisfy the needs of the neighbours (R3);
- many residents did not wish to move out (R3, R4);
- URA should not evict the growing arts and cultural activities in the area. URA could buy some of the vacant units for exhibition of the historical and cultural information related to the local area (R4);
- the residents and shop operators should have the choice between staying behind and “swapping” their flats/shops with new ones (R7);

Social Impact Assessment

- the SIA for the proposed development was not comprehensive enough (R6);
- a comprehensive SIA should be undertaken (R7);

Implementation Approach

- URA should adopt some less-disturbing preservation approaches like those from overseas where owners of heritage buildings were restricted

to sell their buildings to the Government only (R3);

- the owners should have the right of participation in the project (R7);

(d) the representers' proposals – the proposals put forward by the representers as detailed in paragraphs 2.18 and 2.19 of the Paper were set out as follows:

- R1 proposed the following amendments to the draft DSP, Notes and Explanatory Statement:
 - i. to revise the annotation of the “Other Specified Uses” (“OU”) zone from “Shophouses for Commercial and/or Cultural Uses” to “Historical Shophouses Preserved for Commercial, Performing/Visual Arts and Cultural Uses”;
 - ii. the planning intention of the subject “OU” zone should also be revised accordingly;
 - iii. to include uses like performing and visual arts centres/school/venues, film studios/workshops and film archive/library under Column 1 of the Notes for the subject “OU” zone;
 - iv. to add a new Remarks under the subject “OU” zone so that area used by performing/visual arts and cultural uses would not be less than half of the total gross floor area;
 - v. to revise paragraph 3 of the Explanatory Statement to reflect the above amendments. Paragraph 5.2 of the Explanatory Statement should furnish information respecting the contribution from the film-makers working in the area to the success of the film industry in Hong Kong and paragraph 7.6 should be rewritten so as to allow the uses proposed and listed hereof to be included in the trade-mix proposal;

- R6 proposed to incorporate 'Provisions for Supporting Community Development' in the Remarks of the Notes;
- (e) Comments – of the 7 comments, 1 comment was submitted by URA (C1), 2 were submitted by private companies (C2 and C7) and 4 were submitted by individuals (C3 to C6). Their main concerns as detailed in paragraph 3 of the Paper were summed up as follows:

Consultation

- C1 (URA) commented that the public had been fully consulted on URA's intention through various channels. Freezing survey, social impact assessment and public opinion survey had been conducted to collect the public views. The Yau Tsim Mong District Council had been consulted;

Residents' and Business Operators' Right to Stay

- C1 commented that after URA had acquired and rehabilitated the properties on the upper floors, URA would not prohibit existing residential owners to opt to stay as tenants if they so wished. "Flat" use in Column 2 of the Notes would allow the maximum flexibility and also allow existing owners of residential units to come back as tenants if they so wished, upon s.16 planning application to the Board by URA;

Social Impact Assessment

- C1 commented that URA had fully assessed the social impact of this project, and the social and rehousing needs of the affected residents in accordance with the Urban Renewal Strategy (URS). The SIA report was made available by the Board for public inspection and comment in January and February 2009.

Implementation Approach

- C1 commented that as the preservation and revitalization proposal would require a substantial capital outlay for implementation and would not be for profit-making, it was undesirable for the individual owners to participate;

Proposed Amendments to the DSP, Notes and Explanatory Statement

- C1 commented that URA had committed that the existing users/operators whose businesses complied with the proposed theme (i.e. florist trade on the ground floors with upper floors intended for arts and cultural as well as food and beverage uses) and who accepted the commercial leasing terms would be given the first priority to lease back;
 - C2 to C6 supported R1's proposed amendments to the draft DSP, Notes and Explanatory Statement;
- (f) PlanD's views – planning considerations and assessments as stated in paragraphs 5 and 7 of the Paper covered the following main points:

The DSP, Notes and Explanatory Statement

- the “OU(Shophouses for Commercial and/or Cultural Uses)” zone on the draft DSP together with the proposed Column 1 and 2 uses in the Notes of the draft DSP had already provided proper development control on the uses of the area (R1);
- “Shop and Services”, “Education/Visitor Centre”, “Place of Recreation, Sports or Culture” and “School” uses under Column 1 of the Notes had provided possible alternatives to develop a multi-theme market place for florists, restaurants and film-making studio/workshops and film archive/library and related visual and performing arts centre/school/venues at the Site (R1);
- on the proposed grading of the shophouses, it should be noted that the grading was still subject to AAB's endorsement. It was therefore not appropriate to amend the Explanatory Statement at this stage. The description in the Explanatory Statement reflected the current status of the shophouses (R1);

- the “OU” zone was intended for preservation and adaptive re-use of the shophouses for commercial and/or cultural uses. The Commissioner for Heritage welcomed the project. Flexibility for residential use had already been incorporated in Column 2 uses of the Notes for the “OU” zone (R5);

Consultation

- consultation exercises had been undertaken by URA before and after the announcement of the project on 19.9.2008 (R2, R3, R6, R7);
- the public had been informed of the Development Scheme through various channels. The draft DSP and the SIA report had been made available for public inspection in the Planning Enquiry Counters of PlanD. The results of the consultation exercise and the public comments received were submitted to the Board for consideration on 3.4.2009. Also the publication of the draft DSP for public inspection under the TPO was a statutory channel for the affected persons to make their views known to the Board and to be heard;

Residents’ and Business Operators’ Right to Stay

- as for residents’ right to stay, the Notes of the “OU” zone had provided flexibility for “Flat” use upon application to the Board. Retaining the residents in their original premises was not the intention of the draft DSP. The intention was to refurbish the shophouses with proper building services for cultural and/or commercial uses (R3, R4, R5, R7);
- regarding business operators’ right to stay, URA would give those business operators whose businesses complied with the proposed theme and who accepted the commercial leasing terms the first priority to lease back (R3, R4, R5, R7);
- the draft DSP was intended to preserve the shophouses for cultural uses. The DSP would not evict the growing cultural activities in the area. Rather, it would provide refurbished premises equipped with proper

building services for the development of cultural activities in the area (R4);

Social Impact Assessment

- two stages of SIA had been undertaken by URA to assess the social impact of the draft DSP in accordance with URS. Concerned departments had not raised adverse comments (R6, R7);

Implementation Approach

- the DSP under section 25 of URA Ordinance was considered as a more effective means to serve the purpose of preservation. The DSP could set out clearly the intention of preservation and how it would be implemented, assess the social impacts of the Scheme, provide a more definite programme to improve the condition of the historic buildings and save them from further deterioration, protect them from redevelopment through acquisition and if necessary, resumption of the properties affected and allow the public to provide comments in the process. The owners/tenants would be compensated according to the policy agreed by LegCo and suitable rehousing arrangement would be made by URA (R3, R7);

Proposed Amendments to the DSP, Notes and Explanatory Statement

- the uses under Column 1 and 2 of the Notes for the above “OU” zone had been drawn up to reflect clearly the nature of the project, and the intention for the preservation and adaptive re-use of the pre-war shophouses for different purposes to serve the needs of the public and reinforce the distinct local character (e.g. florist shops) (R1);
- it was not necessary to include “performing and visual arts centres/schools/venues”, “film studios/workshops” and “film archive/library” uses under Column 1 uses of the Notes because they had already been subsumed under “Education/Visitor Centre”, “Place of Recreation, Sports or Culture” and “School” uses under Column 1 Uses of the Notes (R1);

- to specify the area for performing/visual arts and cultural uses in the Remarks of the Notes for the “OU” zone would undermine the flexibility of the future adaptive re-use of the shophouses (R1);
- the proposed “OU” zone was intended for the preservation and adaptive re-use of the shophouses for cultural uses. This would promote the community development in the area (R6); and

PlanD recommended the Board not to uphold the representations on grounds as set out in paragraph 7 of the Paper.

17. The Chairman then invited the representatives of the representers and commenter to elaborate on their representations and comments.

Representation No. R1 (Linda Construction Company Limited)

18. Mr. Chiu Chi Man made the following main points:

- (a) the cultural value and artistic importance of the 10 shophouses covered by the draft DSP had much to do with the film-making workshops or production houses on the upper floors of the shophouses, which had been making a very valuable contribution to the success of the film industry in Hong Kong since mid 50’s. Comparatively speaking, the development of the florist trade on the ground floors had a shorter history than the film-making workshops. However, the draft DSP had attached more importance to the preservation of the florist trade than the film-making workshops;
- (b) apart from the film-making workshops, there were visual and performing arts centre/school/venues (e.g. ballet school) on the upper floors of the shophouses. As the operators of these cultural uses were largely tenants, it was unlikely that they could come back after restoration of the shophouses. At present, only 5 units of the upper floors were being used as domestic flats

whereas the remaining units were all being used for cultural and commercial uses. It was important that the Development Scheme should preserve these commercial and cultural uses which were the characteristics of the Scheme Area; and

- (c) the Notes and Explanatory Statement of the draft DSP needed to be amended to ensure the preservation of the cultural uses. The current zoning of “OU” annotated “Shophouses for Commercial and/or Cultural Uses” should be amended to “OU” annotated “Shophouses for Commercial and Cultural Uses”. Such a planning intention should be reflected in the Notes and Explanatory Statement of the draft DSP accordingly.

Representation No. R2 (Joy Wong)

Representation No. R4 (Li Wai Yee)

Representation No. R6 (Cheung Wai On)

19. Ms. Ho Kar Yin made the following points on behalf of R2:

- (a) URA should not take over the private properties in the name of preservation of historical buildings. Implementation of the Development Scheme would cause disturbance to the residents and business operators within the Scheme Area;
- (b) upon moving out of the shophouses, the residents and business operators would unlikely be able to adapt to the new environment. Should they be not eligible for public housing, they had to move to other old buildings of poor conditions. As such, implementation of the Development Scheme would not bring any improvement to their living conditions; and
- (c) the existing residents and shop operators should have the choice between moving out and staying behind. If they were unwilling to move out, they should not be forced to leave the shophouses where they had been living and carrying out their business for many years. Rather than carrying out restoration works for the shophouses, which would necessitate the moving

out of the existing residents and shop operators, insitu renovation and refurbishment works should be undertaken to avoid disturbance.

20. Ms. Ho Kar Yin made the following points on behalf of R4:

- (a) URA should not only preserve the subject shophouses. It should also allow the existing residents and business operators to stay behind; and
- (b) like the Blue House case, the residents and business operators should have the choice between staying behind and moving out. This was in line with the URA's "people-centred" approach.

[Mr. Rock C.N. Chen returned to join the meeting at this point.]

21. Ms. Ho Kar Yin made the following points on behalf of R6:

- (a) the SIA carried out by URA was not satisfactory. Not all the residents and shop operators who would be affected by the Development Scheme had been approached and interviewed by URA and its Social Service Team. It was doubtful whether these people could obtain reasonable compensation and rehousing;
- (b) the Development Scheme was packaged under the guise of preservation. The existing residents and tenants were not offered any opportunity to stay behind upon restoration of the shophouses. This was against the principle of preservation; and
- (c) the Board should amend the draft DSP to allow the residents and tenants to have the choice between staying behind and moving out.

Representation No. R3 (H15 Concern Group)

22. Ms. Yip Mei Yung made the following main points:

- (a) supported the views of the representative of Representation No. R1 that the business operators within the shophouses should have the right to continue their business as usual;
- (b) URA should not simply evict all the existing residents and tenants. This was contrary to the objectives of urban renewal as stated in URS in that the social networks and local characteristics should be preserved; and
- (c) with due respect to the rights of the existing residents and tenants, they should be given the choice between staying behind and moving out. Instead of having their properties acquired by URA, the owners should be given the choice of participating in the preservation project.

Comment No. C1 (URA)

23. With the aid of a powerpoint presentation, Mr. Michael Ma made the following main points:

- (a) the preservation and revitalisation of the subject pre-war shophouses was in response to the call of the Chief Executive's 2007/08 Policy Address to extend the scope of historic building protection to preservation and revitalization of pre-war buildings. The two DSPs at Prince Edward Road West/Yuen Ngai Street and Shanghai Street/Argyle Street would help preserve two unique clusters of pre-war shophouses;
- (b) under the previous "Residential (Group A)" ("R(A)") zoning on the OZP, there was no mechanism to achieve the purpose of preservation nor to avoid piecemeal redevelopment of the shophouses. Besides, under the TPO, there was no provision of compensation for the affected owners and tenants for sites zoned for preservation purpose. Therefore, the DSP prepared under section 25 of the URA Ordinance was considered as a more effective means to serve the purpose of preservation. The DSP could set out clearly the intention of preservation and how it would be implemented. The affected owners and tenants would be compensated and rehoused according to URA's

policies;

- (c) URA had organised public engagement exercises from September to December 2008 to collect views and comments of the owners and tenants to be affected by the Development Scheme. The current uses under Column 1 and 2 uses of the Notes had allowed sufficient flexibility to allow different uses within the refurbished shophouses, including film-making, arts, cultural, commercial and restaurants;
- (d) paragraph 17 of URS stated that “the preserved heritage buildings should be put to proper community, public or other beneficial use. The aim is that these buildings should be a living and functional part of the community and not mere historical artefacts for display.”. Preservation of the subject shophouses for private domestic use would not achieve the intention of URS; and

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

- (e) URA’s plan was to commence acquisition of the properties within the Scheme Area upon approval of the draft DSP by the Chief Executive in Council (CE in C). In the event that the Board agreed to uphold the representers’ proposals which were against the URA’s policies, the Board could reject the draft DSP; and
- (f) in the event that the Board decided to reject the draft DSP, it could consider adopting a preservation zoning, e.g. “OU” annotated for preservation purpose (hereafter referred as “OU(Preservation)”) for the subject shophouses with a view to protecting these historical buildings. In that scenario, URA could consider asking the concerned owners to sell their properties under a voluntary acquisition scheme for the purpose of preserving and revitalising these buildings. Should the owners be unwilling to sell their properties to URA, URA might propose a voluntary rehabilitation scheme to provide subsidies and loans to enable them to rehabilitate the buildings on their own.

24. Members had the following questions:

- (a) noting that both the representers and URA would like to preserve the buildings, whether URA could consider allowing the existing residents and business operators to stay at the existing premises, similar to the Blue House case; if both the affected owners and URA agreed to preserve and restore the shophouses, whether the existing owners could form a partnership with URA in carrying out the restoration of the shophouses;
- (b) if the draft DSP was rejected by the Board, whether there was an alternative for URA to preserve the existing shophouses while minimizing disturbance to the existing residents and business operators there;
- (c) how the existing character of the shophouses which had evolved over years would be preserved by URA; and whether the restored shophouses had to conform to the current building standards, and the restoration works would be implemented in phases; and
- (d) whether there was a statutory deadline for the submission of the draft DSP to CE in C.

25. In response to Members' questions in paragraphs 24(a) to (c), Ms. Iris Tam and Mr. Michael Ma, representatives of Commenter No. C1 (URA), made the following points:

- (a) the current designation of "OU(Shophouses for Commercial and/or Cultural Uses)" had already allowed flexibility for the future uses of the restored shophouses, and would cover different commercial and cultural uses including film-making industry. Lift and proper fire safety measures would be installed in the shophouses to meet the modern building and fire safety standards. During the restoration works which would be carried out in phases, the existing users/operators on the upper floors would need to move out but would be welcome to come back if their business complied with the proposed theme of the restored shophouses. According to URA's understanding, not all of the existing users/operators would like to move back.

For the existing florist shops, the school uniform company and the shoe company on the ground floors, URA would allow them to choose not to accept the ex-gratia business allowance but to stay at the existing premises after restoration;

- (b) the previous “R(A)” zoning on the OZP could not offer any mechanism to prevent piecemeal redevelopment of the shophouses. Under the URA Ordinance, DSP was the only tool available for URA to carry out the preservation of the shophouses. The affected owners and tenants would be compensated and rehoused according to URA’s policies;
- (c) if the Board decided to reject the draft DSP, an “OU(Preservation)” zoning would still be required to prevent piecemeal redevelopment of the shophouses. Under such preservation zoning, URA was still willing to consider if there were new policies for them to pursue restoration of the shophouses in cooperation with the owners and tenants, but there would be no timetable for implementation; and
- (d) in accordance with the current provisions of the URA Ordinance, upon CE in C’s approval of the draft DSP, URA would commence to negotiate with the affected owners and tenants according to the URA’s established policies. Within one year after CE in C’s approval of the DSP, URA would then request the Secretary for Development (SDEV) to consider making a recommendation to the CE in C for land resumption of the unacquired properties.

26. In response to Members’ questions in paragraphs 24(a) and (b) above, Mr. Chiu Chi Man, representative of Representation No. R1, made the following points:

- (a) the representer in September 2008 had sent a letter to the Yau Tsim Mong District Council putting forward a proposal to refurbish the shophouses on a voluntary basis. The letter was subsequently referred to URA but the representer had not received any reply from URA. The majority of the total 40 units within the shophouses were owned by a few individuals or

companies, and the representer itself owned 4 units. It would be preferable for URA to spend one year to discuss with the affected owners with a view to coming up with a workable proposal to preserve both the shophouses and existing uses on a voluntary basis. URA should only resort to the DSP approach after it had failed to work out an agreement amongst the affected owners. As the shophouses were still in fair condition, there was also no urgency to implement the DSP. The current DSP approach would facilitate URA to resume all the private properties against the owners' will; and

[Mr. Maurice W.M. Lee arrived to join the meeting at this point.]

- (b) URA once estimated that implementation of the DSP would incur a total cost of about \$710 million. This was a costly approach. There were other alternatives (e.g. voluntary rehabilitation approach) which would be less costly and could achieve the same preservation purposes. Such a proposal had been raised by the representer when the draft DSP was made available for public inspection in January and February 2009.

27. In response to Members' question in paragraph 24(d) above, Mr. Wilson Chan, DPO/TWK, explained that the draft DSP was published under section 5 of the TPO on 8.5.2009 and should be submitted to the CE in C for approval before 8.4.2010 in accordance with the statutory requirements of the TPO.

28. As to Members' concerns about the legal status of a draft DSP before its approval by CE in C, the Secretary informed that under the previous "R(A)" zoning, there was no mechanism to prevent the individual owners from carrying out piecemeal redevelopment of the individual shophouses. However, the subject draft DSP had statutory effect once it was published under section 5 of the TPO on 8.5.2009. Any building plan proposals which were not in line with the planning intention of the draft DSP to preserve the shophouses would be rejected by the Building Authority.

29. Ms. Yip Mei Yung, the representative of Representation No. R3, was concerned about the rental level charged upon the tenants of the restored shophouses. Ms. Iris Tam, representative of the Commenter No. C1, responded that URA would invite the existing

florist shops, the shoe company and the school uniform company to come back after the restoration of the shophouses if they did not accept the ex-gratia business allowance. For the residents and business operators on the upper floors, URA would welcome them to move back as tenants if the uses were in conformity to the themes of the restored shophouses. All tenants on the ground and upper floors of the restored shophouses would be charged at the market rent prevailing at the time. She added that URA had already replied to the District Council regarding the letter mentioned earlier by the representative of Representation No. R1.

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

Deliberation Session

31. Two Members considered that as the restored shophouses would be mainly for commercial and/or cultural uses instead of being all open to the public, it might not be necessary for URA to fully comply with the current building and fire safety requirements. Some alteration and amendment works might suffice. As such, there should be room for URA to minimise disturbance to the operators who would be allowed to stay during the implementation of the Development Scheme.

32. In response to Members' enquiry about the procedural implications of the alternative option of rezoning the shophouses as "OU(Preservation)", the Secretary informed Members that under the current DSP, the planning intention was to ensure preservation of the shophouse cluster in a comprehensive manner and no piecemeal redevelopment was allowed. Upon CE in C's approval of the draft DSP, URA would proceed to acquire the affected properties in accordance with the established policies. According to the TPO, the draft DSP should be submitted to the CE in C for approval before 8.4.2010. Under the URA Ordinance, URA might request SDEV to consider recommending the CE in C to resume the unacquired properties within one year after the approval of the draft DSP. A definite

implementation agent and timetable would therefore be ensured by the DSP approach. However, should the shophouses be rezoned to “OU(Preservation)”, there would be no implementation agent and also no deadline for negotiation amongst the owners on restoration of the shophouses. Restoration of the shophouses would only take place if the owners did so on a voluntary basis.

33. A Member supported the DSP as a tool to preserve the existing shophouses as it would achieve a three-win situation to URA, the affected residents and the community. It would not be reasonable to shelve the project just because of the opposition of some vocal minority.

34. A few Members gave the following views:

- (a) the good intention of the DSP to preserve the shophouses was agreed. However, the organic growth of the existing commercial and cultural uses within the shophouses had evolved over the years. The DSP approach to acquire all the shophouses and then carry out restoration works for commercial and/or cultural uses might not be able to retain the existing uses and characteristics of the shophouses; and
- (b) if there was no urgency to undertake the restoration of the shophouses, it might be desirable for the affected owners to discuss amongst themselves on the possible options to restore the shophouses. URA might be requested to come in should the affected owners fail to reach an agreement amongst themselves. Thoughts might be given to URA’s alternative of rezoning the shophouses as “OU(Preservation)”.

35. Noting Members’ concerns, the Chairman summarised the relevant considerations and said that the merit of the DSP approach was that there would be an implementation agent, i.e. URA, to carry out the restoration of the shophouses with historic importance in one go, in accordance with a definite timetable. According to URA, the ground floor shops mainly comprising the florist trade and constituting an important local characteristic would be invited by URA to move back after restoration of the shophouses. Though some representers at the meeting had raised objection during the hearing, the majority of the affected owners and

tenants had not come out to oppose the DSP. Under the option to rezone the shophouses to “OU(Preservation)”, there would be no implementation agent or timetable for the restoration works. Restoration would take place as and when the owners did that on their own volition. As regards the URA’s mechanism for resumption, what would happen was that if URA failed to acquire all the private properties within the shophouses, it would submit a request to government to resume these properties. The request would be vetted in accordance with the established procedures. At present, the norm in URA cases was that the URA would have acquired over 80% of the properties when it submitted such requests. According to the URA Ordinance, URA was required to submit the resumption not later than one year after the CE in C’s approval of the draft DSP. Therefore, there was still time for URA to discuss and negotiate with the affected owners on the acquisition matters.

36. A Member supported the view that restoration of the shophouses should be implemented by way of a DSP and URA should be given the opportunity to carry out the restoration of the shophouses. This Member considered that the restored shophouses should retain the existing local characteristics, and the future uses should also be accessible to the general public. A fixed proportion on the split of commercial and cultural uses might be desirable. The Secretary informed Members that the Notes and Explanatory Statement had not specified the proportion between commercial and cultural uses with a view to allowing flexibility. Notwithstanding that, URA was obliged to ensure the future uses would be in conformity with the uses and planning intention as stated in the Notes of the draft DSP. Noting the Secretary’s explanation, the same Member suggested URA to take note of the following principles in implementing the DSP:

- (a) to adopt a “people-centred” approach and the shophouses should include both commercial and cultural uses;
- (b) to preserve the local characteristics; and
- (c) to consider allowing the existing residents and operators to move back after restoration of the shophouses.

37. Another Member supported the DSP given that it was a new initiative of the URA to shift from the previous approach of redevelopment to preservation. It would also set a

good precedent for more preservation projects along this direction. This Member did not support the alternative of rezoning the shophouses as “OU(Preservation)”.

38. A Member asked whether URA could be requested to undertake the restoration of the shophouses in cooperation with the affected owners, and to resort to resumption only after failing to negotiate with the owners. The Secretary pointed out that the acquisition and implementation policies were matters for URA.

39. A Member expressed reservation on the DSP on the grounds that there was no urgency to implement the restoration of the shophouses and the owners should be given an opportunity to negotiate amongst themselves on a workable solution to refurbish the shophouses. The meeting noted this Member’s reservation.

40. Having regard to the merits of the DSP approach as compared to the alternative of rezoning the shophouses as “OU(Preservation)”, Members generally agreed to adopting the DSP approach to carry out the preservation of the existing shophouses. In summing up, the Chairman said that Members largely agreed that the DSP approach was preferred to the alternative of rezoning the shophouses as “OU(Preservation)” as the former would ensure a specific implementation agent and a definite timetable. However, the Explanatory Statement should be amended to elaborate and clarify the planning intention of the draft DSP to include film industry-related uses and performing and visual arts. The Secretary was requested to work out the necessary amendments to the relevant paragraph of the Explanatory Statement.

[Post-meeting Note: Paragraph 7.6 of the Explanatory Statement was agreed to be amended as follows:

“.... The florist shops are, and will continue to be, the anchor business of the area. The upper floors are intended for arts and cultural uses, including uses such as film industry-related uses, and performing and visual arts activities, as well as food and beverage uses.....”]

41. As to some concerns raised at the meeting, Members agreed to advise URA of the following:

- (a) to carry out the restoration works in phases and to minimise disturbance to the affected operators to be allowed to stay in the course of carrying the restoration work;
- (b) to preserve the existing characteristics and uses of the shophouses;
- (c) to allow the existing residents and operators to stay should their residence and activities be in line with the themes of the restored shophouses; and
- (d) to consider providing opportunities for participation of the affected owners in the course of implementing the Development Scheme.

Representation No. R1

42. After further deliberation, the Board noted the supportive view of the representation and decided not to uphold the remaining part of the representation for the following reasons:

- (a) the “Other Specified Uses” annotated “Shophouses for Commercial and/or Cultural Uses” (“OU(Shophouses for Commercial and/or Cultural Uses)”) zone on the Development Scheme Plan (DSP) together with the proposed Column 1 and 2 uses in the Notes of the DSP had already provided proper development control on the use of the Site;
- (b) the Column 1 and 2 uses specified in the Notes for the “OU(Shophouses for Commercial and/or Cultural Uses)” zone had already provided a general coverage of major commercial and cultural uses including film industry at the Site;
- (c) it was considered undesirable to specify the area for performing/visual arts and cultural uses in the Remarks of the Notes because this would undermine the flexibility of future adaptive re-use of the Site; and

- (d) the proposed Grade II historic building for the shophouses at the Site had not been confirmed yet. It was not appropriate to amend the Explanatory Statement because the current description of the shophouses was reflecting their current status.

Representation No. R2

43. After further deliberation, the Board decided not to uphold the representation for the following reason:

the affected residents and business operators and the public had already been well informed of the draft Development Scheme Plan by various channels including government gazette, public engagement exercises and press release, etc. There were also statutory channels under the Town Planning Ordinance for the public to submit their views to the Town Planning Board for consideration and to be heard.

Representation No. R3

44. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) the Notes of the “Other Specified Uses” (“OU”) zone had provided the flexibility for “Flat” use upon application to the Town Planning Board (the Board), retaining the residents in their original premises was not the current intention of the Development Scheme Plan (DSP). The intention was to refurbish the shophouses with proper building services for cultural and/or commercial uses;
- (b) the affected residents and business operators and the public had already been well informed of the draft DSP by various channels including government gazette, public engagement exercises and press release, etc. There were also statutory channels under the Town Planning Ordinance for the public to submit their views to the Board for consideration and to be heard; and

- (c) the DSP approach for this preservation project was the most appropriate tool from the preservation and implementation perspectives.

Representation No. R4

45. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) the Notes of the “Other Specified Uses” (“OU”) zone had provided the flexibility for “Flat” use upon application to the Town Planning Board, retaining the residents in their original premises was not the current intention of the Development Scheme Plan (DSP). The intention was to refurbish the shophouses with proper building services for cultural and/or commercial uses; and
- (b) the DSP was intended to preserve the shophouses for cultural uses. After refurbishment, the shophouses would be equipped with proper building services for cultural and/or commercial uses so as to promote the cultural activities in the area.

Representation No. R5

46. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) the Notes of the “Other Specified Uses” (“OU”) zone had provided the flexibility for “Flat” use upon application to the Town Planning Board (the Board), retaining the residents in their original premises was not the current intention of the Development Scheme Plan. The intention was to refurbish the shophouses with proper building services for cultural and/or commercial uses; and
- (b) the “OU” zone was intended for preservation and adaptive re-use of the

shophouses for commercial and/or cultural uses to serve the need of the public. It was not appropriate to include residential use into the planning intention of the zone.

Representation No. R6

47. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) Social Impact Assessment had already been undertaken by the Urban Renewal Authority in accordance with the requirements of the Urban Renewal Strategy to assess the social impacts of the draft Development Scheme Plan (DSP), and the results of which had already been made available for public inspection and considered by the Town Planning Board (the Board);
- (b) rehousing of existing tenants/occupiers and compensation would be carried out in accordance with established policies;
- (c) the affected residents and business operators and the public had already been well informed of the draft DSP by various channels including government gazette, public engagement exercises and press release, etc. There were also statutory channels under the Town Planning Ordinance for the public to submit their views to the Board for consideration and to be heard; and
- (d) the proposed “Other Specified Uses” (“OU”) zone was intended for the preservation and adaptive re-use of the shophouses for cultural use. This would promote the community development in the area.

Representation No. R7

48. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) Social Impact Assessment had already been undertaken by the Urban Renewal Authority (URA) in accordance with the requirements of the Urban Renewal Strategy to assess the social impacts of the draft Development Scheme Plan (DSP), and the results of which had already been made available for public inspection and considered by the Town Planning Board (the Board);
- (b) the affected residents and business operators and the public had already been well informed of the draft DSP by various channels including government gazette, public engagement exercises and press release, etc. There were also statutory channels under the Town Planning Ordinance for the public to submit their views to the Board for consideration and to be heard;
- (c) the Notes of the “Other Specified Uses” (“OU”) zone had provided the flexibility for “Flat” use upon application to the Board, retaining the residents in their original premises was not the current intention of the DSP. The intention was to refurbish the shophouses with proper building services for cultural and/or commercial uses; and
- (d) the DSP approach for this preservation project was the most appropriate tool from the preservation and implementation perspectives.

[Mr. Rock C.N. Chen, Ms. Maggie M.K. Chan, Professor Paul K.S. Lam, Dr. James C.W. Lau, Mr. Stanley Y.F. Wong, Professor N.K. Leung and Ms. Anna S.Y. Kwong left the meeting, and Messrs. Alfred Donald Yap and Raymond Y.M. Chan left the meeting temporarily at this point.]

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

Representation No. R6 (Social Impact Assessment Group)

Ms. Lam Tsz Kwan - Representer's representative

Representation No. R7 (Chan Wing Chi)

Representation No. R8 (Edmond Chui)

Representation No. R20 (Chan Bing Hung)

Mr. Chan Wing Chi - Representer and representers' representative

Representation No. R12 (Hong Kong Christian Institute)

Mr. Tang Wing Fai - Representer's representative
(Attending only)

Commenter No. C1 (URA)

Ms. Iris Tam] Commenter's representatives
Mr. Michael Ma]
Mr. David Au]

52. Members noted that Commenter No. C2 (Designing Hong Kong Limited) on 29.10.2009 had sent an email expressing its support for the subject DSP. A copy of the email was tabled at the meeting. Members also noted that sufficient notice had been given to the remaining representers and commenters. Some did not respond to the notice and some could not be contacted. For those who had responded, they indicated that they would not attend or be represented at the hearing. Members agreed to proceed with the hearing in the absence of the remaining representers and commenters.

53. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. Wilson Chan, DPO/TWK, to brief Members on the background to the representations and comments.

54. With the aid of a powerpoint presentation, Mr. Wilson Chan briefed Members on the Paper and made the following points as detailed in Paper No. 8428:

- (a) on 8.5.2009, the draft URA Shanghai Street/Argyle Street DSP No. S/K3/URA3/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (TPO). A total of 23 representations and 4 comments had been received in respect of the draft DSP;
- (b) representations – of the 23 representations, 1 representation was submitted by a private company (R2), 3 representations were submitted by concern groups (R5, R6 and R14), 1 representation was submitted by a religious organization (R12) and the remaining 18 representations were submitted by individuals (R1, R3, R4, R7 to R11, R13 and R15 to R23). R1 supported redevelopment but believed that residents' reasonable requests and the right of choice should be respected. R1 was also concerned about the compensation and rehousing arrangements for the affected residents and business operators. R2 to R11 opposed the DSP. R12 to R15 provided comments on the residents'/business operators' right to opt to stay, Social Impact Assessment (SIA), consultation process as well as compensation and rehousing arrangement aspects of the preservation project. R16 to R23 requested for rehousing arrangement/to stay in the original premises after completion of the preservation project;
- (c) grounds of representations – the various grounds of representations as detailed in paragraphs 2.3 to 2.27 of the Paper were summed up as follows:

Notes and Explanatory Statement

- according to the Antiquities Advisory Board (AAB), the shophouses in Shanghai Street were proposed to change from Grade I to Grade II historic buildings. It was queried why the shophouses were still graded as Grade I historic buildings in the Explanatory Statement and whether they were still worthy to be preserved (R1);
- unlike the recent Blue House case at Stone Nullah Lane, the draft DSP had not included residential use into the planning intention (R10, R14);

Redevelopment at the Site

- if the subject buildings were to be demolished and redeveloped for higher building, it would distort the intention of preservation (R1);

Consultation

- the existing occupants in the affected area had not been well informed about the project and their rights (R3);
- URA should well inform the affected parties and consult the surrounding communities (R5, R11, R16, R18);
- the following requirements should be satisfied before implementation of DSP (R13):
 - i. extend the consultation period by at least half a year;
 - ii. organise at least 4 briefing sessions for local residents, shop operators and the public;
 - iii. assess the comments of existing residents and shop operators in detail and allow public access to the site after completion of the revitalisation project;

Residents' and Business Operators' Right to Stay

- it was not clear whether the affected residents/ business operators could continue to live/operate in the same premises (free of charge) after the redevelopment (R1);
- there should be an option for the residents to stay (without extra effort on application) (R3, R5, R7, R10, R12, R14);
- URA should keep the residential use of the site (R4);
- majority of the shop tenants might not be able to afford the higher rent after restoration of the buildings. Most of the existing residents and shop tenants preferred to stay in Shanghai Street (R5);
- the project would eliminate the existing residential use and also deprive

the business operators of their right to continue their business. The project would destroy local characteristics and evict the growing arts and cultural activities in the area (R8, R9);

- the proposal had not provided any option for the existing business operators to come back. The draft DSP proposed to use the future premises for eating place purposes which had failed to incorporate the unique characteristics of the existing shops (R12);
- the residents and shop operators should have the choice between staying behind and ‘swapping’ their flats/shops with new ones (R13).

Rehousing and Compensation

- there was no explanation on the calculation of “Roof Floor” and its compensation. It was not clear whether URA would compensate for the loss of a company (R1);
- request to stay in the original premises and object to the demolition of the buildings at 608-610 and 616-618 Shanghai Street (R11);
- URA should provide reasonable compensation and rehousing arrangements to the affected residents and ensure the survival of the small business operators (R12);
- URA claimed that the residents would be compensated but there was no discussion with the residents (R15);
- URA should arrange public housing to the affected residents as soon as possible (R14);
- R16 to R23 requested for rehousing arrangement and reasonable compensation. Some requested for rehousing to public housing estate in Mong Kok/Sham Shui Po or nearby areas, or to stay in the original premises after completion of the project;

Social Impact Assessment

- the project would destroy the culture and network of the existing community. The existing households would need to move out of the area (R6, R7);
- URA should assess the impact of the project on the residents and business operators both in the locality and surrounding areas. A comprehensive SIA should be carried out (R12, R13, R15);

Implementation Approach

- the endorsement of the current DSP by the Board would pre-empt the discussions on conservation issues in the Urban Renewal Strategy (URS) Review (R2);
- URA should adopt some less-disturbing preservation approaches (R5);
- the owners should have the right of participation in the revitalisation project (R13);

(d) the representers' proposals – the proposals put forward by the representers summed up in paragraphs 2.28 and 2.29 of the Paper included the following:

- R2 proposed to maintain the “Residential (Group A)” (“R(A)”) zone of the Site and to adopt a private-public partnership approach. R4 and R14 proposed to maintain the residential use of the Site;
- R15 was of the view that although “Flat” use was put under Column 2 of the Notes, URA had not taken into account the need of the residents. R15 proposed to incorporate ‘Provisions for Supporting Community Development’ in the Remarks of the Notes;

(e) Comments – of the 4 comments, 1 comment was submitted by URA (C1), 1

was submitted by a private company (C2) and the remaining 2 were submitted by individuals (C3 and C4). Their main concerns as detailed in paragraph 3 of the Paper were summed up below:

Consultation

- C1 (URA) commented that affected owners, residents and shop operators had been fully consulted of URA's intention through various channels. The relevant findings of the extensive public engagement activities were submitted together with the draft DSP in January 2009 to the Board for consideration;

- C4 objected to extend the consultation period as URA had already conducted public consultation, and it would be a waste of resources and time to conduct extra briefing sessions;

Residents' and Business Operators' Right to Stay

C1's Comments

- to be in line with the intention set out in URS for heritage preservation, the draft DSP intended to put the heritage buildings into proper public use by making them accessible to the public. Retaining them for private residential use would negate such an intention;

- affected tenants in sub-standard cubicles would be rehoused to self-contained public housing estates, subject to their eligibility, and thus their living conditions would be much improved as compared to their existing accommodations;

- it was not URA's intention to maintain the low rent enjoyed by tenants and perpetuate the existing poor living conditions. It was not a proper use of public money to subsidise tenants to return to the scheme after these buildings had been renovated and modernized;

- those affected would be dealt with in accordance with their eligibility under the current URA compensation and rehousing policies;

C3's Comments

- R3 and R6 to R10 had not provided reasonable grounds for the objection and proposal. The existing compensation proposal could compensate the loss of the occupants and owners;
- the objection from R4 was unreasonable. There were serious air and noise pollution in the area. The subject site was not an ideal site for residential use;
- the objection from R5 was unreasonable. Given the free economy of Hong Kong, to impose restriction on free ownership transfer was undesirable;
- regarding the objection from R11, C3 was of the view that the tenement buildings available for preservation in the locality were very rare. If the properties at 608-610 and 616-618 Shanghai Street were not acquired for restoration, the cluster effect of tenement buildings would be reduced. Also, the tenement buildings could not be installed with modern standard facilities, this would impair the safety and convenience of the tenement buildings;

Social Impact Assessment

- C1 commented that URA had fully assessed the social impact of the subject project in accordance with URS. The SIA report was made available by the Board for public inspection and comment in January and February 2009.

Implementation Approach

- C1 commented that as the preservation and revitalization of the shophouses required a substantial capital outlay for implementation and were not profit-making, it was undesirable for the individual owners to participate;

- C3 commented that neither the government nor the URA should give up the acquisition plan because of the background of the owner;
- (f) PlanD's views – planning considerations and assessments as stated in paragraphs 5 and 7 of the Paper covered the following main points:

The Notes and Explanatory Statement

- as the final grading of the shophouses was subject to the AAB's endorsement and a final decision had not been confirmed yet, it was not appropriate to amend the Explanatory Statement. The shophouse cluster at Shanghai Street was one of the few remaining shophouse clusters in the urban area. The preservation and revitalisation of these pre-war shophouses would help enhance the local character of the Mong Kok area, and the preservation proposal was supported by the Commissioner for Heritage and Antiquities and Monuments Office of the Leisure and Cultural Services Department (R1);
- the "OU" zone was intended for preservation and adaptive re-use of the shophouses for commercial and/or cultural uses to serve the needs of the public. Flexibility for residential use had been provided as "Flat" was included as a Column 2 use in the Notes (R10, R14);

Redevelopment at the Site

- redevelopment of the whole Site was unlikely because the "OU" zone was intended for the preservation and adaptive re-use of the shophouses for commercial and/or cultural uses. The post-war buildings were intended to be rehabilitated and/or redeveloped for commercial and/or cultural uses and to accommodate the necessary building services (R1);

Consultation

- consultation exercises had been undertaken by URA before and after the announcement of the project on 19.9.2008;
- the public were also informed of the project through various channels. The results of the consultation exercise, the public comments received

together with the DSP were submitted to the Board for consideration on 3.4.2009. Also the publication of the draft DSP for public inspection under the TPO was a statutory channel for the affected persons to make their views known to the Board and to be heard (R3, R5, R11, R13, R16, R18);

Residents' and Business Operators' Right to Stay

- as for residents' right to stay, the Notes of the "OU" zone had provided the flexibility for "Flat" use upon application to the Board. Retaining the residents in their original premises was not the current intention of the draft DSP. The intention was to refurbish the shophouses with proper building services for cultural and/or commercial uses (R3, R4, R5, R7, R8, R9, R10, R12, R13, R14);
- the proposed "OU" zone would not prohibit the business operators from returning to the Scheme Area to continue their business, particularly if they were compatible with the 'theme' of the intended uses at the revitalized shophouses i.e. uses related to the daily necessities of the community (R1, R5, R8, R9, R12, R13);
- the Social Service Team employed by URA would assist the affected residents adapt to their new homes and introduce various community resources available in the area (R4, R5, R12);
- the draft DSP was intended to preserve the shophouses for cultural uses. The DSP would not evict the growing cultural activities in the area. Rather, it would provide refurbished premises equipped with proper building services for the development of cultural activities in the area. 'Eating Place' was only one of the possible adaptive re-uses of the shophouses after restoration (R8, R9, R12);

Social Impact Assessment

- two stages of SIA had been undertaken by URA to assess the social impact of the draft DSP in accordance with URS. Concerned

departments had not raised adverse comments (R6, R7, R12, R13, R15);

Implementation Approach

- the DSP under section 25 of the URA Ordinance was considered as a more effective means to serve the purpose of preservation. The DSP could set out clearly the intention of preservation and how it would be implemented, assess the social impacts of the Development Scheme, provide a more definite programme to improve the condition of the historic buildings from further deterioration, protect them from redevelopment through acquisition and, if necessary, resumption of the properties affected and allow the public to provide comments in the process. The owners/tenants would be compensated according to the policy agreed by the LegCo and suitable rehousing arrangement would be made by the URA(R2, R5, R13);

- the DSP was not a redevelopment project. As the proposal of preserving and revitalising the shophouses would require substantial capital outlay for implementation and also not be profit-making, it might not be suitable for the individual owners to participate (R13); and

PlanD recommended the Board not to uphold the representations on grounds as set out in paragraph 7 of the Paper.

55. The Chairman then invited the representatives of representers and commenter to elaborate on their representations and comments.

Representation No. R1 (Chu Wai Man)

56. Mr. Shum Chin Fai made the following main points:

- (a) the draft DSP was supported;

- (b) URA should explain how to calculate the “rooftop” and its compensation formula; and

- (c) usable floor area instead of gross floor area should be used as the basis for calculating compensation.

Representation No. R3 (Joy Wong)

Representation No. R9 (Li Wai Yee)

Representation No. R14 (Shanghai Street Concern Group)

Representation No. R15 (Cheung Wai On)

57. Ms. Ho Kar Yin made the following points on behalf of R3:

- (a) URA should not take over the private properties in the name of preservation of historical buildings. Implementation of the Development Scheme would cause disturbance to the residents and business operators within the Scheme Area;
- (b) upon moving out of the shophouses, the residents and business operators would unlikely be able to adapt to the new environment. Should they be not eligible for public housing, they had to move to other old buildings of poor conditions. As such, implementation of the Development Scheme would not bring any improvement to their living conditions; and
- (c) the existing residents and shop operators should have the choice between moving out and staying behind. If they were unwilling to move out, they should not be forced to leave the shophouses where they had been living and carrying out their business for many years. Rather than carrying out restoration works of the shophouses which would necessitate the moving out of the existing residents and shop operators, insitu renovation and refurbishment works should be undertaken to avoid disturbance.

58. Ms. Ho Kar Yin made the following points on behalf of R9:

- (a) many affected residents had not been informed of the Development Scheme beforehand. URA or its Social Service Team had not done their best to

explain the Development Scheme to the affected residents. The freezing survey had not fully covered all the residents within the Scheme Area. As such, one of the principles underlying the Government's approach to urban renewal, i.e. residents affected by redevelopment projects should be given an opportunity to express their views on the projects, as stated in paragraph 4(d) of URS, had not been followed by URA;

- (b) the Board should require URA to carry out genuine consultation exercise to explain the Development Scheme to the affected residents and collect their views before allowing the draft DSP to proceed further; and
- (c) like the Blue House case, the residents and business operators should have the choice between staying behind and moving out. This was in line with the URA's "people-centred" approach.

59. Ms. Ho Kar Yin made the following points on behalf of R14:

- (a) there was no objection to the preservation of the heritage buildings for proper public use. To maintain the existing uses and character of the shophouses, the restored shophouses should also include residential uses, in addition to the currently planned commercial and/or cultural uses. As such, "Flat" should be a Column 1 use in the Notes of the draft DSP;
- (b) the affected people (including business operators, owners and tenants) should be given the first priority to move back to the restored shophouses, given their well-established social networks in the Scheme Area. The Board should give the affected people the choice between staying behind and moving out. For those who preferred to stay behind, URA should charge the rent at the current level. Also, URA should as soon as possible provide compensation and rehousing arrangements for those who would like to move out. It would be in line with the "people-centred" approach if URA could give due respect to the aspirations of the affected people; and
- (c) the SIA was unsatisfactory as seven households had not been included in

the freezing survey though they had been residing in the Scheme Area well before the announcement of the draft DSP.

60. Ms. Ho Kar Yin made the following points on behalf of R15:

- (a) the SIA carried out by URA was not satisfactory. Not all the residents and shop operators to be affected by the Development Scheme had been approached and interviewed by URA and its Social Service Team. It was doubtful whether these people could obtain reasonable compensation and rehousing;
- (b) the Development Scheme was packaged under the guise of preservation. The existing residents and tenants were not offered any opportunity to stay behind upon restoration of the shophouses. This was against the principle of preservation; and
- (c) the Board should amend the draft DSP to allow the residents and tenants to have the choice between staying behind and moving out.

Representation No. R5 (H15 Concern Group)

61. Ms. Yip Mei Yung made the following main points:

- (a) according to the representer's interview with about 28% of the stakeholders within the Scheme Area, the interviewed stakeholders were not aware that the data collected by URA in its freezing survey had also been used as input to the SIA;
- (b) the existing occupants in the affected area had not been well informed about the DSP and their rights. The interviewed stakeholders had also requested to stay behind upon implementation of the Development Scheme. URA should not simply evict all the existing residents and operators as it would be contrary to the objectives of urban renewal as stated in URS in that the social networks should be preserved and sustainable development should be

promoted; and

- (c) in carrying out SIA for future projects, the URA needed to fully inform the affected residents of their rights.

Representation No. R6 (Social Impact Assessment Group)

62. With the aid of a powerpoint presentation, Ms. Lam Tsz Kwan made the following main points:

- (a) SIA should be undertaken based on the following six major principles:
 - to have a comprehensive understanding of the area affected by the project or policy;
 - to focus on the people elements of the community;
 - to devise a proper study methodology and assumptions;
 - to gather data of good quality for decision;
 - to carry out a comprehensive and an impartial assessment;
 - to evaluate and monitor the action, and to recommend mitigation measures;

[Mr. Fletch Chan left the meeting at this point.]

- (b) with reference to the findings of the SIA for the subject Development Scheme, the following deficiencies were noted:
 - URA only agreed to provide rehousing arrangements for the affected residents on compassionate grounds without any guarantee that they would be rehoused to their requested locations within a reasonable period;

- the bedspace apartment residents were only given short-term rehousing arrangement. No long-term solution was offered;
 - the assistance provided by URA's Social Service Team could not guarantee that the rehoused residents could re-establish their social networks in a new environment within a reasonable period;
 - URA gave no guarantee to the business operators that within a reasonable period, new shops at their preferred locations and affordable rent could be identified to allow them to continue their business. If the business operators could not continue their business in the neighbouring areas, there would be an impact on the employment and economic activities in the Shanghai Street area. However, SIA had not proposed any mitigation measures;
- (c) URA should put forward practicable and implementable mitigation measures to address the aforesaid deficiencies. A comprehensive plan to monitor the implementation of the mitigation measures was also required. Besides, apart from focusing only on the subject Scheme Area, the SIA should also assess the impact on the whole Hong Kong, and put forward mitigation measures;
- (d) as to the URA's current approach to undertake SIA, the following improvement proposals were suggested:
- the SIA should be carried out by an independent body and URA should provide the required funding;
 - an independent body should monitor URA's implementation of the recommended mitigation measures in the SIA;
 - the SIA should form part of the Environmental Impact Assessment, subject to the scrutiny of an independent body;

- the public should have the right to query the findings of the SIA; and
- the six principles as mentioned earlier should be followed in carrying out the SIA.

Representation No. R7 (Chan Wing Chi)

Representation No. R8 (Edmond Chui)

Representation No. R20 (Chan Bing Hung)

63. Mr. Chan Wing Chi, representer of R7, made the following main points:

- (a) being a tenant within the Scheme Area, he objected to the Development Scheme as it would force the grass-roots residents to move out of Mong Kok; and
- (b) the living environment of the Scheme Area was good and there was no need to carry out the Development Scheme.

64. Mr. Chan Wing Chi made the following main points on behalf of R8:

- (a) the grounds of the representation were not fully covered in the paper submitted to the Board;
- (b) at present, the Scheme Area was characterised by a mixture of residential and commercial uses, and a cluster of shops selling building materials. However, the draft DSP only aimed at providing restaurants and cultural uses within the restored buildings, without allowing the existing residents and building material shops to stay behind. Such an approach was contrary to URS in that the URA should adopt an approach to “retain the local character”;
- (c) URA would resort to the Lands Resumption Ordinance to resume all private properties within the Scheme Area. The existing social network and local characteristics would be totally destroyed; and

- (d) URA should only play the role of assisting the owners to rehabilitate the existing buildings without taking over their ownership of the buildings.

65. Mr. Chan Wing Chi made the following main points on behalf of R20:

- (a) the representer had been living in the Scheme Area since his birth, and had developed a well-established social network there. It would be difficult for him to adapt to a new environment;
- (b) the representer had already retired and could only afford a very low rent for his unit within the Scheme Area; and
- (c) the Board should allow the representer to stay behind whilst enjoying the current low rent.

Comment No. C1 (URA)

66. With the aid of a powerpoint presentation, Mr. Michael Ma made the following main points:

- (a) within the Scheme Area, apart from the post-war buildings held by multiple owners, the pre-war shophouses were held by single owners. Prior to the publication of the draft DSP, there was potential of piecemeal redevelopment of the shophouses under the previous “R(A)” zoning on the OZP;
- (b) all buildings within the Scheme Area were single-staircase buildings, with no rear staircase for means of escape. The shophouses were in deteriorating condition and not maintained properly. Bedspace apartments were found within the shophouses, and unauthorised building works could also be found on the roofs of some of the buildings. There was an urgency to carry out repair work to arrest further deterioration of the shophouses;

- (c) paragraph 17 of URS stated that “the preserved heritage buildings should be put to proper community, public or other beneficial use. The aim is that these buildings should be a living and functional part of the community and not mere historical artefacts for display.”. Preservation of the subject shophouses for private domestic use would not achieve the intention of URS; and
- (d) URA had not firmed up the theme of the Development Scheme. The current thinking was that the future uses should mainly include eating places, and shop and service uses, thus keeping in character with the areas along Shanghai Street;
- (e) URA’s plan was to commence acquisition of the properties within the Scheme Area upon approval of the draft DSP by the Chief Executive in Council (CE in C). In the event that the Board agreed to uphold the representers’ proposals which were against the URA’s policies, the Board could reject the draft DSP; and
- (f) in the event that the Board decided to reject the draft DSP, a preservation zoning such as “OU” annotated for preservation purpose (hereafter referred as “OU(Preservation)”) would still be required to prevent piecemeal redevelopment of the shophouses. Under such preservation zoning, URA was willing to consider if there were new policies for them to pursue restoration of the shophouses in cooperation with the owners and tenants, but there would be no timetable for implementation.

67. Members had the following questions:

- (a) URA’s responses to the residents’ requests to move back after the restoration of the shophouses;
- (b) whether URA would make a public commitment that the Development Scheme would not only preserve the shophouses but also ensure the future uses, e.g. cultural uses, for the enjoyment of the general public, instead of

just providing some eating places;

- (c) whether the existing building material shops would be reprovisioned within the Scheme Area;
- (d) how URA would take care of the affected residents who were not eligible for public housing;
- (e) whether URA had the expertise to manage the increasing number of preservation projects in the urban areas; and whether it would be more efficient and flexible for the preservation efforts to be initiated by the market;
- (f) whether there was scope to improve the communication between URA and the affected residents with a view to addressing the latter's concerns about the impacts of the project on their living;
- (g) whether the existing buildings within the Scheme Area were held in multiple ownership and what were the major uses of the buildings; and
- (h) the land area of the subject Development Scheme and another Development Scheme at Prince Edward Road West/Yuen Ngai Street.

68. In response to Members' questions in paragraphs 67(a) to (h) above, Ms. Iris Tam and Mr. Michael Ma, representatives of Commenter No. C1 (URA), had the following responses:

- (a) the intention of the draft DSP was for the preservation and adaptive re-use of the shophouses primarily for commercial and/or cultural uses. However, URA would not retain the existing residents and shop operators after restoration of the shophouses;
- (b) the existing shophouses within the Scheme Area were in deteriorating conditions and there was an urgency to refurbish the buildings to arrest

further deterioration. For the future uses, URA's current thinking was that the Development Scheme would preserve and revitalize the shophouses for commercial and/or cultural uses, or any other uses compatible with the surrounding land uses, particularly those related to the daily necessities of the community, such as restaurants, and small shops and services to serve the needs of the general public;

- (c) unlike the florist shops which constituted an important local character within the area covered by the Prince Edward Road West/Yuen Ngai Street DSP, the existing building material shops within the subject Scheme Area only accounted for a small share of the trade in the Mong Kok area. Therefore, URA would not invite the building material shops to come back after the restoration of the shophouses;
- (d) all the affected residents would be rehoused and compensated in accordance with the established policies. Public housing would be arranged for the eligible residents. However, URA would refer those ineligible residents to the Social Welfare Department for assistance as appropriate;
- (e) preservation of heritage buildings was an important part of urban renewal as stated in the URA Ordinance and URS. URA had the required manpower and expertise to handle the preservation projects in the pipeline. Whether there should be a body to look after the preservation of heritage buildings might hinge on the outcome of the current URS review;
- (f) public had been fully informed and consulted of URA's intention through various channels and the public engagement exercises. Freezing survey and SIA had been conducted to assess the social impacts in accordance with the requirements of URS. However, prior to the CE in C's approval of the draft DSP, URA was not in a position to commence negotiation and discussion with the affected residents. URA would be willing to improve communication with the affected residents in the future;
- (g) the Scheme Area was occupied by 10 pre-war shophouses and 4 post-war

buildings. All the pre-war shophouses were held by single owners with the post-war buildings by multiple owners. The ground floors were mainly occupied by retail shops with the upper floors used for domestic purpose. The domestic residents were largely tenants; and

- (h) the subject Development Scheme had an area of about 1,200m² whilst the Development Scheme at Prince Edward Road West/Yuen Ngai Street had an area of about 1,450m².

69. In response to Members' question in paragraph 67(f) above, Ms. Yip Mei Yung and Ms. Sin Wai Fong, representatives of Representation No. R5 (H15 Concern Group), gave the following views:

- (a) URA had not fully informed the affected residents of the Development Scheme. Many of them were simply unaware of this preservation project;
- (b) URA had not well explained its policy on the compensation of roof-top structures in the Scheme Area;
- (c) the existing residents and business operators would have to be sacrificed and forced to move out of the Scheme Area to allow preserving the shophouses; and
- (d) conversion of the existing domestic uses of the existing buildings to eating place would bring about nuisance and pollution to the surrounding areas. In this regard, URA had not fully consulted the views and opinions of the surrounding areas on the Development Scheme.

70. Ms. Iris Tam, representative of Commenter No. C1, added that DSP was only one of the approaches to carry out preservation of the shophouses, and URA was willing to consider other alternatives. However, it was of prime importance to ensure that the shophouses were duly protected on the statutory plan and no piecemeal redevelopment was allowed.

71. In response to a Member's enquiry, Ms. Sin Wai Fong, representative of Representation No. R5, made the following responses:

- (a) instead of evicting the existing residents and business operators, URA should allow them to stay behind with a view to preserving the existing characteristics of the shophouses. Should the existing residents be allowed to stay in the restored shophouses, they might help to explain the relevant history and culture to the future visitors to the buildings; and
- (b) there should be alternative approaches to carry out urban renewal without sacrificing the local residents and business operators. Examples included the development of Prosperous Garden in Yaumatei and Coin Street in London.

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

Deliberation Session

73. Members supported the preservation of the shophouse cluster because the shophouses were in deteriorating conditions and the internal living conditions of the buildings were very poor. There was also a pressing need for the DSP as the pre-war shophouses were under single ownership which could be redeveloped if no DSP was in place. The DSP approach was therefore considered as an effective tool to enable URA to preserve the historical shophouses and provide timely maintenance services to upkeep the buildings. As to other issues, Members had the following views:

SIA

- (a) there might be scope for URA to improve the implementation of the SIA so

as to cover all affected residents and let them have a better understanding of the preservation project;

- (b) URA might consider entrusting a third party to carry out the SIA to improve its credibility in the eyes of the public;

Rehousing and compensation for vulnerable groups

- (c) URA should allow flexibility in offering some special measures to take care of the vulnerable groups affected by the Development Scheme. Compassionate measures and compensation should be given to the roof-top residents who might not be eligible for compensation and rehousing according to URA's established policies; and

Future uses of Shophouses

- (d) URA should work out with the public in firming up the specific cultural uses to be provided within the restored shophouses, further to the current thinking to include uses related to peoples' daily necessities.

74. A Member commented that URA should also consider providing assistance to the building material shops that would be affected by the Development Scheme. Otherwise, these shops would have to be closed down and more people would become unemployed.

75. The Chairman summed up Members' views that the DSP approach was an appropriate tool to carry out the preservation of the subject shophouses. Members' other views on the SIA, rehousing and compensation for vulnerable groups, and future uses of the shophouses should be relayed to URA for consideration. Members agreed.

Representation No. R1

76. After further deliberation, the Board noted the supportive view of the representation and decided not to uphold the remaining part of the representation for the following reasons:

- (a) the Notes of the "Other Specified Uses" ("OU") zone had provided the

flexibility for “Flat” use upon application to the Board, retaining the residents in their original premises was not the current intention of the Development Scheme Plan (DSP). The intention was to refurbish the shophouses with proper building services for cultural and/or commercial uses;

- (b) rehousing of existing tenants/occupiers and compensation would be carried out in accordance with established policies;
- (c) although 600-606, 612-614 and 620-626 Shanghai Street were proposed to change from Grade I historic buildings to Grade II, it was still considered appropriate to preserve this shophouses cluster because it was one of the few shophouses clusters remaining in urban area;
- (d) the proposed Grade II historic buildings for the shophouses at the Site had not been confirmed by the Antiquities Advisory Board yet. It was not appropriate to amend the Explanatory Statement because the current description of the shophouses was reflecting their current grading; and
- (e) the Site would not be redeveloped into high-rise development because the Site was subject to a maximum building height restriction of 3-storey or the height of the existing building, whichever was the greater.

Representation No. R2

77. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) given the deteriorating conditions of the shophouses, there was an urgent need to preserve and revitalise the shophouse cluster with a view to arresting its further deterioration. The Development Scheme Plan approach was the most appropriate tool from the preservation and implementation perspectives; and

- (b) it was not appropriate to retain the “Residential (Group A)” zone of the Site because this could not ensure the preservation and revitalization of the shophouses in a comprehensive manner.

Representation No. R3

78. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) the affected residents and business operators and the public had already been well informed of the draft Development Scheme Plan (DSP) by various channels including government gazette, public engagement exercises and press release, etc. There were also statutory channels under the Town Planning Ordinance for the public to submit their views to the Town Planning Board (the Board) for consideration and to be heard; and
- (b) the Notes of the “Other Specified Uses” (“OU”) zone had provided the flexibility for “Flat” use upon application to the Board, retaining the residents in their original premises was not the current intention of the DSP. The intention was to refurbish the shophouses with proper building services for cultural and/or commercial uses.

Representation No. R4

79. After further deliberation, the Board decided not to uphold the representation for the following reason:

the Notes of the “Other Specified Uses” zone had provided the flexibility for “Flat” use upon application to the Town Planning Board, retaining the residents in their original premises was not the current intention of the Development Scheme Plan. The intention was to refurbish the shophouses with proper building services for cultural and/or commercial uses.

Representation No. R5

80. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) the affected residents and business operators and the public had already been well informed of the draft Development Scheme Plan (DSP) by various channels including government gazette, public engagement exercises and press release, etc. There were also statutory channels under the Town Planning Ordinance for the public to submit their views to the Town Planning Board (the Board) for consideration and to be heard;
- (b) the Notes of the “Other Specified Uses” zone had provided the flexibility for “Flat” use upon application to the Board, retaining the residents in their original premises was not the current intention of the DSP. The intention was to refurbish the shophouses with proper building services for cultural and/or commercial uses; and
- (c) given the deteriorating conditions of the shophouses, there was an urgent need to preserve and revitalise the shophouse cluster with a view to arresting its further deterioration. The DSP approach was the most appropriate tool from the preservation and implementation perspectives.

Representation No. R6

81. After further deliberation, the Board decided not to uphold the representation for the following reason:

Social Impact Assessment had already been undertaken by the Urban Renewal Authority in accordance with the requirements of the Urban Renewal Strategy to assess the social impacts of the draft Development Scheme Plan, and the results of which had already been made available for public inspection and considered by the Town Planning Board.

Representation No. R7

82. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) Social Impact Assessment had already been undertaken by the Urban Renewal Authority in accordance with the requirements of the Urban Renewal Strategy to assess the social impacts of the draft Development Scheme Plan (DSP), and the results of which had already been made available for public inspection and considered by the Town Planning Board (the Board); and
- (b) the Notes of the “Other Specified Uses” (“OU”) zone had provided the flexibility for “Flat” use upon application to the Board, retaining the residents in their original premises was not the current intention of the DSP. The intention was to refurbish the shophouses with proper building services for cultural and/or commercial uses.

Representations No. R8 & R9

83. After further deliberation, the Board decided not to uphold the representations for the following reasons:

- (a) the Notes of the “Other Specified Uses” zone had provided the flexibility for “Flat” use upon application to the Town Planning Board, retaining the residents in their original premises was not the current intention of the Development Scheme Plan (DSP). The intention was to refurbish the shophouses with proper building services for cultural and/or commercial uses; and
- (b) the DSP was intended to preserve the shophouses for cultural uses. After refurbishment, the shophouses would be equipped with proper building services for cultural and/or commercial uses so as to promote the cultural activities in the area.

Representation No. R10

84. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) the “Other Specified Uses” (“OU”) zone was intended for preservation and adaptive re-use of the shophouses for commercial and/or cultural uses to serve the needs of the public. Residential use had therefore not been included as part of the planning intention; and
- (b) the Notes of the “OU” zone had provided the flexibility for “Flat” use upon application to the Town Planning Board, retaining the residents in their original premises was not the current intention of the Development Scheme Plan. The intention was to refurbish the shophouses with proper building services for cultural and/or commercial uses.

Representation No. 11

85. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) the affected residents and business operators and the public had already been well informed of the draft Development Scheme Plan by various channels including government gazette, public engagement exercises and press release, etc. There were also statutory channels under the Town Planning Ordinance for the public to submit their views to the Town Planning Board for consideration and to be heard; and
- (b) rehousing of existing tenants/occupiers and compensation would be carried out in accordance with established policies.

Representation No. R12

86. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) the Notes of the “Other Specified Uses” (“OU”) zone had provided the flexibility for “Flat” use upon application to the Town Planning Board, retaining the residents in their original premises was not the current intention of the Development Scheme Plan (DSP). The intention was to refurbish the shophouses with proper building services for cultural and/or commercial uses;
- (b) the shophouses were to be preserved and revitalised for commercial and cultural uses but not only ‘Eating Place’ use;
- (c) rehousing of existing tenants/occupiers and compensation would be carried out in accordance with established policies; and
- (d) Social Impact Assessment had already been undertaken by the Urban Renewal Authority in accordance with the requirements of the Urban Renewal Strategy to assess the social impacts of the draft DSP, and the results of which had already been made available for public inspection and considered by the Board.

Representation No. R13

87. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) Social Impact Assessment had already been undertaken by the Urban Renewal Authority in accordance with the requirements of the Urban Renewal Strategy to assess the social impacts of the draft Development Scheme Plan (DSP), and the results of which had already been made available for public inspection and considered by the Town Planning Board (the Board);

- (b) the affected residents and business operators and the public had already been well informed of the draft DSP by various channels including government gazette, public engagement exercises and press release, etc. There were also statutory channels under the Town Planning Ordinance for the public to submit their views to the Board for consideration and to be heard;
- (c) the Notes of the “Other Specified Uses” (“OU”) zone had provided the flexibility for “Flat” use upon application to the Board, retaining the residents in their original premises was not the current intention of the DSP. The intention was to refurbish the shophouses with proper building services for cultural and/or commercial uses; and
- (d) given the deteriorating conditions of the shophouses, there was an urgent need to preserve and revitalise the shophouse cluster with a view to arresting its further deterioration. The DSP approach was the most appropriate tool from the preservation and implementation perspectives.

Representation No. R14

88. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) the “Other Specified Uses” (“OU”) zone was intended for preservation and adaptive re-use of the shophouses for commercial and/or cultural uses to serve the needs of the public. Residential use had therefore not been included as part of the planning intention;
- (b) rehousing of existing tenants/occupiers and compensation would be carried out in accordance with established policies; and
- (c) the Notes of the “OU” zone had provided the flexibility for “Flat” use upon application to the Town Planning Board, retaining the residents in their original premises was not the current intention of the Development Scheme

Plan. The intention was to refurbish the shophouses with proper building services for cultural and/or commercial uses.

Representation No. R15

89. After further deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) Social Impact Assessment had already been undertaken by the Urban Renewal Authority in accordance with the requirements of the Urban Renewal Strategy to assess the social impacts of the draft Development Scheme Plan (DSP), and the results of which had already been made available for public inspection and considered by the Town Planning Board (the Board);
- (b) rehousing of existing tenants/occupiers and compensation would be carried out in accordance with established policies;
- (c) the affected residents and business operators and the public had already been well informed of the draft DSP by various channels including government gazette, public engagement exercises and press release, etc. There were also statutory channels under the Town Planning Ordinance for the public to submit their views to the Board for consideration and to be heard; and
- (d) the proposed “Other Specified Uses” zone was intended for the preservation and adaptive re-use of the shophouses for cultural use. This would promote the community development in the area.

Representations No. R16 & R18

90. After further deliberation, the Board decided not to uphold the representations for the following reasons:

- (a) the affected residents and business operators and the public had already been well informed of the draft Development Scheme Plan by various channels including government gazette, public engagement exercises and press release, etc. There were also statutory channels under the Town Planning Ordinance for the public to submit their views to the Town Planning Board for consideration and to be heard; and
- (b) rehousing of existing tenants/occupiers and compensation would be carried out in accordance with established policies.

Representations No. R17 and R19 to R23

91. After further deliberation, the Board decided not to uphold the representations for the following reason:

rehousing of existing tenants/occupiers and compensation would be carried out in accordance with established policies.

92. The meeting adjourned for lunch break at 2:00 p.m.

93. The meeting was resumed at 3:00 p.m.

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

Mr. Thomas Chow

Dr. Greg C.Y. Wong

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Dr. C.N. Ng

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Hon. Starry W.K. Lee

Mr. K.Y. Leung

Mr. Timothy K.W. Ma

Mr. Andrew Tsang

Miss Annie K.L. Tam

Mr. Benny Y.K. Wong

Mrs. Ava S.Y. Ng

95. As the representers and commenters for the hearing of the draft Ping Che and Ta Kwu Ling OZP had already arrived, Members agreed to proceed with the consideration of Agenda Item 7 first.

Agenda Item 7

[Open Meeting (Presentation and Question Session Only)]

Consideration of Representations and Comments in Respect of the Draft Ping Che and Ta Kwu Ling Outline Zoning Plan No. S/NE-TKL/13

(TPB Paper No. 8429)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

96. Members noted that sufficient notice had been given to the representers and commenters to invite them to attend the meeting. While a representative for R1, C2, C7, C24, and C30 to C35 and the representatives for C36 would attend the meeting, other representers and commenters had either indicated not to attend the hearing or made no reply. The Board agreed to proceed with the hearing in the absence of the remaining parties.

97. The following representative from PlanD and the representatives of the representers and commenters were invited to the meeting at this point:

Mr. Hui Wai Keung DPO/STN, PlanD

R1, C2, C7, C24 and C30 to C35

Mr. Tam Chi Kit - Representer's and Commenters' representative

C36

Mr. Tony Chiu)

Mr. S.L. Ng) Commenter's representatives

Mr. Daniel Wei)

98. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. Hui Wai Keung to brief Members on the background to the representations.

99. With the aid of a Powerpoint presentation, Mr. Hui made the following main points as detailed in the Paper:

- (a) the background to the amendments to the draft Ping Che and Ta Kwu Ling OZP as detailed in paragraph 2 of the Paper. Amendment item A involved the rezoning of a site from “Agriculture” (“AGR”) use to “Government, Institution or Community (1)” (“G/IC(1)”) use to allow the expansion of Wun Chuen Sin Kwoon (the “WCSK”) and associated columbarium facilities. Amendment items B1 and B2 involved the rezoning of two small pieces of land within the existing boundary of WCSK from “AGR” and “Green Belt” (“GB”) to “G/IC” mainly to reflect the land allocation boundary covering the existing WCSK site. A total of 5 representations and 36 comments were received concerning the amendment items;
- (b) an overview of the representations and comments:
 - all the 5 representations (R1 to R5) opposed the zoning amendment items A, B1 and B2;
 - while R1, R4 and R5 did not indicate any rezoning proposal to meet their representations, R2 and R3 proposed that the original “AGR” and “GB” zoning should be retained;
 - commenters C1 to C35 submitted their comments in standard form, which were identical to those submitted by R2 to R5; and
 - commenter C36 was submitted by the planning consultants for WCSK, presenting counter-arguments to the points raised by representers R1 to R5 and commenters C1 to C35;
- (c) the grounds of representations, the views of the commenters and PlanD’s

responses were summarized as follows:

- (i) Grounds of Representers R1 to R5 and Commenters C1 to C35
- the columbarium use would generate additional waste and sewage and cause air pollution problems;
 - it would attract a lot of visitors and unlicensed hawkers to the WCSK on festive days, causing access difficulties for pedestrians and emergency vehicles, traffic congestion problems and illegal parking problems;
 - the zoning amendment from “GB” to “G/IC” would reduce the already scarce green land in Hong Kong and was contrary to the principles of environmental protection and green life;
 - the columbarium use was incompatible with the residential dwellings in the vicinity and would cause nuisance to residents and villagers. The religious institution and columbarium uses should be segregated from the adjacent residential uses;
 - the columbarium niches would affect *fung shui* and the psychological well-being of nearby residents; and
 - the zoning amendment would set an undesirable precedent for similar applications in residential neighbourhood and the “AGR” and “GB” zones.
- (ii) Views of Commenter C36
- the zoning amendment catered for public needs and the improvement of existing facilities at WCSK;
 - environmental pollution problems would not be aggravated as there would not be any facilities for the burning of joss papers and there would not be any increase in fumes within the site;
 - the proposed traffic arrangements during festive days and the proposed provision of parking spaces would reduce traffic congestion in the roads nearby;
 - columbarium use was compatible with the religious institution use of WCSK. The zoning amendment would not reduce land for “GB” use as the site originally zoned “GB” was part of the

landscape garden of WCSK;

- the zoning amendment would not affect the local residents as the proposed columbarium buildings were segregated from the residential neighbourhood and would be surrounded by landscape planting;
- the zoning amendment would not set an undesirable precedent as there were few large scale religious institutions in the district; and
- the religious facilities would provide a better service to the religious followers and would help improve the economic and social services of the area.

(iii) PlanD's Response

- it had been demonstrated in the technical assessments submitted by WCSK at the rezoning request stage that the zoning amendments would not cause any adverse environmental and traffic impacts to the surrounding developments;
- the relevant Government departments considered that the proposed columbarium use would not cause severe air, water and waste pollution or sewage problems. DEP also advised that the columbarium use would continue to be subject to statutory control under the Air Pollution Control Ordinance, the Water Pollution Control Ordinance and the Waste Disposal Ordinance;
- planning permission was required for the proposed expansion of the columbarium development and detailed traffic arrangements would need to be submitted to demonstrate that the traffic impacts were acceptable;
- the proposed expansion of the WCSK development was considered not incompatible with the surrounding rural environment;
- the proposed expansion of the WCSK development was about 300m away from the nearest residential cluster of Sing Ping

Village;

- *fung shui* was not a material planning consideration; and
- the zoning amendment would not set an undesirable precedent as each case would be considered by the Board on its individual merits.

100. The Chairman then invited the representatives of the representers and commenters to elaborate on the representations.

Representation No. R1 and Commenter No. C2, C7, C24 and C30 to C35

101. Mr. Tam Chi Kit made the following main points:

- (a) the distance between WCSK and his house was less than 50m and not 300m as stated in the Paper. His house was located next to the existing toilet and the 2-storey incinerator facility operated by WCSK;
- (b) everyday, joss sticks, joss papers and other offerings would be burnt at around 5 p.m. using the incinerator adjacent to his house and the smoke and ashes generated had seriously affected the health of his family. On a few occasions, the burning had caused hill fire;
- (c) the problem of illegal hawkers and illegal parking brought about by visitors to WCSK, especially during festive days, had created nuisance to his family and the villagers;
- (d) WCSK was not conducting its business in good faith and its activities had created nuisance to the residents of Sing Ping Village. WCSK had once planted two trees of 6m in height right in front of his house and they were only removed upon the assistance of the Police. Moreover, street lighting were not properly maintained and illegal structures had proliferated in the area. Building materials were piled in the area causing danger to villagers;
- (e) he did not understand why the columbarium buildings which were

unauthorised were not required to be demolished but were instead regularised;

- (f) as the proposed expansion area of the WCSK would not be provided with additional incineration facilities, they would likely intensify the use of the existing incinerators for burning offerings and rubbish. That would increase the smoke and ash pollution problem near his house; and
- (g) WCSK had never consulted the villagers of Sing Ping village of their expansion plan.

Commenter No C36

102. Mr. Tony Chiu made the following main points:

- (a) WCSK had prepared a landscaping plan and would consider how to improve the landscaping of the development;
- (b) the proposed development would be low-rise buildings of one storey in height. They would not cause any adverse visual impact to the surrounding; and
- (c) WCSK would provide adequate parking spaces to serve the future development. They had already conducted a traffic impact assessment which demonstrated that the proposed development would not cause any adverse traffic impact to the surrounding.

103. As the presentations from the representers and commenters had been completed, the Chairman invited questions from Members.

104. In response to a Member's question, Mr. Tam indicated on Plan H-2 the location of his house, which was on the north-western part of the "G/IC" site covering the existing WCSK development, adjacent to an existing toilet. In answering another Member's question, Mr. Tam explained that WCSK had borrowed part of the land owned by his parents to build the existing 2-storey brick incinerator and the toilets which were

located next to his house. Joss papers, offerings and rubbish were burned everyday in the incinerator. Although a water filter was later installed at the incinerator, it was never used.

105. Noting that the proposed amendment would include an additional 6,072 niches, a Member asked whether the environmental impact generated as a result of the burning of offerings on the nearby residents was considered. Mr. Hui Wai Keung explained that the “G/IC(1)” zone under amendment item A was to provide for the proposed expansion of columbarium facilities on the north-eastern part of the WCSK site, which was far away from Mr. Tam’s house. Mr. Tam’s house was located within the existing “G/IC” zone which was not related to any amendment items. In considering the proposed columbarium facilities at the rezoning application stage, DEP commented that the environmental impact was acceptable. When DEP was consulted on the representations to the amendment items, DEP indicated that any pollution caused by the incinerators would be subject to control under the Air Pollution Control Ordinance, Water Pollution Control Ordinance and Waste Disposal Ordinance.

[Hon. Starry W.K. Lee and Mr. Timothy K.W. Ma left the meeting at this point.]

106. A Member asked whether DEP had commented on the impact of fumes generated by the burning of offerings on the surrounding residential dwellings and whether Transport Department (TD) and the Police were satisfied with the parking provision and traffic arrangements. Mr. Hui Wai Keung explained that in the rezoning application relating to the additional columbarium facilities, the issue of fumes was not raised as incineration facilities were not proposed in the rezoning site. Incineration activities were carried out in the existing “G/IC” site and were subject to control under the Air Pollution Control Ordinance. On the parking provision, Mr. Hui explained that RNTPC had concerns on the traffic impact in considering the rezoning application, and hence the provision of the additional 6,072 niches would require planning permission from the Board. That said, both TD and the Police considered that there was no major problem and special traffic arrangements should be made to handle the traffic condition on festive days.

107. In response to the Chairman’s enquiry, Mr. S.L. Ng clarified that a total of 145 car parking spaces, 30 coach parking spaces and 20 motor cycle parking spaces would be provided to serve the proposed columbarium development with an additional 6,072 niches.

To cater for the additional traffic at festive days, 25 coach parking spaces would be used for car parking purposes and a shuttle bus service between WCSK and Fanling would be provided to serve its customers. They would liaise closely with TD and the Police to work out traffic management measures on festive days.

108. Mr. Tony Chiu explained that WCSK currently had incinerators installed with a water filters that met EPD's requirements and they were not operating at full capacity. Besides, since the opening hours of WCSK was up to 4 p.m., it was unlikely that people would be found burning joss sticks and offerings at 5 p.m. as claimed by Mr. Tam.

109. Mr. Benny Y.K. Wong enquired about the number and location of the existing incinerators used by WCSK. In response, Mr. Tony Chiu said that there were two incinerators, both locating in the north-eastern part of the WCSK site. However, Mr. Tam Chi Kit pointed out that there was another incinerator at the north-western part of the WCSK site next to his house. By referring to the information provided by WCSK in the rezoning application, Mr. Hui Wai Keung confirmed that a "fire brick burner" was located in the north-western part of the WCSK site.

110. A Member enquired why Mr. Tam's house was located within the "G/IC" site occupied by the existing WCSK. In response, Mr. Tam said that his parents had not properly registered their land title when they bought the land many years ago but the land did not belong to WCSK. Legal proceedings were under way to resolve the problem. In replying to the same Member's query, Mr. Tony Chiu said that he had to check if Mr. Tam's house fell within the lot owned by WCSK. Mr. S.L. Ng said that Mr. Tam's house and the concerned incinerator were not within the amendment item area but he could convey Mr. Tam's problem to WCSK.

111. As the representatives for the representers and commenters had finished their presentation and Members had no further questions to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked them and PlanD's representative for attending the hearing. They all left the meeting at this point.

Deliberation Session

112. A Member commented that the grounds of representation of R1 on the adverse environmental impact generated by the incinerator was a real concern. As the new columbarium facilities proposed in the “G/IC(1)” site would not be provided with an incinerator, the burning of joss sticks, offerings and rubbish generated by the new facilities would need to be carried out at the existing incinerators, hence worsening the environmental impact on the representer.

113. Mr. Benny Y.K. Wong reiterated DEP’s view that there was no in-principle objection to the proposed columbarium development on the representation site as the smoke generated by the incineration of materials could be controlled with the proper operation of incinerators. The proponent (WCSK) did propose measures to mitigate the adverse impact. EPD would carry out prosecution action under the relevant Pollution Control Ordinance for any breach of the statutory requirements.

114. A Member noted that there was a need to provide more columbarium facilities to meet the demand of the community but the problems of air pollution and parking provision would need to be resolved to avoid affecting the surrounding residents. Another Member also indicated in-principle support for columbarium use at the site but expressed that improvement measures should be introduced by WCSK to the existing incineration facilities to minimize the adverse impact on the surrounding residences.

115. A Member expressed reservation on the columbarium development because even when water filters were installed at the incinerators, if they were not turned on as claimed by the representer, the nearby residents would still be suffering from adverse environmental impact. The Vice-Chairman said that the Board had the responsibility to consider how the environmental impact generated by the existing incinerator could be mitigated though the new columbarium facilities within the “G/IC(1)” site would not be provided with incineration facilities. The additional number of niches to be introduced would increase the burning of offerings which had to be carried out at the existing incinerators.

116. The Chairman said that the Board should be careful not to presume that WCSK

would not follow the statutory requirements under the Air Pollution Control Ordinance. Moreover, DEP had the responsibility to monitor the environmental impact and take enforcement as necessary. As the operator would need to submit planning application under s.16 of the Town Planning Ordinance for any additional number of niches under the “G/IC(1)” zone, the Board could consider requesting the applicant to demonstrate how the traffic problem and the air pollution problem would be satisfactorily resolved before planning permission would be granted. After further discussion, the Chairman summed up the discussion that Members generally agreed not to uphold the representations.

Representation Nos. R1 to R5

117. After deliberation, the Board decided not to uphold the representations for the following reasons:

- (a) the proposed amendments mainly catered for the expansion of the existing Wun Chuen Sin Kwoon. There would be adequate control through the relevant pollution control Ordinances on any possible environmental nuisance generated by the proposed columbarium use. Besides, planning application was required and the applicant would need to address the environmental and traffic impacts in the section 16 application for the consideration of the Town Planning Board;
- (b) the proposed columbarium was considered not incompatible with the rural setting in land use planning terms; and
- (c) the rezoning would not set an undesirable precedent as there was neither similar religious institutions nor columbarium uses in the Ping Che and Ta Kwu Ling area.

Agenda Item 6

[Open Meeting]

Study on Land Use Planning for the Closed Area – Draft Development Plan

(TPB Paper No. 8436)

[The hearing was conducted in Cantonese.]

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

Dr. C.N. Ng) being Members of an expert group advising the Study
Mr. Alfred Donald Yap) on Land Use Planning for the Closed Area

119. As the interests of Dr. C.N. Ng and Mr. Alfred Donald Yap were indirect and insubstantial, the meeting agreed that they could stay in the meeting and participate in the discussion. It was noted that Mr. Alfred Donald Yap had not yet arrived to join the meeting.

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

Presentation Session

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

Mr. Raymond Wong	Assistant Director/Territorial, PlanD
Mr. David Ng	Senior Town Planner/Studies and Research, PlanD
Mr. Davis Lee	Ove Arup & Partners Hong Kong Limited
Mr. Alex Wang	Ove Arup & Partners Hong Kong Limited
Mr. Joe Ma	Townland Consultants Limited
Ms. Cindy Tsang	Townland Consultants Limited
Mr. Matthew Lennartz	Townland Consultants Limited
Mr. Lee Wai Lam	Townland Consultants Limited

121. The Chairman extended a welcome and invited the representatives of PlanD to brief Members on the Paper.

122. Mr. Raymond Wong gave a short introduction and made the following main points:

- (a) in January 2008, the Government announced that about 2,400 ha of land would be released from the Frontier Closed Area and a study was commissioned by PlanD to formulate a planning framework to guide the conservation and development of the released land;
- (b) the Stage 1 Community Engagement exercise gathering views from the relevant stakeholders on the draft Concept Plan was completed in August 2008; and
- (c) after taking into consideration the public views, the latest development of relevant studies and projects, and the results of detailed technical assessments, a Draft Development Plan was formulated for the Stage 2 Community Engagement exercise.

123. With the aid of a powerpoint presentation, Mr. Joe Ma presented the details of the Draft Development Plan as follows:

- (a) the following planning principles were adopted in formulating the Draft Development Plan:
 - to achieve balance between conservation and development under the principle of sustainable development;
 - to make the best use of natural and ecological resources to promote cultural and eco-tourism;
 - to capitalize on the boundary location to enhance cross-boundary integration between Hong Kong and Shenzhen;
 - to provide development opportunities to boost the economy and rejuvenate the area; and
 - to respect local traditions and improve the quality of life of the local

community;

- (b) the Study Area could be divided into three broad areas with similar characteristics namely:
 - the western portion which comprised mainly wetland, fishponds with ecological value, and hilly terrain;
 - the middle portion which comprised predominantly village clusters and agricultural land; and
 - the eastern portion which comprised mainly hilly terrain and upland with rich ecological resources and unique natural landscape;
- (c) a different combination of conservation and development proposals were proposed for each portion;

[Mr. Alfred Donald Yap arrived to join the meeting at this point.]

The Western Portion

- (d) the main focus was on conservation and recreational uses, including the protection of wetland and fish ponds at San Tin and Hoo Hok Wai;
- (e) an eco-lodge development was proposed on the hill slopes of Ma Tso Lung to take advantage of the view overlooking the Hoo Hok Wai wetlands. The proposed development of about 80 lodges would adopt an eco-friendly and energy-efficient design;
- (f) the Lok Ma Chau Development Corridor was proposed to cover the area in the vicinity of the Lok Ma Chau Loop and the Kwu Tung North NDA. There was potential for this area to be developed for commercial, retail and entertainment uses to support the Loop area and the NDA;

The Middle Portion

- (g) the main focus was to preserve and strengthen the cultural and natural

resources in the area while allowing for residential and tourist-related developments;

- (h) complementary to the existing agricultural/horticultural activities, leisure farming would be promoted to meet the growing demand for fruit picking and hobby farms;
- (i) sufficient land would be reserved for small house development. The villages would also serve as key activity nodes with enhanced tourism/commercial/retail uses;
- (j) the former borrowed area at Kong Nga Po was proposed for a CDA development with a plot ratio of 1.5 and a building height of 3-6 storeys;
- (k) a residential area was proposed at Hung Lung Hang with a proposed plot ratio of 0.75 and a building height of 4 storeys;
- (l) the Man Kam To Development Corridor was proposed covering the area in proximity to the border crossing point. It would provide commercial/retail services to support the nearby settlements;
- (m) a recreational area was also proposed at Heung Yuen Wai and Ta Kwu Ling;

The Eastern Portion

- (n) it was proposed to designate Robin's Nest into a country park to protect important wildlife habitats, natural landscapes and woodlands with high ecological and landscape quality;
- (o) the proposal country park at Robin's Nest would be linked up with the Lin Ma Hang Lead Mines to form an ecological corridor between Pat Sin Leng and Wutongshan in Shenzhen;

The Way Forward

- (p) the public would be consulted on the Draft Development Plan as part of the Stage 2 Community Engagement Exercise. Two public forums would be held in San Tin and Fanling to solicit public views; and
- (q) taking into account the public views received, the technical assessment and proposals in the Draft Development Plan would be refined and a Recommended Development Plan would be formulated to provide the basis for the preparation of statutory town plans covering the Closed Area before the new boundary of the Closed Area came into effect.

Discussion Session

124. Members had the following questions and comments:

- (a) was the framework proposed in the Draft Development Plan already determined and whether changes were possible;
- (b) noting the pace of development in Shenzhen on the other side of the border, would the Draft Development Plan be able to conform with the sustainable development of Hong Kong in the next 20 to 30 years;
- (c) what measures were proposed to deal with the contaminated mud at the Lok Ma Chau Loop area and whether elements of new town development such as the provision of leisure facilities could be introduced into the 'Middle Portion' of the Study Area;
- (d) the planning of the whole river valley was very important. The southern part of Shenzhen River should not be over-developed as doing so would create a lot of environmental problems. The area should be preserved in its natural state as far as possible while a few specific areas such as Hoo Hok Wai could adopt the public-private partnership approach for conservation-related development;

- (e) what were the development proposals for the southern part of San Tin and the Kwu Tung North New Development Area (NDA) which was adjacent to the Closed Area;
- (f) what were the specific uses proposed for areas marked as “Other Specified Uses” (“OU”) on the Draft Development Plan. Would these areas serve as buffer areas and was land ownership a consideration in determining whether a site should be designated as “OU” or “Conservation Area” (“CA”);
- (g) noting that “V” zone was proposed to meet the demand of the local villagers, the Government should help ensure the provision of necessary infrastructure including roads, sewers and drains, to serve the villages within the Closed Area;
- (h) what was the plot ratio proposed for the Lok Ma Chau Development Corridor and what was the land ownership pattern for the four main development areas proposed at Kong Nga Po, Hung Lung Hang, Lok Ma Chau and Man Kam To; and
- (i) for the Stage 2 community engagement exercise, would Government solicit views from the same stakeholders as that for the Stage 1 consultation and what was the main objective of the stage 2 consultation.

125. In response to Members’ questions raised above, Mr. Raymond Wong and Mr. Joe Ma made the following points:

- (a) the land use framework proposed in the Draft Development Plan would form a basis for the stakeholders to give views and suggestions. Should there be major concerns or objections, the proposals might have to be further considered. Otherwise, the proposals would be further refined taking into account the views solicited and a Recommended Development Plan would be formulated;

- (b) in formulating the Draft Development Plan, relevant stakeholders, organisations and interest groups were consulted and the proposals had received extensive support. The Study had also considered the development in Shenzhen and the Closed Area would serve as a green buffer area between Shenzhen and Hong Kong with suitable development allowed at appropriate locations to support the boundary crossing points;
- (c) a separate study on the development of the Lok Ma Chau Loop was being conducted and that study would include an environmental impact assessment which would examine how to resolve the problem of contaminated mud on the site. The proposal to introduce elements of new town development into the 'Middle Portion' was welcomed and the Consultants would further explore the suggestion;
- (d) the proposed development for the southern part of San Tin outside the Closed Area would be similar to that for Hoo Hok Wai, i.e. it would be designated as an "OU" zone allowing conservation-related development based on the public-private partnership concept;
- (e) the development proposals for the Kwu Tong North NDA was under a separate study. The Board would be consulted on the findings of that study in due course. Nevertheless, PlanD would ensure that the proposals of the three studies, i.e. the Lok Ma Chau Loop, the Kwu Tung North NDA and the current study, were compatible with each other;
- (f) the planning intention of the "OU" zone was for conservation. The Hoo Hok Wai area was an important wetland and it was intended to preserve the ecological value of the area. About 60% of the land in the Hoo Hok Wai area was under private ownership and during the Stage 1 consultation exercise, some stakeholders considered that the development right of the land owners should be taken into account in formulating the future land use framework. The "OU" zone was mainly intended as a wetland restoration area which would allow development of a suitable scale within

the wetland. Developments which demonstrated that the conservation value of the area would not be affected could be permitted. The land ownership pattern was an important factor in determining the site zoning of the area as greater flexibility for development would be permitted within the “OU” zone as compared with the “CA” zone;

- (g) with the opening up of the Closed Area, the demand for land for Small Hose development would likely increase. The study would further examine the area that needed improvement and the scale of improvement works required to ensure that these works would not adversely affect the conservation value of the area. For those areas with special needs such as Lin Ma Hang Village, the Study would consider specific improvement measures including the provision of roads and other infrastructure to serve the village;
- (h) the land use and development intensity for the Lok Ma Chau Development Corridor was not proposed at this stage pending the finalisation of the land use proposals in the Lok Ma Chau Loop Study. As regards the land ownership pattern, the Kong Nga Po CDA site was mainly on Government land, the Hung Lung Hang residential site was partly on Government land and partly on private land, while the Lok Ma Chau Development Corridor and the Man Kam To Development Corridor were mostly on private land; and
- (i) the public engagement exercise was a continuous process and PlanD had been in close contact with the stakeholders engaged in the Stage 1 consultation exercise. In the Stage 2 public engagement exercise, activities including public forums, meetings with Heung Yee Kuk, the respective District Councils and the relevant departments in Shenzhen would be arranged to solicit views from different groups. The objective was to have public consensus on the land use framework proposed for the Closed Area.

representatives of PlanD and the study consultants for attending the meeting. They left the meeting at this point.

[Ms. Sylvia S.F. Yau and Mr. Nelson W.Y Chan left the meeting temporarily at this point.]

[Dr. C.N. Ng and Mr. Raymond Y.M. Chan left the meeting at this point.]

Agenda Item 8

[Open Meeting]

Request for Deferral for Review of Application No. A/YL-NSW/189

Proposed Temporary Container Tractor/Trailer Park for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lots 1212 S.B RP (Part) and 1212 S.C ss.3 RP (Part) in D.D. 115, Chung Yip Road, Nam Sang Wai, Yuen Long

(TPB Paper No. 8430D)

[The hearing was conducted in Cantonese.]

127. The Secretary reported that on 27.10.2009, the applicant submitted a request for deferment of consideration of the review application for one month so as to allow time for the applicant to prepare Ecological Impact Assessment and Environmental Impact Assessment reports for the review hearing. The justifications for deferment met the criteria set out in Town Planning Board Guidelines No. 33 in that the applicant needed more time to prepare documentation for the review hearing, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

128. After 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 three months upon receipt of the further submission from the applicant. The Board also agreed to advise the applicant that one month was allowed for the preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 9

[Open Meeting]

Request for Deferral for Review of Application No. A/YL-PH/579

Petrol Filling Station in “Village Type Development” zone, Lots No. 2095 S.B RP, 2096 S.B RP and 2097 S.B RP in D.D. 111, Kam Tin Road, Wang Toi Shan, Pat Heung, Yuen Long

(TPB Paper No. 8431D)

[The hearing was conducted in Cantonese.]

129. The Secretary reported that after TPB Paper No. 8431 covering the review was issued to Members of the Board and to the applicant, the applicant submitted a request for deferment of consideration of the review application for three months in order to allow time for the applicant to study an important legal point mentioned in the TPB Paper. The justifications for deferment met the criteria set out in Town Planning Board Guidelines No. 33 in that the applicant needed more time to prepare documentation for the review hearing, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties. However, according to the Town Planning Board Guidelines, the applicant would normally be given 2 months for preparation of submission of further information instead of the 3-month period as sought by the applicant.

130. After 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 three months upon receipt of the further submission from the applicant. The Board also agreed to advise the applicant that two months were allowed for the preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

[Mr. Nelson W.Y. Chan returned to join the meeting at this point.]

Agenda Item 10

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-TT/240

Temporary Open Storage of Electronic Parts with Ancillary Recyclable Workshop for a Period of 3 Years in "Open Storage", "Village Type Development" and "Agriculture" zones, Lots 1506(Part), 1509 S.A (Part), 1510 (Part), 1511 (Part), 1512 (Part) and 1513 (Part) in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long

(TPB Paper No. 8432)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

131. Ms. Amy Cheung, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL) of the Planning Department (PlanD) was invited to the meeting at this point.

132. The Chairman extended a welcome and explained the procedures of the review hearing. He noted that sufficient notice was given to the applicant but he had declined to attend the meeting. The Chairman then invited Ms. Amy Cheung to brief Members on the background of the application.

[Ms. Sylvia S.F. Yau returned to join the meeting at this point.]

133. With the aid of a Powerpoint presentation, Ms. Amy Cheung made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for a temporary open storage of electronic parts with ancillary recyclable workshop for a period of 3 years at the application site which was zoned "Open Storage" ("OS") (63%), "Village Type Development" ("V") (30%), and "Agriculture" ("AGR") (7%) on the Tai Tong Outline Zoning Plan (OZP);

- (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 10.7.2009 were set out in paragraph 1.2 of the Paper;
- (c) no further written justifications in support of the review were submitted by the applicant;
- (d) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. The Director of Environmental Protection did not support the application due to the potential noise nuisances, water pollution and land contamination caused by the proposal;
- (e) public comments – during the statutory publication period of the review application, one public comment was received objecting to the application; and
- (f) PlanD's view – PlanD did not support the application for the reasons as stated in paragraph 6 of the Paper. The development was not in line with the planning intention of the “V” and “AGR” zones. The boundary of the “AGR” zone was to reflect the rural character and to provide a buffer for the stream course and nearby dwellings from undesirable impacts due to the adjoining open storage/port back-up activities. The proposed development was not compatible with the surrounding uses and no strong justifications were given to explain why the applied use needed to extend outside the “OS” zone. The proposal did not comply with Town Planning Board Guidelines No. 13E in that there was no previous planning approval granted on-site and there were adverse departmental comments and local objections. Moreover, approval of the application would set an undesirable precedent for other similar applications in the “V” and “AGR” zones. The cumulative effect of approving such applications would result in a general degradation of the environment.

[Miss Annie K.L. Tam arrived to join the meeting at this point.]

134. As Members had no questions to raise, the Chairman said that the hearing procedures for the review application had been completed and the Board would deliberate on the application and inform the applicant of the Board's decision in due course. The Chairman thanked DPO/TMYL for attending the meeting. She left the meeting at this point.

Deliberation Session

135. A Member noted that as there was no change in the planning circumstances since the consideration of the application by RNTPC, there was no reason to change the Board's previous views.

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

- (a) the development was considered not in line with the planning intention of the "Village Type Development" ("V") zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Also, the zoning boundary of the "Agriculture" ("AGR") zone in this area had been broadly delineated to reflect the rural character and to provide a buffer for the stream course and the nearby dwellings from undesirable impacts due to the adjoining open storage/ port backup activities. Approval of the application would frustrate the planning intention of the "V" and "AGR" zones. There was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development was considered not compatible with the residential dwellings located in the vicinity of the site to the immediate north within the "V" zone and southwest within the "AGR" zone. There was no strong planning justification given to explain why the applied use needed to extend outside the "Open Storage" zone. The development would cause adverse environmental impacts on the surrounding areas and no assessment had been conducted to address the issues;

- (c) the development did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) in that part of it fell within Category 3 and 4 areas. There was no previous planning approval granted on-site and there were adverse departmental comment and local objections against the application; and
- (d) approval of the application would set an undesirable precedent for other similar uses in the “V” and “AGR” zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Agenda Item 11

[Open Meeting]

Request for Deferral for Review of Application No. A/YL-LFS/191

Proposed Houses (New Territories Exempted Houses - Small Houses) in "Green Belt" and "Village Type Development" zones, Lots 2660 S.D, 2661 S.W, 2662 S.F, 2662 S.H, 2662 S.I, 2663 S.G, 2663 S.H, 2663 S.I, 2663 S.J, 2663 S.L and 2663 S.M, in D.D. 129, Sha Kong Wai, Lau Fau Shan, Yuen Long

(TPB Paper No. 8433)

[The meeting was conducted in Cantonese.]

137. The Secretary reported that on 11.10.2009, the applicant submitted a request for deferment of consideration of the review application for two months in order to allow time for the applicant to prepare supportive documents for the review hearing. The justifications for deferment met the criteria set out in Town Planning Board Guidelines No. 33 in that the applicant needed more time to prepare documentation for the review hearing, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

138. After 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 three months upon receipt of the further submission from the applicant. The Board also agreed to advise the applicant that two months were allowed for the preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Items 12 and 13

[Closed Meeting]

139. Those items were recorded under confidential cover.

Agenda Item 14

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

140. There being no other business, the meeting was closed at 4:50 p.m.