

**Minutes of 966th Meeting of the
Town Planning Board held on 17.9.2010**

Present

Mr. Stanley Y.F. Wong

Vice-Chairman

Mr. Walter K.L. Chan

Mr. B.W. Chan

Professor Edwin H.W. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Rock C.N. Chen

Mr. Felix W. Fong

Professor P.P. Ho

Professor Eddie C.M Hui

Ms. Anna S.Y. Kwong

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Mr. Timothy K.W. Ma

Miss Anita W.T. Ma

Dr. Winnie S.M. Tang

Professor S.C. Wong

Ms. Pancy L.P. Yau

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Deputy Director of Environmental Protection
Mr. Benny Wong

Director of Lands
Miss Annie Tam

Director of Planning
Mr. Jimmy C.F. Leung

Deputy Director of Planning/District
Mr. Lau Sing

Secretary

Absent with Apologies

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

Chairman

Mr. K.Y. Leung

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Dr. James C.W. Lau

Professor Joseph H.W. Lee

Mr. Maurice W.M. Lee

Dr. W.K. Lo

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

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

In Attendance

Assistant Director of Planning/Board
Ms. H.Y. Chu

Senior Town Planner/Town Planning Board
Ms. Donna Y.P. Tam

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 965th Meeting held on 3.9.2010

[The meeting was conducted in Cantonese.]

1. The minutes of the 965th meeting held on 3.9.2010 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

2. The Secretary reported that on 10.9.2010, the Metro Planning Committee (MPC) of the Town Planning Board (the Board) agreed to the proposed amendments to the draft Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/14, which were to relax the building height restriction for the relevant parts of the Hong Kong Sanatorium Hospital (HKSH) site from 12 storeys to 89mPD and 115mPD and to revise the building height restriction for the set back area from 12 storeys to 2 storeys (excluding basement).

3. The counsel for the Board had been instructed to inform the HKSH about the proposed amendments to the OZP as agreed by the Board and request HKSH to withdraw the Judicial Review (JR) as agreed in the settlement proposal by the HKSH.

Agenda Item 3

[Open Meeting]

Area Assessments 2009 of Industrial Land in the Territory
(TPB Paper No. 8630)

[The meeting was conducted in Cantonese.]

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

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|----------------------|---|---|
| Ms. Phyllis C.M. Li | - | Assistant Director of Planning/Special Duties (AD/SD) |
| Mr. K.W. Ng | - | Senior Town Planner/Special Duties (STP/SD) |
| Miss Winnie B.Y. Lau | - | Senior Town Planner/Strategic Planning (STP/SP) |

5. The Vice-chairman extended a welcome and invited the representatives of PlanD to brief Members on the Paper.

6. Ms. Phyllis C.M. Li briefed Members on background to the Area Assessments 2009 of Industrial Land in the Territory (Area Assessments 2009). Ms. Li said that PlanD had previously undertaken area assessments of industrial land in Hong Kong which formed a basis for rezoning suitable “Industrial” (“I”) sites to other uses. In view of the concern on the under-utilization of the industrial buildings in the territory and the need for updated information in considering planning applications for proposed conversion/redevelopment/rezoning of industrial buildings to other uses, the Board in 2008 requested PlanD to update the Area Assessments 2005. The updated area assessments were carried out between 2008 and 2009 and the findings and recommendations would form a basis for rezoning industrial land to other uses.

7. With the aid of a Powerpoint presentation, Mr. K.W. Ng briefed Members on the findings and recommendations of the Area Assessments 2009 as follows:

[Dr. Winnie S.M. Tang, Mr. Clarence W.C. Leung and Mr. Felix W. Fong arrived to join the meeting at this point.]

Major Findings and Observations

- (i) the objectives of the Area Assessments 2009 were to review vacant land zoned for “I” and “Other Specified Uses” annotated “Business”

("OU(B)") and find out how the existing industrial buildings in these two zones were being used;

- (ii) on-site surveys were undertaken to obtain information on occupancy/vacancy of individual units and the conditions of existing private industrial buildings, while information on building age, gross floor area (GFA) and number of storeys of the industrial buildings was obtained from the records of relevant departments;
- (iii) there were 26 areas zoned "T" in the Territory covering about 297 ha of land, and with 503 existing industrial buildings providing a total GFA of about 10.55 million m². There was a total of 18 areas zoned "OU(B)" in the Territory covering about 200 ha of land, and with 813 existing industrial buildings providing a total GFA of about 15.37 million m². The "T" zones were mainly located in the New Territories, while the "OU(B)" zones were mainly in the urban area;
- (iv) in the "T" zones, about 47% and 51% of the existing industrial buildings were under single and multiple ownership respectively. The remaining 2% of the existing industrial buildings were owned by the Government. For the "OU(B)" zones, the figures were about 29% and 71% respectively. In terms of building age, about 33% of the existing buildings in the "T" zones were over 30 years old, and the corresponding figure for the "OU(B)" zones was about 54%. Hence, the buildings in "T" zone were younger and more were under single ownership;
- (v) in terms of building conditions, about 81% of the existing industrial buildings in the "T" zones were in fair conditions and about 15% were in poor conditions. The corresponding figures for the "OU(B)" zones were about 80% and 16% respectively;
- (vi) each surveyed industrial units was categorized based on the following predominant uses: (a) industrial use which might be manufacturing/workshop or warehouse/storage, (b) ancillary office, (c)

office use, and (d) others such as music studios and shops;

- (vii) industrial use, which involved manufacturing/workshop and warehouse/storage, was the largest user in both “T” and “OU(B)” zones, occupying about 65% and 39% of the existing industrial floor space in “T” and “OU(B)” zones respectively. Such floor space concentrated in the “T” zones in Tuen Mun Areas 9 and 12, Tsuen Wan East, Southwest Kwai Chung and Fo Tan and in the “OU(B)” zones in Kwun Tong and Wo Yi Hop Road;
- (viii) ancillary office use occupied about 6% and 11% of the floor space in “T” and “OU(B)” zones respectively;
- (ix) office use occupied about 10% and 22% of the existing GFA in “T” and “OU(B)” zones respectively;
- (x) the overall vacancy rates of the industrial buildings in the “T” and “OU(B)” zones were about 6.5% and 8.4% respectively. Two areas in the “T” zones had vacancy rates higher than 10%, namely, the “T” zones in Ap Lei Chau West (24.3%) and Ping Shan (14.0%). There were higher vacancy rates in the “OU(B)” zones and seven areas had vacancy rates higher than 10%, namely, the “OU(B)” zones in Tai Kok Tsui (15.6%), Shau Kei Wan (12.3%), Kwun Tong (12.0%), Chai Wan East (11.8%), Wong Chuk Hang (11.6%), San Po Kong (10.2%) and Chai Wan Kok (10.1%). The industrial buildings with higher vacancy rates mainly comprised buildings with applications/approvals for redevelopment to non-industrial uses; buildings of higher building age (more than 30 years old) and building with small floor plates;
- (xi) there was a shrinking of manufacturing/workshop floor space in both “T” and “OU(B)” zones (by about 36.0% and 63.1% respectively). However, warehouse/storage floor space in the two zones showed a different trend, with about 16.0% decrease in the “T” zones but about 13.2% increase in the “OU(B)” zones. The increase in the “OU(B)”

zones was partly due to the recent increase in mini self-storage facilities for rental in some flatted factory buildings, particularly those near Kwun Tong, Kwai Fong and Chai Wan MTR stations;

- (xii) the total floor space occupied by manufacturing industries had declined from a total GFA of about 26.98 million m² in 1983 to about 8.91 million m² in 2008 (i.e. a reduction of 18.07 million m² or 67.0%). Based on such a decreasing trend, it was estimated that the overall requirements for manufacturing floor space would further decrease by 1.33 million m² GFA by 2020, among which about 63.9% or 0.85 million m² was within the flatted factory buildings;
- (xiii) despite the continuous decline in demand for industrial floor space, “printing, publishing and allied industries” and “food manufacturing”, which mainly catered for local consumption, would continue to remain in a predominantly service economy. They did not show any decreasing trend in the past ten years;
- (xiv) about 18% of land in the “I” zones was undeveloped, and the corresponding figure for the “OU” zones was about 4%. Subject to the local planning circumstances of each “I” sites, there might be scope for rezoning the undeveloped sites for other environmentally compatible uses;

Proposed Rezoning

- (xv) the criteria adopted in identifying the potential sites for rezoning were as follows: (a) sites with high vacancy rates; (b) sites under higher percentage of single ownership; (c) sites with old building age; (d) sites with completed or committed developments for non-industrial uses; and/or (e) vacant sites;
- (xvi) the following major considerations had also been taken into account: (a) the estimated demand for manufacturing floor space; (b) impact on the

most active industries; (c) cumulative impact on employment opportunities; and (d) effect on home and job balance;

- (xvii) seven areas (with a total area of about 29.5 ha) currently zoned “T” and “OU(B)” in Tsuen Wan East, Siu Lek Yuen, Fo Tan, Tuen Mun Area 9, Yuen Long, Fanling Area 48 and Tai Kok Tsui, were proposed for rezoning to “Comprehensive Development Area” (“CDA”) or “Residential (Group E)” (“R(E)”) for residential uses;
- (xviii) the area at Kennedy Town (about 0.8 ha) was proposed to be rezoned for waterfront-related commercial, leisure and/or tourism uses, taking advantage of the waterfront location. The area in Chai Wan (about 6.6 ha) was proposed to be rezoned to “Government, Institution or Community” (“G/IC”) and “Open Space” (“O”) uses to address the demand for Government, institution or community (GIC) and open space facilities;
- (xix) the areas at Ap Lei Chau West (about 3.7 ha), Fo Tan (two sites with a total area of about 1.9 ha) and Tuen Mun Area 9 (about 7.3 ha) which were currently zoned “T” were proposed to be rezoned to “OU(B)” to allow flexibility for non-polluting industrial uses, information technology and telecommunications industries, office and other commercial uses;
- (xx) the areas at Southwest Kwai Chung (about 5.4ha) and Sha Tin Area 65 (about 2.8 ha) were shortlisted by the Government for studying on whether it would be feasible and appropriate to develop them for columbarium use. If the sites were identified to be suitable for columbarium development, the relevant District Councils would be formally consulted on the detailed proposals of rezoning the sites before submitting to the Board for consideration; and
- (xxi) the proposed rezoning would involve 0.92 million m² existing industrial GFA, which were slightly more than the projected decrease in demand of industrial floor space of 0.85 million m² for manufacturing industries by

2020. Taking into account that the rezoning would take a long lead time to complete, some premises were at present already vacant or under-utilized and that new jobs would be created by the new developments, it was envisaged that the rezoning would not cause any significant impact on the balance of homes and jobs.

[Ms. Julia M.K. Lau arrived to join the meeting at this point.]

8. A Member said that the objective of optimizing land resources in the Territory was supported. The recommendations of the Area Assessments 2009 could form a basis for rezoning industrial land to other uses. It was noted that based on the recommendations, the relevant District Planning Officers would work out the detailed rezoning proposals of individual industrial sites for the Board's consideration in the context of proposed amendments to the relevant Outline Zoning Plans (OZPs). This Member said that the proposal for rezoning the "I" sites in Chai Wan for GIC and open space uses were supported. Nevertheless, despite these sites were not for residential use, it was still necessary to undertake environmental assessments to ensure that those sites would be suitable for GIC and open space uses.

9. A Member said that unlike the rezoning proposals of other "I" sites, the recommendations to rezone the "I" sites at Southwest Kwai Chung and Sha Tin Area 65 for columbarium use were not provided with detailed analysis. For instance, there was no information on the comments of the relevant District Councils on the proposal to use the two sites for columbarium development. There was also no information on whether there would be provision of planning gains such as provision of open space for locating the proposed columbarium development in the area. This Member also said that the two sites were among the 12 sites shortlisted by the Government in its public consultation document on the review of columbarium policy. As the public consultation would last until the end of September 2010, it was inappropriate for the Board to endorse the recommendation of using the two sites for columbarium development at this stage.

10. A Member asked whether there would be a net gain in job opportunities arising from the proposed rezoning of industrial land. This Member also asked if the provision of infrastructure in the concerned areas could cope with the rezoning proposals.

11. Ms. Phyllis C.M. Li had the following responses to the above comments and questions from Members:

- (a) the principle adopted in the Area Assessments 2009 was to make good use of land resources to meet various needs in the short to long terms. In working out the rezoning proposals, the existing conditions of the sites and the land use compatibility between the proposed uses and the surrounding areas had been taken into account. Rezoning of the sites for other uses would bring along improvement of the surrounding environment. In this regard, the site at Chai Wan which was close to the waterfront was proposed for GIC uses and open space. An air ventilation assessment undertaken for the Chai Wan area supported maintaining a low-rise GIC and open space belt at the waterfront;
- (b) in working out the detailed rezoning proposals for individual sites, detailed assessments on the provision of infrastructure in the areas and the potential environmental impacts of the existing industrial uses on the proposed uses would be undertaken;
- (c) since redevelopment of the sites took a long process and that many sites proposed to be rezoned were now vacant or under-utilized, the rezoning proposals would not have substantial impact on the provision of job opportunities. Moreover, new jobs would also be created in the redevelopment process; and
- (d) the two potential sites for columbarium development were now occupied by temporary uses. As stated in paragraph 5.3 of the Report on the Area Assessments 2009, detailed assessments on the feasibility of using the sites for columbarium development would be undertaken. If the sites were found to be suitable in the current consultation exercise by the Food and Health Bureau, the relevant District Councils would be consulted on the detailed proposals of rezoning the sites before they were submitted to the Board for consideration.

12. Mr. Jimmy C.F. Leung supplemented that rezoning of industrial sites for other uses would not result in a total loss of job opportunities. The jobs might be relocated to other areas and new job opportunities would also be created in the redevelopment process. Assessments on job opportunities in both macro and micro levels would be undertaken in the land use planning process.

13. A Member suggested that the proposed rezoning of “I” sites to residential use could be fine-tuned to allow some commercial or GIC uses such that more local job opportunities could be created. Another Member suggested that consideration should be given to making provision for social enterprises to be accommodated in some of the sites. This would provide support to the running of social enterprises and at the same time benefit those in need of the services.

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

14. A Member asked why sites were proposed to be rezoned to “OU(B)” as there were vacant premises in some existing buildings within the “OU(B)” zones, and whether there was any assessment on the provision of GIC facilities in the district to support the proposed rezoning of sites to “R(E)” for more residential developments. This Member also suggested that the report of the Area Assessments 2009 should include the bar charts and pie charts as shown in the Powerpoint presentation to the Board to better illustrate the findings of the area assessments of industrial land.

15. Ms. Phyllis C.M. Li replied that while the sites were proposed to be rezoned to “R(E)” or “CDA” for residential use, there would be non-residential uses including GIC facilities to be provided within the sites to meet local needs. PlanD had undertaken on-going assessments on the provision of GIC facilities within each district in the plan-making process. Detailed assessments on the feasibility of the rezoning proposals, including whether there would be potential impact on provision of GIC facilities and infrastructure, would also be undertaken before the submission of the rezoning proposals to the Board for consideration. The proposed rezoning of “I” sites to “OU(B)” mainly covered sites with relatively high vacancy rate and/or with a higher building age. The proposed rezoning to “OU(B)” would allow greater flexibility for redevelopment to other uses

including hotel and high technology industries such as data centre. Ms. Li added that the charts illustrating the findings of the Area Assessments 2009 would be included in the final report for easy reference.

16. One Member said that in order to assess the demand of floor spaces for different uses, there should be a clear vision on the kinds of new industries including creative industries and service industries that would be developed in Hong Kong in the future. This view was supported by another Member, who also added that there was increasing demand for sites to accommodate regional distribution centres of goods. Another Member also asked if consideration had been given to allowing conversion of old industrial buildings for cultural uses.

17. Ms. Phyllis C.M. Li said that while the current Area Assessments 2009 focused on existing industrial land, demand for land and floor space for different industrial uses could be accommodated within sites under various zonings such as “OU(B)”, “OU (Science Park)”, “OU(Cyber-port)” and “OU(Industrial Estate)” on OZPs. The various land use zonings allowed flexibility to meet future changes in the economy and the industrial sectors. Mr. Jimmy C.F. Leung supplemented that the current zoning system allowing a wide range of column 1 and column 2 uses had provided flexibility for use of sites and buildings. The latest Government policy for revitalization of industrial buildings, such as allowing conversion of existing industrial buildings to other uses without payment of waiver fees, would also provide impetus for change.

18. In response to a Member’s question on whether there was any relocation plan of the existing bus depots to make provision for redevelopment of the sites concerned, Ms. Phyllis C.M. Li said that for existing bus depot sites falling on private land, redevelopment would depend on private initiative. However, for depots on Government land under short-term tenancies, relevant departments would identify suitable sites for their relocation so as to facilitate disposal of the sites for development.

19. In response to some Members’ questions on the redevelopment programme, Ms. Phyllis C.M. Li said that those Government sites could be disposed shortly after rezoning for redevelopment to meet market needs. However, for those sites on private land, redevelopment would be subject to private developer’s own programme and market demand.

20. A Member said that the proposal to rezone land for residential uses to address the increasing housing needs was supported. This Member also considered that columbarium should be regarded as one type of basic need of society and there should be no need for any sweeteners in exchange for the provision of columbarium.

21. A Member highlighted that many industrial units had been converted for storage purposes. This should be taken into account in the long-term planning on provision of industrial land. Another Member echoed this point and said there was an increasing trend for mini-storage use in existing industrial buildings which should be taken into account in assessing future industrial floor space demand.

22. A Member commented that the report did not have any recommendation to address the demand of the six economic areas recommended by the Task Force on Economic Challenges. This Member also reiterated that detailed feasibility study had to be undertaken to examine whether the two sites at Southwest Kwai Chung and Sha Tin Area 65 were suitable for columbarium development. Factors like whether there would be adequate provision of infrastructure to support the columbarium use and whether there would be measures to lessen local resistance to the construction of columbarium facilities such as provision of local open space had to be considered in the study. As such, the columbarium proposal should not be endorsed at this stage.

23. Ms. Phyllis C.M. Li had the following responses to the above comments:

- (a) storage use might or might not be related to industrial operation and mini-storage use could be accommodated within existing “T”;
- (b) the “T” and “OU(B)” zones provided flexibility to support the development of the six economic areas, and to allow other uses including cultural uses; and
- (c) the rezoning proposal for columbarium use would be subject to the outcome of the current public consultation by the Government and detailed feasibility studies. Further public consultation with the relevant

District Councils would be undertaken before the submission of the rezoning proposals to the Board for consideration.

24. In response to some Members' questions, the Vice-chairman said that the Board should consider whether to endorse the recommendations of the Area Assessments 2009 in principle. It should be noted that each rezoning proposal would be subject to detailed assessments and consultation of concerned departments before it was submitted to the Board for consideration. Members' concerns in particular on the columbarium proposal should be recorded and relevant departments should take into account the concerns in undertaking the detailed study for the rezoning proposal. Members agreed that the recommendations of the report should be endorsed in principle as a broad basis for future rezoning of the "T" sites. Nevertheless, one Member reiterated that the columbarium proposal should not be endorsed at this stage.

25. After further deliberation, Members noted the findings and key observations of the Area Assessments 2009 of Industrial Land in the Territory undertaken by the Planning Department, and endorsed in principle the recommendations of the Area Assessments 2009 summarized in paragraphs 5.2 to 5.3 of the Paper as a broad basis for rezoning of industrial land to other uses. Members also noted that based on the recommendations, the relevant District Planning Officers, in consultation with concerned departments, would work out the detailed rezoning proposals of individual industrial sites for the Board's consideration in the context of proposed amendments to the relevant OZPs.

26. The Vice-chairman thanked the representatives of PlanD for attending the meeting. They all left the meeting at this point.

[Ms. Anna S.Y. Kwong, Mr. B.W. Chan, Mr. Rock C.N. Chen, Mr. Clarence W.C. Leung and Mr. Raymond Y.M. Chan left the meeting at this point.]

Agenda Item 4

[Open meeting (Presentation and Question Session Only)]

Consideration of Representation to

Draft Kennedy Town & Mount Davis Outline Zoning Plan No. S/H1/17

(TPB Paper No. 8622)

[The meeting was conducted in Cantonese and English.]

27. Mr. Laurence L.J. Li had declared an interest in this item as he owned a flat on Smithfield Road. Members considered that Mr. Li's interest was indirect as the item under consideration was related to the deletion of the previous Route 7 alignment and Mr. Li could stay in the meeting.

28. The following representatives from the government departments and the representer were invited to the meeting at this point.

Ms. Brenda Au	District Planning Officer/Hong Kong, Planning Department (DPO/HK, PlanD)
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Ms. Ying Fung Fong	Chief Engineer/Transport Planning, Transport Department (CE/TP, TD)
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Mr. Paul Zimmerman)	Representer's representatives
Ms. Eva Tam)	

29. The Vice-chairman extended a welcome and explained the procedures of the hearing. He then invited the representatives from the government departments to brief Members on the background to the representation.

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

- (a) on 26.3.2010, the draft Kennedy Town & Mount Davis Outline Zoning Plan (OZP) No. S/H1/17, incorporating amendments to delete the

obsolete alignment of Route 7 (currently known as Route 4), incorporate the Mass Transit Railway West Island Line (WIL) authorized by the Chief Executive in Council (CE in C) under the Railways Ordinance on 10.3.2009, and rezone a site at Forbes Street from “Comprehensive Development Area (1)” to “Open Space” and “Green Belt”, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);

- (b) upon expiry of the two-month exhibition period, one representation was received. No comment on the representation was received;
- (c) the representation was in support of Amendment Item A in respect of the deletion of the previously proposed alignment of Route 7 as shown on the OZP;

Representer’s Proposals

- (d) the representer proposed the Board to review plans for the Southern District, Kennedy Town and Mount Davis to control development so as to avoid creating a need for transport infrastructure which might have impact on the enjoyment of the Harbour, the environment and the living quality;
- (e) the representer also proposed that a comprehensive review on the traffic and transport needs of the Southern and Kennedy Town Districts should be conducted, taking into account all current plans and permitted developments as well as requirements for road and rail;

PlanD’s Responses

- (f) Route 7 (currently known as Route 4) was a strategic link providing connection between the Cross Harbour Tunnel in Causeway Bay and Aberdeen via Kennedy Town. The section from Causeway Bay to Kennedy Town had been completed. The originally proposed Route 7

would make use of land to be reclaimed in the previously proposed Western District Development (WDD) in the form of a tunnel/depressed road for the section in the Western District. The Government subsequently decided in December 2003 not to pursue WDD. While the Government kept the need for the road under review, the Transport and Housing Bureau (THB) subsequently advised that the Route 7 alignment as shown on the OZP would not be implemented. The previously proposed alignment of Route 7 as shown on the OZP was obsolete and should be deleted from the OZP;

- (g) the presenter's request for the Board to review plans for these areas to control development so as to avoid creating a need for additional transport infrastructure was not directly related to the deletion of the Route 7 alignment. Besides, areas in the Southern District were outside the subject OZP;
- (h) TD had advised that the need and timing for the development of Route 4 (previous Route 7) would continue to be reviewed under the Strategic Highway Project Review System on a regular basis. Should there be a need for Route 4 after the commissioning of WIL and South Island Line (SIL) (East), feasibility studies on alignment options would be initiated by TD, and due regard would be paid to the environmental and land use impacts, including the harbourfront development. SIL (West) was kept under review and would be considered further, taking into account new proposed developments in the Western and Southern Districts.
- (i) TD would also review the effectiveness of the Pok Fu Lam Moratorium after the commissioning of the WIL in 2014 to see whether the development-induced traffic in the Pok Fu Lam area was properly contained;
- (j) traffic aspect was but only one of the considerations in land use planning. The outcome of the above studies by TD would provide input for reviewing the relevant OZPs as necessary; and

- (k) a land use review of the area in the north-western part of the subject OZP including the harbourfront area was being undertaken by PlanD, and proposed amendments to the OZP would be submitted to the Board for consideration upon completion of the review.

31. The Vice-chairman then invited the representer's representatives to elaborate on their representation.

32. Mr. Paul Zimmerman made the following main points:

- (a) the removal of the obsolete alignment of Route 7 (now named Route 4) was supported;
- (b) a strategic transport study for the area was very important for the Board to consider any proposal which would lead to an increase in development intensity in the Southern and Kennedy Town Districts. The redevelopment of the Wong Chuk Hang Estate was one of the examples;
- (c) there should be a firm commitment from TD to undertake a comprehensive review of the traffic and transport needs of the Southern District, taking into account that there was currently no plan for building Route 4, which was planned to be an alternative route to Aberdeen Tunnel. Quite often, traffic through the Aberdeen Tunnel had to be stopped intermittently due to serious traffic congestion at the Wan Chai and Causeway Bay areas; and
- (d) the removal of the obsolete alignment of Route 4 along the waterfront would open up opportunities at the waterfront area. The Board should ask PlanD to proactively review the land use and put up positive proposals for the area.

[Dr. W.K. Yau arrived to join the meeting at this point.]

33. In response to the Vice-chairman's request, Ms. Ying Fun Fong provided the following information on the overall transport plan for the Southern District:

- (a) there were regular reviews on the need for Route 4 by TD, the recent one was completed early this year. The review concluded that there was no urgent need for the construction of Route 4. The need and timing for the construction of Route 4 would continue to be reviewed under the Strategic Highway Project Review System on a regular basis;
- (b) at present, Aberdeen Tunnel was the main route connecting the Southern District to the northern part of Hong Kong Island. The north-south connection would be substantially improved upon the completion of the SIL (East), which was a more reliable mode of transport. The travelling time from the Southern District to the Wan Chai and Admiralty areas would then be substantially reduced from 30 minutes now to about 9 minutes in future; and
- (c) while development intensity of the Pok Fu Lam area was subject to control under the Pok Fu Lam Moratorium since 1970s due to traffic capacity constraints, TD had undertaken various road improvement works in the area to improve the traffic capacity in the Southern District and Kennedy Town. The WIL currently under construction would also improve the traffic conditions in the areas upon completion.

34. In response to a Member's question, Ms. Brenda Au said that the Pok Fu Lam Moratorium was an administrative measure to restrict the Government not to dispose any land for new development or to modify existing leases which would increase the development intensities in the area. With the completion of the various road improvement works and the WIL, TD would review the effectiveness of the Pok Fu Lam Moratorium to see whether the development-induced traffic in the area was properly contained. In response to another Member's question, Ms. Brenda Au said that in the past years, there were some redevelopments in the Pok Fu Lam area, as the redevelopments did not involve any lease modification. The Executive Council had also approved partial uplifting of the restrictions under the Moratorium on individual merits of particular sites. The

redevelopment of Wah Kwai Estate was a result of the partial uplifting.

[Dr. Winnie S.M. Tang and Ms. Anita W.T. Ma left the meeting at this point.]

35. A Member said that it was important to take into account the transport infrastructure capacity of an area in considering land use proposals. This Member opined that the Board should be provided with detailed assessments on the provision of transport infrastructure during the review of OZPs.

36. Ms. Brenda Au said that traffic aspect was one of the important factors in considering land use planning. Any restriction on development intensity on traffic grounds should be supported by strong justifications and detailed assessments. The outcome of the traffic studies by TD would provide inputs for review of the relevant OZPs. Since the major projects including the SIL and WIL were still under construction, the impact on traffic capacity in the area could only be fully reviewed upon completion of these projects.

37. Mr. Paul Zimmerman said that the major concern was the lack of alternative plan for Route 4 and an overall plan for improvement to the traffic capacity in the area to cope with the increase in development intensities. The alternative alignments of Route 4 previously submitted to the Legislative Council, which would involve either reclamation or construction of a double deck road in front of existing residential developments, were not acceptable.

38. In response, Ms. Ying Fun Fong provided the following information:

- (a) the alternative alignments of Route 4 previously submitted to the Legislative Council had already been abandoned;
- (b) according to the latest review carried out by TD, there was no urgent need for Route 4. The need and timing for the construction of Route 4 would be subject to regular review. Should there be a need for Route 4 after the commissioning of the WIL and SIL, feasibility studies on alignment options would be initiated by TD, taking into account the environmental impacts of the road alignment on the surrounding land uses; and

- (c) transport studies would be conducted at a strategic and district levels to provide input for land use planning of individual districts and review of relevant OZPs. Traffic impact assessments would be conducted for development proposals involving changes in land use.

39. In response to a Member's question, Ms. Brenda Au clarified that Route 4 was previously known as Route 7, and was planned to provide a connection between the Cross Harbour Tunnel in Causeway Bay and Aberdeen via Kennedy Town. The section of Route 4 from Causeway Bay to Kennedy Town had been completed. The section from Kennedy Town to Aberdeen along the waterfront of Kennedy Town and Mount Davis which would involve reclamation had been abandoned. That was why it was proposed to amend the OZP by deleting the obsolete road alignment. If Route 4 was confirmed to be required again in the future, a new alignment without the need for reclamation would be identified. However, the long-term need of Route 4 could only be confirmed after the commissioning of the SIL and WIL.

40. As the representer's representatives had finished their presentation and Members had no further questions, the Vice-chairman said that the hearing procedures had been completed and that the Board would deliberate on the presentation in their absence and inform them of the Board's decision in due course. The Vice-chairman thanked the representatives of the representer and the government departments for attending the hearing. They all left the meeting at this point.

[Professor Edwin H.W. Chan arrived to join the meeting at this point.]

Deliberation Session

41. A Member said that the concern raised by the representer was valid as the capacity of transport infrastructure of an area was an important consideration in land use planning. Review of the traffic conditions in the areas and the plans for improving the infrastructure to cope with development needs should be carried out. This Member also said that, the Board, in considering various development proposals and amendments to OZPs would base on the advice of TD as to whether the land use proposals were acceptable or not

from traffic point of view. However, no detailed data was submitted to the Board to explain how the advice was worked out.

42. In response, the Secretary said that the amendment to the Kennedy Town & Mount Davis OZP to delete the previous alignment of Route 4 was only technical. The concern raised by the representer on the need for comprehensive traffic study for the area was in fact not related to the subject amendment to the OZP. The THB and TD would undertake strategic review on transport policy and improvements to transport infrastructure. The review findings and recommendations would be taken on board by PlanD in undertaking land use planning for individual areas and reviewing relevant OZPs. PlanD would also work closely with TD in the land use planning process.

43. After further deliberation, the Board noted the representation which was in support of the deletion of the previously proposed alignment of Route 7 as shown on the draft OZP.

[Mr. Felix W. Fong, Ms. Maggie M.K. Chan and Mr. Walter K.L. Chan left the meeting at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/K7/100

Proposed Minor Relaxation of Building Height Restriction
From 80mPD to 85.12mPD for Permitted Residential Use
(TPB Paper No. 8627)

[The hearing was conducted in Cantonese.]

44. Mr. Timothy K.W. Ma had declared an interest in this item as he lived in the area. Members considered that Mr. Ma's interest was not direct as his flat was quite distant from the application site and he could be allowed to stay in the meeting.

Presentation and Question Session

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

Mr. Eric Yue	-	District Planning Officer/Kowloon (DPO/K)
Ms. Keren Seddon)	
Ms. Cindy Tsang)	
Mr. Gary Lui)	Applicant's Representatives
Ms. Janet Ngai)	
Mr. Anthony Pong)	

46. The Vice-chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. Eric Yue to brief Members on the background to the application.

47. With the aid of a Powerpoint presentation, Mr. Eric Yue presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for minor relaxation of building height from 80mPD to 85.12mPD for permitted residential use at a site zoned "Residential (Group B)" ("R(B)") on the approved Ho Man Tin Outline Zoning Plan (OZP);
- (b) on 11.6.2010, the Metro Planning Committee (MPC) decided to reject the application and the reasons were:
 - there were no strong planning justifications and design merits in the submission for the proposed relaxation of the building height restriction; and
 - the applicant had not demonstrated that the proposed redevelopment could not be achieved under the approved building height of 83mPD.

- (c) the applicant had not submitted any written representation in support of the review application;
- (d) the application site was the subject of a previous application (No. A/K7/92) submitted by the same applicant for the proposed minor relaxation of building height restriction from 80mPD to 89.47mPD for the permitted residential use at the site. During the review of the application, the applicant proposed to reduce the building height of the residential development by 2.75m to 86.72mPD. On 5.2.2020, the Board decided on review to relax the building height restriction of the site for 3m from 80mPD to 83mPD. On 23.4.2010, the applicant lodged an appeal to the Town Planning Appeal Board (the Appeal Board) against the above decision;
- (e) the proposed minor relaxation of building height restriction from 80mPD to 85.12mPD under the current application represented a 6.4% (5.12m) increase in building height;
- (f) concerned government departments had no objection to or adverse comments on the review application;
- (g) public comments – during the statutory publication period, 12 public comments on the review application were received. Nine of them objected to the application on the grounds of air quality and air ventilation problems, wall effect of tall building and adverse visual impact, overtaxing of existing public facilities, adverse traffic impact and setting of undesirable precedent. The remaining three comments indicated similar concerns. The commenters opined that further relaxation would have impact on the building height restriction of 80mPD;
- (h) PlanD's views – PlanD did not support the review application based on the assessments set out in paragraph 6 of the Paper and they were summarized as follows:

- (i) the application site was zoned “R(B)” and located in a low to medium-density residential area. Apart from the adjacent residential development, The Lamma Palace, which was about 123.5mPD (main roof level) in height, the heights of the existing buildings in the surrounding area were around 20-50mPD. A maximum building height restriction of 80mPD was imposed on the “R(B)” zone to the north of Argyle Street in order to maintain a smooth transition of building heights, preserve the existing townscape and minimize air ventilation problem caused by excessively tall buildings. In drawing up the height limit, it had been estimated that a plot ratio of 5 could reasonably be accommodated under a building height restriction of 80mPD, taking into account, inter alia, the provision of recreational/clubhouse facilities and car parking spaces provision in accordance with the Hong Kong Planning Standards and Guidelines and the setback requirements under lease;

- (ii) a set of building plans for a proposed residential development at the site was approved by the Building Authority in September 2009. The approved building plans showed a 20-storey residential development at 80mPD (main roof level) with a domestic floor height of 3.05m, a total domestic gross floor area (GFA) of 3,788m² and a plot ratio of 4.92 (i.e. 60m² GFA less than the maximum plot ratio of 5 as stipulated on the OZP), as well as the 6m setback along Boundary Street and 2.3m setbacks along the other three sides of the proposed development;

- (iii) in the review of the previous Application No. A/K7/92 , the Board, having taken into account the special site circumstances and constraints of the site, the setback requirements of the proposed development, and the efforts made by the applicant to reduce the building height of the proposed residential development from 89.47mPD to 86.72mPD, decided that a minor relaxation of

building height for 3m (from 80mPD as shown on the approved building plans to 83mPD) could be given so that the applicant could accommodate the remaining 60m² GFA and fully utilize the GFA permitted on the OZP;

- (iv) in the current application, the applicant proposed to increase the building height restriction to 85.12mPD for achieving the full development potential of the site (i.e. plot ratio of 5) and providing the required level of car parking facilities and on-site loading/unloading facility to avoid disruption to the traffic along Boundary Street. As compared with the previously approved scheme under Application No. A/K7/92, the building height of the current scheme was increased from 83mPD to 85.12mPD by 2.12m (2.55%). However, the applicant had not addressed the TPB's concern by demonstrating that why the remaining 60m² GFA could not be accommodated under the relaxed building height of 83mPD;
- (v) during the review of the previous Application No. A/K7/92, a Member expressed the view that the applicant had not demonstrated that basement development option on the site was not feasible. While claiming that relocating the transformer room to the basement level was not feasible in the current application, the applicant had not explored alternative design such as accommodating the proposed car park and loading/unloading facilities and other uses (e.g. plant room) at basement level under the relaxed building height of 83mPD to address the Board's concern. Although planting and greening were proposed within the site, there were no strong planning justifications and design merits to justify the proposed minor relaxation of building height; and
- (vi) when the application was considered by the MPC, several Members considered that there was insufficient justification in the

submission to justify the proposed minor relaxation. It was considered that the applicant could reduce the floor height of the proposed clubhouse, the domestic storeys, the ground floor lobby, or other uses in order to accommodate the full development potential under the relaxed building height of 83mPD. Another Member opined that the Board had taken heed of different considerations in drawing up the height limit of the area and the building height should be adhered to unless strong and sufficient justifications were provided to justify any proposed minor relaxation of building height restriction. No strong planning justifications and design merits had however been given in the review application to justify the proposed minor relaxation.

48. The Vice-chairman then invited the applicant's representatives to elaborate on the application.

49. With the aid of a Powerpoint presentation, Ms. Karen Seddon made the following main points:

- (a) the applicant paid full premium in 2007 for purchasing the application site, based on the absence of any building height restriction at the time and on the building height of The Lamma Palace adjacent to the site. The imposition of the building height restriction of 80mPD for the site resulted in a sudden loss of legitimate development expectation up to the full potential permitted under the Building (Planning) Regulations;
- (b) the proposal for a conservative increase in building height by 11.8% (9.47m) was submitted by the applicant, but the Board had approved a relaxation of height for 3m only. The case was subject to appeal to be considered by the Appeal Board;
- (c) the current scheme submitted by the applicant, which was even a more conservative scheme with a proposed increase in building height by 6.4% (5.12m) only, was rejected for the reason that there was insufficient

information to demonstrate that the proposed development could not be achieved under the approved building height of 83mPD;

- (d) the Board had overlooked the planning gain of the provision of on-site loading/unloading facility in the proposed development. This could help avoid on-street loading/unloading activities which would create conflict between pedestrian and vehicular traffic;
- (e) the application site was subject to technical constraints because of the setback requirements from 2.3m to 6.0m on all the four sides of the site. As such, it would be very difficult to accommodate all the ancillary facilities within the podium site coverage of less than 60%; and
- (f) the floor-to-floor height of the proposed development had already been reduced to 3.05m, which was up to 8% less than the market norm in the same immediate neighbourhood. The health and general welfare of the future occupants of the flats would be compromised with the low floor headroom.

50. With the aid of a Powerpoint presentation, Mr. Anthony Pong made the following main points:

- (a) relocation of the transformers and switch rooms to the basement had been considered. However, there was a concern of the China Light and Power Company Limited on flooding of major power supply equipment. Hence, the China Light and Power Limited had a general requirement as set out in the relevant code of practice that the transformer room could not take up the lowest basement floor. If the equipment was to be located in basement, at least two levels of basement should be provided. In addition, extra vehicular access for a hoisting truck to service the transformer room on basement was required which would take over extra space on ground level;
- (b) the current layout of the ground floor was very efficient with the E&M

facilities located at the dead end corners which could not be accessed by vehicles. If the E&M facilities were to be relocated to the basement level, the dead end corners could not be put into efficient use;

- (c) the water tanks and pumps were proposed to be located at a dead end corner of the ground floor. If they were to be located at a basement level, the applicant had to provide two additional staircases and two smoke vents to comply with the requirements of the Buildings Department. This would take up extra space on the ground floor;
- (d) the loading/unloading bay could not be located at basement level because of the extra headroom requirement; and
- (e) if the car parks were to be located at basement level, independent staircases, mechanical vent shafts, smoke extraction vents, car lift and passenger lifts would also need to serve the basement level. The lift shafts imposed great hazard to the basement, and flooding of lift shafts was common in Hong Kong. It was not possible to build effective water exclusion measures to basements of buildings with a small footprint. Raising the ground floor to prevent flooding of the basement was a self defeating exercise in the subject development.

51. With the aid of a Powerpoint presentation, Ms. Karen Seddon went on to make the following further points:

- (a) the provision of basement car park for the subject development was against the sustainable development objective, taking into account the need to provide lighting and air ventilation which was considered not energy efficient. The excavation works would create extra construction waste and require extra cost for transporting and dumping of the construction waste;
- (b) the extra height of 2.12m would not create any adverse visual impact and the height difference was not noticeable as shown in the photomontage

viewing from all directions. The Director of Architectural Services also commented that the current scheme, with a proposed building height of 85.12mPD, was architecturally and visually similar to the latest approved scheme. The Chief Town/Urban Design and Landscape of PlanD also had no adverse comment on the proposal;

- (c) approving the application would not set a precedent, as the site was subject to unique constraints. Each application for minor relaxation of building height should be considered on its own merits;
- (d) the applicant had fulfilled all relevant criteria for minor relaxation of building height: (i) amalgamating smaller sites for achieving better design and local area improvements; (ii) providing better streetscape/good quality street level public urban space by setting back of the site on all sides; (iii) provision of on-site loading/unloading facility to avoid on-street loading/unloading activities which would otherwise cause potential disruption to on-street traffic and conflict with pedestrian movement; (iv) providing a number of planning and design merits in terms of enhanced townscape and amenity with the provision of tree planting within the 6m setback from Boundary Street and vertical greening of the podium facades; and
- (e) relaxation of building height restriction was reasonable and consistent with the Government's sustainable development objectives in terms of the negligible impact of the extra 2.12m height and avoidance of the unsustainable element for the construction of a basement.

52. A Member raised the following questions:

- (a) whether it was a mandatory requirement to provide a basement for the proposed development;
- (b) whether it was the applicant's intention to optimize or to maximize the development potential of the site, taking into account the site constraints

including the set back requirements;

- (c) whether there was a market norm for the floor height of a club house and the ground floor lobby.

53. In response, Ms. Karen Seddon and Mr. Anthony Pong made the following main points:

- (a) the 6m setback from Boundary Street was a requirement on the Ho Man Tin Outline Development Plan as well as in the lease. The 2.3m setback on the other three sides of the site was a requirement of the Buildings Department. The applicant had no choice but to comply with the set back requirements;
- (b) under the previous application (No. A/K7/92), the Board had granted a minor relaxation of 3m to allow the applicant to achieve the maximum plot ratio of 5 as permitted on the OZP. Under the current application, the applicant had applied for a further increase in the building height by 2.12m, which was a practical necessity to achieve the full development entitlement as well as to provide an on-site loading/unloading bay;
- (c) there was no mandatory requirement for the construction of basement for the proposed development. The number of podium floors to be built was subject to the maximum permissible under the Buildings (Planning) Regulations and the site coverage was restricted owing to the set back requirements. As a result, the provision of on-site loading/unloading facility would require an increase in building height, either by adding an extra floor or building a basement;
- (d) the currently proposed floor heights of the club house, the car parking floors and the typical domestic floors were all below the norm of the recently completed residential developments in the area. While the domestic floor-to-floor height of the recently completed residential developments in the area ranged from 3.15m to 3.325m, the typical

domestic floor-to-floor height of the proposed development was only 3.05m, which was 8% lower;

- (e) there was no market norm for the floor height of a club house. As regards a car parking floor, the minimum height clearance was 2.4m. The currently proposed floor height of 3.025m was already the minimum floor height required for car parking floor; and
- (f) under the previous scheme approved by the Board, the proposed ground floor height was 5.13m. This was reduced to 4.35m in the current submission.

54. As the applicant's representatives had no further comment to make and Members had no further questions, the Vice-chairman informed the representatives of the applicant that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Vice-chairman thanked the representatives of the applicant and DPO/K for attending the meeting. They all left the meeting at this point.

Deliberation Session

55. A Member opined that the floor height of the typical domestic floors and the car parking floors of the proposed development were not excessive. Further reduction of the floor heights would compromise the living environment of the future residents. This Member also agreed that the construction of a basement might not be a sustainable development.

56. Another Member, however, considered that it should be the responsibility of the developer to optimize the development potential of the site, taking into account the site constraints, the set back requirements and the building height restrictions. This view was shared by another Member. This Member also pointed out that the proposed on-site loading/unloading facility would be used by the residents of the subject development, rather than by the public. Hence, the provision of the on-site loading/unloading facility could not be regarded as a planning gain as argued by the applicant.

57. In response to a Member's question on the background of the case, the Secretary said that the site was zoned "R(B)" with a maximum permitted plot ratio of 5 on the OZP. In the approved building plan, a 20-storey residential development at 80mPD with a plot ratio of 4.92 (i.e. about 60m² GFA less than the maximum plot ratio of 5 stipulated in the OZP) was proposed. During the review of the previous application (No. A/K7/92), the Board, having taken into account the special site circumstances, constraints of the application site and the setback requirements, decided to relax the building height restriction for the application site for 3m from 80mPD to 83mPD so that the applicant could accommodate the remaining 60m² GFA and fully utilize the GFA permitted under the OZP.

58. A Member said that an application for minor relaxation of building height restriction should be considered on planning and design merits, but not on the technical difficulties of achieving the maximum development potential of the site. It was the responsibility of the developer to design the proposed development, taking into account all the site constraints. Moreover, there seemed to be scope for further reducing the floor heights or changing the design of the development, without the need to seek for further relaxation of building height. This Member considered that the application could not be supported. The above views were generally shared by other Members.

59. Another Member opined that an increase in building height of the subject development by 2.12m might not cause significant adverse visual impact on the area. However, as the Board had taken heed of different considerations in drawing up the building height restrictions of the area, such restrictions should be adhered to unless strong planning justifications and design merits were provided to justify any proposed minor relaxation of building height restriction. In this regard, no strong planning justifications and design merits had been given in the review application to justify the proposed minor relaxation. Moreover, the approval of the application would set an undesirable precedent for similar applications.

60. After further deliberation, the Vice-chairman summed up Members' views that the application should not be supported as the applicant had not provided strong justifications in terms of planning gain and design merits in the submission to support the proposed minor relaxation of building height restriction and the applicant had not demonstrated that the

proposed development could not be achieved under the approved building height of 83mPD. Members then went through the reasons for rejecting the application as stated in paragraph 7.1 of the Paper and considered that they were appropriate.

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

- (a) there were no strong planning justifications and design merits in the submission for the proposed relaxation of the building height restriction;
and
- (b) the applicant had not demonstrated that the proposed redevelopment could not be achieved under the approved building height of 83mPD.

[Professor P.P. Ho and Julia M.K. Lau left the meeting at this point.]

62. As the representatives of the government department for Item 6 had not yet arrived, the Vice-chairman suggested and Members agreed to proceed with the hearing of Item 7 first.

Agenda Item 7

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/SK-TLS/37

Proposed Two Small Houses (New Territories Exempted Houses)

in “Green Belt” Zone, Lots 252s.A and 252s.B in DD 226

Tseng Lan Shue Village, Sai Kung

(TPB Paper No. 8624)

[The hearing was conducted in Cantonese.]

63. Mr. Stephen M.W. Yip had declared an interest in this item as he lived near the Tseng Lan Shue area. Members considered that Mr. Yip’s interest was not direct as he lived quite far away from the application site and he could be allowed to stay in the meeting.

Presentation and Question Session

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

Mr. Wilfred Cheng - District Planning Officer/Sai Kung & Island
(DPO/SKIs)

Mr. Charles Yum - Senior Town Planner/Sai Kung & Island
(STP/SKIs)

Mr. Yau Tung Kwei - Applicant

Mr. Kenneth Chan)

Mr. Fung Po Yin)

Ms. Leung Choy Yim) Applicant's Representatives

Mr. Yau Chi Wan)

Ms. Joanna Cheung)

65. The Vice-chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. Charles Yum to brief Members on the background to the application.

66. With the aid of a Powerpoint presentation, Mr. Charles Yum presented the application and covered the following main points as detailed in the Paper:

(a) the applicant sought planning permission for two houses (New Territories Exempted Houses (NTEHs) – Small Houses) in an area zoned “Green Belt” (“GB”) on the Tseng Lan Shue Outline Zoning Plan (OZP);

(b) on 7.5.2010, the Rural and New Town Planning Committee (RNTPC) rejected the application and the reasons were:

- the proposed development did not comply with the Interim Criteria For Assessing Planning Applications for New Territories Exempted

House/Small House in the New Territories as sufficient land had been reserved within the “Village Type Development” (“V”) zone for Tseng Lan Shue Village. No information had been provided to demonstrate that no suitable land was available in the “V” zone for the proposed NTEH development; and

- approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving such applications would result in encroachment of the “GB” zone by development and in a general degradation of the natural environment in the area;
- (c) the application site was located within the “village environs” (“VE”) of Tseng Lan Shue Village and was currently used as a vehicle park;
- (d) the vehicle park at the site was a suspected unauthorized development. The Planning Authority was considering to carry out appropriate enforcement action;
- (e) no written submission in support of the review application was submitted by the applicant;
- (f) departmental comments on the review application were summarized in paragraph 4 of the Paper. Relevant departments had no objection to or no adverse comment on the application, except the Commissioner for Transport who had reservation on the subject application as such type of development should be confined within the “V” zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, such type of development outside the “V” zone would set an undesirable precedent case for similar applications in future;
- (g) public comments – two public comments were received during the statutory exhibition period objecting to the application on the grounds that the proposed development was not in line with the planning intention of

the “GB” zone, incompatible with the character of the area and it would create adverse impact on the existing infrastructure;

- (h) PlanD’s views – PlanD did not support the review application based on the assessments set out in paragraph 6 of the Paper, which were summarized below:
 - (i) the application did not comply with the Interim Criteria for Assessing Planning Applications for New Territories Exempted House/Small House in the New Territories (Interim Criteria) in that adequate land had been reserved in the “V” zone for Tseng Lan Shue Village and there was no shortage of land to meet the Small House demand. According to the District Lands Officer/Sai Kung (DLO/SK), the 10-year Small House demand forecast for Tseng Lan Shue Village was 213. According to the latest estimate by PlanD, about 6.5 ha of land (about 258 Small House sites) were available within the “V” zone of Tseng Lan Shue Village. Therefore, the land available could fully meet the future Small House demand;
 - (ii) although five similar applications for Small House development in the vicinity were approved in 1996, they were approved prior to the endorsement of the Interim Criteria in 2000. Owing to the changes in the planning circumstances, the approval of these similar applications should not be undertaken as a precedent for supporting the subject application. Since 2000, planning applications for NTEH/Small House had been assessed according to the Interim Criteria. Two similar applications in the vicinity of the application site were rejected by the RNTPC for not complying with the Interim Criteria; and
 - (iii) the proposed development was not in line with the planning intention of the “GB” zone on the OZP, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide

passive recreational outlets. There was a general presumption against development in a “GB” zone. Though the application site and its adjacent area had been formed and used as open air vehicle park/repairing workshop, the planning intention of the “GB” zone had remained unchanged. There were no strong planning grounds for the proposed development in the submission which justified a departure from the planning intention of “GB” zone.

67. The Vice-chairman then invited the applicant’s representatives to elaborate on the application.

68. Mr. Kenneth Chan made the following main points:

- (a) the application site had a unique background. The site was located within the “VE” of Tseng Lan Shue Village. The site was zoned “V” before 1994 on the Interim Development Permission Area (IDPA) Plan and Development Permission Area (DPA) Plan for the Tseng Lan Shue area. This implied that the site was suitable for Small House development. The site was rezoned to “GB” on the Tseng Lan Shue OZP in 1994;
- (b) the subject site formed part of a piece of land, the majority of which had been resumed by the Government for carrying out drainage improvement works for the Tseng Lan Shue area. After the completion of the drainage improvement works, only small portions of the land, including the application site, had been left. The application site was at present being used as a vehicle park by the villagers;
- (c) the application site was located more than 20m away from Clear Water Bay Road. This would comply with the guidelines of the Environmental Protection Department for development of village house;
- (d) the site was located at the middle of Tseng Lan Shue Village and there was no reason why the site was not suitable for village house development. All government departments, except the Transport Department (TD), had

no objection to the proposed development. For the comment of TD, it should be noted that the traffic to be generated by the proposed two Small Houses would be insignificant and hence it would not have any adverse traffic impact on the area. Moreover, the site had been used for vehicle parking by the villagers of Tseng Lan Shue Village since 1998. The proposed development of two Small Houses would not generate more traffic as compared to the existing vehicle park. There was no substantial data to support TD's comment on cumulative traffic impact;

- (e) most of the undeveloped sites within the "V" zone of Tseng Lan Shue Village were either private land or owned by Tso Tong. They were not available for Small House development. The remaining undeveloped sites were mainly on the slopes or not accessible by vehicles and hence not suitable for Small House development;
- (f) the site was a formed land, had no vegetation and was currently used as a vehicle park. Hence, the planning intention of the "GB" zone for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets had not been achieved. The proposed two Small Houses would not have adverse impact on the environment as they would not involve clearance of existing natural vegetation and affect the existing natural environment;
- (g) according to the Town Planning Board's Guidelines No. 10 for Development within "GB" zone, new development in a "GB" zone would be considered in exceptional circumstances if the scale and intensity of the proposed development, including the plot ratio, site coverage and building height were compatible with the character of surrounding areas. NTEH developments might be approved if the application sites were in close proximity to existing villages and in keeping with the surrounding uses, and where the development were to meet the demand from indigenous villagers. The proposed two Small Houses under application met the Guidelines; and

- (h) there had been six previous approvals for Small House development within the “GB” zone at Tseng Lan Shue. Approving the subject application would not set an undesirable precedent, given the unique characteristics and background of the site as mentioned above and that every case should be considered by the Board on individual merits.

69. Mr. Yau Tung Kwei made the following main points:

- (a) before 1994, the application site was used for cultivation of plotted plants for sale in the Chinese New Year;
- (b) between 1994 and 1995, the Government resumed some land from his father for drainage improvement works because of the flooding problem in the area. The soil excavated as a result of the drainage improvement works had been dumped in the area and made the area no longer suitable for farming;
- (c) the site was paved in 1997 for holding the ceremony for the celebration of the reunification of Hong Kong and China. After that, the site had been used for parking of vehicles by the villagers;
- (d) the development of two Small Houses would not generate adverse impact on the environment and traffic of the area;
- (e) there was an urgent need to build the Small Houses so that he could live with his children and parents;
- (f) the Lands Department (LandsD) had previously identified Government land for his development of Small Houses, but the sites identified were on the slope and required substantial and expensive site formation works; and
- (g) the villagers were not made known of the rezoning of their land from “V” to “GB” on the OZP in 1994. As such, no objection was raised by the

villagers at that time.

70. Mr. Yau Chi Wan, Village Representative (VR) of Tseng Lan Shue Village, made the following main points:

- (a) he had been the VR of Tseng Lan Shue Village for over 20 years. However, he had not been informed of the rezoning of the subject site from “V” to “GB” on the OZP in 1994;
- (b) because of the drainage improvement works and construction of associated road, only about 3000 sq.ft. of land had been left for Small House development for the villagers;
- (c) PlanD had indicated that about 6.5 ha of land was available within the “V” zone for Small House development. However, after discounting the land that were privately owned and the land owned by the Tso Tong, the Government land available could only accommodate about 15 to 16 Small Houses according to his estimation;
- (d) as for private land, there was only about 300 ‘fen’ agriculture land (about 150,000 sq.ft.) each in the upper part and lower part of Sheung Tseng Lan Shue Village. Since 1996, there had been 70 Small House applications submitted to DLO/SK in the two areas, and only 30 had been approved; and
- (e) there were about 110 indigenous villagers in the village who were entitled to Small House and had yet to submit Small House applications to the DLO/SK. The land within the “V” zone would not be sufficient for meeting all the Small House demand in Tseng Lan Shue Village.

71. In response to a Member’s question, Mr. Wilfred Cheng said that the IDPA Plan and DPA Plan for the Tseng Lan Shue area were prepared within a very short time in order to control unauthorized development in the area at that time. Subsequently, detailed studies of the area were undertaken for the preparation of the OZP. On the first Tseng Lan Shue OZP

exhibited in 1994, the application site, which was covered by vegetation, was zoned “GB”. In 1998, the site was formed and used as an open air vehicle park. Mr. Charles Yum supplemented that the vehicle park at the site was a suspected unauthorized development and an enforcement notice was served to the responsible persons in 1999. After that, the vehicle park had been vacated and a compliance notice was issued by the Planning Authority. The current use of the site as a vehicle park was hence a suspected unauthorized development subject to enforcement action by the Planning Authority.

72. In response to the question raised by Mr. Jimmy C.F. Leung, Mr. Charles Yum said that the Planning Authority was investigating as to whether the workshop near the application site was also a suspected unauthorized development. Appropriate enforcement action would be undertaken if required.

73. Mr. Yau Tung Kwei said that the site occupied by the workshop was private land and it was not owned by the applicant. Mr. Yau Chi Wan supplemented that the workshop had a very long history in this area. It was previously located in another area in the 1990s, but was relocated to the current site after the completion of the drainage improvement works in the area.

74. A Member asked whether it was the intention of the “GB” zone to convert the site, which had already been paved, back to a green area. In response, Mr. Wilfred Cheng said that the site was a green area when the OZP was prepared in 1994 and as such it was zoned “GB” to preserve its greenery. The “GB” zone was also intended to serve as a buffer area between the Clear Water Bay Road and the village type developments to the north.

75. Mr. Fung Po Yin said that the area covering the application site was used for agricultural purpose before 1994. At that time, the area was subject to flooding problem and some land in the village had been resumed by the Government for drainage improvement works. As the application site had been paved for holding ceremony for the celebration of the reunification of Hong Kong with China in 1997, it was later converted for vehicle parking for the villagers.

76. Mr. Kenneth Chan said that the Board should not consider whether the existing vehicle park and workshop in the area were unauthorized development. Since the area was

no longer a green area, the Board should consider whether the planning intention of the “GB” should still be upheld. In addition, it should be noted that the proposed Small House development would improve the environment of the area when compared with the present use as a vehicle park.

77. In response to a Member’s question, the Secretary said that since the application site was at present zoned “GB”, the subject application should be considered under the planning intention of the “GB” zone. If the applicant considered that the “GB” zoning of the site was not appropriate, a s.12A application might be submitted for rezoning the site to other use for the Board’s consideration.

78. In response to the question of the Vice-chairman, Mr. Charles Yum said that the six permissions for Small House development mentioned by the applicant’s representatives were granted prior to the adoption of the Interim Criteria by the Board. Since the promulgation of the Interim Criteria, the Board had not approved any application for Small House development within the subject “GB” zone.

79. As the applicant’s representatives had no further comment to make and Members had no further questions, the Vice-chairman informed the applicant and applicant’s representatives that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absent and inform the applicant of the Board’s decision in due course. The Vice-chairman thanked the applicant and applicant’s representatives and representatives of PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

80. In response to a Member’s question, the Secretary said that there was an established mechanism for calculating and updating of Small House demand for individual village by the relevant District Lands Officers (DLOs) in consultation with the VR. PlanD would base on information provided by DLOs in estimating whether land within the “V” zone was adequate to meet small house demand of the individual village. In estimating the land available for Small House development within the “V” zone, areas such as slopes or with dense vegetation cover were discounted.

81. A Member said that the proposed development was not in line with the planning intention of the “GB” zoning. Appropriateness of the zoning of the area should be considered under a s.12A application. Other Members agreed.

82. Another Member said that the proposed development was not compatible with the adjacent vehicle park and the Clear Water Bay Road nearby. Moreover, approving the subject application would set an undesirable precedent for similar applications.

83. A Member pointed out that the concerns about whether the workshop and the car park were unauthorized development were on the possible nuisance posed to the future residents of the Small Houses if the application was approved.

84. After further deliberation, the Vice-chairman concluded that the application could not be supported as it did not comply with the Interim Criteria for Assessing Planning Applications for New Territories Exempted House/Small House in the New Territories as sufficient land had been reserved within the “V” zone for Tseng Lan Shue Village and approval of the application would set an undesirable precedent for similar applications.

85. Members then went through the reasons for rejecting the application as stated in paragraph 7.1 of the Paper and considered that they were appropriate.

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

- (a) the proposed development did not comply with the Interim Criteria for Assessing Planning Applications for New Territories Exempted House (NTEH)/Small House Development in the New Territories as sufficient land has been reserved within the “V” zone for Tseng Lan Shue Village. No information had been provided to demonstrate that no suitable land was available in the “V” zone for the proposed NTEH development; and
- (b) approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving such applications would

result in encroachment of the “Green Belt” zone by development and in a general degradation of the natural environment in the area.

[Mr. Benny Wong and Professor Eddie C.M. Hui left the meeting at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-KTS/286

Proposed Field Study Centre in “Agriculture” zone

Lots 1493s.B and 1494s.B ss.2 in DD 100, Kwu Tung South, Sheung Shui

(TPB Paper No. 8623)

[The hearing was conducted in Cantonese.]

87. Ms. Pansy L.P. Yau had declared an interest in this item as her family lived in the area in which the application site was located. Members considered that Ms. Yau’s interest was not direct as her family’s house was quite far away from the application site and she could be allowed to stay in the meeting.

Presentation and Question Session

88. The following representatives of the government departments and the applicant were invited to the meeting at this point:

- | | | |
|--------------------|---|--|
| Mr. Hui Wai Keung | - | District Planning Officer/Shai Tin, Tai Po and North, Planning Department (DPO/STN, PlanD) |
| Mr. Lam Kwong Shun | - | Senior Engineer/North, Transport Department (SE/N, TD) |
| Mr. Wong Kin Nam | - | Engineer/North, Transport Department (E/N, TD) |
| Mr. Yuen Chung Hei | - | Applicant's Representative |

89. The Vice-chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. Hui Wai Keung, DPO/STN, to brief Members on the background to the application.

90. With the aid of plans, Mr. Hui Wai Keung, DPO/STN, presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for a field study centre at a site zoned “Agriculture” (“AGR”) on Kwu Tung South Outline Zoning Plan (OZP);
- (b) on 7.5.2010, the Rural and New Town Planning Committee (RNTPC) rejected the application and the reasons were:
 - the application was not in line with the planning intention of the “AGR” zone in Kwu Tung South area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation. The submission was not justifiable for a departure from the planning intention;
 - the applicant had failed to provide information to demonstrate that the proposed development would not have adverse traffic impact to the surrounding areas; and
 - the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone which would result in a general degradation of the environment in the area;
- (c) no written submission in support of the review application was submitted by the applicant;
- (d) the development at the site was an authorized development subject to enforcement action by the Planning Authority;

- (e) departmental comments on the review application were summarized in paragraph 4 of the Paper. The Commissioner for Transport (C for T) could not offer support to the application at this stage. He advised that while the applicant had confirmed that the maximum number of visitors to the proposed field study centre was 100 and two coaches could come and go on any individual day, information on the size (length) of the coaches and the number of vehicle trips was still outstanding. For the proposed loading/unloading areas outside the application site, the applicant should substantiate whether the existing footpath at the lay-by of Fan Kam Road could accommodate 100 visitors queuing for pick up and drop off and seek prior agreement from the management agent of the other two proposed pick-up and drop-off areas for using the right-of-way. For vehicular access connecting the loading/unloading areas to/from Fan Kam Road, the applicant should take note that no vehicle reversing at Fan Kam Road was allowed. C for T also advised that it might not be feasible to provide pick-up/drop-off within the application site due to the existing stringent site constraints. The applicant site did not have frontage at Fan Kam Road and the applicant needed to demonstrate that he had been granted the right to have vehicular access through government land/private land owned by others. There were many trees along the concerned section of Fan Kam Road. The applicant should demonstrate that there was sufficient land clear from obstruction/trees to form a proper vehicular run-in. For vehicles crossing the Dongjiang water mains, the applicant might need to seek the agreement from the Water Supplies Department (WSD). The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation. With good accessibility, the application site was considered suitable for operating nursery garden and greenhouse cultivation. The District Officer/North advised that the Chairman of Sheung Shui District Rural Committee, Inhabitant Indigenous' Representative and Residents' Representative (RR) of Lin Tong Mei, RR of Tsiu Keng and RR of Ying Pun raised objection to the application as the proposed development would have adverse

impacts on traffic, road/pedestrian safety, 'fung shui', and environment of the surrounding areas, and would affect the structures of Dongjiang water mains nearby. The concerned North District Council (NDC) member raised an objection to the application on traffic grounds;

(f) public comments - three public comments were received during the statutory publication period. A NDC member raised strong objection on traffic grounds as Fan Kam Road was narrow and busy, and the local congestion would be further worsened if the application was approved. Another commenter objected to the application mainly on the grounds that it was not in line with the planning intention of the "AGR" zone, the site had high potential of agricultural rehabilitation and the provision of lay-by within the site might not be feasible. A member of the public had no comment on the application;

(g) PlanD's views - PlanD did not support the review application based on the assessments set out in paragraph 6 of the Paper, which were summarized below:

- the application was not in line with the planning intention of the "AGR" zone in Kwu Tung South area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC did not support the application from the agricultural development point of view as the application site had high potential for agricultural rehabilitation and was considered suitable for nursery garden and greenhouse cultivation use;
- C for T advised that he could not support the application at this stage for the reasons mentioned in paragraph 90(e) above. In this regards, it was considered that the applicant failed to demonstrate that the proposed development would not have adverse traffic impact to the surrounding areas;

- no previous or similar application in this “AGR” zone had been approved and approving the application would set an undesirable precedent for similar applications within the “AGR” zone, the cumulative impact of which would result in a general degradation of the environment in the area; and
- there were local objections against the proposed development on grounds that the proposed development would have adverse impacts on traffic, road/pedestrian safety, ‘fung shui’ and environment of the surrounding areas, and would affect the structures of Dongjiang water mains nearby.

91. The Vice-chairman then invited the applicant’s representative to elaborate on the application.

92. Mr. Yuen Chung Hei made the following main points:

- (a) the applicant, Hong Kong Survival Game Association (the Association), was an organization formed by volunteers and registered with the Hong Kong Police Force. Since 1998, the Association had been invited by the Social Welfare Department to assist launching of an on-going anti-drug scheme to offer wilderness life and survival skill training through adventures. The Association had been providing youth training courses for social organizations and schools from time to time;
- (b) in 2009, the late landowner of the applicant site agreed to lend the site to the applicant for running a social enterprise on a self-financing basis;
- (c) the proposed field study centre would be served by coaches of 11m long. The maximum number of visitors to the field study centre would be 100 and there would be two coaches visiting the site each time, with two trips going in and out of the site;

- (d) the loading/unloading area would be provided within the site. It was confirmed with the landowner of the site that according to the lease, there was a right-of-way on the site which allowed vehicular access;
- (e) the traffic generated by the proposed development would be similar to the traffic generated by one to two village houses or by agricultural use of the site. The recently approved residential development at Lin Tong Mei would generate much more traffic to the area when compared to the proposed development;
- (f) the site had been lying fallow for a long time. Subsequently, it had been used for dumping of construction waste and was therefore considered no longer suitable for agricultural purposes;
- (g) six large *Cinnamomum camphora* were found within the site, and the crown of the trees covered over 70% of the site which made the site not suitable for cultivation. There were also large-scale nurseries in the nearby area which made nursery use of the application site not competitive or financially viable; and
- (h) the proposed development would help make good use of the site to provide service to the youth through adventure training, survival skills and farming lessons (in which participants could learn farming and use the natural resources to meet their basic needs for food and water) so as to help them to diversify their development, cultivate proper values and positive attitudes and learn to deal with adversity.

93. In response to a Member's question, Mr. Hui Wai Keung, DPO/STN, referred to Plan R-2 of the Paper and said that the water works reserve of the Dongjiang water mains ran parallel to Fan Kam Road. WSD had no in-principle objection to the proposed development.

94. In response to another Member's question, Mr. Lam Kwong Shun, SE/N, said that the applicant's representative had mentioned just now that there would be on-site

loading/unloading facilities and vehicular access into the site. However, as such information was not provided to TD beforehand, he needed more time to study the applicant's proposal and he could not offer any comment on the feasibility of the applicant's proposal at the meeting.

95. In response to a Member's question on the nature of activities to be run in the proposed field study centre, Mr. Yuen Chung Hei said that participants of the training courses were to experience farming only so as to help them learn some farming skills. No real cultivation would be practised. In fact, the site which had been used for dumping of construction waste was not suitable for cultivation. As for the adventure training, instead of the traditional hardware type of adventure activities like rope course, participants of the adventure activities would be asked to do something that they had not done before such as using the natural resources to meet their basic needs such as food and water.

96. In response to some Members' questions, Mr. Yuen Chung Hei provided the following information:

- (a) the ingress/egress of the proposed development would be provided within the site and the applicant was willing to fulfil all requirements of TD on loading/unloading activities of the proposed development;
- (b) the field study centre was not in operation now. In response to the enforcement notice issued by the Planning Authority, the construction works at the site had ceased;
- (c) as the site was previously used for dumping of construction waste, it would be paved and planted with grass later. The applicant would carry out a safety assessment for the site;
- (d) 4 container-converted structures would be installed at the site which would be used as office and toilets of the field study centre;
- (e) the Association was run by volunteer trainers with independent management. Funding was donated by the chairman of the Association.

Although the organizers were all volunteers, they had obtained professional training on wilderness life and survival skill;

- (f) the Association was an organization registered with the Hong Kong Police Force. It would hold different activities and participants might need to pay for the activities. The applicant would also take out insurance for the running of the adventure activities; and
- (g) the application site was not owned by the applicant and the landowner agreed to lend the site to the applicant without rent for organizing social service activities for three years. Any waiver fee if required under the lease would be paid by the applicant.

97. A Member said that in order to sort out any outstanding issues and to submit relevant information and assessment to the Board for consideration, the applicant could consider whether to seek a deferral of the review pending submission of further information by the applicant.

[Mr. Laurence L.J. Li left the meeting at this point.]

98. In response to Mr. Yuen Chung Hei's enquiry, the Secretary said that it was the responsibility of the applicant to provide all the necessary information and justifications in support of the proposed development for consideration of the Board prior to the review hearing.

99. Mr. Yuen Chung Hei then indicated that he would like to apply for deferral of the Board's consideration of the review application in order that further information could be submitted to address Members' comments.

100. In response, the Vice-chairman said that the Board would consider his request for deferral. The applicant's representative and representatives of the government departments were invited to leave the meeting temporarily at this point. The applicant's representative was informed that the Board's decision on his request for deferral would be made know to both parties after the Board's consideration.

101. The applicant's representative and representatives of the government departments left the meeting temporarily at this point.

Deliberation Session

102. The Secretary said that according to the Board's Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications, in considering a request for deferment, the Board should take into account all relevant factors and whether the right or interest of other concerned parties would be affected and the period for deferment. In the subject case, as the request for deferral was only raised at the review hearing, the Board should consider whether the request should be entertained. Alternatively, if the Board considered that a decision could be made based on the information as submitted for the review by the applicant, the Board could refuse the deferral request. If the Board considered that further information was required to address technical concerns raised by relevant departments, the Board might defer a decision on the application and ask the applicant to submit further information.

103. A Member said that while the applicant's representative indicated that there would be farming training provided, he also mentioned that no real cultivation activities would be carried out in the field study centre because of the construction waste at the site. In this regard, the nature of the activities to be run in the proposed field study centre was not clear. A Member said that sufficient time had been given to the applicant to provide information to substantiate his case. Such a late deferral request should not be granted. There were doubts as to whether the traffic concerns could be addressed based on TD's assessment at the hearing.

104. Another Member said that as the applicant had not submitted any information to demonstrate that the proposed development was compatible with the planning intention of the "AGR" zone, the application could not be approved. The deferral of the review for the applicant to submit technical proposal could not help to resolve this fundamental concern. Members agreed.

105. After further deliberation, the Board decided not to accede to the request for deferral.

106. The applicant's representative and representatives from the government departments were invited to join the meeting again. The Vice-chairman informed the applicant's representative that the Board did not agree to his request for deferral and decided to proceed with the review hearing as sufficient time had been given for him to submit all the relevant information to the Board for consideration of the review. He asked if the applicant's representative had any more points to raise.

107. Mr. Yuen Chung Hei said that the applicant would fulfil all requirements of TD on loading/unloading activities of the proposed development. The Association would make sure the safety of the participants in the field study centre and would take out insurance for the running of the activities and training courses.

108. As the applicant's representative had no further comment to make and Members had no further questions, the Vice-chairman informed the representative of the applicant that the hearing procedures for the review had been completed and the Board would further deliberate on the application in his absent and inform the applicant of the Board's decision in due course. The Vice-chairman thanked the representative of the applicant and the government departments for attending the meeting. They all left the meeting at this point.

Deliberation Session

109. After further deliberation, the Vice-chairman concluded that the application could not be approved as the proposed development was not in line with the planning intention of the "AGR" zone, the applicant had failed to provide information to demonstrate that the proposed development would not have adverse traffic impact to the surrounding areas, and that the approval of the application would set an undesirable precedent for similar applications within the "AGR" zone which would result in a general degradation of the environment in the area.

110. Members then went through the reasons for rejecting the application as stated in paragraph 7.1 of the Paper and considered that they were appropriate.

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

- (a) the application was not in line with the planning intention of the “AGR” zone in Kwu Tung South area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation. The submission was not justifiable for a departure from the planning intention;
- (b) the applicant had failed to provide information to demonstrate that the proposed development would not have adverse traffic impact to the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone which would result in a general degradation of the environment in the area.

Agenda Item 8

[Open Meeting]

Request for Deferral for Review of Application No. A/YL-TYST/467

Proposed Temporary Open Storage of Recyclable Materials (including Metal and Plastic) for a Period of 3 Years in “Village Type Development” zone,

Lots 287 (Part), 296 (Part), 298 (Part), 300 (Part), 301 (Part), 302 s.A (Part),

302 RP (Part), 303 (Part) and 304 (Part) in D.D.119,

Tong Yan San Tsuen, Yuen Long

(TPB Paper No. 8625)

[The meeting was conducted in Cantonese.]

112. The Secretary briefed Members on the background on the review application. The applicant sought review of RNTPC’s decision to reject the application for temporary open storage of recyclable materials (including metal and plastic) for a period of 3 years at

the application site. On 23.8.2010, the applicant wrote to the Secretary of the Board requesting the Board to defer making a decision on the review application for two months in order to allow time for him to submit further information to substantiate the review application and address departmental and public comments. The justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications in that the applicant needed more time to submit further information to substantiate the review application and address departmental and public comments, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

113. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant in order to allow time for the applicant to prepare submission of further information. The Board also agreed that the application should be submitted to the Board for consideration within three months from the date of receipt of further information from the applicant. The Board also agreed to advise the applicant that two months were allowed for preparation of submission of the 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/139-1

Proposed Class B Amendments to the Approved Master Layout Plan
under Application No. A/YL/139

Proposed Comprehensive Commercial/Residential Development and Proposed Vehicular/
Pedestrian Bridge with Retail Use in “Comprehensive Development Area” zone and an Area
shown as “Road”, Yuen Long Town Lot No. 507, Area 15, Yuen Long Town

(TPB Paper No. 8626)

[The meeting was conducted in Cantonese.]

114. Mr. Y.K. Cheng had declared an interest in this item as the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK) and Mr. Y. K. Cheng had

current business dealings with SHK. Members noted that Mr. Cheng had tendered an apology for not being able to attend the meeting.

115. The Secretary briefed Members on the background on the review application. The applicant sought review of RNTPC's decision on 28.5.2010 to impose an approval condition (g) i.e. "the design and provision of noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the Town Planning Board" in approving the proposed Class B amendments to the approved master layout plan under Application No. A/YL/139 for a proposed comprehensive commercial/residential development and proposed vehicular/pedestrian bridge with retail use at the application site. On 26.8.2010, the applicant wrote to the Secretary of the Board requesting the Board to defer making a decision on the review application for three months to allow time for him to continue the liaison with the Environmental Protection Department (EPD) and the Mass Transit Railway Corporation Limited (MTRCL) on the technical issues relating to the mitigation of possible railway noise impact on the proposed development. The justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications in that the applicant needed more time to continue the liaison with the EPD and the MTRCL on the technical issues relating to the mitigation of possible railway noise impact on the proposed development, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties. The Secretary said that according to Guidelines No. 33, normally two months would be given for the applicant to prepare further information.

116. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant in order to allow time for the applicant to prepare submission of further information. The Board also agreed that the application should be submitted to the Board for consideration within three months from the date of receipt of further information from the applicant. The Board also agreed to advise the applicant that two months were allowed for preparation of submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 10

[Open Meeting]

Confirmation of Proposed Amendments and Submission of Draft Sham Chung Outline Zoning Plan to the Chief Executive in Council for Approval
(TPB Paper No. 8629)

[The meeting was conducted in Cantonese.]

117. The Secretary briefly introduced the Paper. He said that on 23.1.2009, the draft Sham Chung Outline Zoning Plan (OZP) No. S/NE-SC/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). 45 representations (one later withdrawn) were received. No comment on the representations was received. On 4.6.2010, after considering the representations, the Board decided to propose amendments to the draft OZP to partially meet the representations. On 23.7.2010, the proposed amendments were published for public inspection under section 6C(1) of the Ordinance. No further representation was received. In accordance with section 6G of the Ordinance, the Plan should be amended by the proposed amendments.

118. The Secretary continued to point out that on 18.12.2009, the draft Sham Chung OZP No. S/NE-SC/2, incorporating amendment to add “Social Welfare Facility” under column 2 of the Notes of the “Green Belt” zone, was exhibited for public inspection under section 7 of the Ordinance. One supporting representation was received and no comment on the representation was received.

119. After deliberation, the Board

- (a) noted that there was no further representation on the proposed amendments to the draft Sham Chung OZP. In accordance with section 6G of the Ordinance, the draft Sham Chung OZP should be amended by the proposed amendments and the revised Explanatory Statement (ES) at Annexes I and II of the Paper;
- (b) agreed that the draft Sham Chung OZP No. S/NE-SC/2A and its Notes at Annexes III and IV of the Paper were suitable for submission to the Chief

Executive in Council (CE in C) for approval under section 8 of the Ordinance;

- (c) endorsed the updated ES of the draft Sham Chung OZP at Annex V as an expression of the planning intention and objectives of the Board for the various land use zonings on the draft Sham Chung OZP and issued under the name of the Board; and
- (d) agreed that the updated ES was suitable for submission to the CE in C together with the draft Shum Chung OZP.

Agenda Item 11

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

120. There being no other business, the meeting was closed at 3:00 p.m.