

**Minutes of 974th Meeting of the
Town Planning Board held on 21.1.2011**

Present

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

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. K.Y. Leung

Mr. Walter K.L. Chan

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Mr. Maurice W.M. Lee

Mr. Timothy K.W. Ma

Dr. Winnie S.M. Tang

Professor Eddie C.M. Hui

Dr. C.P. Lau

Mr. Clarence W.C. Leung

Dr. W.K. Lo

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Professor S.C. Wong

Ms. Pansy L.P. Yau

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Principal Assistant Secretary (Transport 3)

Transport and Housing Bureau

Mr. Fletch Chan

Deputy Director of Environmental Protection (1)

Mr. Benny Wong

Director of Lands

Miss Annie Tam

Director of Planning

Mr. Jimmy Leung

Deputy Director of Planning/District

Miss Ophelia Wong

Secretary

Absent with Apologies

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Mr. Rock C.N. Chen

Professor P.P. Ho

Ms. Julia M.K. Lau

Professor Joseph H.W. Lee

Mr. Laurence L.J. Li

Assistant Director (2), Home Affairs Department

Mr. Andrew Tsang

In Attendance

Assistant Director of Planning/Board

Mr. Lau Sing

Chief Town Planner/Town Planning Board

Miss H.Y. Chu (am)

Ms. Christine Tse (pm)

Senior Town Planner/Town Planning Board

Ms. Maggie Chin (am)

Town Planner / Town Planning Board

Ms. Johanna W.Y. Cheng (pm)

Agenda Item 1
[Open Meeting]

Confirmation of Minutes of the 973rd Meeting held on 7.1.2011

[The meeting was conducted in Cantonese.]

1. The minutes of the 973rd Meeting held on 7.1.2011 were confirmed without amendments.

[Mr. Fletch Chan and Dr. James C.W. Lau arrived to join the meeting at this point of time.]

Agenda Item 2
[Open Meeting]

Matters Arising

Proposed Amendments to the Planning Brief for the

Proposed Developments at the Ex-North Point Estate Site, North Point

[The meeting was conducted in Cantonese.]

2. The following Members had declared interests on the item:

Mr. B.W. Chan	- owned a flat in Braemar Hill Mansion
Ms. Anna S.Y. Kwong	- owned a flat on Cloud View Road
Dr. James C.W. Lau	- owned a flat at Braemar Hill Road
Mr. Roger K.H. Luk	- owned a flat in City Garden
Ms. Anita W.T. Ma	- owned a flat in Island Place
Mr. K.Y. Leung	- owned a flat on Cloud View Road

3. The Secretary said that since the current item was related to plan-making, it was the Board's practice that Members could stay in the meeting after declaring their interests. The meeting noted that amongst the Members who had declared interests, Mr. B.W. Chan, Ms. Anna S.Y. Kwong and Ms. Anita Ma had not yet arrived to join the meeting. The Meeting agreed that the other Members who had declared interests could stay in the meeting.

4. The Secretary briefed Members on the proposed amendments to the endorsed Planning Brief (PB) as detailed in the Paper. On 3.9.2010, the Board considered the representations and comments in respect of the draft North Point Outline Zoning Plan (OZP) No. S/H8/23 relating to the rezoning of the major part of the site to “Comprehensive Development Area (3)” (“CDA(3)”). The Board decided not to uphold the representations. However, Members noted that while the endorsed PB for the ex-North Point Estate site (the Site) had set out some requirements on the podium development to avoid adverse visual and ventilation impacts, additional guidelines should be added to avoid bulky podium structure development on the site. Members agreed that the Planning Department (PlanD) should strengthen the relevant sections of the PB to achieve this. PlanD also took the opportunity to take on board some amendments mainly to reflect the latest circumstances.

5. The proposed amendments to the PB were summarized as follows:

Avoid Bulky Structure Development

- (a) to avoid bulky podium structure development at the site, the Notes of the OZP for the “CDA(3)” zone and the PB (Items 2, 10 and 15 of the PB) had already stipulated the requirement of providing the car park and public coach park in the basement. It was proposed that the adoption of permeable and terraced podium design be added under the Urban Design Considerations section (Item 10) of the PB. It was also proposed that the intention that the waterfront promenade should be excluded from the site area in calculating the maximum site coverage of the development on the site be clarified under Item 9 of the PB;

Public Transport Terminus

- (b) a public transport terminus (PTT) was originally planned at the “CDA(3)” zone and it was marked in the central part of the site on the Development Concept Plan (Plan 5 of the PB) for illustration purposes. Based on the findings of a recent traffic review, Transport Department (TD) now proposed to locate the PTT at the eastern part of the site. Plan 5 was

therefore amended to reflect the latest intended location of the PTT;

Updated Requirements of Public Toilet

- (c) as stated in item 13 of the PB, a public toilet with a gross floor area (GFA) of not less than 40m² should be provided within the PTT. The Food and Environmental Hygiene Department had recently requested to increase the GFA of the public toilet by 70m², i.e. from 40m² to 110m², to provide a toilet with modernised facilities and to comply with the prevailing barrier-free access requirements. TD had agreed that GFA of the PTT could be correspondingly reduced by 70m², i.e. from 7,340m² to 7,270m². The total non-domestic GFA for the site remained unchanged. It was therefore proposed that the PB (Items 7, 13 and 14) be amended to reflect the updated requirements;

Pedestrian Subway

- (d) a pedestrian subway was proposed to link up the site and North Point MTR Station on the other side of Java Road. It was stated under Item 16 of the PB that the future developer was required to design, construct, manage and maintain the subway. The Government's latest intention was to take up such responsibility itself, and the future developer would only be required to make provision within the development for a connection to the proposed subway. The PB was proposed to be amended to reflect the latest requirement; and

Other Technical Amendments

- (e) the zoning of Site B and the development parameters specified under the Notes of the "CDA(3)" zone were incorporated into Item 2 of the PB to reflect the current OZP provisions. Plan 6 of the PB provided a detailed layout of a notional scheme for illustration purpose. In view of the specific building frontage and separation requirements under the approval conditions attached to the planning permission for the hotel development on Site A and the change in location of the PTT, the scheme would no

longer be valid and Plan 6 would have to be deleted from the PB. Other technical amendments were also included.

6. After deliberation, Members agreed to the proposed amendments to the PB as set out in the Paper.

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments
in Respect of the Draft Central District Outline Zoning Plan No. S/H4/13
(TPB Papers No. 8702 and 8703)

[The hearing was conducted in Cantonese and English.]

Group 1 Representations No. R1 to R5 and Comments No. C1 to C5

(TPB Paper No. 8702)

Presentation and Question Session

7. The Secretary reported that as the Urban Renewal Authority (URA) was tasked to conserve and revitalise the Central Market, the following Members had declared interests on the item:

Mr. Jimmy Leung] being non-executive directors of
as the Director of Planning (D of Plan)] URA

Ms. Annie Tam]
as the Director of Lands]

Mr. Walter K.L. Chan]

Mr. Andrew Tsang : being an assistant to the Director
as the Assistant Director of Home of Home Affairs who was a
Affairs non-executive director of URA

Mr. Maurice W.M. Lee] being former non-executive
directors of URA with the

Mr. Stephen M.W. Yip] term of office ended on 30.11.2008
Mr. B.W. Chan	: being the chairman of the Appeal Board Panel under the URA Ordinance
Dr. James C.W.Lau	: being a member of the Appeal Board Panel under the URA Ordinance
Professor Edwin H.W. Chan] being members of the Home Purchase Allowance (HPA)
Ms. Maggie M.K. Chan] Appeals Committee
Mr. Raymond Y.M. Chan]
Professor P.P. Ho	: having current business dealings with URA

8. As the HPA Appeals Committee was not appointed by or under the URA, the Meeting agreed that the interests of Professor Edwin H.W. Chan, Ms. Maggie M.K. Chan and Mr. Raymond Y.M. Chan were indirect and that they should be allowed to stay in the meeting. For Mr. B.W. Chan and Dr. James C.W. Lau, Members considered that the Appeal Board Panel under the URA Ordinance was to hear appeals lodged by objectors affected by development projects under the URA Ordinance, the interests of Mr. B.W. Chan and Dr. James Lau were indirect and that they should be allowed to stay in the meeting. Members considered that the interests of other Members were direct and that they should be invited to withdraw from the meeting. Members noted that Mr. Walter K.L. Chan, Ms. Annie Tam, Mr. B.W. Chan and Mr. Stephen M.W. Yip had tendered apologies for not being able to attend the morning session of the meeting whilst Mr. Andrew Tsang, Ms. Maggie M.K. Chan, Mr. Raymond Y.M. Chan and Professor P.P. Ho had tendered apologies for not being able to attend the meeting. Members also noted that Mr. Maurice W.M. Lee had not yet arrived to join the meeting. Mr. Jimmy Leung was invited to withdraw from the meeting.

[Mr. Jimmy Leung left the meeting temporarily at the point of time.]

9. As sufficient notice had been given to invite the representers and commenters to

attend the hearing, Members agreed to proceed with the hearing of representations in the absence of other representers and commenter who had indicated that they would not attend or did not reply to the invitation to this meeting. Members also noted that C5 had informed the Secretariat of the Board that she would not attend the hearing and had submitted some written comments for Members' consideration. A copy of C5's e-mail dated 17.11.2010 had been tabled at the meeting.

[Professor Edwin H.W. Chan and Dr. W.K. Lo arrived to join the meeting at this point of time.]

10. The following representatives from the government departments, representers and commenters were invited to the meeting at this point:

- | | |
|-----------------|--|
| Ms. Brenda Au | - District Planning Officer /Hong Kong (DPO/HK)
Planning Department (PlanD) |
| Ms. April Kun | - Senior Town Planner/Hong Kong, PlanD |
| Mr. K.W. Ng | Senior Town Planner/Special Duties,
PlanD |
| Mr. Kenneth Tam | - Chief Heritage Manager (Antiquities and Monuments), Leisure and Cultural Services Department |

R2 and C4 : Central and Western Concern Group

- | | |
|-----------------|-------------------------------|
| Mr. John Batten | - Representative of R2 and C4 |
|-----------------|-------------------------------|

R3 : Masterplan Limited

- | | |
|------------------|------------------------|
| Mr. Ian Brownlee | - Representative of R3 |
|------------------|------------------------|

R4 : Central Oasis Community Advisory Committee

- | | |
|-------------------------|-------------------------|
| Professor Lung Ping Yee |] Representatives of R4 |
| Ms. Cheng Lai King |] |

Mr. Chan Hok Fung]
Mr. Michael Ma]
Ms. Iris Tam]
Mr. Wilfred Au]
Mr. K.K. Kwan]
Mr. Chan Kit]

C2

Ms. Katty Law Ngar Ning - Commenter

C3

Mr. Lee Ho Yin - Commenter

11. The Chairman extended a welcome and explained the procedures of the hearing. He then invited DPO/HK to brief Members on the representations.

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

- (a) on 16.7.2010, the draft Central District Outline Zoning Plan No. S/H4/13 (the OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of eight representations were received. On 24.9.2010, the representations were published for public comments. During the three-week publication period, seven comments were received;
- (b) the five representations (R1 to R5) in group 1 were related to the Central Market and/or Murray Building sites. R1 to R3 opposed Amendment Item A on the rezoning of the Central Market site. They considered that more stringent control should be imposed to ensure preservation of the building. R4 opposed the building height

restriction (BHR) imposed on the site. R1 supported and R2 commented on Amendment Item B relating to the rezoning of the Murray Building site, while R5 opposed the rezoning of the building for hotel development;

- (c) the background to the representation sites as detailed in paragraph 3 of the Paper:

Central Market Site

- i) the Chief Executive mentioned in the 2009-10 Policy Address the concept of “Progressive Development” that emphasized the need for economic development to go hand in hand with cultural and environmental conservation. Being one of the innovative projects under the Conserving Central policy initiative, the Central Market site had been removed from the List of Sites for Sales by Application, and URA was tasked to revitalize Central Market into a “Central Oasis” to provide some much needed space and greenery in Central mainly to serve the working population in Central;
- ii) to facilitate the implementation of this revitalization project, the site had been rezoned from the previous “OU” annotated “Bus Terminus, Open Space and Commercial Development” to “OU” annotated “Building with Historical and Architectural Interests Preserved for Commercial, Cultural and/or Community Uses”;
- iii) the planning intention of the subject “OU” zone was to preserve the facades and special architectural features of the existing Central Market building, and to revitalize the building for commercial, cultural and/or community uses with the provision of public open space, mainly in the form of roof garden, to provide a leisure space and greenery for the working population

in Central, the general public and tourists;

- iv) for proper planning control, the following development requirements were stipulated in the Notes of the OZP:
 - a. any new development, or major addition, alteration and/or modification to, or any demolition of the facades and special architectural features of the building required permission from the Board under s.16 of the Ordinance;
 - b. a maximum BHR of four storeys or the height of the existing building, whichever was the greater;
 - c. provision of public open space of not less than 1,000m²; and
 - d. based on the individual merits of a development proposal, minor relaxation of the BHR might be considered by the Board on application under s.16 of the Ordinance;

Murray Building Site

- v) the conversion of Murray Building into hotel use was also one of the innovative projects under the Conserving Central policy initiative. Murray Building would be vacated by end 2011 upon relocation of the existing offices to the new Central Government Complex at Tamar. The building was intended to be converted for hotel use given its prime location in Central and land use compatibility with the surrounding areas. To facilitate the implementation of this revitalization project, the Murray Building site had been rezoned from “G/IC” to “OU” annotated “Building with Architectural Merits Preserved for Hotel Use”;
- vi) the planning intention of the “OU” zone for the Murray Building site was to preserve the building facade of the existing Murray Building for hotel use with the provision of public open space;

- vii) for proper planning control, the following requirements were stipulated in the Notes/Explanatory Statement of the OZP:
- a. any new development or any demolition of the existing building, including the building facade and the elevated road link from Cotton Tree Drive, required planning permission from the Board;
 - b. no new development, or addition, alteration and/or modification to the existing building shall result in any addition on the roof in excess of a GFA of 880m² and on the podium deck in excess of a GFA of 400m²; a total development in excess of 115mPD for the additional structures on the roof, 23mPD for the existing podium deck, and 26mPD for the southeastern portion of site;
 - c. provision of public open space of not less than 370m²; and
 - d. based on the individual merits of a development proposal, minor relaxation of the BHR might be considered by the Board on application under s.16 of the Ordinance;

[Dr. Winnie S.M. Tang and Mr. Y.K. Cheng arrived to join the meeting at this point of time.]

- (d) the main grounds of representations and their proposals were summarised in paragraph 2.3 of the Paper and highlighted below:

Amendment Item A : Rezoning of the Central Market Site

- (e) R1 to R3 opposed the rezoning of the Central Market site. Their major grounds and proposals were :

Planning Intention and Preservation Control

- i) the planning intention was too narrow. It should relate to the preservation of the whole building (R3);

- ii) the preservation controls stipulated in the OZP were not enough (R1);
- iii) the OZP was vague about what the building's important architectural features were (R2);

Permitted Uses

- iv) no commercial, cultural and community uses on the site should be allowed (R1);
- v) many uses under the broad category of 'Place of Recreation, Sports or Culture' use were completely unsuited to the building and were considered to be threatening to the architectural features and the structure of the building (R3);

Open Space Requirement

- vi) the public open space requirement for 1,000m² might interfere with the physical structure of the building. It would threaten the preservation of the architectural values and the structure of the building (R2 and R3);

Proposals

Planning Intention and Preservation Control

- vii) Central Market should be given a grading. Development on the site should be restricted. The original appearance of the building should be preserved. The building facade and the existing building form should be maintained (R1);
- viii) the aim for the renovation of the historic Central Market must be for preservation. A heritage conservation plan must be submitted with a master layout plan and the proposed uses must

be clearly identified and subject to approval of the Board before renovation was undertaken (R2);

- ix) the planning intention should be for preservation of the whole building (R3);

Permitted Uses

- x) commercial and cultural uses should be deleted from the annotated uses (R1);
- xi) a floor of Central Market could be renovated as an exhibition area and 'exhibition hall' should be included as an always permitted use (R2);
- xii) 'Place of Recreation, Sports or Culture' use should be moved from Column 1 use to Column 2 use (R3);

Open Space Requirement

- xiii) a structural investigation should be carried out to ascertain the feasibility of providing a rooftop garden (R2);
- xiv) no development on the rooftop should be allowed (R1). The public open space provision requirement should be deleted (R3);

Other Aspects

- xv) either Queen Victoria Street or Jubilee Street could be pedestrianized (R3);
- xvi) the existing escalator should be removed (R1);
- xvii) the historic name of "Central Market" should be used for the site (R2);

(f) R4 opposed the BHR for the Central Market site. The major grounds of representation and proposal were :

- i) due to the structural limitations of the existing building, significant structural and foundation reinforcement would likely be required to provide the necessary loading capacity to support the proposed rooftop garden;
- ii) the BHR might inhibit design flexibility;
- iii) as Remark (1) required application to be submitted to the Board for any new development and major addition/alteration, the Board would have the opportunity to scrutinize any proposal to be submitted;

Proposal

- iv) the BHR should be deleted;

Amendment Item B : Rezoning of the Murray Building site

- (g) R1 supported the rezoning of the Murray Building site;
- (h) R2 commented that the site should continue to be used as a commercial building;
- (i) R5 opposed the rezoning of the Murray Building site as the proposed hotel use would generate considerable vehicular traffic to Cotton Tree Drive and Garden Road, and adversely affect the traffic condition in the area;

Comments

- (j) C1 to C5 were all related to the Central Market site. The grounds of

C1, C2 and C4 which objected to R4's proposal to remove the BHR were summarized below:

- i) the historic integrity of the building was formed by the present height and bulk of the building. The scale of the heritage building should be preserved by a maximum BHR;
- ii) if added structures were required, an application to the Board for minor relaxation could be submitted;

(k) the grounds of C3 and C5 which supported R4's proposal to remove the BHR were summarized below:

- i) the BHR would limit the flexibility for a creative adaptive re-use of the building;
- ii) a rigid preservation approach might be counter-productive as it would undermine the objective of using conservation as a means to create a public-oriented place in the midst of a densely developed urban context;

(l) C1 also supported R1's proposal to grade the building and to restrict development on the site, and R3's proposals to revise the planning intention to preservation of the whole building, to move 'Place of Recreation, Sports or Culture' use from Column 1 to Column 2, and to delete the public open space requirement. However, C1 objected to R1's proposal to delete commercial and cultural uses from the Notes;

(m) PlanD's responses to the grounds of representations and the representers' proposals were detailed in paragraphs 4.3 and 4.4 of the Paper and the key points were as follows:

Rezoning of the Central Market Site

(n) Responses to the grounds of R1 to R3 against the rezoning and the

proposals for more stringent control to be imposed were as follows:

Planning Intention and Preservation Control

- i) the planning intention had followed the established practice and was commensurate with the heritage value of the building. As the site was intended for revitalization, it was more pragmatic to preserve the characters defining elements (CDEs) of the building instead of the whole building as proposed by R1 and R3;
- ii) a mechanism was in place to require planning permission from the Board regarding any new development, or any major addition, alteration, and/or modification to, or any demolition of the facades and special architectural features of the building. This mechanism could ensure proper control and was in line with the planning intention of the “OU” zone (R2);
- iii) grading of historic building was not within the jurisdiction of the Board. The Central Market building was already a Grade 3 historic building. The Board in assessing a planning application, if considered necessary and appropriate, could also impose a condition to require the applicant to prepare a Conservation Management Plan (R1);

Permitted Uses

- iv) a number of uses which were compatible with the planning intention were included as always permitted uses to facilitate the adaptive re-use of the existing building. Commercial and cultural uses were compatible with the planning intention (R1);
- v) ‘Exhibition or Convention Hall’ use was a Column 1 use always permitted under the subject “OU” zone (R2);

- vi) 'Place of Recreation, Sports or Culture' use was a broad use term which included uses such as museum and art gallery. This use was included to provide flexibility for the adaptive re-use of the building. As redevelopment of the existing building was not allowed and any new development required planning permission from the Board, there was sufficient planning control on any large scale developments (R3);

Open Space Requirement

- vii) the planning intention was to revitalize the historic building for commercial, cultural and/or community uses to provide a public open space for the enjoyment of the working population in Central, the general public and tourists (R3);

- viii) the Buildings Department advised that according to the assessment undertaken by URA, the structural stability of existing frame and structural elements were generally in order. If additional loading capacity was required to support the rooftop garden, structural and foundation reinforcement would need to be provided (R2);

Other Aspects

- ix) the escalator formed part of the pedestrian walkway system in Central. The Transport Department (TD) advised that the removal of the escalator should be supported by justifications (R1);

- x) Queen Victoria Street and Jubilee Street collectively performed a crucial role in providing the direct links and distributing in a balanced manner traffic turning movements among three important roads in Central, i.e. Connaught Road Central, Des Voeux Road Central and Queen's Road Central. The

pedestrianization proposal was not feasible from the traffic viewpoint (R2);

- xi) the zoning was mainly to reflect the planned use of the site rather than reflecting the name of the building (R2);
- (o) responses to the grounds of R4 against the BHR and the proposal to delete the BHR were as follows:
 - i) the BHR of four storeys reflected the existing building height and was consistent with the intention of providing visual and spatial relief in the densely built-up environment in Central;
 - ii) there was provision in the Notes of the subject “OU” zone for minor relaxation of the BHR through the planning permission system;

Rezoning of the Murray Building Site

- (p) R1’s support for the rezoning of the Murray Building site and R2’s comment to have the site to continue to be used as a commercial building were noted;
- (q) as regards R5’s objection to the hotel development, TD had advised that as compared with the existing use of government offices, the proposed hotel use involving no significant change in GFA would not result in any intensification of traffic during peak hours;

PlanD’s View

- (r) PlanD did not support the Representations No. R1 to R5 and considered that they should not be upheld for the reasons as set out in paragraph 6 of the Paper.

13. The Chairman then invited the representers, representer’s representatives and

commenters to elaborate on their submissions.

R4 : Central Oasis Community Advisory Committee (COCAC)

14. Professor Lung Ping Yee stated that the ‘Central Oasis’ was an important project under the Conserving Central policy initiative set out in the 2009-2010 Policy Address. The Central Market would be revitalized to provide more greenery in Central and public open space to serve the community. Under this direction, the COCAC was now in the process of working out different revitalisation proposals. Professor Lung emphasized that instead of just putting forward various revitalisation proposals for public consultation, the community had been engaged in formulating the proposals. There was no private interest involved in the subject revitalisation project.

15. With the aid of a Powerpoint presentation, Ms. Iris Tam made the following key points:

- (a) according to a public opinion survey, the facilities that the respondents would like to have in the ‘Central Oasis’ were ‘leisure and recreational related activity facilities’, ‘public green area’, ‘cultural and art related activity facilities’ and ‘dinning and shopping outlets’;
- (b) regarding the design of the existing building, 88% of the respondents strongly supported/supported installing a transparent roof over the courtyard for natural lighting and to keep out the rain; 89% of them strongly supported/supported planting trees inside the building; and 93% of them strongly supported/supported creating a rooftop garden in Central Market;
- (c) two professional and public discussion forums had been held to translate these public aspirations into design concepts. One important design concept was that the rooftop cover should allow natural lighting and air ventilation;
- (d) a structural investigation had been undertaken to assess the loading

capacity of the existing building. The loading capacities of respective floors were :

G/F to 2/F : 5.4kPa (general)

Roof floor : 4.8kPa for interior portion and 2.7kPa for exterior portion

Rooftop : 2.7kPa

- (e) the consultants had worked out the estimated loading requirements for different uses. For instance, the estimated loading for lawns and tree planting on the proposed rooftop garden were 18.5kPa and 36.0kPa respectively. The existing structure of the Central Market could sustain the loading of new uses on different floors only if substantial A&A works or strengthening works were applied;
- (f) to be in line with the sustainable design principle, the solar chimney effect had been taken into account in formulating the design proposals. A computer airflow study had been undertaken to test the natural ventilation under different proposals. It was found that a higher skylight cover at the rooftop would achieve faster air flow rate and allow more air changes in the building;
- (g) apart from enhancing natural air ventilation, a higher building height could also allow more flexibility in designing the rooftop garden, such as the provision of split levels, and varieties of amenity and landscape interests.

16. With the aid of a Powerpoint presentation, Professor Lung Ping Yee made the following main points:

- (a) the Central Market building was constructed by reinforced concrete in 1939. Unlike the preservation of other historic buildings which were built of stone or wood or brick, or some combination of these materials, a different approach had to be adopted as reinforced concrete was a material that was originally designed to last a little more than 50 years.

Preservation of reinforced concrete structures was a challenge and there were discussions in many developed countries on the subject;

- (b) the structural assessment undertaken by the Consultants revealed the structural limitations of the existing building and the requirement of substantial structural and foundation reinforcement works;
- (c) the building was built in 1939 and the structural design was based on the Reinforced Concrete Regulations of the London County Council 1915. Improvement works were required so as to comply with the current statutory requirements and installation of the required building services;
- (d) there were clear public aspirations to have an all-weather landscaped courtyard, which could be used all the year round and would have natural air ventilation. To meet these public aspirations, a skylight cover was proposed at the rooftop;
- (e) the BHR of 4 storeys on the “OU” zone would constrain the design of the rooftop garden. Although a minor relaxation provision had been allowed, the addition of even one storey would constitute a 25% increase in the building height. It was doubtful whether such increase would be considered as ‘minor’;
- (f) to facilitate the revitalisation of the Central Market to meet the public aspirations, the BHR on the “OU” zone should be deleted; and
- (g) there were examples of the conservation of the reinforced concrete structures for adaptive reuse. One of the examples was a reinforced concrete building in Shanghai, which was once the largest abattoir in the Far East. The building had now been revitalized and served as an arts and entertainment hub. A new structure on top of the original atrium

was built to provide space for activities associated with art and entertainment, such as exhibitions and performances. Another example of revitalized reinforced concrete building was the Dock de Paris in Paris near River Seine, which was now used for galleries, retail shops, the French fashion institute, cafes and observatory deck.

[Professor Paul K.S. Lam arrived to join the meeting at this point of time.]

R2 : Central and Western Concern Group

17. Mr. John Batten, the representative of R2, made the following main points:
- (a) the name of the Site was very important. As it had been in the heart of the people of Hong Kong, the historic name of ‘Central Market’ should be used for the Site;
 - (b) a Conservation Management Plan should be submitted for the Board’s approval. It was set out in paragraph 4.3.1(d) of the TPB Paper that ‘The Board in assessing a planning application, if considered necessary and appropriate, could also impose a condition to require the applicant to prepare a Conservation Management Plan to the satisfaction of AMO or the Board’. The Board was strongly requested to impose this condition as proper control on the Site was needed;
 - (c) the BHR should be imposed. If added structure on the rooftop was required, an application to the Board through the statutory process for minor relaxation of the BHR could be submitted. This provided the opportunity for the public to make comments;
 - (d) Central Market should not be turned into a shopping mall. It was a conservation project and a floor of the Central Market could be used as an art gallery; and
 - (e) the Murray Building site should continue to be used as a commercial

building.

R3 : Masterplan Limited

18. Mr. Ian Brownlee, representative of R3, made the following points:
- (a) the planning intention should be related to the preservation of the whole Central Market building, but not only preserving the building facades and special architectural features of the existing building;
 - (b) given the structural constraints and the limited loading capacity of the existing building, the provision of 1,000m² of public open space at the rooftop required complicated and expensive engineering/structural reinforcement works. As the exterior facades of the building had to be preserved, the required engineering/structural reinforcement works would be taken in the courtyard. As a result, the courtyard would be adversely affected. In addition, the open space to be provided at the rooftop was not easily accessible to the public;
 - (c) PlanD responded in the TPB Paper that the intention to provide a public open space had been established under the previous zoning of the Central Market Site, i.e. the “OU” annotated “Bus Terminus, Open Space and Commercial Development’. Such requirement was reasonable for a new development. However, it was not in line with the planning intention of preserving the historic building. The provision of more greenery should not compromise the intention of preserving the historic building;
 - (d) instead of providing the public open space at the rooftop, an alternative was to pedestrianize Queen Victoria Street which would become a forecourt of the Central Market. Planting and greening could be provided along the street; and
 - (e) it was premature to name the building as ‘Central Oasis’ until the

end-uses were decided.

C2 : Ms Katty Law Ngar Ning

19. Ms Katty Law Ngar Ning made the following main points:
- (a) Mr. John Batten's request on the submission of a Conservation Management Plan was supported;
 - (b) Conservation Management Plan was very important as it set out the guidelines and framework for the preservation of the heritage building. It should be officially submitted for the Board's consideration and the public should be allowed to inspect and give comments on it;
 - (c) the imposition of BHR on the "OU" zone was supported. It was important that the scale of the heritage building was preserved by a BHR. If URA proposed to provide an additional rooftop structure in the building, it could submit an application for minor relaxation of the BHR for the Board's consideration. There was no reason to delete the BHR. The BHR provided a clear framework for preserving the heritage building;
 - (d) whilst she had no objection to the provision of the public open space at the Site, the issue might need to be further discussed. The requirement for the provision of public open space at the rooftop would ensure public accessibility to the rooftop garden. In another revitalization project, i.e. Woo Cheung Pawn Shop, it was found that the restaurants at the low floors had used the rooftop for organizing private parties and denied public access to the area;
 - (e) the Government had recently announced its plan to redevelop the West Wing of the Central Government Offices for a 32-storey office/commercial development. The planning of the Central District should be reviewed in a holistic manner. If there was a need to provide

more commercial office spaces in Central, the Murray Building should not be used for hotel purpose. Instead, its existing use as an office building should continue. With the continual use of the building as an office building, there was no need to redevelop the West Wing for office/commercial development. The existing heritage precinct in the area, including the existing Central Government Offices complex and the Government House, could be preserved. In fact, the proposed hotel to be provided in Murray Building could be easily provided in other areas.

C3 : Mr. Lee Ho Yin

20. With the aid of a Powerpoint presentation, Mr. Lee Ho Yin made the following main points:

- (a) there had been changes in conservation principles. The English Heritage's Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment (2008), Chapters 138 and 139 stipulated that 'new work or alteration to a significant place should normally be acceptable if ...the proposals aspire to a quality of design and execution which might be valued now and in the future.' and 'the recognition of the public interest in heritage values is not in conflict with innovation, which can help to create the heritage of the future.';
- (b) allowing innovative new design for adaptive reuse would create:
 - new architectural value for an unattractive old building;
 - new identity that would foster collective attachment for an unloved old building;
 - financial sustainability and economic opportunity;
- (c) the ultimate objective of adaptive reuse was not about mummification of heritage buildings as museum pieces. It should be creating new uses for old buildings and to make them useful to the community and society;

- (d) paragraph 49 of the 2007 Policy Address was on heritage conservation and it set out that cultural life was a key component of a quality city life. A progressive city treasured its own culture and history along with a living experience unique to the city;
- (e) Central Market was constructed by reinforced concrete for columns and beams with simple and flexible layout to fit for the market functions. The building was an excellent example of Bauhaus architecture style, i.e. 'Form Follows Function'. The design of the building and its components were guided by the function to be performed. For the Central Market, the building design followed its function requirement as a market place without any unnecessary ornaments;
- (f) for revitalization of the Central Market, provision of a public open space at the rooftop would be a core element to be considered. Flexibility should be allowed for innovative architecture design;
- (g) there were many successful examples of adopting innovative design for adaptive reuse of historic buildings in other countries. They included Rooftop Falkestrasse in Vienna (1988), Energy Roof in Perugia (2010), Clark Quay in Singapore (2006), Ontario College of Art and Design in Toronto (2004), Royal Ontario Museum Extension in Toronto (2007), Military History Museum in Dresden (2011), Port House of the Antwerp Port Authority, Antwerp (to be completed in 2015), Docks de Paris in Paris (2009), Prada Epicentre in Tokyo (2003), Welsh Wildlife Centre in Pembrokeshire (1993); and
- (h) adaptive reuse was an opportunity for creating future heritage.

C4 Mr. John Batten

21. Mr. John Batten made the following main points:

- (a) the Central Market was a community market place. The building, though structurally sound, had very low loading capacity. The façade and the whole building should be preserved. There was no relevance between the Central Market and the innovative architecture projects mentioned in C5's presentation. The proposed design put forward by R4 was nothing innovative; it was just a roof covering the central courtyard. The Shek Kip Mei Art Centre also had a similar design; and
- (b) the BHR proposed by PlanD was supported. If URA had any innovative architecture design that required a relaxation of the BHR, they could submit it under a planning application for the Board's consideration.

22. As the presentations from the representers and the representatives of the representers and commenter had been completed, the Chairman invited questions from Members.

23. In response to a Member's enquiry on the structural assessment of the Central Market undertaken by URA, Mr. K.K. Kwan replied that whilst the original structure of the building would be retained as far as possible, structural improvement works and loading reinforcement works were required. Regular maintenance of the building structures would also be required.

24. In view of the structural constraints and the limited loading capacity as set out in R4's representation, a Member enquired whether it was cost-effective and realistic to provide a rooftop garden. Ms. Iris Tam replied that it was the public aspiration for providing a public open space at the rooftop of the building. Different assessments were still being undertaken and there was not yet any concrete proposal at the moment. R4's concern was that the imposition of the BHR for the "OU" zone would inhibit the design flexibility. If the assessment recommended an addition of one storey on the rooftop, the proposed addition already constituted a 25% increase of the building height. The Board might need to reject

the application on the ground that such increase could not be considered as minor. The Chairman clarified that there was no quantifiable definition of the word 'minor' for the minor relaxation of BHR. Each application for minor relaxation of BHR would be considered by the Board on its individual merits. Mr. Brownlee said that the requirement of providing a public open space of not less than 1,000m², which would impose severe constraints for the revitalization of the Central Market building, was inappropriate. Flexibility on the provision of public open space in the Central Market should be allowed. The actual provision could be monitored by the Board under the statutory planning application mechanism.

25. In response to Ms. Iris Tam's request to delete the BHR for the Central Market, Ms. Katty Law stated that she had no objection to adopting innovative design for the building. However, this did not mean the BHR for the "OU" zone would have to be deleted. In case additional structure with additional building height was required to achieve an innovative architecture design for the building, an application for minor relaxation of the BHR could be submitted to the Board for consideration. Ms. Law also pointed out that BHR had been imposed on other heritage building sites such as the Former Police Married Quarters and the Central Police Station Compound.

26. A Member enquired whether the Central Market revitalisation project had to be self-financing. Ms. Iris Tam replied that the urban renewal programme of URA should be self-financing in the long run. The Central Market was a revitalization project and there was no intention to recover the capital cost. This Member continued to ask whether the rooftop cover proposed by R4 was necessary as the public would like to have natural air ventilation in the building. Ms. Iris Tam replied that according to the public opinion survey, there was a clear request from the community for providing green spaces at the rooftop.

27. In response to a Member's enquiry, Ms. Iris Tam responded that whilst there was no intention to add very tall structures at the rooftop, having flexibility on building height was essential. It had been stipulated in the Notes of the "OU" zone that 'no new development, or addition, alteration and/or modification to the existing building shall result in a total development in excess of a maximum building height of 4 storeys.....'. In fact, any new development on the site needed to be submitted for the Board's consideration. R4 was

concerned that the revitalisation proposal might be rejected by the Board because the requested BH relaxation was considered not minor. On this, the Chairman clarified again that there was no fixed percentage on what constituted 'minor'. Each application would be considered by the Board based on its individual merits.

28. Mr. John Batten said that the design presented by R4 was just a flat rooftop, which was not an innovative design that warranted a relaxation of BHR. In fact, during the summer time, not many people would use the open space at the rooftop which would be rather hot. Ms. Iris Tam clarified that it was the public aspirations that public open space and greenery be provided at the rooftop. In order to make the roof garden usable even in hot summer, a rooftop cover was proposed so as to provide a partially covered rooftop public open space.

29. Ms. Cheng Lai King said that she had no idea why there was such a requirement for providing not less than 1,000m² of public open space at the site. The public open space requirement had imposed severe constraints on the revitalisation of the Central Market. Apart from the rooftop, the COCAC was exploring other possible areas to accommodate the required public open space. The existing condition of the building was poor. Substantial upgrading works on building services were required so as to comply with the modern standards and requirements. The Central Escalator Link Alley Shopping Arcade on 2/F of the building was widely used by the public, in particular the white collar workers during lunch time. The revitalized Central Market should provide facilities for public enjoyment, but not creating another shopping mall. It was important to make the future rooftop garden usable by the community all the year round. The name of Central Market should be used for the site.

30. In response to a Member's question on the extent of the proposed building height relaxation, Ms. Iris Tam replied that there was no concrete proposal at this stage. Different revitalisation schemes were being worked out based on the public views gathered. If TPB considered that there was a need to impose a BHR on the "OU" zone, it was suggested that 'minor' be deleted from the relevant provision so that application for 'relaxation of building height' could be submitted for the Board's consideration.

31. A Member enquired about the rationale for setting the requirement of providing not less than 1000m² public open spaces. This Member asked R4 again if such requirement would impose a great constraint on the revitalisation project as suggested, and whether they would request to amend/delete the requirement. Ms. Iris Tam replied that R4 had no strong view on the public open space requirement. URA was tasked to revitalize the historic building to provide greenery, a public rest and leisure area amidst the densely developed Central. Instead of just keeping the existing rooftop, it was a good opportunity to add more greening and make better use of the area. In this regard, Ms. Brenda Au said that the Central Market site covered an area of about 0.4 ha. As the required public open space of 1,000m² was only about 1/4 of the site, it would not be too difficult to provide the required public open space on the site. Ms. Au continued to say that as set out in the Explanatory Statement of the Central District OZP, 'a minimum of 1,000m² of public open space, mainly in the form of roof garden, should be provided within the site'. Nevertheless, apart from the rooftop, the public open space could also be provided in the courtyard or other areas within the site. The Central Market was a low-rise building and its rooftop could be seen from the adjoining high-rise buildings. It offered a good opportunity to provide public open space with landscaping on the rooftop for leisure and visual amenity.

32. Mr. Chan Hok Fung said that the COCAC consisted of members from different sectors of society and was not a real estate developer of URA. The Central Market project was not for profit making. It was the objective of COCAC that the revitalisation scheme of Central Market could provide facilities for the enjoyment of the community and that it should be self-financing in its daily operation. The request submitted by R4 for deleting the BHR of the Central Market site was to allow innovative design of the proposed rooftop garden.

33. In view of Mr. Chan Hok Fung's comments on self-financing of the scheme, Ms. Katty Law expressed a concern that like the proposed market at Granham Street, the rental level of the shops to be provided in the Central Market would be too high for the small shopkeepers in the local community. Ms. Law also stated that the proposed relaxation of

BHR should be subject to the development scheme to be worked out by URA. The BHR should not be deleted now as the proposal submitted by R4 was only very conceptual.

34. In response to the Chairman's enquiry, Ms. Iris Tam responded that the COCAC would discuss and advise URA, amongst others, the principles for selecting the potential tenants and operators. She reiterated that there was no intention for URA to recover the capital cost to be incurred in the revitalisation scheme. 'Self-financing' as mentioned by Mr. Chan Hok Fung was the objective of achieving financial self-efficiency in the day-to-day operation of the Central Market.

35. As Members had no further question to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in the absence of the representers and commenters. They would be informed of the Board's decision in due course. The Chairman thanked the representatives of the representers and commenters as well as PlanD for attending the meeting. They all left the meeting at this point.

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

Deliberation Session

Central Market Site

Planning Intention and Preservation Control

36. A Member said that in view of the heritage value and function of the building, it was not appropriate to preserve the Central Market building intact as a museum. Instead, the building should be revitalised for better uses. The planning intention and the current zoning were considered appropriate. Another Member said that the Central Market had been classified as a Grade 3 historic building by AAB. The site was intended for revitalisation and AMO would formulate the conservation principles to oversee the heritage conservation for adaptive re-use of the building. Other Members agreed that the planning intention and the zoning of the site should not be amended.

Building Height Restriction

37. A Member said that according to the presentation submitted by R4, there might be a need to have an additional structure on the rooftop from the engineering point of view. However, R4's representatives also advised the Board that different revitalisation proposals were still being examined and no concrete scheme had been worked out for the Board's consideration. Given that there was already provision in the Notes for the subject "OU" zone for application for minor relaxation of the BHR and there was no quantifiable definition of the word 'minor' for the minor relaxation of BHR, this Member considered that it was not appropriate to delete the BHR from the "OU" zone. Another Member shared these views and said that if the Board deleted the BHR in the absence of any concrete scheme, it would set an undesirable precedent for similar requests.

38. The Chairman said that Members might wish to consider whether the word 'minor' could be deleted as requested by the representer at the hearing session. In this connection, the Secretary briefed Members that there was no quantifiable definition of minor relaxation. The Board had previously approved an application for relaxing the BHR from two storeys to three storeys. The main considerations of a proposed minor relaxation of BHR were whether it would have any adverse impacts and planning implications of allowing such minor relaxation. There was no fixed percentage as to what constituted 'minor' which had to be considered in terms of impact, consequence and implications.

39. A Member said that as there was no quantifiable definition of 'minor relaxation' and there was not yet any concrete proposal or design submitted by the representer, it was not justified to delete the word 'minor' at this stage. Another Member concurred and said that the Board would consider planning applications for minor relaxation of BHR based on individual merits. If an application for minor relaxation of BHR was well justified by design/architectural merits, it would be favourably considered by the Board. Another three Members shared these views. One of these Members added that in view of the structural

limitations of the existing building, the Consultants should be very cautious in working out the rooftop structure which should be at a reasonable scale.

Requirement on the Provision of Public Open Space

40. A Member considered that provision of some public open space at the rooftop was supported as it could provide more greenery and a rest place for the community to enjoy. In view of the structural limitations of the building, a Member asked whether flexibility could be allowed on the provision of public open space.

[Professor Paul K.S. Lam left the meeting at this point of time.]

41. The Secretary said that in view of the general shortage of public open space in this part of Central, it was the planning intention to revitalise the historic building for commercial, cultural and/or community uses to provide a public open space for the enjoyment of the community. The intention to provide a public open space had been established under the previous zoning of the Central Market site, i.e. "OU" annotated " Bus Terminus, Open Space and Commercial Development". As clarified by DPO/HK, the proposed public open space of 1,000m² was equivalent to about 1/4 of the site area. Apart from roof garden, it could also be provided in the courtyard of the building or other areas within the site. As set out in the Notes of the OZP, it was a statutory requirement to provide public open space of not less than 1,000m² at the site. If Members decided to allow flexibility on the amount of public open space to be provided, the relevant Remarks of the Notes would need to be revised accordingly.

42. A Member noted that according to the public opinion survey undertaken by COCAC, the general public aspiration was to provide more public open space for the enjoyment of the community. Another Member considered that it was not difficult to provide the required amount of public open space on the site, hence the public open space requirement should not be relaxed. Other Members agreed and decided that the amount of public open space to be provided should be retained.

Deletion of Escalator

43. A Member said that the existing escalator at the Central Market was part of the pedestrian walkway system in Central and used by the public to access the footbridge system linking Mid-levels and Central. The removal of the escalator without strong justification should not be supported.

Murray Building Site

44. Members considered that given its prime location in Central and compatibility with the uses of the surrounding areas including the Peak Tram Terminus and Hong Kong Park, the site was suitable for hotel use. The proposal of R5 to rezone the site to “C(1)” or “(C(2))” was not supported.

45. The Chairman concluded and Members agreed that the representations of R1 to R5 should not be upheld. The planning intention of the “OU” zone for the Central Market site was commensurate with the heritage value of the building, which was a Grade 3 historic building. Instead of preserving the whole building per se, Members considered that the existing building should be revitalized to meet the needs of the community. The incorporation of the BHR was to provide proper planning control on the Central Market site. There was already provision for minor relaxation of BHR to cater for design/architectural merits and design flexibility. There were insufficient reasons put up by the R4 to justify the deletion of the BHR. There was no quantifiable definition of the word ‘minor’ for minor relaxation of BHR. The Board would consider planning applications for minor relaxation of BHR based on individual merits. If an application for minor relaxation of BHR was well justified by design/architectural merits, it would be favourably considered by the Board. The escalator at the 2/F of the Central Market formed an integral part of the pedestrian walkway system in Central and hence should not be deleted. Members agreed with TD that the pedestrianization proposal submitted by R3 was not feasible from the traffic view point. Members also noted that URA had put forward some conceptual ideas of part-time pedestrianization of the streets and the proposals were being examined by TD. The requirement on the provision of 1,000m² of public open space which was well received by the public was appropriate. For the Murray

Building site, Members agreed that given its prime location in Central, the proposal to convert Murray Building into a hotel use was appropriate.

Representation No. 1

46. After deliberation, the Board noted the support of R1 for the rezoning of the Murray Building site.

47. After further deliberation, the Board decided not to uphold the representation of R1 in relation to the rezoning of the Central Market site for the following reasons:

- (a) the planning intention of the “OU” annotated “Building with Historical and Architectural Interests Preserved for Commercial, Cultural and/or Community Uses” zone for the Central Market site was commensurate with the heritage value of the building which was a Grade 3 historic building; and
- (b) a mechanism was in place to require planning permission from the Board under section 16 of the Ordinance on any new development, or major addition, alteration, and/or modification to, or any demolition of the facades and special features of the building. This mechanism could ensure proper planning control and was in line with the planning intention for preserving the facades and special architectural features of the building. As stated in the ES of the OZP, in submitting a planning application to the Board, the applicant should make reference to the conservation principles as stated in the Conservation Guidelines drawn up by AMO.

Representation No. 2

48. After deliberation, the Board noted the comments of R2 relating to the Murray Building site that it should continue to be used as a commercial building. The Board considered that the hotel use was appropriate for the reasons that the site was located at a

prime location in Central and the hotel use was compatible with the land uses of the surrounding area.

49. After further deliberation, the Board decided not to uphold the representation of R2 in relation to the rezoning of the Central Market site for the following reasons:

- (a) the planning intention of the “OU” annotated “Building with Historical and Architectural Interests Preserved for Commercial, Cultural and/or Community Uses” zone for the Central Market site was commensurate with the heritage value of the building which was a Grade 3 historic building; and
- (b) a mechanism was in place to require planning permission from the Board under section 16 of the Ordinance on any new development, or major addition, alteration, and/or modification to, or any demolition of the facades and special features of the building. This mechanism could ensure proper planning control and was in line with the planning intention for preserving the facades and special architectural features of the building. As stated in the ES of the OZP, in submitting a planning application to the Board, the applicant should make reference to the conservation principles as stated in the Conservation Guidelines drawn up by AMO.

Representation No. 3

50. After further deliberation, the Board decided not to uphold the representation of R3 for the following reasons:

- (a) The planning intention of the “OU” annotated “Building with Historical and Architectural Interests Preserved for Commercial, Cultural and/or Community Uses” zone for the Central Market site is commensurate with the heritage value of the building which is a Grade 3 historic building; and

- (b) A mechanism is in place to require planning permission from the Board under section 16 of the Ordinance on any new development, or major addition, alteration, and/or modification to, or any demolition of the facades and special features of the building. This mechanism can ensure proper planning control and is in line with the planning intention for preserving the facades and special architectural features of the building. As stated in the ES of the OZP, in submitting a planning application to the Board, the applicant should make reference to the conservation principles as stated in the Conservation Guidelines drawn up by AMO.

Representation No. 4

51. After further deliberation, the Board decided not to uphold the representation of R4 for the following reasons:

- (a) the incorporation of the BHR was to provide proper planning control on the Central Market site. The BHR of 4 storeys reflected the existing building height and was consistent with the intention of providing visual and spatial relief in the densely built-up environment in Central; and
- (b) there was provision in the Notes of the subject “OU” zone for minor relaxation of the BHR through the planning permission system under s.16 of the Ordinance. Any roof garden proposal and provision of necessary facilities requiring minor relaxation of the BHR could be submitted to the Board for consideration. The Board would consider the application on its individual merits.

Representation No. 5

52. After further deliberation, the Board decided not to uphold the presentation of R5 in relation to the rezoning of the Murray Building site for the following reason:

- comparing with the existing use of Murray Building as government offices, the proposed use of the building as a hotel involving no significant change in GFA would not have any adverse traffic impacts during peak hours.

53. The meeting was adjourned for a 5-minute break.

[Dr. James C.W. Lau, Dr. C.P. Lau, Dr. W.K. Yau, Dr. Winnie S.M. Tang left the meeting whilst Mr. Y.K. Cheng left the meeting temporarily at this point of time. Mr. Jimmy Leung returned to join the meeting at this point of time.]

Group 2 Representations No. R1, R2, R5 to R8 and Comments No. C1, C2, C6 and C7
(TPB Paper No. 8703)

Presentation and Question Session

54. The following Members had declared interests on the item:

Mr. Raymond Y.M.Chan having current business dealings with Swire Pacific Ltd. (SPL), Sun Hung Kai Properties Ltd. (SHK), Henderson Land Development Co. Ltd. (HLD) and Hong Kong & China Gas Co. Ltd.

Pacific Place Holdings Ltd., a subsidiary of SPL, had submitted a presentation (R6).

IFC Development Ltd., a joint venture of SHK, HLD and the Hong Kong & China Gas Co. Ltd., had submitted a representation (R8).

Mr. Felix W. Fong having current business dealings with Hutchison Whampao Ltd. (HWL) and SHK.

Turbo Top Limited, a subsidiary of HWL, had submitted a representation (R7).

IFC Development Ltd., a joint venture of SHK, HLD and the Hong Kong & China Gas Co. Ltd. had submitted a representation (R8).

- Mr. Y.K. Cheng having current business dealings with SHK.
IFC Development Ltd., a joint venture of SHK, HLD and the Hong Kong & China Gas Co. Ltd., had submitted a representation (R8).
- Dr. C.P. Lau
Dr. James C.W. Lau having current business dealings with HLD and Hong Kong & China Gas Co. Ltd.
IFC Development Ltd., a joint venture of SHK, HLD and the Hong Kong & China Gas Co. Ltd. had submitted a representation (R8).
- Ms. Julia M.K. Lau being a former employee of SHK.
IFC Development Ltd., a joint venture of SHK, HLD and the Hong Kong & China Gas Co. Ltd. had submitted a representation (R8).
- Mr. Clarence W.C. Leung being a Director of an NGO that recently received a donation from a family member of the Chairman of HLD.
IFC Development Ltd., a joint venture of SHK, HLD and the Hong Kong & China Gas Co. Ltd. had submitted a representation (R8).
- Mr. Roger K.H. Luk being a member of the Council of the Chinese University of Hong Kong (CUHK) which received a donation from a family member of the Chairman of HLD.

IFC Development Ltd., a joint venture of SHK, HLD and the Hong Kong & China Gas Co. Ltd. had submitted a representation (R8).

55. As the concerned NGO and CUHK had received many donations from various parties, Members agreed that the interests of Mr. Roger K.H. Luk and Mr. Clarence W.C. Leung were not substantial and they could be allowed to stay in the meeting. As the interests of other Members were direct, Members agreed that they should be invited to withdraw from the meeting. Members noted that Mr. Raymond Y.M. Chan, Mr. Felix W. Fong and Ms. Julia M.K. Lau had tendered apologies for not being able to attend the meeting while Mr. Y.K. Cheng, Dr. James C.W. Lau and Dr. C.P. Lau had left the meeting temporarily at this point of time.

56. As sufficient notice had been given to invite the representers and commenters to attend the hearing, Members agreed to proceed with the hearing of representations in the absence of other representers who had indicated that they would not attend or did not reply to the invitation to this meeting.

57. The following representatives from PlanD, representers and commenters were invited to the meeting at this point:

Ms. Brenda Au - District Planning Officer /Hong Kong (DPO/HK)

Ms. April Kun - Senior Town Planner/Hong Kong

R2 : Central and Western Concern Group

Mr. John Batten - Representative of R2

R6 : Pacific Place Holdings Limited

Mr. Ian Brownlee] Representatives of R6

Mr. Alan Brown]

Mr. Eric Yu]

R7 : Turbo Top Limited

Mr. Phill Black] Representatives of R7

Ms. Veronica Luk]

R8 : IFC Development Limited

Mr. Phill Black] Representatives of R8

Mr. David Dumigan]

Mr. Mak Mang Tim,]

Timothy

Mr. Ariel Tse]

C2

Ms. Katty Law Ngar Ning - Commenter

58. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Ms. Brenda Au, DPO/HK, to brief Members on the representations.

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

(a) on 16.7.2010, the draft Central District Outline Zoning Plan No. S/H4/13 (the OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of eight representations were received. On 24.9.2010, the representations were published for public comments. During the three-week publication period, seven comments were received;

(b) the six representations (R1, R2, R5, R6, R7 and R8) and four

comments (C1, C2, C6 and C7) in Group 2 were mainly related to the rezoning of the Pacific Place, Cheung Kong Center and IFC sites, and other subjects relevant to West Ventilation Building of Central-Western Bypass, “Open Space” (“O”) zones and the consultation arrangement;

- (c) the background to the representation sites as detailed in paragraphs 3 and 4 of the Paper:

The Pacific Place Site

- i) the Pacific Place site (about 3 ha), formerly occupied by Victoria Barracks, was two land sale sites disposed of in the mid-1980s. It had been developed into a comprehensive commercial, hotel/service apartment development;
- ii) as set out in the recommendations of the ‘Stage II Study on Review of Metroplan and the Related Kowloon Density Study Review’ (Metroplan Review) completed in 2003, the “C/R” zones on the OZPs should be reviewed for more effective infrastructure planning and better land use arrangement;
- iii) it had also been pointed out in the Metroplan Review that the “C/R” zones which were well located for office use in the margins of the Central CBD should be rezoned to “C”;
- iv) the “HK2030 Planning Vision and Strategy”, completed in 2007, had highlighted the importance of the provision of Grade A office space in the CBD including the dominance of finance and banking, professional services and major corporate headquarters in Central and Admiralty;
- v) taking into consideration the intended use for the site with regard

to the wider territorial/sub-regional planning context and the commercial nature of the existing development, the site had been rezoned from “C/R” to “C”;

Cheung Kong Center site

- vi) the Cheung Kong Center site (about 1 ha) was previously zoned “C” and “G/IC”. Before the site was redeveloped, it was occupied by Hilton Hotel, Garden Road Multi-storey Car Park and Beaconsfield House. The Cheung Kong Center development was the subject of several planning applications approved by the Board. The approved development scheme covered the whole site previously zoned “C” and “G/IC”, based on which the maximum plot ratio of about 15 was calculated. The development completed in 2004 comprised an office block, some commercial shops, government facilities, public car park and public open space. The government facilities included a public toilet and a post office (subsequently changed into AMO’s office in 2009), which were for the re-provisioning of the facilities in ex-Beaconsfield House. The public car park was for re-provisioning of the ex-Garden Road Multi-storey Car Park;
- vii) to reflect the completed development and to clearly show the planning intention of the site, the Cheung Kong Center site and adjoining open space was rezoned from “C” and “G/IC” to “C(1)”;
- viii) the relevant development restrictions for the Cheung Kong Center site had been stipulated in the Notes - a maximum non-domestic GFA of 144,840m², including not more than 680m² GFA for retail purpose, a minimum GFA of 700m² and 25,000m² respectively for the provision of government facilities

and public car park with a minimum of 800 public car parking spaces and a public open space of not less than 5,200m²;

IFC Site

- ix) the IFC development included office buildings, hotel, services apartment, retail shops, shopping walkways and public open space;
 - x) the IFC development was the subject of several planning application approved by the Board. All the approval conditions imposed by the Board in relation to the provision of public transport facilities, transport interchange facilities, vehicular access points as well as parking and load/unloading had been complied with;
 - xi) to reflect the completed development and to clearly show the planning intention of the site, the IFC site (about 4.5 ha) had been rezoned from “CDA(1)” to “C(2)”. A maximum non-domestic GFA of 415,900m² and provision of not less than 13,000m² public open space were stipulated in the Notes of the OZP;
- (d) the main grounds of representations and their proposals were summarised in paragraph 2.3 of the Paper and highlighted below:

Amendment Item D : Rezoning of the Pacific Place site from “C/R” to “C”

- (e) both R1 and R6 opposed the rezoning of the Pacific Place site. R1’s ground was that mixed uses in the site should be encouraged. R6’s grounds of representations were summarized as follows:

Nature of Development

- i) the existing mixed form of development was in accordance with

the lease and building regulations/guidelines;

- ii) the “C/R” zone reflected more correctly the actual uses on the site;
- iii) there was no apparent public interest to justify the rezoning amendment;

Redevelopment Opportunity and Private Land Right

- iv) the “C” zone would not allow as of right for a similar form of use on redevelopment. The original “C/R” zone provided an incentive and mechanism for redevelopment to meet changing market needs and should be retained;
- v) ‘Flat’ was always permitted under “C/R” zone but it was a Column 2 use under “C” zone. The flexibility to change part of the development to residential use had been removed;
- vi) the stringent control of the “C” zone intruded into the private land right of the owner;

Consultation

- vii) there was no consultation with the owners on the rezoning amendment;

Proposals

- viii) both R1 and R6 proposed reinstating the original “C/R” zone for the site. R6 pointed out that the site could, alternatively, be rezoned to a sub-zone of “C” in which ‘Flat’ use is a Column 1 use;

Amendment Item E (Rezoning of the Cheung Kong Center site and adjoining open space from “C” and “G/IC” to “C(1)”)

- (f) R1, R2, and R5 opposed the rezoning amendment mainly on the ground that that there should be more planning control on the development;
- (g) the existing development was too tall. Development on the site should be closely monitored. The site should be rezoned to “OU” to require development to be subject to the approval of the Board (R1);
- (h) the original “C” and “G/IC” zones should be reinstated as there was no reason for the rezoning. The original zoning was totally appropriate as there were community facilities and open space on this site. Planning controls would be loosened if the zoning was changed (R2);
- (i) the zoning could not ensure that the open space could be retained upon redevelopment and any rezoning proposal should ensure that the open space would be retained (R5);
- (j) R7 opposed the rezoning mainly on the following grounds:

Rationale for the Rezoning

- i) the rezoning amendment was a departure to the object of the OZP which was intended to illustrate only the broad principles of development;
- ii) the existing development components were clearly delineated in the original OZP and in line with planning intentions of respective zones;

Stipulation of GFA Control

- iii) the imposition of maximum retail GFA contradicted the planning intention of “C” zone which allowed the site for retail uses;
- iv) imposition of public car parking spaces requirement undermined

the flexibility to respond to changing needs;

- v) compared with the IFC site, which was not subject to the control on development mix, intensity for each commercial user and G/IC provision under the OZP, the statutory planning controls imposed on the Cheung Kong Center site was unfair and illogical;

Proposals of R7

- vi) to revert to the original “C” and “G/IC” zones;
- vii) if rezoning was considered necessary, Remark (1) in the Notes of the “C(1)” zone should be amended by only retaining the restrictions on maximum non-domestic GFA and public open space provision. The GFA restrictions for retail and government facilities and public car park requirements should be deleted;
- viii) the “C(1)” zone boundary should be amended to align with the lot boundary;

Amendment Item F (Rezoning of the IFC site from “CDA(1)” to “C(2)”)

- (k) R1 and R2 opposed the rezoning of the IFC site mainly on the ground that there should be more planning control on development. R1 raised concern on the traffic outside IFC and proposed rezoning of the site to “OU” to require development to be subject to the approval of the Board, and that land outside IFC should be for open space use and the pier should be used as pier. Both R1 and R2 had concern over the height of IFC. R2 suggested that a BHR be imposed on the site to reinstate the view of the Peak ridgeline as viewed from Tsim Sha Tsui upon redevelopment;
- (l) R8 opposed the rezoning amendment since the existing three-level walkways with shops were part of the development and they should be

rezoned to “C(2)” to realize and reflect the nature of use. R8 proposed that the two elevated shopping walkways of the IFC development be included within the “C(2)” zone;

Representations Not Related to Any Amendment Items

- (m) R2 provided comments on three “O” zones on the OZP, namely, the “O” zone of the Statute Square Garden, the “O” zone between Kennedy Road and Justice Drive and the “O” zone partly occupied by the Former Dairy Farm building;
- (n) R8 provided comments on an area shown as ‘Road’ annotated ‘Tunnel Portal’ where West Ventilation Building of Central-Western Bypass would be located;

Comments

- (o) C1, C2 and C6 were related to the Cheung Kong Center site. C1 supported R1’s proposal to rezone the site to “OU” to require development be subject to the approval of the Board, R5’s proposal to ensure the open space of the Cheung Kong Center site be retained, and R7’s proposal to reinstate the original “C” and “G/IC” zones for the site. Both C2 and C6 objected to R7’s proposal to remove the specification of GFA for GIC uses for the Cheung Kong Center site on the grounds that it was important to have the GFA for GIC uses such as government facilities, car parking spaces and public open space be specified clearly in the Notes so that essential public uses were safeguarded;
- (p) C1 also supported R8’s proposal to relocate West Ventilation Building to a site at Man Kwong Street to the northwest of the IFC site;
- (q) C7 was concerned about the change of use of properties from residential to wholly commercial without consultation with the Wan Chai residents and suggested to extend the consultation period;

- (r) PlanD's responses to the grounds of representations and the representers' proposals were detailed in paragraph 4.3 of the Paper and the key points were as follows:

Rezoning of the Pacific Place site from "C/R" to "C"

- (s) Responses to R1's proposal to encourage mixed uses and the grounds of R6 against the rezoning were as follows:

Nature of Development

- i) the existing development on the Pacific Place site, which was solely commercial including office, retailing services, hotel and service apartments (R1 and R6);
- ii) the site located within the expanded CBD was more suitable for commercial than residential development;
- iii) the "C" zoning of the site was appropriate for ensuring the site to cater for the demand for Grade A office space to support the economic development of Hong Kong (R1 and R6);

Redevelopment Opportunity and Private Land Right

- iv) a whole range of uses including 'Office', 'Retail Shop' and 'Hotel' were Column 1 uses, which were always permitted. For service apartment developed as part of and/or operated within a hotel establishment, the Board had all along considered such 'hotel-like' service apartment as 'Hotel' in planning terms. There was also provision for residential use in the "C" zone through the planning permission system. The redevelopment opportunity and private land right would not be adversely affected (R6);

Consultation

- v) amendments to the OZP were exhibited for public inspection for a period of two months in accordance with the provisions of the Ordinance. The exhibition process itself was a statutory public consultation process for the Board to consider representations and comments on the draft OZP (R6);

Rezoning of the Cheung Kong Center site and adjoining open space from “C” and “G/IC” to “C(1)”

- (t) Responses to the grounds of R1 and R2 that the existing development was too tall and that planning controls would be loosened due to the “C(1)” zoning were as follows:

- i) the rezoning of the Cheung Kong Center site to “C(1)” was to reflect the completed development on the site. The rezoning would not loosen control over development as it provided clear control on specific requirements in respect of the maximum non-domestic GFA, maximum retail GFA, minimum GFA for the provision of government facilities and public car park, and minimum provision of public open space, as stipulated in the Notes of the “C(1)” zone (R1, R2 and R5);
- ii) a comprehensive BH review would be conducted for the OZP and appropriate BHR would be stipulated for various development zones (R1);
- iii) responses to the grounds of R7 were as follows:

Rationale for the Rezoning

- iv) the rezoning amendment was to reflect the completed development on the site. The stipulation of the specific GFA restrictions in the Notes followed the entitlement under the lease which reflected the approved scheme relating to the existing

development;

Stipulation of GFA Control on Retail Use

- v) the development was predominantly for office use (about 80% of total GFA), while a small amount of GFA (about 0.5%) for retail use was allowed. The stipulation of the specific requirements was to ensure that any future development on this site would be in line with the approved development scheme. Since the site was primarily for provision of Grade A office space, the restriction on retail GFA could prevent the changing of office GFA freely to retail use without planning control. There was provision under the Notes for minor relaxation of the GFA restrictions on application to the Board. This mechanism would ensure proper planning control on change of use;

Stipulation of GFA Control on Public Car Park and Government Facilities

- vi) to clearly reflect the planning intention of maintaining a public car park and the government facilities on this site, specific requirements on a minimum GFA of 25,000m² for a public car park with a minimum of 800 public car parking spaces, and 700m² for government facilities were stipulated in the Notes. The stipulations were consistent with the lease conditions;
- vii) the Notes for individual zones including the stipulation of development restrictions and requirements had been worked out with reference to the unique background, nature of the development, and taking into consideration the planning intention and the lease entitlements of respective sites. It was not appropriate to make any simple comparison between the different “C” sites in respect of the planning control imposed;

Zoning Boundary

- viii) there was provision in the covering Notes of the OZP allowing boundaries between zones be subject to minor adjustments, R7's proposal to realign the boundary to follow the lot boundary was considered not necessary.

Rezoning of the IFC site from "CDA(1)" to "C(2)"

- (u) Responses to the grounds of R1 and R2 against the rezoning and their proposals for more stringent control were as follows:
 - i) the rezoning amendment was to reflect the completed development on the site. The rezoning provided clear control by stipulating specific requirements in respect of the maximum non-domestic GFA, as well as the minimum provision of public open space in the Notes of the "C(2)" zone (R1 and R2);
 - ii) a comprehensive BH review would be conducted for the OZP and appropriate BH restrictions would be stipulated for various development zones (R1 and R2);
 - iii) regarding R1's concern on the traffic outside the IFC, TD advised that the Government was constructing new road networks to cater for the traffic growth (R1);
 - iv) R1 raised concern to the land outside the IFC and the pier. However, these areas were not related to any amendment items incorporated into the OZP;
- (v) Responses to R8's grounds and proposal to include the two three-level walkways of the IFC into the "C(2)" zone were as follows:
 - i) to clearly reflect the completed development, it was proposed that

R8 be partially met by zoning the 'Road' area covered by the two elevated shopping walkways, as Sub-area (b) of the "C(2)" zone. The existing two portions of the IFC site would be annotated as Sub-area (a) of the "C(2)" zone;

- ii) to clearly reflect the planning intention for elevated shopping walkways, the planning intention of Sub-area (b) of the "C(2)" zone was proposed to be added in the Notes and a separate user schedule for Sub-area (b) was also proposed;

[Ms. Anita W.T. Ma arrived to join the meeting at this point of time.]

(w) PlanD's View:

- i) the area outside IFC, the West Ventilation Building site and the open space sites were not related to any amendment items. The relevant parts of R1, R2 and R8 relating to these subjects should be treated as invalid;
- ii) no objection to the presentation of R8 relating to the IFC site and considered that the OZP could be amended to partially meet the representation; and
- iii) did not support the representations of R1, R2 and R5 to R7 and considered that the representations should not be upheld.

60. The Chairman then invited the representatives of representers and commenter to elaborate on their submissions.

R2 : Central and Western Concern Group

61. Mr. John Batten, the representative of R2, made the following main points:

- (a) the rezoning amendments were illogical. The high-rise and dense

developments in Central had created severe problems. It was very difficult for people to walk from one place to another;

- (b) the Government had recently planned to redevelop the West Wing of the Central Government Office to a office/commercial development with a huge carpark. The plan contradicted with the submission of R7 that there was surplus car parking provision in the Cheung Kong Centre; and
- (c) in response to the request to impose BHR on the IFC site, it was noted that PlanD had advised that a comprehensive building height review would be conducted.

R6 : Pacific Place Holding Limited

62. With the aid of some plans and materials tabled at the meeting, Mr. Ian Brownlee, the representative of R6, made the following points:

- (a) the original “C/R” zone was compatible with the form of development on the site and complied with the lease conditions. It was proposed that the “C/R” zone be retained, or alternatively a sub-zone of the “C” zone be created with ‘Flat’ in Column 1, or any alternative zoning which provided the flexibility that existed under the “C/R” zone;
- (b) there was no consultation with the landowners before the zoning amendment was proposed. The planning process was supposed to be open and transparent and the Board should engage the public in the process of plan making;
- (c) in relation to BHR’s, it had been argued that it was inappropriate to involve the public because the landowners might submit building plans and negate the changes. However, in relation to the technical amendments which were the subject of these representations, prior consultation would not only be polite and useful, it would help to

resolve any disagreement;

- (d) Pacific Place consisted of four towers, namely, One Pacific Place, Two Pacific Place, Conrad Hotel Building and Marriott Hotel Building. About 55 % of the development was non-domestic floor space and the remaining 45% was domestic floor space;
- (e) changes of the uses had been made since the complex opened in 1988 and were adequately controlled through the “C/R” zoning, lease and Buildings Ordinance. Because of mix of uses, the PR of the development was only about 12;
- (f) the mixed use concept was more suitable for the site which was on the fringe of the CBD and with a major open space and high quality residential development. No public benefit would arise from the zoning amendment. The “C/R” zone would help to bring vibrancy and interest, reduce travel requirements, efficient use of infrastructure. Residential accommodation in the city centre was equally important as office blocks for business;
- (g) commercial and residential developments at Pacific Place were compatible uses. The “C/R” zoning worked well and there was no need to change it and hence should be reinstated;
- (h) the TPB Paper stated that the rezoning amendment related to the Metroplan Review of 2003. That study was extremely theoretical and did not provide a good basis for the wholesale removal of the “C/R” zone (F1.6 and F1.8 referred). One of the big problems of the Metroplan Review was its constant reference to examples in the USA and an inability to take account of the special character of Hong Kong and the importance that the “C/R” zone in defining the unique character of the city. As recognised in the Metroplan Review, Pacific Place was

a special example of an integrated mixed development;

- (i) the Metroplan Review proposed an alternative zoning, “OU(Mixed Use)” (F2.5 and F2.6 referred) which was directly applicable to the existing design of Pacific Place. The uses were all within the same site, and they were physically separated by the design of the building with different entrances;
- (j) it was suggested that the “OU(Mixed Use)” zone could be an alternative. On 22.10.2010, the draft Guidelines for “OU(Mixed Use)” zone was presented to the Board. The “OU(Mixed Use)” zone was evidently going to become a significant replacement for the “C/R” zone and it should be used on Pacific Place; and
- (k) Pacific Place was a rather unique development in a location on the fringe of the CBD and with a well established mix of uses developed under the lease and “C/R” zoning. There was no public benefit or development control requirements to change the “C/R” zoning. However, if it was to be changed, then the existing mixed use form of development on the site should be recognized. As an alternative, a Sub-area of the “C” zone should be used with ‘Flat’ in Column 1 and permitted as of right. Another option was to have the new “OU(Mixed Use)” zone be applied to this site.

63. Mr. Alan Brown, the representative of R6, made the following main points:

- (a) different uses in the Pacific Place were independent and integrated. The Pacific Place had changed the focus of the CBD in Hong Kong in the last 20 years and the success of Pacific Place was due to the mixed uses in the city centre;
- (b) the mixed uses brought vibrancy and lifestyle to the city centre. It had been a model repeated in Festival Walk and adopted by other

cities in China and other countries; and

- (c) there was no valid reason for the rezoning amendment and there was no need for the change. The new “OU(Mixed Use)” zoning was appropriate for the Pacific Place.

R7 : Turbo Top Limited

64. With the aid of a Powerpoint presentation, Ms. Veronica Luk, the representative of R7 made the following main points:

- (a) objected to Amendment E to rezone the “G/IC” and “C” zones at the Cheung Kong Center site to ‘C(1)’ zone. The new remarks to the Notes for the proposed “C(1)” zone were too restrictive and unjustified;
- (b) Cheung Kong Center was located at the ex-Hilton Hotel site and was zoned “C” on the previous OZP. The site adjoining Cheung Kong Center was a large “GIC” zone which included the ex-Beaconsfield House and the Garden Road Multi-storey Car Park. The nature of the use remained the same with the site redeveloped to accommodate a public toilet, a post office, a public car park and a public open space. These development components were clearly delineated in the original OZP and in line with the planning intentions of respective zones, i.e. commercial development in the “C” zone and public GIC facilities in the “GIC” zone;
- (c) only about 2.6% of the GFA provided in the “GIC” zone was used for commercial use whilst the remaining was for public facilities. According to the TPB Guidelines for Application for Development/Redevelopment within GIC Zone (TPB PG-No. 16), the Board might consider rezoning a “GIC” site if the development was for predominantly non-GIC uses. The uses in the “GIC” zone were predominantly GIC uses and clearly did not meet the TPB Guidelines;

- (d) it was not the current practice to impose GFA restriction on a “GIC” zone. As set out in the TPB Paper, the Government had reserved the right to alter or vary at its absolute discretion at any time the use of the Government Accommodation within the Cheung Kong Center development. Therefore, it was not necessary to impose any GFA restriction on the “GIC” zone;
- (e) regarding the provision of a car park, its capacity should be allowed to adjust subject to district demand and supply. TD had agreed in-principle that the existing car parking facility could be reduced by 78 parking spaces. As such, the representer proposed to stipulate a range of 720 to 800 car parking spaces on “GIC” zone if the Board considered that specification of public car park in the Notes was necessary;
- (f) no GFA restriction should be specified for the public car park as it was dependent on floor design and car park efficiency. It should be noted that there was no GFA requirement for the public car park in the lease which only required the landowner to provide, manage and maintain 800 car parking spaces;
- (g) the previous “GIC” and “C” zones had already clearly reflected the completed development, there was no ground to rezone the “GIC” to “C(1)” zone;
- (h) no detailed development parameters had been specified in other “C” zones. The IFC site was rezoned from “CDA” to “C(2)” zone. It had only stipulated a maximum non-domestic GFA and the provision of a public open space. On the other hand, GFA restrictions on retail, government facilities and public car park were added to the “C(1)” zone of Cheung Kong Center. The development mix was a commercial decision and had to respond to changes in market need. The Board should not impose excessive control on the site;

- (i) the excessive and unjustified planning control contradicted with the objective of OZP which intended to indicate broad land use zonings only. Only restricting the retail use of the site could hardly guarantee the provision of Grade A office spaces because the landowner could convert the whole office building to hotel use without planning permission;
- (j) if the rezoning amendments were endorsed by the Board, a change in the retail GFA would require a s.12A application to amend the Notes of the OZP and it might require a subsequent s.16 application and then lease modification. It had time and cost implications;
- (k) the landowner of Cheung Kong Center site requested to reinstate the “GIC” and “C” zones for the site;
- (l) if the proposal was not accepted by the Board, the representer requested the Board to amend the Note of the “C(1)” zone to stipulate only a maximum non-domestic GFA and the requirement on the public open space. Or the Board should amend the Notes of the “C(1)” zone to take account of TD’s in-principle agreement that the existing facility could be reduced by 78 public car parking spaces. The proposed amendments as shown on the Powerpoint presentation were as follows:

Alternative 1

- i) On land designated “Commercial (1)”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or development in excess of a maximum non-domestic gross floor area of 144,840m², ~~of which a gross floor area of not more than 680m² shall be used for retail purpose, and gross floor areas of not less than 700m² and 25,000m² shall be used respectively for Government facilities and public car park with a minimum~~

~~of 800 public car parking spaces.~~ Public open space of not less than 5,200m² should be provided.

Alternative 2

ii) On land designated “Commercial (1)”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or development in excess of a maximum non-domestic gross floor area of 144,840m², ~~of which a gross floor area of not more than 680m² shall be used for retail purpose, and gross floor areas of not less than 700m² and 25,000m² shall be used respectively for Government facilities and public car park with a minimum of 800 public car parking spaces.~~ Public open space of not less than 5,200m² shall be provided. A range of 722 to 800 public car parking spaces shall be provided; and

(m) the “C(1)” zone boundary should be aligned to follow the surveyed lot boundary.

R8 : IFC Development Limited

65. With the aid of a Powerpoint presentation, Mr. Phill Black, the representative of R8 made the following main points:

- (a) the IFC Mall was an integrated shopping and entertainment complex on three levels. Each level was designed as a continuum of shopping and eating experience with wide internal corridors. The IFC Mall appeared as one continuous shopping mall. There was no real physical distinction between the elevated shopping walkways and the northern and southern shopping precincts;
- (b) the retail and retail-related uses within the two structures occupied around 85% of the total GFA provided within the two structures.

The retail and retail-related floor area within the two structures represented around 19% of the total GFA provided in the entire Mall;

- (c) the success of the retail mall which included the two elevated shopping walkways was due to the dominance of the retail concept;
- (d) whilst the dominant use of the elevated shopping walkways was commercial and retail, they also served as important internal pedestrian passageways. The requirement embodied in the lease required that the pedestrian passages be a minimum of 6 metres wide but without specifying their location. These pedestrian passageways were not limited to the elevated shopping walkways. Pedestrian passages permeated all of the IFC Mall;
- (e) pedestrian passageway connections were not required on all three levels of the IFC Mall, but just Level 1 because it was only this level which could connect to the external overhead pedestrian walkways surrounding the site;
- (f) the connection requirement within the elevated shopping walkways occupied only around 6% of the floor area. Thus, the intention of providing pedestrian connection was not specific to the elevated shopping walkways;
- (g) there was no rationale for having a separate Sub-zone and a new set of schedule of uses for the two elevated walkways. There was a requirement under the lease for pedestrian passage and the elevated shopping walkways had complied with this requirement. Besides, the airspace had been carefully prescribed in the Lease that the elevated structure could only have a maximum height of +37mPD and a minimum height above ground of +12.33mPD. There was no need for a separate sub-zone for the elevated shopping walkways on planning

grounds;

- (h) as shown on Plan H-7 of the Paper, the proposed “C(2)” zone covering the northern and southern sections of IFC Mall included a ‘hook’ symbol which meant the two IFC sites should be developed/redeveloped comprehensively. The role of the two elevated structures in connecting the two IFC sites had already been recognised on the statutory planning terms by the ‘hook’ symbol. There was no reason to Sub-zone the two structures to reflect their role in pedestrian connection;
- (i) if the two elevated shopping walkways should be separately sub-zoned to reflect such pedestrian linkage, the elevated walkway at the western flank of the IFC Mall should also be designated as a sub-zone of “C(2)”;
- (j) there was no rationale to request for a planning permission for a ‘private club’ and ‘institutional use’ in the elevated shopping structures as these two uses were allowed as-of-right within the northern and southern shopping sections of the IFC Mall;
- (k) it was not reasonable to put ‘private club’ and ‘institutional use’ under Column 2 and this could not help achieve the planning intention of providing pedestrian connection between the two IFC sites;
- (l) the proposed amendments to the Explanatory Statement in relation to IFC development had removed reference to the two elevated structures. It gave the misleading impression that the two elevated shopping walkways were not part and parcel of the IFC Mall;
- (m) the Board was asked to revert back to basic planning principles and zone the two elevated shopping walkways as “C(2)”.

C2 : Ms Katty Law Ngar Ning

66. Ms. Katty Law made the following main points:

- (a) the basic and prime function of the two elevated walkways at the IFC site was to provide connection from the Central piers to the inland area. Based on her experience, there were lots of property agents soliciting business along the walkway and had seriously obstructed the free passage of pedestrians. The problem might be worsened if the walkways were turned into commercial uses. It was important to set out clearly the role/function of the walkways;
- (b) she objected to the rezoning of the “G/IC” site at the Cheung Kong Centre site to “C(1)”. The subject site was previously occupied by the Garden Road Multi-storey Car Park and the Beaconsfield House. It had been used for GIC uses and the “G/IC” zone had along been retained. There was no reasonable justification to rezone the site to “C”. Whilst the “G/IC” zone should be retained, the specification of GFA for the GIC uses such as government facilities, car parking spaces and public open space should be stipulated clearly in the Notes so that essential public uses were safeguarded;
- (c) as indicated in the minutes of the Central and Western District Council (C&WDC) meeting attached to the TPB Paper, CWDC Members did not agree to delete the “G/IC” zone. Paragraph 9 of the said minutes stated that the DC would submit the comments of the DC members, including not agreeing to delete the “G/IC” zone for TPB’s consideration. It was important to keep the “G/IC” zone. Otherwise, it would be difficult for the community to know that the site was for public uses;
- (d) “G/IC” sites were scarce land resources owned by the community. There was a trend that the Government was progressively ‘selling’ the “G/IC” sites for private development. One example was the ‘Government Hill’ which was a valuable heritage site owned by the

community. The Government had recently announced to rezone a large piece of 'G/IC' site at the 'Government Hill' to "CDA", which was basically a commercial development. It was a conflict/double standards for the Government to object to R7's proposal to convert the surplus car parking spaces at Cheung Kong Center to retail use, but on the other hand rezone the West Wing of the Central Government Offices to commercial/office use; and

- (e) planning for the Central District had been undertaken in a fragmented and piecemeal manner. PlanD should take a holistic approach and undertake a comprehensive review of the overall planning for the area. The Board should look at the wider picture of the whole Central District, including the planning for the 'Government Hill'.

67. As the presentations from the representatives of the representers and commenter had been completed, the Chairman invited questions from Members.

68. In response to a Member's enquiry in relation to the development on the Cheung Kong Center site, Ms. Brenda Au, DPO/HK, replied that the Cheung Kong Center development had a PR of about 15. The total GFA specified in the Notes was based on the whole development site, which had achieved the maximum permissible PR under the Buildings (Planning) Regulations. The current rezoning amendment was to reflect the completed development. If only the footprint of the Cheung Kong Center building was taken into account for GFA calculation, it could hardly achieve the total GFA developed based on the whole site. Ms. Au said that for Members' information, about 80% of the GFA of the Cheung Kong Center development was for office use.

69. A Member noted that there was already a street separating the northern and southern portions of the IFC development when the lease was executed. This Member asked whether elevated walkway was required to connect these two portions. Ms. Brenda Au, DPO/HK, replied that the two elevated walkways connecting the northern and southern portions of IFC Mall were indicated as 'elevated shopping walkway' on the plan attached to

the lease. It had been specified in the lease that retail use was allowed within these two structures. In the relevant planning applications submitted for the Board's consideration, these two structures were specified as 'retail footbridges'. To clearly reflect the intended use, the elevated shopping walkways could be designated as a Sub-area and subject to more restrictive uses. In this regard, 'Private Club' and 'Institutional Use' which were not retail or retail-related uses should be put under Column 2. Application for the said uses could be submitted through the planning permission system for the Board's consideration. In this connection, Ms. Au said that the third footbridge as referred by Mr. Phill Black in his presentation should be handed back to the Government. It did not form part of the IFC development nor had any retail elements.

70. The Chairman enquired about if the "G/IC" zoning for Cheung Kong Center site was reinstated, whether there was any implication on the redevelopment of the site. Ms. Brenda Au, DPO/HK replied that if the previous "G/IC" zone was reinstated, any redevelopment proposal of the Cheung Kong Center would need to be submitted for the Board's approval. Another issue was that the existing total GFA, if related only to the Cheung Kong Center site under the original "C" zoning, would far exceed the maximum permissible PR under the Building (Planning) Regulations.

71. Mr. Phill Black said that control on the elevated shopping walkways had been included in the lease and there was no need to have OZP control on these pedestrian connections. More importantly, it was not reasonable to have a Sub-zone specific for these two elevated walkways that were designed as part of the shopping mall. The planning intention of the pedestrian connections would not be weakened if they were zoned "C(2)". In this regard, Mr. Phill Black supplemented that the footbridge to the west of the IFC development as mentioned in his presentation was built by MTRCL, currently maintained by the IFC Development Ltd. It provided another pedestrian connection between the northern portion and southern portion of the IFC development. 'Private Club' and 'Institutional Use' had along been put under Column 1 of "C" zone. It was unreasonable to put them under Column 2 in the Sub-zone as proposed by PlanD. Putting the said uses under Column 2 had no relevance to achieving the planning intention of providing a pedestrian connection between the two portions of the IFC.

72. Ms. Katty Law said that the Central District had serious traffic congestion problem, in particular at the junction of Queen Road Central and Ice House Street. Any future development in the district should avoid bringing additional traffic into the area. As such, the Central Government Offices West Wing should not be redeveloped to car park or office/commercial uses. The review of the Central District OZP should identify the problems in the area and assess the development density in the area. It was disappointing to note that the development of the ‘Government Hill’ had not been covered in the current OZP review. In September 2010, the Government had announced the redevelopment scheme of the ‘Government Hill’. There were heated debates on the subject in the public domain and a lot of people had raised their objections on the redevelopment scheme from environmental and heritage conservation points of view. There should be a holistic review and discussion of the whole Central District so as to provide public an opportunity to give their comments. The ‘Government Hill’ was a precious public asset and should be preserved for GIC uses.

73. As Members had no further question to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in the absence of the representers and commenters. They would be informed of the Board’s decision in due course. The Chairman thanked the representatives of the representers and commenters as well as PlanD for attending the meeting. They all left the meeting at this point.

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

Deliberation Session

Rezoning of “C/R” to “C”

Pacific Place Site

74. For the Pacific Place site, a Member said that in view of the nature of the existing development on the site, namely, office, retailing services, hotel and service apartments, the zone should be rezoned to “C”. The representers did not advance adequate arguments to

persuade the Board to amend the OZP to meet the representations.

75. Regarding the proposal submitted by R6 to rezone the Pacific Place site from “C(1)” to ‘OU(Mixed Use)’, the Secretary briefed Members that some sites in Causeway Bay and Wan Chai were zoned “OU(Mixed Use)” on the respective OZPs to allow flexibility for development/redevelopment/conversion of residential or other uses, or a combination of various types of compatible uses to meet the changing market demands. Nevertheless, it was noted that the existing development on the site included office accommodation and shopping mall, hotels and service apartments. For the former three uses, they were Column 1 uses in the “C” zone, whereas the serviced apartments developed as part of and/or operated within hotel establishment had all along been considered by the Board as ‘Hotel’ in planning terms. Members noted that there was also provision for residential use in the “C” zone through the planning permission system which would allow flexibility to meet changing planning circumstances. Members considered that the proposals of rezoning the site to “OU(Mixed Use)” or putting ‘Flat’ use in Column 1 of the “C” zone were inappropriate.

Cheung Kong Center Site

76. In response to Members’ enquiries, the Secretary elaborated briefly the comprehensive development at the Cheung Kong Center site. Before the site was redeveloped, it was occupied by the former Hilton Hotel, Beaconsfield House and Garden Road Multi-storey Car Park. The Cheung Kong Center site was the subject of several planning applications approved by the Board. The development scheme covered the whole site, including the areas previously zoned “G/IC” and “C”. In 1996, a land exchange to implement the approved scheme of the Cheung Kong Center development was executed and the “GIC” portion of the site was granted to the developer. The Cheung Kong Center and adjoining open space formed one single development based on which the plot ratio of about 15 was calculated. It should be noted that the development potential of the original GIC site had already been transferred to the original “C” site and used up for the Cheung Kong Center development. If the GIC site was carved out from the Cheung Kong Center site as requested by the representer, the PR for the Cheung Kong Center building alone would far exceed 15. As explained in the TPB Paper, the rezoning amendment would not relinquish control over the development as all specific requirements in respect of the maximum non-domestic GFA,

maximum retail GFA, minimum GFA for the provision of government facilities and public car park, and the minimum amount of public open space to be provided on site had been stipulated in the Notes of the “C(1)” zone. The Secretary continued to say that apart from reinstating the original “G/IC” zoning for the GIC portion of the site, the representer R7 also requested the Board not to impose any restriction on the reinstated “G/IC” zone.

77. The Chairman remarked that R7 had submitted at the presentation that TD had given in-principle agreement for the reduction of 78 car parking spaces. Referring to paragraph 4.3.4 (e) of the Paper, the Secretary said that TD’s latest advice was that it would be prudent to keep the 78 car parking spaces at Cheung Kong Center, taking into account the imminent developments/redevelopments in Central, which included a number of private developments alongside Queen’s Road Central without public car parking spaces.

78. In response to a Member’s enquiry, the Secretary replied that the public car park was provided to reprovision the ex-Garden Road Multi-storey Car Park. Whilst specific requirements on the public car park had been stipulated in the Notes, the requirements could be reviewed to meet future change in parking space demand, as and when necessary. However, TD had advised that it was prudent to keep the number of car parking spaces at the Cheung Kong Center.

79. A Member expressed support for the rezoning amendments to “C(1)” so as to better reflect the completed development on the site. The Member also noted that the Notes had clearly stipulated the development parameters. Regarding the car park requirements, this Member considered that there was no sufficient reason to justify any amendment proposed by R7. Another Member shared the above views and supported the zoning amendments for the site.

80. A few Members, however, had different views. One Member pointed out that the C&WDC and some representers and commenters might have mistaken that the GIC facilities would be lost due to the rezoning amendment. If the meeting decided to uphold the “C(1)” zoning for the Cheung Kong Center site, the Board might be criticized for benefiting the developer at the expense of the public interests. Another Member shared the

concern and asked whether there was any other alternative, say reinstating the original “G/IC” zoning in respect of the GIC portion of the site. This Member said that the GIC site was currently used to provide public facilities. The public might conceive that if the site was rezoned to “C”, the control on the provision of public facilities would be lost. The Secretary said that it was technically feasible to reinstate the “G/IC” zone if Members considered appropriate. However, specific requirements/restrictions should be imposed on the “G/IC” zone to ensure adequate planning control on the site. However, it should be noted that the PR of the comprehensive development was calculated based on the whole lot, i.e. the Cheung Kong Center and adjoining open space. If the “GIC” portion was carved out, the GFA currently developed on the Cheung Kong Center building would far exceed the maximum permissible non-domestic PR of 15 under the Building (Planning) Regulations. In addition, apart from GIC facilities, there were some supporting commercial facilities including a fast food shop at the GIC part of the site.

81. A Member said that the concerns of some Members on the possible adverse public comments were noted. However, it had along been the practice of the Board to amend the OZP to reflect the completed development on the site. Any deviation from the current practice should be supported by sufficient justifications. Another Member also considered that it was more appropriate and proper to rezone the Cheung Kong Center site to “C(1)” from the planning point of view.

82. Mr. Jimmy Leung, Director of Planning, said that both options considered by Members, i.e. reinstate the “G/IC” zone with the specifications of all relevant requirement or retain the “C(1)” as it was set out in the Note, aimed to achieve the same result of ensuring proper planning control on the Cheung Kong Center site. The concerns raised by the DC members, representers and comments on the possible loss of GIC facilities upon redevelopment of the site were appreciated. However, it should be noted that the whole development was covered by one single lot and the open space part of the site had already been included into the comprehensive development scheme. Mr. Leung said that it was more appropriate to retain the “C(1)” zone for the whole site to reflect the completed development on the site. Regarding the possible public criticism, the Notes had already set out all the requirements to ensure proper planning control on the site.

83. A Member said that the proposed rezoning amendments to the Central District OZP including the subject site had been deliberated and agreed by the Board in its previous meeting. There was no strong justification to change the “C(1)” zoning. Another Member said that the Board should work for the best interests of the community and there were sufficient justifications for the Board to retain the rezoning amendment. To address the concern of some representers (namely R2 and R5) and commenters as well as the public on possible loss of G/IC facilities and public open space due to the rezoning, the Board should explain to the public clearly the history/rationale for the rezoning amendment and the planning control imposed on the site, in particular on the provision of public facilities under the “C(1)” zone. In this regard, the Secretary said that the relevant parts of the Notes and Explanatory Statement relating to the Cheung Kong Center site could be revised to clearly set out that the planning intention of the “C(1)” zone which was primarily for office use and the provision of public car park, government facilities and public open space, with supporting shop, services and eating place. The planning history and background of the Cheung Kong Center site development could also be elaborated in the Explanatory Statement. Members agreed.

IFC Site

84. Members noted that the rezoning amendment relating to the IFC site was to reflect the existing development. There was no sufficient justification to rezone the site to “OU” as proposed by R1. Members agreed to PlanD’s recommendation to zone the ‘Road’ area covered by two elevated shopping walkways as Sub-area (b) of the “C(2)” zone and the existing portions of the IFC site be correspondingly annotated as Sub-area (a) of the “C(2)” zone. Members also agreed that in view of the planning intention of the elevated shopping walkway, i.e. primarily for providing elevated walkways to connect the northern and southern portions of the IFC Mall, the user schedule for the Sub-area (b) as proposed by PlanD was appropriate. In response to a Member’s enquiry, the Secretary clarified that the northern and southern portions of the IFC were previously zoned “CDA”. Since these two portions were separated by a road, two ‘hooks’ were marked on the plan indicating that these two portions were under one CDA zone. As Members agreed to zone the elevated shopping walkways as a sub-area of “C(2)” which linked up these two

portions of the IFC Mall, the 'hook' symbols would no longer be required.

85. The Chairman concluded that Members agreed that the zoning amendments relating to the Pacific Place site, Cheung Kong Center site and IFC site as proposed by PlanD were appropriate. There was no sufficient justification submitted by the representers to reinstate the previous zonings. For R6, the Pacific Place site was located within the expanded CBD and the site should be rezoned to "C" to ensure the site would function as a major commercial and business area. There was already provision for residential use in the "C" zone through the planning permission system which would allow flexibility to meet changing circumstances. In view of the existing development and the planning intention of the site, Members considered that proposal of including the 'Flat' use in Column 1 of the "C" zone or rezoning the site to "OU(Mixed Use) put forward by R6 were inappropriate. For the Cheung Kong Center site, it was a comprehensive redevelopment scheme covering the whole site previously occupied by the former Hilton Hotel, Garden Road Multi-storey Car Park and Beaconsfield House, based on which the maximum plot ratio of about 15 was calculated. The Notes of the "C(1)" zone had already provided control on specific requirements including the provision of public car park, government facilities and public open space. To address the concern of some representers (namely R2 and R5) and commenters as well as the public, Members agreed that the Notes and Explanatory Statement in relation to the "C(1)" zone should be suitably revised to clearly set out planning intention of the site and the relevant planning history of the development. For the IFC site, Members agreed that the two elevated shopping walkways should be rezoned to Sub-area (b) of the "C(2)" zone and the northern and southern portions of the IFC be correspondingly annotated as Sub-area (a). In view of the planning intention of the elevation shopping walkways, the separate user schedule for Sub-area(b) as suggested by PlanD and attached to the TPB Paper was considered appropriate. For the representations in relation to three open space zones, the area shown as 'Road' annotated 'Tunnel Portal' for West Ventilation Building and the area outside IFC, Members agreed that these were not related to any amendment items and should be considered as invalid.

Representation No. 1

86. After further deliberation, the Board decided that the relevant part of the

representation of R1 relating to the land outside the IFC and the pier was invalid as it was not related to any amendment items incorporated into the OZP.

87. After further deliberation, the Board decided not to uphold the remaining part of the representation of R1 in relation to the rezoning of the Pacific Place site, the Cheung Kong Centre site and the IFC site for the following reasons:

The Pacific Place site

- (a) the “C/R” zoning was an obsolete zoning to be phased out. The rezoning of the Pacific Place site, which was located within the expanded CBD, was appropriate to ensure the site to continue to function as a major commercial and business area in future to support the economic development of Hong Kong;

The Cheung Kong Center site

- (b) the rezoning of the Cheung Kong Center site to “C(1)” was to reflect the completed development on the site. The Cheung Kong Center together with the adjoining open space form one single development site. The rezoning would not loosen control over development as it provided clear control on specific requirements including the provision of government facilities and public car park, and provision of public open space, as stipulated in the Notes of the “C(1)” zone;

The IFC site

- (c) the rezoning of the IFC site to “C(2)” was to reflect the completed development on the site. The rezoning provided clear control by stipulating specific requirements in respect of the maximum non-domestic GFA, as well as the minimum provision of public open space in the Notes of the “C(2)” zone; and
- (d) a comprehensive building height review would be conducted for the OZP and appropriate building height restrictions would be stipulated for

various development zones including the Cheung Kong Center and IFC sites.

Representation No. 2

88. After further deliberation, the Board decided that the relevant parts of the representation of R2 relating to three open spaces were invalid as they were not related to any amendment items incorporated into the OZP.

89. After further deliberation, the Board agreed to revise the Notes and Explanatory Statement of the OZP to set out the clearly the planning intention of the “C(1)” zone in relation to the Cheung Kong Center site.

90. After further deliberation, the Board decided not to uphold the remaining parts of the representation of R2 in relation to the rezoning of the Cheung Kong Center site and the IFC site for the following reasons:

The Cheung Kong Center site

- (a) the rezoning of the Cheung Kong Center site to “C(1)” was to reflect the completed development on the site. The Cheung Kong Center together with the adjoining open space form one single development site. The rezoning would not loosen control over development as it provided clear control on specific requirements including the provision of government facilities and public car park, and provision of public open space, as stipulated in the Notes of the “C(1)” zone;

The IFC site

- (b) the rezoning of the IFC site to “C(2)” was to reflect the completed development on the site. The rezoning provided clear control by stipulating specific requirements in respect of the maximum non-domestic GFA, as well as the minimum provision of public open space in the Notes of the “C(2)” zone; and

- (c) a comprehensive building height review would be conducted for the OZP and appropriate building height restrictions would be stipulated for various development zones including the Cheung Kong Center and IFC sites.

Representation No. 5

91. After further deliberation, the Board agreed to revise the Notes and Explanatory Statement of the OZP to set out the clearly the planning intention of the “C(1)” zone in relation to the Cheung Kong Center site.

92. After further deliberation, the Board decided not to uphold the remaining part of the representation of R5 in relation to the rezoning of the Cheung Kong Centre site for the following reasons:

- the stipulated requirement in the Notes of the “C(1)” zone for the Cheung Kong Center site on the provision of public open space of not less than 5,200m² would ensure the existing amount of public open space within the site be provided upon redevelopment.

Representation No. 6

93. After further deliberation, the Board decided not to uphold the representation of R6 in relation to the rezoning of the Pacific Place site for the following reasons:

- (a) the “C/R” zoning was an obsolete zoning to be phased out. The rezoning of the Pacific Place site, which was located within the expanded CBD, was appropriate to ensure the site to continue to function as a major commercial and business area in future to support the economic development of Hong Kong;
- (b) a whole range of uses including ‘Office’, ‘Retail Shop’ and ‘Hotel’ were Column 1 uses in the “C” zone, which were always permitted. There was also provision for residential use in the “C” zone through the

planning permission system which would allow flexibility to meet changing planning circumstances; and

- (c) amendments to the OZP were exhibited for public inspection for a period of 2 months in accordance with the provisions of the Ordinance. The exhibition process itself was a statutory public consultation process for the Board to consider representations and comments on the draft OZP.

Representation No. 7

94. After further deliberation, the Board decided not to uphold the representation of R7 in relation to the rezoning of the Cheung Kong Centre site for the following reasons:

- (a) the rezoning of the Cheung Kong Center site to “C(1)” was to reflect the completed development on the site. The stipulation of the specific GFA restrictions in the Notes followed the entitlements under the lease which reflected the development scheme approved by the Board. There was provision under the Notes for minor relaxation of the GFA restrictions on application to the Board;
- (b) the public car park was for the re-provisioning of the ex-Garden Road Multi-storey Car Park, and the government facilities provided within the site are for the re-provisioning of similar facilities in the ex-Beaconsfield House; continuous provision of these facilities should be ensured by imposing specific control in the Notes of the “C(1)” zone; and
- (c) the OZP was a small-scale plan and it was intended to illustrate only the broad land use zonings. Since there was provision in the covering Notes of the OZP allowing boundaries between zones be subject to minor adjustments, realignment of the boundary to follow the lot boundary exactly was considered not necessary.

Representation No. 8

95. After further deliberation, the Board decided that the relevant part of the representation of R8 relating to an area shown as 'Road' annotated 'Tunnel Portal' where the West Ventilation Building of Central-Wanchai Bypass would be located was invalid as it was not related to any amendment items incorporated into the OZP.

96. After further deliberation, the Board decided to propose amendments to the draft OZP to partially meet the representation by zoning the 'Road' area covered by the two elevated walkways as Sub-area (b) of the "C(2)" zone, and the two existing portions of the IFC site would be correspondingly annotated as Sub-area (a) of the "C(2)" zone as shown in Annex VII of the Paper. The proposed amendments to the Notes were shown (in bold and italics) in Annex VIII of the Paper which included the incorporation of a separate user schedule with 'Private Club' and 'Institutional Use' put under Column 2 for Sub-area (b) of the "C(2)" zone, and the revision of the planning intention of the "C" zone to set out the planning intention for the Sub-area (b) of the "C(2)" zone. The proposed revisions to the ES (in bold and italics) were shown in Annex IX of the Paper.

97. The meeting was adjourned for lunch at 2:45 p.m.

98. The meeting was resumed at 3:30 pm.

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

Mr. Thomas Chow

Mr. Stanley Y.F. Wong

Mr. Walter K.L. Chan

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Eddie C.M. Hui

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Professor S.C. Wong

Ms. Pansy L.P. Yau

Mr. Stephen M.W. Yip

Mr. C.W. Chow

Mr. Benny Wong

Miss Annie K.L. Tam

Mr. Jimmy Leung

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Consideration of Representation to the Draft Stonecutters Island Outline Zoning Plan No. S/SC/9

(TPB Paper No. 8704)

[This item was conducted in Cantonese]

100. The Secretary said that as the proposed amendment to the outline zoning plan (OZP) was related to Environmental Protection Department's (EPD) project, Mr. Benny Y.K. Wong, being Deputy Director of EPD, had declared interests on this item. As Mr. Wong's interest was direct, Members agreed that he should leave the meeting temporarily.

[Mr. Benny Y.K. Wong left the meeting temporarily at this point.]

Presentation and Question Session

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

Mr. Wilson Chan	District Planning Officer / Tsuen Wan and West Kowloon (DPO/TWK), PlanD
Miss Ivy Wong	Town Planner / TWK, PlanD

102. As sufficient notice had been given to the representer, Members agreed to proceed with the hearing of the representation in the absence of the representer who had made no reply to the notice.

103. The Chairman extended a welcome and then invited DPO/TWK to brief Members on the representation. With the aid of a powerpoint presentation, Ms. Wilson Chan made the following main points as detailed in the Paper :

- (a) on 23.7.2010, the draft Stonecutters Island OZP No. S/SC/9 (the OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);

- (b) the main amendment was to rezone a site bounded by Mei Ching Road, West Kowloon Highway, Hing Wah Street West and Container Port Road South from “Other Specified Uses” (“OU”) annotated “Container Related Uses” and “OU” annotated “Petrol Filling Station” to “OU” annotated “Container Related Uses and Underground Sewage Treatment Works with Ancillary Above Ground Facilities”, “OU” annotated “Petrol Filling Station” and “Government, Institution or Community” (“G/IC”) to facilitate the development of an underground biological treatment plant and its above ground ancillary facilities in relation to Harbour Area Treatment Scheme (HATS). The other amendments included incorporation of a minor relaxation clause for plot ratio restriction and other technical amendments;
- (c) one representation in support of the proposed amendments was received from the Grand Horizon Owners’ Committee (representation No. R1) on grounds that it would increase land use flexibility, which would be beneficial to future development. No comment was received on the representation; and
- (d) PlanD noted the supporting representation.

104. As there was no question from Members, the representatives of PlanD left the meeting.

Deliberation

105. After deliberation, the Town Planning Board (the Board) noted the representation No. R1, which was supportive in nature.

[Mr. Benny Y.K. Wong returned to the meeting at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Further Consideration of Representation No. R10 and Comment No. C2 to the Draft Aberdeen and Ap Lei Chau Outline Zoning Plan No. S/H15/25 (TPB Paper 8716)

[This item was conducted in Cantonese]

106. The following Members had declared interests on the item:

- | | | |
|----------------------|---|---|
| Mr. K. Y. Leung | - | his mother owned a flat in Ap Lei Chau and his employer, the University of Hong Kong intended to acquire a piece of land in the Aberdeen & Ap Lei Chau area for its development |
| Mr. Laurence L.J. Li | - | owned an industrial building in Wong Chuk Hang area |
| Mr. Roger K.H. Luk | - | being an Independent Non-Executive Director of Wheelock Properties Limited which had a property in Heung Yip Road |
| Mr. Rock C.N. Chen | - | being a member of the Aberdeen Marina Club which was one of the representers (R8) for the subject OZP |

107. Members noted that Mr. Li and Mr. Chen had tendered apologies for not able to attend the meeting and Mr. Leung had left the meeting. Members agreed that as the proposed amendments to the OZP did not involve Heung Yip Road, the interests of Mr. Li was indirect and remote, and that he could stay at the meeting.

108. As sufficient notice had been given to the commenter, Members agreed to proceed with the further consideration of representation No. R10 in the absence of commenter No. C2 (Designing Hong Kong Ltd.), who had indicated that they would not attend the hearing.

109. Members noted that a replacement page for page 4 of the Paper was tabled at the meeting.

Presentation and Question Session

110. The following representatives from PlanD, the representer and his representatives were invited to the meeting at this point:

Ms. Brenda Au	DPO/Hong Kong (DPO/HK), PlanD
Mr. David Lam	Senior Town Planner / Hong Kong, PlanD
Ms. Grace Cheung] Representer's Representative
Mr. Stanley Lam]
Mr. Wyllie Lam]
Mr. Dickson Hui]
Ms. Winnie Wu]
Miss. Connie Chan]

111. The Chairman extended a welcome and explained the procedures of the hearing. He then invited DPO/HK to brief Members on the representation.

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

- (a) representation No. R10 was submitted by Hong Kong Ice and Cold Storage Limited, opposing the building height (BH) restriction for the Hong Kong Ice and Cold Storage site at Tin Wan Praya Road. The site was zoned "Industrial" ("I") with BH restriction of 30mPD on the draft Aberdeen and Ap Lei Chau OZP No. S/H15/25 that was gazetted on 7.5.2010;
- (b) the site comprised two lots, AML 10 in the eastern portion and AML 11 in the western portion. Under the lease, AML 10 was not subject to BH restriction and AML 11 was subject to a BH restriction of 85 feet above mean formation level (or 30mPD). The height of the existing building

on the site was about 23 to 24mPD;

- (c) at the hearing held on 22.10.2010, the representer presented an indicative redevelopment scheme proposing a relaxation of BH restriction on the site to 110mPD (on AML 10) and 80mPD (on AML 11) with an overall PR of 4.7 and GFA of 303,742ft². Assumptions on floor-to-floor height of 7m and 6.9m, and site coverage of 33% and 42% were adopted for AML 10 and AML 11;
- (d) at the representation hearing on 22.10.2010, the representer claimed that AML 10 and AML 11 were entitled to a PR of 15 and PR of 2 to 3 respectively under the lease. The representer also indicated that there were visual benefits of relaxing the BH on the site as it would screen off views of the pylons;
- (e) the Board decided to defer a decision on R10 subject to Lands Department's (LandsD) advice on the lease entitlement of the site and PlanD's further review of the BH restriction for the site. Members also expressed the following major views :
 - (i) no tall building should be allowed on the site near the electric pylons (i.e. AML 11);
 - (ii) if lease entitlement was a relevant consideration, a relaxation of the BHR for AML 10 (that had no BH restriction under the lease) might be acceptable; and
 - (iii) protection of views of the ridgeline behind the site and view from Pok Fu Lam were relevant planning considerations;

[Mr. Clarence W.C. Leung returned to join the meeting at this point.]

- (f) departmental comments – as detailed in Section 3 of the Paper. LandsD advised that the representer's claim of a maximum PR of 15 for AML 10

and PR of 2 to 3 for AML 11 was not unreasonable based on the existing lease conditions, subject to the comments of Buildings Department (BD). BD had no adverse comment on the representer's claim on plot ratio for the respective lots. The Electrical and Mechanical Services Department (EMSD) advised that AML 11 was encroached by 'cross arms' cantilevering out from the 2 sides of the pylons for hanging two groups of 132kV overhead lines (OHL) and the highest level of the 'cross arms' was about 58.5mPD. If the BHR for AML 11 was to be relaxed to 80mPD, the 'cross arms' and OHLs had to be removed and that would have adverse impact on electricity supply reliability;

- (g) PlanD's review of BH restriction on the site - PlanD considered that the BH restriction for the site could be relaxed from 30mPD to 60mPD for AML 10 and 40mPD for AML 11. The new BH restriction would enable an overall PR of 5.69 with GFA of 34,215m² on the site. As the assumed PR was higher than the representer's indicative scheme presented at the previous hearing, there would be sufficient flexibility for detailed design. The following considerations and assumptions had been taken into account in proposing the revised BH restrictions:
- (i) based on the advice of LandsD on the lease entitlement, a PR of 15 was assumed for AML 10. For AML 11, as the exact PR had not been confirmed, a maximum PR of 3 was assumed for the purpose of determining the BH restriction;
 - (ii) a floor-to floor height of 5m was assumed. That was a reasonable assumption taking into account the storey heights of other existing free-standing cold storage buildings in the Territory which ranged from 3.7m to 5.4m, with only two buildings having storey heights exceeding 5m;
 - (iii) the intention was to avoid out-of-context development and achieve a coherent gradation of the BH profile on the waterfront. Having regard to the local setting and for the protection of the ridgeline

behind the site, it was proposed that 20% to 30% of the green backdrop should be maintained;

- (iv) obstruction of the view from Shek Pai Wan Road, which was the main traffic route between Pok Fu Lam and Aberdeen, should be minimized;
- (v) due regard should be given to the existing pylons with overhead lines (OHLs) currently encroaching on AML 11. With reference to the relevant guidelines in the Hong Kong Planning Standards and Guidelines and in consultation with EMSD, an area at the northern portion of AML 11 should be free from building structure upon redevelopment for the protection of the electric pylons;
- (vi) provision of basement car park and GFA concession of 5% were assumed. The non-building area on G/F as required under the lease and the building free zone for electronic pylon protection (as advised by EMSD) had been taken into account; and
- (vii) the revised BH restriction could help create a stepped BH profile descending from the east to west to align with the existing BH profile in the area. The overall BH profile on the site would retain about a minimum of 35% of the green backdrop for ridgeline protection purpose. With the aid of photomontages of viewpoints from the promenade at South Horizons and Shek Pai Wan Road, it was demonstrated that development up to the revised BH restrictions proposed by PlanD would not cause significant adverse visual impact. On the contrary, the representer's proposal to relax the BH to 110mPD for AML 10 and 80mPD for AML 11 would have adverse visual impacts on the ridgeline and the green backdrop when viewed from South Horizons as well as openness of the view from Shek Pai Wan Road; and

- (h) PlanD's view – do not support the representer's proposal to relax the BH restriction to 110mPD for AML 10 and 80mPD for AML 11) as it would have adverse visual impact and would affect electricity supply reliability but recommended that the BH restriction be relaxed from 30mPD to 60mPD for AML10 and 40mPD for AML 11.

[Ms. Anita W.T. Ma returned to join the meeting at this point.]

113. The Chairman then invited the representer's representatives to elaborate on their representation.

114. With the aid of a powerpoint presentation, Mr. Dickson Hui made the following main points:

- (a) the site comprised two lots, AML 10 and AML 11, under separate leases. Under the leases, there was no BH restriction for AML 10 and AML 11 was under a BH restriction of 85 ft above mean formation level;
- (b) PlanD's revised BH restriction had assumed that AML 10 could be redeveloped to a PR of 15 and AML 11 to a PR of 3, enabling a total GFA of 34,215 m². However, the permissible GFA on the two lots could not be achieved given the site constraints and floor-to-floor height requirements for ice-making plants;
- (c) site constraints - PlanD had assumed maximum site coverage of 80% and 60% that were permissible under Schedule 1 of the Building (Planning) Regulations (B(P)R). However, the site was subject to various development constraints which restricted the buildable area to only around 60% of the total site area. These constraints included the requirement for non-building areas under the lease for protection of the electric pylons and setback from seawall, operational needs to provide open areas for emergency vehicular access and crane areas within the site. As such, the total GFA in PlanD's proposal, which was based on the assumption of a larger site coverage, could not be achieved;

- (d) floor-to-floor height requirements - PlanD had assumed a floor-to-floor height of 5m based on their research of existing cold storage buildings. However, the site would be used for both ice-making and cold storage and based on the representer's information of four such premises (HK Ice and Cold Storage, Castle Peak Ice Making Plant, Yau Tong Ice Making Plant and Tai Po Ice Making Plant), the floor-to-floor heights were all above 9m with one of them at Yau Tong having a storey height of 16.4m;
- (e) when taking into account the above site constraints and floor-to-floor height requirements of ice-making plants, PlanD's revised BH restrictions would only allow a development of about 27,788m² resulting in a 20% loss in GFA;
- (f) under a revised BH restriction of 60mPD for AML 10, the achievable PR would only be around 7.5 and would involve a transfer of PR to AML 11 if the full development potential of AML 10 had to be realised. However, transfer of PR might not be feasible under existing policy;
- (g) the BH restriction would need to be relaxed to 129mPD for AML 10 and 50mPD for AML 11 to achieve a total GFA of 33,700 m², that represented a 1.5% loss of GFA compared to the total achievable GFA under PlanD's revised BH restrictions; and
- (h) the representer proposed to further relax the BH restriction to 110mPD for AML 10 so that the BH restriction would be the same as that of the adjacent Hing Wai Ice and Cold Storage site. The BH restriction was proposed to be relaxed to 50mPD for AML 11 and that would not impact on the 'cross arms' of the pylons at 58.5mPD. Under those proposed BH restrictions, there would be about 8% loss of GFA (i.e. 31,545m²) as compared with the total achievable GFA (34,215m²) under PlanD's revised BH restrictions.

115. Ms. Grace Cheung, representer of the owner of the site, made the following main points:

- (a) the site was for special industry of ice-making and cold storage. There were not many premises for such uses in Hong Kong and some of the existing ice-making plants would be redeveloped in future;
- (b) the minimum headroom requirement for ice-making plants was in the range of 9m to 12m;
- (c) there was a concrete redevelopment plan for the site and the planned GFA was around 300,000 ft²;
- (d) the proposed BH of 110mPD was the same as the BH restriction of the adjacent Hing Wai Ice and Cold Storage site. Even assuming a 5m floor-to-floor height for cold storage purpose on that part of the site, it would still result in about 8% loss in GFA;
- (e) AML 10, with a higher BH restriction proposed, only occupied a small portion of the site; and
- (f) the existing buildings on the site were in an obsolete state and there was insufficient space for operational needs.

116. Mr. Wyllie Lam, the operator of the ice-making and cold storage plant, made the following main points :

- (a) the 5m floor-to-floor height assumed by PlanD could only accommodate non-racking type cold storage. The typical floor-to-floor height of ice-making plants should be 9m for accommodating the 7m tall machine and other ancillary equipments; and
- (b) some of the other ice and cold storage companies in Hong Kong would scale down or close down their operation in the next 5 to 10 years for

redevelopment, thus resulting in a reduction of about 45% of total cold storage capacity in the Territory. Their own expansion and redevelopment plan was to capture that demand for cold storage, without which there might be shortfall of cold storage to serve the customers in the Territory. Though cold storage facilities were available in the Mainland, such facilities should be provided in Hong Kong to support the logistics industry. As the adjacent Hing Wai Ice and Cold Storage site had plans to cease operation, their company would become the sole supplier of ice to fishing boats in the Area.

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

117. A Member asked why there was a big difference in the floor-to-floor height requirement of existing ice-making / cold storage buildings as claimed by PlanD and the representer. Ms. Brenda Au explained that according to the lease conditions, the site could be used for ice-making, general cold storage, processing of marine life and other business allied to the fishing industry. Considering that only a few storeys of the redevelopment would be used for ice-making and there would be other cold storage uses, adopting an average floor-to-floor height of 5m was reasonable. She also pointed out that the current scheme of the representer had a higher GFA (31,545 m²) as compared with the scheme presented at the previous hearing on 22.10.2010 (i.e. 300,000 ft² or 28,218m²).

118. That Member also asked what visual impact of the representer's proposed BHs on the ridgeline and the green backdrop would be. Based on a photomontage from a viewpoint at the promenade of South Horizons, Mr. Dickson Hui showed that should AML 11 be redeveloped to 50mPD, about 20% of the green backdrop could be retained. This was in line with the principle to preserve 20% to 30% of the green backdrop along the ridgeline. The development would also be below the 'cross arm' of the pylon. The proposed BH of 110mPD for AML 10 was the same as the BH restriction of the adjacent Hing Wai Ice and Cold Storage site. AML 10, which was proposed for a higher BH restriction, only occupied about 20% of the site.

119. A Member asked whether some facilities could be accommodated in basement floors. Mr. Wyllie Lam indicated that cold storage facilities were operating at sub-zero

temperatures, and putting the facilities underground would pose problems of insulation and possible freezing / cracking of walls. There would be an added risk of water seepage as the site was at a waterfront location.

120. A few Members noted that the representer had changed the assumptions on the floor-to-floor height. For the proposal presented at the hearing on 22.10.2010, a floor-to-floor height of 7m and 6.9m was assumed for AML 10 and AML 11. For the revised proposal presented at the meeting, a floor-to-floor height of 5m and 9m was assumed for AML 10 and AML 11. One Member queried why a development scheme with a higher GFA was presented at that hearing.

121. In response to those questions, Ms. Grace Cheung explained that the indicative scheme presented at the hearing on 22.10.2010 (previous indicative scheme) was prepared assuming that a total GFA in the region of 300,000 ft² could be built on the site, assuming that AML 10 and AML 11 were entitled to be redeveloped to PR of 15 and 3 respectively under the lease. In the previous indicative scheme, it was assumed that GFA of the two lots would be distributed over the whole site. The average floor-to-floor height of 7m was only indicative and was derived based on the total GFA of 300,000 ft² and the then proposed BHs i.e. 110mPD for AML 10 and 80mPD for AML 11. However, under actual circumstances, existing ice-making plants required higher floor-to-floor heights ranging from 9 to 12m and an efficient floor-to-floor height for cold storage was at least 5m.

122. Ms. Grace Cheung further explained that in order to respect the comments of LandsD, GFA on the two lots would be separately calculated, with redevelopment on AML 10 and AML 11 confined to a maximum PR of 15 and 3 respectively. Such a scheme would not require lease modification. The total GFA that could be realised was worked out by assuming that redevelopment on AML 10 would be used for general cold storage with a floor-to-floor height of 5m while ice-making facilities would be located within AML 11 with a floor-to-floor height of 9m. That would result in an overall scheme with around 150,000 ft² GFA for ice-making and 200,000 ft² GFA for cold storage. In response to a Member's question, Ms. Grace Cheung also confirmed that the 40% / 60% split between ice-making / cold storage proposed in the current scheme was reasonable according to industry norm.

123. Mr. Wyllie Lam supplemented that a floor-to-floor height higher than 7m was normally required for ice-making plant, since the ice-making machine was 7m and other ancillary equipments were required to be placed above the ice-making machine. If there was only a floor-to-floor height of 7m, the ancillary equipments would need to be placed on another floor requiring additional supporting facilities such as pumps and would pose operational difficulties. There was also a need to build large silo for ice storage to meet the daily supply of 1000 tonnes per day at peak season and for providing ice for fishing boats.

124. Ms. Brenda Au pointed out that the BH restriction of 110mPD on the adjacent Hing Wai Ice and Cold Storage site was drawn up based on a PR of 15. Hence, if 110mPD was to be allowed on AML 10, as requested by the representer, there was no justification to relax the BH on AML 11 which was subject to BH restriction of 30mPD on the lease.

125. In response to a Member's question about the height and usage of the existing buildings, Ms. Grace Cheung showed pictures of the existing premises and said that the existing facilities were obsolete and not up to current day standard. She said that the area used for ice-making should have a floor-to-floor height of 9m to 10m. Mr. Wyllie Lam said that there was currently a 2-storey building on AML 10, the lower floor of which was used for processing marine products, and on the upper floor there was a 700-tonnes silo (11m tall) as well as plant rooms, surge drums and tanks (10m tall) at the rear.

[Ms. Anita W.T. Ma left the meeting at this point.]

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

Deliberation Session

127. A Member said that the representer's proposed BH restrictions of 50mPD and 110mPD for AML 11 and AML 10 respectively were not supported as that would result in a development breaching the ridgeline, and the representer was not able to justify the need for the proposed BH restriction and the big difference in the assumption on the floor-to-floor height presented at the previous and current meetings.

128. Another Member said that in determining the BH restriction on the site, priority should be given to the protection of the green backdrop and the ridgeline. That Member supported PlanD's proposal to relax the BH restrictions on the site to 60mPD for AML 10 and 40mPD for AML 11, which was acceptable from visual impact and ridgeline protection perspectives. Another Member said that the representers' argument that the cold storage facilities could not be provided in the basement was not convincing.

129. Mr. Jimmy Leung, D of Plan, said that the revised BH restrictions recommended in the Paper had balanced the ridgeline protection principle and at the same time provided design flexibility for redevelopment on the site. Moreover, there was also provision for application for minor relaxation of BH restrictions to cater for site-specific circumstances.

130. The Chairman concluded Members' views that representation No. R10 should be partially upheld by revising the BH restrictions of the site to 60mPD for AML 10 and 40mPD for AML 11. Members agreed. Members then went through the suggested reason for partially upholding the representation as provided in paragraph 6.3 of the Paper and considered that it should be amended to include visual impact of the representer's proposed relaxation of BH on the ridgeline.

131. After deliberation, the Board decided to partially uphold representation R10 by revising the BH restriction of the site to 60mPD for AML10 and 40mPD for AML 11. The Board decided not to uphold the remaining part of the representation for the following reason :

- the proposed relaxation of the BHR to 110mPD and 80mPD for AML 10 and AML 11 respectively would have adverse visual impact on ridgeline

and the surrounding areas. Moreover, relaxing the BHR for AML 11 to 80mPD would adversely affect the cross arms and overhead transmission lines of the existing electric pylons, which would seriously affect the electricity supply reliability.

[Mr. Walter K.L. Chan left the meeting temporarily at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-KLH/419

Proposed 'House (New Territories Exempted House – Small House)' in "Green Belt" zone, Lots 136 S.B. and 138 S.A. in DD9, Kau Lung Hang Village, Kau Lung Hang, Tai Po (TPB Paper No. 8705)

[This item was conducted in Cantonese.]

Presentation and Question Session

132. The following representative from PlanD and the applicant's representative were invited to the meeting at this point:

Mr. W.K. Hui	-	DPO/Shatin and North (DPO/STN)
Mr. Yeung Siu Fung	-	Applicant's Representative

133. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/STN to brief Members on the application.

134. Mr. W.K. Hui presented the application and covered the following main points as detailed in the review paper:

- (a) the applicant sought planning permission to redevelop the existing 2-storey ruined structure without building status on the application site in Kau Lung Hang Village into a New Territories Exempted House (NTEH)

(Small House) on a site zoned “Green Belt” (“GB”) on the approved Kau Lung Hang OZP No. S/NE-KLH/11;

- (b) the Rural and New Town Planning Committee (RNTPC) rejected the subject application on 24.9.2010 for the reasons set out in paragraph 1.2 of the review paper. The main reasons were that the proposed development :
 - (i) did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ (‘NTEH Interim Criteria’) in that the site fell entirely outside the village ‘environs’ (‘VE’) and the “Village Type Development” (“V”) zone of recognised villages and the proposed Small House would not be able to be connected to the planned public sewers;
 - (ii) did not meet the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that the proposed development would affect the existing natural landscape of the area and there was no satisfactory sewage disposal facilities for the Small House development;
 - (iii) fell within the upper indirect water gathering grounds (WGGs) and was not able to be connected to the existing or planned sewerage system in the area and the submission had not demonstrated that there would not be adverse water quality impacts; and
 - (iv) approval of the application would set an undesirable precedent;
- (c) the applicant had not submitted any written representation in support of the review;
- (d) site condition - as shown in the site photo in Plan R-4, there were two houses adjacent to the site. The house located to the northeast was

subject of a section 16 application No. A/NE-KLH/197 approved by the RNTPC in 1999 prior to the first promulgation of the 'NTEH Interim Criteria'. The house to the immediate west of the site was a domestic building which was in existence before the first publication of the statutory plan for Kau Lung Hang;

- (e) departmental comments – as detailed in paragraph 4 of the review paper. Government departments generally maintained their previous view on the application as highlighted below:
 - (i) District Lands Officer/Tai Po (DLO/TP), LandsD did not support the application as the proposed Small House was outside the “V” zone of the Kau Lung Hang Village and more than 50% of the site was outside the ‘VE’. Under the current New Territories Small House Policy, the application would generally not be considered, although there was a general shortage of land in meeting the demand for Small House in the subject “V”;
 - (ii) the Director of Environmental Protection (DEP) and the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) did not support the application as the proposed Small House would not be able to be connected to existing or planned sewerage system in the area and would cause water pollution to the WGG; and
 - (iii) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD objected to the application from landscape planning point of view as the approval of the application would lead to degradation of landscape quality in the area;
- (f) during the statutory publication period, no public comment was received on the review application; and

- (g) PlanD's view – PlanD did not support the review application based on the assessments set out in paragraph 6 of the review paper. The main reasons were that the proposed development did not meet the 'NTEH Interim Criteria' as the proposed Small House footprint was entirely outside both the "V" zone and the 'VE' and would not be able to be connected to the planned public sewers in the area; the proposed development did not meet the assessment criteria set out in the TPB PG-No. 10 for development within "GB" zone in that the proposed development would affect the existing natural landscape of the area and there was no satisfactory sewage disposal facilities for the Small House development; and the applicant failed to demonstrate that the proposed development would not cause adverse water quality impact on the surrounding area. The approval of the application would set an undesirable precedent.

[Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

135. The Chairman then invited the applicant to elaborate on the application. Mr. Yeung tabled his presentation outline and made the following main points:

- (a) the applicant, Lee Ba Hang, had no other piece of agricultural land to build his Small House;
- (b) the footprint of the Small House was currently outside the 'VE'. However, the house could be re-located to the south so that approximately 30% of the building footprint would be within the 'VE';
- (c) it was technically feasible to connect to the planned public sewer. The site was similar in location to the application sites of the approved applications No. A/NE-KLH/408, 412 and 413 with regard to their feasibility to connect to the planned public sewers;
- (d) the approved applications No. A/NE-KLH/408, 412 and 413 were located even closer to the Kau Lung Hang Ecologically Important

Stream;

- (e) the village representatives (VRs) objected to the s.16 application as the applicant had not informed the VRs before submitting the planning application. It was likely that the VRs would support the application if the applicant had formally informed the VRs; and
- (f) the applicant undertook to comply with any planning conditions that the Board would impose on the application.

136. In response to the Chairman's question, DPO/STN clarified that about 40% of the site was within the 'VE' but the footprint of the Small House was entirely outside the "VE". According to criteria (c) of the 'NTEH Interim Criteria', development of NTEH/Small House with more than 50% of the footprint outside both the 'VE' and the "V" zone would normally not be approved. Mr. S.F. Yeung reiterated that the footprint of the Small House could be re-designed to partially fall within the 'VE'.

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

137. As the applicant had no further comment to make and Members had no further question, the Chairman informed him that the hearing procedures for the review application had been completed. The Board would further deliberate on the application in his absence and inform him of the Board's decision in due course. The Chairman thanked DPO/STN and the applicant's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

138. The Chairman said that in accordance with the 'NTEH Interim Criteria', the application should not be approved as the footprint of the Small House was outside both the 'VE' and "V" zone and the proposed Small House would not be able to be connected to the planned public sewer. Members agreed.

139. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection of the review application as stated in paragraph 7.1 of the review paper and considered that they were appropriate. The reasons were:

- (a) the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ in that the Small House footprint fell entirely outside the village ‘environs’ and the “Village Type Development” zone of recognised villages and the proposed Small House would not be able to be connected to the planned public sewers;
- (b) the proposed development did not meet the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape of the area and there was no satisfactory sewage disposal facilities for the Small House development;
- (c) the proposed development fell within the upper indirect water gathering grounds and was not able to be connected to the existing or planned sewerage system in the area. The applicant failed to demonstrate in the submission that the proposed development would not cause adverse water quality impacts on the surrounding areas, in particular the Kau Lung Hang Ecologically Important Stream to the south; and
- (d) approval of the application would set an undesirable precedent for similar applications within the “Green Belt” zone, the cumulative effect of which would result in degradation of the landscape quality in the area.

[Ms. Anna S.Y. Kwong returned to join the meeting and Mr. C.W. Chow left the meeting at this point.]

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/SK-HH/48

Proposed 'House' in "Green Belt (GB)" zone, Lot No. 1052 S.A. in DD217, Tai Ho Tun, Sai Kung

(TPB Paper No. 8706)

[This item was conducted in Cantonese.]

Presentation and Question Session

140. The following representative from PlanD and the applicant and her representatives were invited to the meeting at this point:

Mr. Ivan Chung	DPO/Sai Kung and Islands, (DPO/SKIs), PlanD
Ms. Chan Wai Yee	Applicant
Mr. Wong Woon Ping, Henry] Applicant's Representative
Mr. Fan Yeung Ling]
Mr. Ng Wai Por]
Mr. Lau Tsang]

141. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/SKIs to brief Members on the application.

142. With the aid of a powerpoint presentation, Mr. Ivan Chung presented the application and covered the following main points as detailed in the review paper:

- (a) the applicant sought planning permission to develop one two-storey house on a site zoned "GB" on the approved Hebe Haven OZP No. S/SK-HH/6;
- (b) the RNTPC rejected the subject application on 24.9.2010 for the reasons as set out in paragraph 1.2 of the review paper. The main reasons were

that the proposed development was not in line with the planning intention of the “GB” zone; the submission failed to demonstrate that the proposed development would not have adverse landscape impact on the surrounding areas; and approval of the application would set an undesirable precedent;

- (c) the applicant had not submitted any written representation in support of the review;
- (d) the site was on a vegetated slope. There was an existing vehicular access road traversing the north-eastern portion of the site. The scheme submitted by the applicant was for building a 2-storey house (6m) with a PR of 0.2 and site coverage of 10%. According to the existing tree plan submitted by the applicant, two mature trees would be felled or transplanted;
- (e) departmental comments - as detailed in paragraph 4 of the review paper. Government departments generally maintained their previous view on the application. District Lands Officer/Sai Kung (DLO/SK), LandsD advised that the site was restricted for agricultural purpose with no existing building rights. CTP/UD&L had objection and Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the house development might affect the mature trees on the site. Commissioner for Transport (C for T) had reservation on the application as new developments should be confined within areas intended for development and approval of the application might have undesirable precedent effects resulting in cumulative adverse traffic impact. Notwithstanding, the application only involved one house and the traffic impact could be tolerated;
- (f) during the statutory publication period, nine public comments were received objecting to the application and expressing concerns on blockage of the existing vehicular access road within the site and felling of trees; one public comment supported the application; and one other

public comment expressed concern that the application was within the “GB” zone and the area lacked a sustainable village layout; and

- (g) PlanD’s view – PlanD did not support the review application based on the assessments set out in paragraph 6 of the review paper. The main reasons were that the proposed development was not in line with the planning intention of the “GB” zone. According to the TPB PG-No. 10, there was a presumption against development within “GB” zone and new development should be considered only under exceptional circumstances, but there was no strong justification provided by the applicant to warrant a departure from the planning intention. The applicant also failed to demonstrate that there would be no adverse landscape impact on the surrounding areas. Approval of the application would set an undesirable precedent.

143. The Chairman then invited the applicant to elaborate on the application. The applicant tabled their presentation summary and Ms. Chan Wai Yee made the following main points:

- (a) the applicant operated a ginger candy factory on a larger area in Ta Ho Tun covering the site in the 1960’s. They had built roads and water well to serve the area and had employed lots of people at that time. However, the factory ceased operation afterwards and the land was left derelict;
- (b) villagers were allowed to use the north-eastern portion of the site as an access to the village, and that area was gradually formed into a local access road. Subsequently, the applicant had also allowed the erection of street lamps on the site; and
- (c) she was approaching 80 years old and only hoped to build a house for her own use.

144. Mr. Fan Yeung Ling made the following main points:

- (a) by referring to a copy of the letter from the then District Office South dated 12.10.1964 (as included in the tabled material), Mr. Fan said that an offer was previously made by the Government to allow a lease modification for changing the use of the lot from 'agricultural' to 'industrial' use, which would have permitted some kind of development on the site. That offer was not taken up at that time but the ginger candy factory had continued to operate on the site for some time;
- (b) if the application was approved, the applicant would surrender the portion of land occupied by the access road to the Government, hence the local access road would not be affected by the application and that would address the major concern of the villagers;
- (c) the proposed house had small site coverage and would be located near the slope. It would be compatible with the adjacent 2-storey house on Lot 1052RP and would have minimal visual impact;
- (d) the applicant would plant more trees and landscape the open area around the house. There would be minimal landscape impact; and
- (e) a new house development could replace the unsightly temporary structure currently on site.

145. Mr. Lau Tsang made the following main points:

- (a) approval of the planning application would allow the applicant to apply for land exchange so that the portion of land currently occupied by the access road could be surrendered to the Government. Local villagers would then have a proper access road on government land;
- (b) the photo on Plan R-4a of the review paper, which showed a densely vegetated condition of the site, was not an accurate depiction of the site

condition. The trees shown in the photo on Plan R-4a were actually on the Government land lying in between the site and Ta Ho Tun Road. The site was only a degraded area with some overgrown shrubs, and could likely become mosquito breeding grounds in rainy seasons. The applicant's proposal to properly landscape the open area around the house would improve the environment and landscape in the area; and

- (c) Members were urged to consider the application on sympathetic grounds taking into account the unique history of site and the special circumstances of the applicant.

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

Deliberation Session

147. A Member asked whether the temporary structure on the site would be regarded as an unauthorised development. The Secretary said that from the statutory planning perspective, it would depend on whether the temporary structure was in existence before the publication of the first statutory plan for Hebe Haven.

148. The Chairman said that as the site fell within "GB" zone and the applicant had not provided any strong planning justifications to warrant a departure from the TPB PG-No.10 guidelines on developments within "GB" zone, the application should be rejected to avoid setting an undesirable precedent. Members agreed.

149. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection of the review application as stated in paragraph 7.1 review paper and considered that they were appropriate. The reasons were:

- (a) the proposed residential development was not in line with the planning intention of the “GB” zone 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 within this zone. There was no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed residential development did not meet the TPB Guidelines No. 10 for ‘Application for Development within “Green Belt” Zone under section 16 of the Town Planning Ordinance’ in that the application would involve clearance of natural vegetation and affect the existing natural slope. The submission failed to demonstrate that the proposed development would not have adverse landscape impact on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment and bring about adverse landscape impact on the area.

[Mr. Roger K.H. Luk and Mr. B.W. Chan left the meeting and Mr. Stanley Y.F. Wong returned to join the meeting at this point.]

Agenda Item 8

[Closed Meeting]

Review of Application No. A/SK-HC/124

Proposed Comprehensive Residential Development in “Comprehensive Development Area” Zone, Various Lots in D.D. 214 and D.D. 244 and adjoining Government Land, Ho Chung, Sai Kung

(TPB Paper 8707)

[This item was conducted in English and Cantonese.]

Agenda Item 9

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-PS/327

Proposed Temporary Barbecue Area with Ancillary Site Office for a Period of 3 Years in
“Green Belt” Zone, Lot 1223 in D.D. 122, Yuen Long
(TPB Paper 8708)

[This item was conducted in Cantonese.]

150. The following representative from PlanD and the applicant and his representative were invited to the meeting at this point:

Ms. Amy Cheung - DPO/Tuen Mun and Yuen Long (DPO/TMYL),
PlanD

Mr. Young Ka On - Applicant

Mr. Wong Shing Tong - Applicant’s Representative

151. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/TMYL to brief Members on the application.

152. With the aid of a powerpoint presentation, Ms. Amy Cheung presented the application and covered the following main points as detailed in the review paper:

- (a) the applicant sought planning permission to use the site (about 540m²) for a temporary barbecue area with ancillary site office for a period of three years. The site was zoned “Green Belt” (“GB”) on the draft Ping Shan OZP No. S/YL-PS/12;
- (b) the RNTPC rejected the application on 24.9.2010 for the reasons set out in paragraph 1.2 of the review paper. The main reasons were that the proposed development was not in line with the planning intention of the “GB” zone; the applicant failed to demonstrate that the development would not cause adverse environmental, landscape and drainage impacts

on the surrounding areas; and approval of the application would set an undesirable precedent;

- (c) the site was located in a vegetated area intermixed with some temporary structures, grave areas and vehicle park. Long Ping Estate and Long Ping Road were to the east of the site. The site was currently vacant with some temporary structures. The site was previously used as an unauthorised hawker market at night, which had ceased operation after enforcement actions by the Planning Authority;
- (d) the applicant submitted written representation in support of the review and the main justifications were that the site, though falling within the "GB" zone, could be used as a small temporary barbecue area and recreation centre for the enjoyment by nearby residents; and the proposed development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas nor result in degradation of the environment;
- (e) departmental comments – as detailed in paragraph 5 of the review paper. DEP did not support the application as there were residential type of sensitive receivers in the vicinity of the site and the human activities involved in the proposed use would generate noise and air nuisances, and the applicant had not provided detailed justifications to substantiate his claim of insignificant nuisance. CTP/UD&L, PlanD had reservation on the application from landscape planning perspective as the mature trees on the site might be affected. DAFC considered that the proposed use was incompatible with the "GB" zone. Chief Engineer / Mainland North, Drainage Services Department (CE/MN, DSD) pointed out that no drainage proposal had been submitted by the applicant;
- (f) three public comments from a nearby resident, the Chairman of Incorporated Owners of Long Ping Estate, and the Designing Hong Kong Ltd. were received on the review application. Four objections from nearby villagers were received during the s.16 application stage.

Those public comments objected to the application as the proposed development was close to residential dwellings, not in line with the planning intention, and would bring about air pollution, environmental hygiene problems, fire risk, visual and nuisance problems; and

- (g) PlanD's views – PlanD did not support the review application for reasons detailed in paragraph 7 of the review paper. The main planning considerations were that the proposed barbecue use which was private and commercially operated was defined as a 'place of recreation' and differed from the typical public barbecue spot permitted under "GB" zones. Further, given the scale and mode of operation, the proposed development could not be regarded as passive recreational use, that might be given sympathetic consideration according to TPB Guidelines PG-No. 10. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. There were adverse departmental comments on the application. The applicant had failed to demonstrate in the submission that the proposed development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas. Approval of the application would set an undesirable precedent. There were public comments received objecting to the application.

153. The Chairman then invited the applicant's representative to elaborate on the review application. Mr. Wong Shing Tong made the following main points:

- (a) he did not agree that barbecue use was not permitted within "GB" zones. There were examples that had been considered by the Board. Public barbecue areas were also commonly found in areas zoned "GB";
- (b) if the application was approved, a wall would be built at the boundary to reduce any noise impact from the operation of the barbecue area. The operation hours would end at 11:00pm;
- (c) there would not be any flooding problem as the site was on a natural

slope some 2m higher than Long Ping Road. If the application was approved, the applicant would prepare drainage as well as landscape proposals for government's consideration. If such drainage and landscape requirements were not complied with, the Board could revoke the planning permission;

- (d) the applicant intended to use the site as a recreation centre to provide a place for local residents to gather;
- (e) the noise impact from the proposed development should not be significant when compared with traffic noise from Long Ping Road to its east;
- (f) despite being zoned "GB", the site and its surrounding area were only fallow agricultural and vegetated land in derelict state. The proposed development would not affect the landscape quality of the area. The applicant would not fell any trees and would submit landscape proposal upon approval of the application; and
- (g) the site was only very small in area and the proposed development would not generate significant adverse impact.

154. In response to the Chairman's question, Mr. Wong Shing Tong said that the proposed development was to serve the local residents and fees would be charged according to the actual usage of the facilities.

155. As the applicant and his representative had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application in their absence and inform them of the Board's decision in due course. The Chairman thanked the representative of PlanD and the applicant and his representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

156. A Member noted that while the applicant claimed that the proposed development was to serve the local residents, there were objecting comments from local residents. The Chairman said that the application should be rejected as the proposed development was not in line with the planning intention of the “GB” zone, the applicant had not demonstrated that the proposed development would not generate adverse environmental and other impacts and approval of the application would set an undesirable precedent. Members agreed.

157. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 8.1 of the review paper and considered that they were appropriate. The reasons were:

- (a) the proposed development was not in line with the planning intention of the “GB” zone. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applicant failed to demonstrate that proposed development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “GB” zone, the cumulative effects of which would result in a general degradation of the environment of the area.

Agenda Item 10

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-KTS/504

Proposed Temporary Port Back-up Use and Cargo Handling Station for a Period of 3 Years in “Agriculture” Zone, Lots 587(Part), 589 RP(Part), 591 RP(Part), 592 RP(Part) and 593 RP(Part) in D.D.103, Ko Po San Tsuen, Kam Tin, Yuen Long, New Territories (TPB Paper No. 8709)

[The hearing was conducted in Cantonese.]

158. The following representative of PlanD and the applicant and his representatives were invited to the meeting at this point:

Ms. Amy Cheung	- DPO/TMYL, PlanD
Mr. Lai Chak Kong	- Applicant
Ms. Ng Lai Kwan] Applicant’s representative
Ms. Ng Lai Chun]
Mr. Tang Ying Yeung]
Mr. Tang Chung Wah]

159. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/TMYL to brief Members on the application.

160. With the aid of a powerpoint presentation, Ms. Amy Cheung presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to use the site for a temporary port back-up use and cargo handling station for a period of three years. The site was zoned “Agriculture” (“AGR”) on the approved Kam Tin South OZP No. S/YL-KTS/11. The site fell within Category 3 areas under the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E);

- (b) the RNTPC rejected the subject application on 24.9.2010 for the reason set out in paragraph 1.2 of the review paper which was the application did not comply with the TPB PG-No. 13E in that the development was not compatible with the surrounding land uses which were pre-dominated by residential structures/dwellings, agricultural land and vacant land. The residential dwellings/structures which were located to the immediate east and north of the site and in the vicinity would be susceptible to adverse environmental nuisance generated by the development;
- (c) the site was located within Ko Po San Tsuen and about 150m south of Tsing Long Highway. The site was paved and currently used for the applied use without valid planning permission. The site was accessible via a local road branching off Kam Tin Road to its north;
- (d) the applicant's proposal involved four structures (with BH ranging from 2.6m to 5.5m) with covered area of 229m² on a site with an area of about 3,253m². The proposed use was for an inspection area and other ancillary facilities. Six container vehicle parking spaces and two private car parking spaces were provided within the site. The operation hours were from 9:00am to 6:30pm (Monday to Saturday);
- (e) the applicant had not submitted any written representation in support of the review application;
- (f) departmental comments – as detailed in paragraph 4 of the review paper. DEP did not support the application as there were sensitive residential uses to the immediate east and north of the site and in the vicinity and environmental nuisance was expected. There were two environmental complaints on noise generated by loading / unloading activities on the site which were received in 2009 and 2010. Other departments either had no adverse comment or raised other technical comments;

- (g) three public comments were received. The two comments from a villager of Ko Po San Tsuen and Designing Hong Kong Limited objected to the application on grounds that the proposed use was not in line with the planning intention of the “AGR” zone, was a blight on the environment, and would generate adverse noise impact and environmental pollution such as dust or muddy road conditions from vehicular activities. The comment from the Yuen Long District Councillor requested the Board to clearly inform the applicant about the reasons of the rejection of the application as the applicant misunderstood that his objection to the application had resulted in the Board’s rejection of the application. During the s.16 stage, five public comments (including three raised by the same public commenters on the review) objecting to the application were also received; and
- (h) PlanD’s view – PlanD did not support the review application for reasons as detailed in paragraph 6 of the review paper. These main planning considerations were :
- (i) the proposed development, which required the operation of container vehicles or heavy goods vehicles, was not compatible with the surrounding land uses that were predominated by residential structures/dwellings, agricultural lands, ponds and vacant land;
 - (ii) similar applications (No. A/YL-KTS/460 and 517) for various temporary open storage uses located close to the site were approved by the RNTPC on 13.3.2009 and 10.12.2010 respectively. The former was subject to previous approvals and the latter involved only temporary storage and parking of private cars only and DEP raised no adverse comment;
 - (iii) the application did not comply with TPB PG-No. 13E in that the proposed development on a substantial area (3,253m²) and involving container vehicles for operation, would create adverse

environmental nuisance on the surrounding residential dwellings. There were adverse comments from DEP, environmental complaints and local objections were received;

- (iv) the last application (No. A/TYL-KTS/484) for temporary cargo handling and forward facility was rejected by the Board on review. The nature of the applied use was similar to that of the last application and there was no major change in planning circumstances that warranted a departure from the Board's previous decision;
- (v) the applicant had to submit a landscaping and tree preservation proposal and a drainage proposal to demonstrate that the development would not generate adverse landscape and drainage impacts; and
- (vi) although there was a previous approval (No. A/YL-KTS/131) for temporary open storage of vehicles for a period of 12 months approved by the Board on review on 20.11.1998, that approval was granted for a smaller site (with site area of about 1,100m²) more than 10 years ago when the concerned site was surrounded by vacant land and vacant pigsty and chicken farms rather than residential dwellings/structures and no local objection was received at that time.

161. The Chairman then invited the applicant and his representatives to elaborate on the application. Members noted that a letter signed by the Chairman of the Kam Tin Rural Committee was tabled by the applicant. Mr. Lai Chak Kong, the applicant, made the following main points:

- (a) their operation only involved six container vehicles;
- (b) with regard to the concern on dust and noise pollution, the applicant undertook to reduce the dust generated to a level similar to that on the

adjacent roads. There had been no noise complaint on their operations;

- (c) there was minimal impact on villagers as there were very few villagers (less than 10) and they would normally have gone out to work during their operating hours; and
- (d) their operation involved handling machines (for manufacturing of computers) that had to be kept clean and free of dust.

162. Ms. Ng Lai Chun main the following main points:

- (a) from discussion with nearby residents, the applicant understood that the residents did not have objection to the application. That was contrary to the public comment received. Their operation would not have impact on the villagers, as the site operated from 8:00am to 6:30pm, and most of the villagers would have gone out to work around 6:00am and would not return until 7:00pm. Moreover, occupiers of the house near the car park gate would only come back to the house once a week;
- (b) the access road to the site was for vehicular use. There was another pedestrian route for villagers;
- (c) the applicant would undertake environmental improvements if the application was approved. That would include submission of an environmental report. In fact, the applicant had already installed sewage tanks that were considered acceptable by government departments. The surface drain which was built on-site for flood control purpose would be replaced with an underground drainage pipe if the application was approved. The site would be paved to further reduce the dust level. Noise barriers of 2m to 3m high would be built around the lot boundary to mitigate any noise impacts. The applicant was currently using some containers as noise buffer;

- (d) the previous applications that were submitted by their consultants mis-represented the scale of their operation on the site, for example, the number of cars operating on-site was exaggerated. That might have prompted local complaints which were based on wrong information. Their operation was relatively clean, the processing would be undertaken in a covered area and mainly involved unpacking of goods for inspection and repacking into containers. No waste would be generated from their operation; and
- (e) the applicant had reduced the area of the application site and it should be noted that less than 50% of the land was used for the cargo handling station. A lot of space was left open for manoeuvring of lorries.

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

163. In response to the Chairman's question, Ms. Amy Cheung said that as shown in Plan R-2, there were five to six residential structures adjacent to the eastern boundary of the site. The Vice-chairman asked whether complaints on the site were received by EPD. Ms. Amy Cheung said that the complaints on the site were received by EPD in 2009 and 2010 and Mr. Benny Y.K. Wong added that those two complaints were related to noise nuisance. The Vice-chairman further asked whether the person making the public comment was really a villager of Ko Po San Tsuen, as the applicant claimed that there was no objection from nearby villagers. Ms. Amy Cheung said that normally, the identity of the person making public comments would not be verified.

164. Ms. Ng Lai Kwan explained that the noise complaints were made at the time when they first moved in. The installation works carried out at the site might have created some noise but there was no further complaint during their operation of the cargo handling station. Mr. Tang Ying Yeung, representing his father Mr. Tang Chung Wah (who was the villager representative) urged the Board to approve the application to regularise the use on the site, so that the land could be better utilised and at the same time provide his father with some income from renting out the site. Otherwise, the site would be left derelict and would become mosquito breeding grounds. Mr. Tang said that the approval of the application would improve the surrounding environment. Ms. Ng Lai

Chun supplemented that the site was previously flooded and they had filled up the land to tackle the flooding problem. She also indicated that since the public comments were anonymous, there were doubts on the identities of the villagers. Mr. Lai Chak Kong urged the Board to approve the application as it was difficult to find sites elsewhere to continue his operation.

165. As the applicant had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application in their absence and inform them of the Board's decision in due course. The Chairman thanked the representative of PlanD and the applicant for attending the meeting. They all left the meeting at this point.

Deliberation Session

166. Two Members said that although there was some sympathy for the applicant, there was no strong reason to approve the application. One of those Members indicated that there were public comments objecting to the application and the applicant had not submitted information to verify the effectiveness of the environmental improvement measures proposed at the meeting. The Vice-chairman also agreed that there was no reason to approve the application as the applicant should be aware of the need for planning permission for the proposed use on the site, but had only submitted the application to the Board due to enforcement actions taken by the Planning Authority. The Chairman concluded that Members agreed to reject the application as it was not in line with TPB PG-No. 13E. Members agreed.

167. After deliberation, the Board decided to reject the application on review. Members then went through the reason for rejection as stated in paragraph. 7.1 of the review paper and considered that they were appropriate. The reason was:

- the application did not comply with the TPB Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance' in that the development was not compatible with the surrounding land uses which were predominated by

residential structures/dwellings, agricultural lands and vacant land. The residential dwellings/structures which were located to the immediate east and north of the site and in the vicinity would be susceptible to adverse environmental nuisance generated by the development.

[Prof. S.C. Wong left the meeting at this point.]

Agenda Item 11

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-TT/254

Temporary Warehouse for Storage of Construction Materials and Household Goods for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” Zone, Lots 1872 (Part), 1873, 1874, 1875 S.A (Part) and 1875 RP (Part) in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long (TPB Papers 8710)

[The meeting was conducted in Cantonese.]

168. The following representative of PlanD and the applicant’s representatives were invited to the meeting at this point:

Ms. Amy Cheung	- DPO/TMYL, PlanD
Mr. Francis Lau] Applicant’s representative
Mr. Lake So]
Mr. Sam Ngai]

169. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/TMYL to brief Members on the application.

170. With the aid of a powerpoint presentation, Ms. Amy Cheung presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to use the site for temporary warehouse for storage of construction materials and household goods for a period of three years. The site with an area of about 3,700 m² was zoned “OU” annotated “Rural Use” (“OU(RU)”) on the approved Tai Tong OZP No. S/YL-TT/14;
- (b) the RNTPC rejected the subject application on 7.5.2010 for the reasons set out in paragraph 1.2 of the review paper which were the development was not in line with the planning intention of the “OU(RU)” zone that was intended primarily for the preservation of the character of the rural area; the applied use was not in line with the Town Planning Board Guidelines for ‘Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone’ (TPB PG-No. 38) in that the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and approval of the application would set an undesirable precedent;
- (c) the site was located at the end of Kung Um Road and accessible via the nullah bund road. The site was paved, fenced off and largely covered by structures. The site was currently used for the applied use without valid planning permission. The area in which the site was located was intermixed with fallow / cultivated agricultural land, warehouses, open storage yards, orchard and scattered residential dwellings. Scattered residential structures were located to the east, north-east of the site and along Kung Um Road, with the closest being 5m away from the site. The zonings to the east, south and west of the site were “AGR”, “Conservation” and “Undetermined” respectively;
- (d) the applicant’ proposal involved warehouse structures with total floor area of about 2,817m² and building height of 3m to 6m;
- (e) the applicant submitted written representation in support of the review application and the justifications from the applicant were detailed in

paragraph 3 of the review paper and highlighted below:

- (i) responses to comments of DEP: the residence of the applicant was located to the adjacent east of the site. As such, nuisance to the nearby residences was not expected;
- (ii) responses to comments of CM/NE, DSD: the site was located at a raised platform and the surface run-off would be discharged to the existing water channel located at a lower level. An indicative section plan of the drainage proposal was submitted;
- (iii) responses to comments of CTP/UD&L, PlanD: trees, instead of bamboos, would be proposed for the site. A revised landscape proposal was submitted;
- (iv) responses to the comments of the DAFC: DAFC had no strong view on the warehouse as it was already in operation and unlikely to generate adverse ecological impacts on the habitats nearby and the existing surrounding environment was already occupied by storage yards and warehouse; and
- (v) responses to the public comments received: the applicant had proposed operation hours from 8:00 a.m. to 5:00 p.m (i.e. no night time operation). The majority of traffic nuisance to the surrounding residences was generated along Kung Um Road, but the access road for the site was only a service road opposite Kung Um Road. The site would only generate limited traffic per day (maximum 4 to 6 trips) and no container vehicles would be used;
- (f) according to TPB PG-No. 38, the applicant would need to demonstrate that the proposed development was in line with the planning intention of the “OU(RU)” zone to primarily preserve the character of the rural area,

would not adversely affect the rural environment and would not overstrain the capacity of the existing and planned infrastructure;

- (g) the site was not the subject of any previous planning application. There was no approval for similar applications for various types of temporary warehouse/storage uses in the subject “OU(RU)” zone on the OZP;
- (h) departmental comments – as detailed in paragraph 5 of the review paper. The main comments were:
 - (i) DEP did not support the application, as there were sensitive receivers, i.e. residential structures in the vicinity of the site and along the access road which would be adversely affected by traffic of heavy vehicles generated by the proposed development;
 - (ii) CE/MN, DSD was of the view that the applicant had not responded to his comments regarding clarification on the size and capacity of the underground drain and whether there would be solid wall / fence along the site boundary;
 - (iii) CTP/UD&L, PlanD had some reservation on the application from landscape planning perspective as within the “OU(RU)” zone, open storage and port back-up uses that were not compatible with the rural landscape were to be contained and further proliferation of such incompatible uses was not acceptable. Given that the site was not the subject of any previous applications, approval of the current application would set an undesirable precedent; and
 - (iv) DAFC had no strong view on the proposed development as the proposed use was already in operation and unlikely to generate adverse ecological impacts. However, consideration

should be given as to whether approval of the application would set an undesirable precedent leading to further degradation of the surrounding habitats;

- (i) two public comments were received on the review. Those were submitted by the village representative of Pak Sha Tsuen and the Designing Hong Kong Limited objecting to the application on grounds of traffic, safety, environmental concerns and incompatibility with planning intention of the “OU(RU)” zone. The further information submitted by the applicant on 27.10.2010 was published, and two public comments submitted by the above commenters on similar grounds were received; and

- (j) PlanD’s view – PlanD did not support the review application for reasons detailed in paragraph 7 of the review paper. These main planning considerations were :
 - (i) the development was not in line with the planning intention of the “OU(RU)” zone that was primarily for the preservation of the character of the rural area. The surrounding areas was generally rural in setting and the warehouses and open storage yards within the “OU(RU)” zone in the vicinity were suspected unauthorised development. No strong justifications were provided to warrant a departure from the planning intention even on a temporary basis;

 - (ii) in view of the outstanding comments from government departments, the applied use was not in line with TPB PG-No. 38 in that there were outstanding comments from government departments, and the applicant had failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding area; and

- (iii) there was no previous approval granted for the applied use on the site and no similar application for temporary warehouse/storage use had been approved in the subject “OU(RU)” zone on the OZP, approval of the application would set an undesirable precedent. There were also local objections to the application.

171. The Chairman then invited the applicant and his representatives to elaborate on the application. Members noted the presentation outline tabled by the applicant’s representative. Mr. Lau Tak made the following main points:

- (a) the applicant requested the Board to grant a planning permission for a shorter term, from six months to one year, for the subject use to allow time for the applicant to move out from the site;
- (b) the subject use had been in existence on the site for over ten years. There had been no complaint regarding environment, traffic and drainage impacts of the development. The site was previously used as pigsties;
- (c) referring to Plan R-3 in the review paper, it was indicated that the surrounding area was pre-dominated by industrial uses similar to that on the site for a long time. There was no evident agricultural or pure residential use. To allow a very short term use of the temporary warehouse would not adversely affect the environment of the nearby areas nor the green area to the south;
- (d) there was no pure residential use within 100m of the site. The closest residence that was 5m from the site as mentioned in the review paper was the applicant’s house. Other residential structures in the area was ancillary to the industrial uses and not pure residential uses;
- (e) referring to Plan R-1 in the review paper, it was said that since rezoning of the site and its surrounding area to “OU(RU)” in June 2006, there had been no application for residential uses but there were many application

for other uses which would allow the landowners to better utilise the land. Given that there would unlikely be any residential developments in the coming future, consideration might be given to some alternative short term uses; and

- (f) the applicant understood that the subject use was not in line with the planning intention of the site and was in the process of moving out. Almost half of the warehouses had been vacated and the applicant requested the Board to grant a permission of six months to one year to facilitate the vacation of the entire premises.

172. The Vice-chairman asked for clarification on how long the applied use had existed on the site, as it was mentioned in the presentation that the site was previously used as pigsty, and whether there had been previous application for the applied use. Mr. Lau Tak indicated that the applicant owned a larger area of land around the site and the pigsty previously at the fringe of the site had ceased operation. The site was originally used for storage of feeding materials for pigs some 10 years ago.

173. As the applicant had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application in their absence and inform them of the Board's decision in due course. The Chairman thanked the representative of PlanD and the applicant for attending the meeting. They all left the meeting at this point.

Deliberation Session

174. A Member said that there was no strong reason to approve the application. That Member asked whether the surrounding warehouses, as shown by the applicant's representative were subject to enforcement action and also asked about the general matters relating to planning enforcement including the fines and follow-up actions upon successful prosecution. The Secretary said that the application site was the subject of enforcement action and there were a few other enforcement cases for storage use in the vicinity within the subject "OU (RU)" zone. She advised that there was no provision for imprisonment

under the Ordinance and those convicted would be subjected to fines which varied in amount. The Planning Authority would require reinstatement of the land upon successful prosecution that might include removal of fill materials for sites that had been filled-up, removal of unauthorised structures and / or grassing the land. A briefing about the prosecution work undertaken by Central Enforcement and Prosecution Section, PlanD for Members was being scheduled for around March 2011. The Chairman concluded that Members agreed to reject the application as it was not in line with the planning intention of the “OU(RU)” zone and the TPB PG-No. 38, and would set an undesirable precedent. Members agreed.

175. After deliberation, the Board decided to reject the application on review. Members then went through the reason for rejection as stated in paragraph. 8.1 of the review paper and considered that they were appropriate. The reasons were:

- (a) the development was not in line with the planning intention of the “OU(RU)” zone which was intended primarily for the preservation of the character of the rural area. No strong planning justifications had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applied use was not in line with the Town Planning Board Guidelines for ‘Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone’ (TPB PG-No. 38). The applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for other similar uses to proliferate into the “OU(RU)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 12

[Open Meeting]

Draft Sai Ying Pun and Sheung Wan OZP No. S/H3/24A - Confirmation of Proposed Amendments and Submission of Draft Plan to the Chief Executive in Council for Approval

(TPB Papers 8713)

[This item was conducted in Cantonese.]

Declaration of Interest

176. The following Members had declared interests on this item:

- | | | |
|-------------------------|---|---|
| Ms. Maggie M.K. Chan | - | owned a flat in Sheung Wan |
| Professor P.P. Ho | - | his spouse owned flats in the area |
| Mr. Clarence W.C. Leung | - | his mother owned a flat in the area |
| Mr. Roger K.H. Luk | - | being Council Member of St. Paul's College from 1992 |
| Mr. Felix W. Fong | - | had current business dealings with Cheung Kong (Holdings) Ltd. (CKH). Hong Kong Electric Co. Ltd., a subsidiary of CKH, was one of the representers (R22) |
| Mr. Rock C.N. Chen | - | being an ex-Member (2007-08) of the Tung Wah Group of Hospital (TWGH) Advisory Board, which was one of the representers (R23) |
| Mr. Stephen M.W. Yip | - | his brother owned a property in the area |
| Professor S.C. Wong | - | being an employee of the University of Hong Kong |

177. As the item was procedural in nature, Members agreed that Mr. Leung and Mr. Yip could be allowed to stay in the meeting. The other Members had either tendered apologies for not being able to attend the meeting or had left the meeting.

178. The Secretary introduced the Paper. On 7.5.2010, the draft Sai Ying Pun and Sheung Wan OZP No. S/H3/24 was exhibited for public inspection under section 7 of the Ordinance. On 5.11.2010, after giving consideration to the representations and comments under section 6B(1) of the Ordinance, the Board decided to partially meet nine representations and not to uphold the remaining representations. On 26.11.2010, the proposed amendments were published for three weeks for further representations under section 6C(2) of the Ordinance. No further representation was received. Since the representation consideration process had been completed, the draft OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

179. After deliberation, the Board:

- (a) noted that there was no further representation in respect of the proposed amendments to the Plan and in accordance with section 6G of the Ordinance, the Plan should be amended by the proposed amendments;
- (b) agreed that the draft Sai Ying Pun and Sheung Wan OZP No. S/H3/24A and its Notes at Annexes II and III respectively of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (c) endorsed the updated Explanatory Statement (ES) for the draft Sai Ying Pun and Sheung Wan OZP No. S/H3/24A at Annex IV of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and to be 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 OZP.

Agenda Item 13

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Tai Po Outline Zoning Plan No. S/TP/22
(TPB Papers 8714)

[This item was conducted in Cantonese]

Declaration of Interest

180. The following Members had declared interests on this item:

- | | | |
|--------------------|---|---|
| Mr. Stanley Wong | - | co-owned with his spouse a flat and two car parks in Tai Po |
| Dr. Yau Wing Kwong | - | owned some properties and land in Tai Po and being the Chairman of management committee of the Tai Po Environmental Association that managed the Fung Yuen Butterfly Reserve and Education Centre |
| Dr. W.K. Lo | - | owned two houses in Tai Po |
| Prof. P.P. Ho | - | owned a flat at Ting Kok Road |

181. Members agreed that as the item was procedural in nature, the Vice-chairman should be allowed to stay in the meeting. The other Members had either tendered apologies for not being able to attend the meeting or had left the meeting.

182. The Secretary reported that the draft Tai Po OZP No. S/TP/22 was exhibited for public inspection under section 5 of the Town Planning Ordinance on 17.9.2010. During the two-month exhibition period, a total of 13 valid representations were received. On 26.11.2010, the representations were published for public comments for three weeks and 3 valid comments were received.

183. The hearing of the representations was suggested to be structured into 3 groups as follows:

- (a) representations regarding the general building height profile, imposition of non-building-areas and building height restrictions for particular area/sites, and rezoning of sites in the Tai Po town centre (Representations No. 1 to 5 and 13 and the related comment No. C2);
- (b) representations regarding the rezoning of existing slopes in Area 10, Tai Po Kau from “Recreation Priority Area” to “Green Belt” (Representations No. 7 to 12 and the related comment No. C2); and
- (c) representation regarding the Fung Yuen CDA site (Representation No. 6 and the related comments No. C1 and C3).

184. Since the proposed amendments to the Plan had attracted wide public interests, it was recommended that the representations and comments should be considered by the full Board. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary.

185. After deliberation, the Board agreed that the representations should be heard collectively in three groups by the Board in the manner as proposed in paragraphs 2.1 and 2.2 of the Paper.

Agenda Item 14

[Open Meeting]

Submission of the Draft So Kwun Wat Outline Zoning Plan No. S/TM-SKW/10A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance
(TPB Paper 8715)

[This item was conducted in Cantonese.]

186. The Secretary briefly introduced the Paper. On 7.5.2010, the draft So Kwun Wat OZP No. S/TM-SKW/10 was gazetted under section 5 of the Ordinance. During the

statutory publication period, two representations and no comment was received. On 19.11.2010, after giving consideration to the representations under section 6B(1) of the Ordinance, the Board decided not to uphold the representations. Since the representation consideration process had been completed, the draft OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

187. After deliberation, the Board:

- (a) agreed that the draft So Kwun Wat OZP No. S/TM-SKW/10A together with its Notes at Annex I and Annex II of the Paper were suitable for submission under section 8 of the Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) endorsed the updated ES for the draft So Kwun Wat OZP No. S/TM-SKW/10A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for various land-use zones on the draft OZP and to be issued under the name of the Board; and
- (c) agreed that the updated ES for the draft So Kwun Wat OZP No. S/TM-SKW/10A was suitable for submission to CE in C together with the draft OZP.

Agenda Item 15

[Open Meeting]

Any Other Business

[This item was conducted in Cantonese.]

188. There being no other business, the meeting was closed at 7:10pm.