

**Minutes of 986<sup>th</sup> Meeting of the  
Town Planning Board held on 24.6.2011**

**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

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Mr. Timothy K.W. Ma

Dr. Winnie S.M. Tang

Professor P.P. Ho

Dr. C.P. Lau

Mr. Clarence W.C. Leung

Dr. W.K. Lo

Mr. Roger K.H. Luk

Professor S.C. Wong

Ms. Pansy L.P. Yau

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Ms. Elsa Cheuk

Deputy Director of Environmental Protection

Mr. Benny Wong

Assistant Director (2), Home Affairs Department

Mr. Andrew Tsang

Director of Lands

Miss Annie Tam

Director of Planning

Mr. Jimmy Leung

Deputy Director of Planning/District

Secretary

Miss Ophelia Y.S. Wong

**Absent with Apologies**

Mr. Raymond Y.M. Chan

Professor Edwin H.W. Chan

Professor Eddie C.M. Hui

Ms. Julia M.K. Lau

Mr. Laurence L.J. Li

Ms. Anita W.T. Ma

**In Attendance**

Assistant Director of Planning/Board

Miss H.Y. Chu

Chief Town Planner/Town Planning Board

Mr. J.J. Austin (a.m.)

Senior Town Planner/Town Planning Board

Ms. Amy M.Y. Wu (a.m.)

Ms. Maggie Chin (p.m.)

**Agenda Item 1**

[Open Meeting]

Confirmation of Minutes of the 985<sup>th</sup> Meeting held on 10.6.2011

[The meeting was conducted in Cantonese.]

1. The minutes of the 985<sup>th</sup> Meeting held on 10.6.2011 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[The meeting was conducted in Cantonese.]

- (i) Decision on Representation of Tai Po Outline Zoning Plan (No.S/TP/22)

[Closed Meeting]

2. The following Members declared interests on this item:

Mr. Laurence L.J. Li - worked in the same Chamber as Mr. Ruy Barretto S.C. (R7)

Mr. Stanley Y.F. Wong - co-owned with his spouse a flat and two car parks in Tai Po

Dr. W.K. Yau - owned some properties and land in Tai Po and being the Chairman of the Management Committee of the Tai Po Environmental Association which managed the Fung Yuen Butterfly Reserve and Education Centre

Dr. W.K. Lo - owned properties in Tai Po

3. Members noted that Mr. Laurence L.J. Li had tendered apology for not being able to attend the meeting. Members also noted that the interests of Mr. Stanley Wong, Dr. W.K. Yau and Dr. W.K. Lo were indirect and remote, as their properties and the Fung Yuen Butterfly Reserve and Education Centre would not be affected by the subject representation (R7), and agreed that they should be allowed to stay at the meeting. Members noted that Dr. W.K. Lo had not yet arrived at the meeting.

#### R7's Letter to the Secretary of the Board

4. The Secretary reported that a letter from Mr. Ruy Barretto (R7) was received by the Secretary of the Board on 10.6.2011 which was circulated to Members on 22.6.2011 and tabled at the meeting. The letter was about the hearing held on 27.5.2011 to further consider the representations No. R7 to R12 for the Draft Tai Po Outline Zoning Plan (OZP) No. S/TP/22. Mr. Ruy Barretto (R7) opposed the zoning of two pieces of slopes ('Area A' and 'Area B') within the "Green Belt" ("GB") zone of Area 10 in the Tai Po Kau Headland and proposed to rezone 'Area A' and 'Area B' to "Conservation Area" ("CA"). After hearing the representations on 27.5.2011, the Board decided not to uphold R7 for the reasons that the "GB" zoning for Areas A and B which formed part of the slopes in Area 10 to the west of Tai Po Kau Headland was considered appropriate for retaining their landscape character and there was insufficient justification and evidence to support the proposal to rezone Areas A and B to "CA" as, compared with other "CA" zones, these areas were less ecologically significant. The minutes of the TPB meeting held on 27.5.2011 were confirmed on 10.6.2011.

#### *Matters Recorded in the Minutes*

5. The Secretary said that on 10.6.2011, prior to receiving the confirmed minutes, R7 wrote to the Secretary and highlighted a few points of discussion at the hearing which he considered should be recorded in the minutes of the meeting, including: (i) R7 had pointed out that the Agriculture, Fisheries and Conservation Department (AFCD) had provided nothing new in TPB Paper No. 8823 (the Paper); (ii) R7 considered that the photos of the area presented by AFCD at the meeting should have been included in the Paper and provided to the representers for verification prior to the meeting; and (iii) R7

had pointed out that the photos presented by AFCD were taken from the walking path next to the village and were not representative of the areas which R7 proposed to rezone from “GB” to “CA”. The Secretary said that the three points raised in Mr. Barretto’s letter had already been recorded in the confirmed minutes.

*Allegations on Procedural Improprieties and Request for Review of the Board’s Decision*

6. The Secretary said that R7 further claimed that the failure to provide the evidence (i.e. the photos presented by AFCD) in advance of the meeting, the failure to enable the representer to check the photos, the failure to provide copies, and the probably erroneous locations of the photos had resulted in material errors, an unfair hearing and a wrong decision. R7 asked whether the Board would initiate a review of the decision so that the matters raised in his letter could be rectified.

7. In respect of the request, the Secretary noted that, at the hearing, the representative of AFCD only used the photos in question to supplement their presentation (i.e. the site conditions of Areas A and B and that re-zoning the Areas to “CA” was inappropriate), the points in which were already included in paragraph 5.1 of the Paper. When the Board made the decision not to uphold representation R7, the Board was well aware of the site conditions of Areas A and B. The photos presented by AFCD were not the only source of information which the Board relied on to understand the site conditions; other site photos and an aerial photo were included in the Paper (Plans Ha-2 and Ha-3) and in the District Planning Officer’s presentation at the hearing.

8. The Secretary said that R7 also requested the Board to provide him with copies of the photos of AFCD used at the meeting for his checking of veracity of the evidence and that his concerns on the procedural impropriety be brought to the attention of Chief Executive in Council (CE in C) when the OZP was submitted for approval.

9. The Secretary then invited Members to consider whether: (i) there was a need for the Board to review its decision on representation R7, (ii) to provide R7 with copies of photos presented by AFCD at the meeting, and (iii) to bring R7’s concerns on procedural impropriety to the attention of CE in C when the OZP was submitted for approval.

10. The Chairman said that at the hearing on 27.5.2011, the Board had thoroughly considered all the submissions and presentations of the representations and comments as well as AFCD's presentation before making its decision. He invited Members to consider if there was a need to review its decision based on R7's points of concern.

11. Mr. Jimmy Leung, D of Plan, considered that both R7 and the Board were given opportunity to examine and raise questions on the photos presented by AFCD at the hearing and it was also not uncommon for representers and commenters to table materials to substantiate their comments at the hearing. The Chairman said that under the established practice, the Board would only accept further information provided by relevant parties to substantiate their original comment while new information tabled might not be accepted by the Board at the hearing. He agreed that the photos presented by AFCD were only to illustrate AFCD's original comments.

12. A Member considered that it was not necessary for the Board to review its decision as R7 had already been given the opportunity to examine and comment on AFCD's photos at the hearing. Besides, the photos presented by AFCD were not the only source of information which the Board relied on for its decision. That Member, however, agreed that copies of AFCD's photos should be provided to R7 and that R7's concerns on procedural impropriety should be brought to the attention of CE in C when the OZP was submitted for approval. Other Members shared the same views.

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

13. After further discussion, the Chairman concluded that Members agreed that: (i) there was no need for the Board to review its decision on representation R7; (ii) that the Secretariat would provide a set of the photos presented by AFCD at the meeting to R7; and (iii) that R7's letter dated 10.6.2011 would be included in the submission to CE in C when the OZP was submitted for approval.

(ii) & (iii)

14. Matters Arising Items (ii) & (iii) were recorded under Confidential cover.

(iv) Representations on Ngau Tau Kok & Kowloon Bay Outline Zoning Plan  
[Open Meeting]

15. The following Members declared interests on this item, which was related to the representation (R4) submitted by Mass Transit Railway Corporation Limited (MTRCL):

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|---|--|
| Mr. Roger K.H. Luk                        | - being a Member of the Board of Directors of Octopus Card Ltd. in which MTRCL was a major shareholder   |
| Mr. K.Y. Leung                            | - had represented his professional institute to make a submission to LegCo on the choice of location of the Express Rail Link Terminus and was an employee of the HKU SPACE (Tertiary Education Institution) with a campus in the area |
| Mr. Raymond Y.M. Chan                     | - being the convenor of the Railway Objections Hearing Panel for the Guangzhou – Hong Kong Express Rail Link and MTRCL (R4) was the operator of the Hong Kong section  |
| Professor S.C. Wong                       | - being the external examiner for HKU SPACE with a campus in the area  |
| Dr. James C.W. Lau                        | - being an adjunct professor of HKU  |
| Professor Edwin H.W. Chan                 | - being a visiting lecturer and external examiner to HKU and HKU SPACE   |
| Ms. Elsa Cheuk<br>(as Principal Assistant | - being an alternate Member of the Board of<br>the MTRCL   |

Secretary(Transport),  
Transport and Housing  
Bureau)

Ms. Anna S.Y. Kwong - being an expert witness for MTRCL on  
another case.

16. Members agreed that the interests of Mr. Roger Luk and Ms. Elsa Cheuk were direct and that they should be invited to leave the meeting temporarily for this item. Members also agreed that the interests of the other Members were indirect and remote, and that they should be allowed to stay in the meeting. Members noted that Mr. Raymond Chan and Professor Edwin Chan had tendered apologies for not being able to attend the meeting.

[Mr. Roger Luk and Ms. Elsa Cheuk left the meeting temporarily while Mr. Jimmy Leung returned to join the meeting at this point.]

17. The Secretary reported that representation No. R4 submitted by MTRCL in respect of the Ngau Tau Kok and Kowloon Bay Outline Zoning Plan No. S/K13/26 was considered by the Board on 27.5.2011. R4 opposed the rezoning, building height restrictions (BHRs) and/or building gap requirements at the Telford Gardens site zoned “Other Specified Uses” annotated “Mass Transit Railway Depot with Commercial and Residential Development Above” (“OU(MTR Depot with Commercial and Residential Development Above)”) and at the Kowloon Bay MTR Station site zoned “Other Specified Uses” annotated “Railway” (“OU(Railway)”). At the hearing, R4 disputed the maximum non-domestic GFA figure of 177,031m<sup>2</sup> stipulated in the Notes of the “OU(MTR Depot with Commercial and Residential Development Above)” zone and claimed that the total non-domestic GFA in existence was 177,784m<sup>2</sup>, which exceeded the OZP restrictions by 753m<sup>2</sup>. R4 claimed that the discrepancy in the figures could be due to building alterations that had resulted in a higher non-domestic GFA approved over the years not taken into account by Buildings Department (BD), or the exclusion of the GFA of a secondary school (i.e. 8,320.08m<sup>2</sup>) granted under temporary waiver from the calculation of non-domestic GFA.

18. The Secretary said that on 27.5.2011, the Board agreed to partially uphold representation R4 by adding a clause “or the existing gross floor area” to the Remarks (1) of the Notes of the OZP for the “OU(MTR Depot with Commercial and Residential Development Above)” zone to ensure that there would be no loss in existing GFA upon redevelopment. The Board also agreed that the amount of non-domestic GFA of the existing development needed to be clarified and that the verified non-domestic GFA figure should be included as the maximum non-domestic GFA for the subject “OU” zone.

19. The Secretary then reported that PlanD had sought clarification from the BD and Lands Department (LandsD) about the non-domestic GFA on the subject site. LandsD confirmed that the non-domestic GFA (i.e. 177,031m<sup>2</sup>) stipulated in the subject “OU” zone was the approved non-domestic GFA specified in the Master Plan of the lease governing the subject site. BD confirmed that even when the GFA of a secondary school (8,320.08m<sup>2</sup>) that was granted under temporary waiver was included for GFA calculation, the approved non-domestic GFA for the site under Buildings Ordinance did not exceed the figure of 177,031m<sup>2</sup> stipulated in the subject “OU” zone. In this regard, the Board’s decision at the meeting held on 27.5.2011 to revise the Notes of the subject “OU” zone to include the clause ‘or the gross floor area of the existing building’ in Remarks (1) of the Notes of the subject “OU” zone would be able to provide the necessary flexibility and would ensure that there would be no loss in existing GFA upon redevelopment. The Board was then invited to agree that the non-domestic GFA figure (i.e. 177,031m<sup>2</sup>) stipulated for the subject “OU” zone should remain unchanged.

20. In response to a Member’s concern that the term ‘existing building’ should exclude unauthorised building works, the Secretary said that the definition of the ‘existing building’, i.e. a building, including a structure, which was physically existing and was in compliance with any relevant legislation and the conditions of the Government lease concerned, was stipulated in the covering Notes of the OZP.

21. Members noted the verifications from BD and LandsD and agreed that the non-domestic GFA figure of 177,031m<sup>2</sup> for the subject “OU” zone on the OZP should remain unchanged.

(v) New Town Planning Appeal Received  
Town Planning Appeal No. 3 of 2011

Temporary Public Vehicle Park (Private Car and Light Goods Vehicle)  
for a Period of 2 Years in "Residential (Group A)" and "Open Space" zones,  
Lots 3035RP, 3036S.A, 3036RP, 3037, 3044, 3045RP in D.D. 51  
and adjoining Government land, San Wan Road, Fanling  
(Application No. A/FSS/197)

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[Open Meeting]

22. The Secretary reported that a Notice of Appeal dated 21.3.2011 against the decision of the Town Planning Board (TPB) on 7.1.2011 to reject on review an application (No. A/FSS/197) for a temporary public vehicle park (private car and light goods vehicle) for a period of two years at a site zoned "Residential (Group A)" and "Open Space" on the approved Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/14 was confirmed as received by the Appeal Board Panel (Town Planning) on 9.6.2011. The application was rejected by the Board for the reasons that:

- (a) there was no information in the submission to demonstrate that the public vehicle park would not have adverse environmental impacts on the surrounding areas; and
- (b) the application involved two previously revoked planning permissions due to non-compliance with the approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

23. The hearing date of the appeal was yet to be fixed. The Secretary would act on behalf of the TPB in dealing with the appeal in the usual manner.

Appeal Statistics

24. The Secretary reported that as at 24.6.2011, 22 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows:

Allowed	: 27
Dismissed	: 117
Abandoned/Withdrawn/Invalid	: 149
Yet to be Heard	: 22
<u>Decision Outstanding</u>	<u>: 3</u>
Total	: 318

(vi) Amendment to Confirmed Minutes of 984th Town Planning Board meeting held on 27.5.2011  
[Open Meeting.]

25. The Secretary reported that some editorial amendments as tabled had been made to the minutes that were confirmed by the Board on 10.6.2011. The amendments had been incorporated into the copy of confirmed minutes circulated to Members on 22.6.2011. Members noted and agreed with the amendments.

[Mr. Roger Luk and Ms. Elsa Cheuk returned to join the meeting while Mr. Rock Chen and Mr. K.Y. Leung left the meeting temporarily at this point.]

**Agenda Item 3**

26. This item was recorded under Confidential cover.

**Agenda Item 4**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-TYST/519

Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and Used Electrical Appliances with Ancillary Workshop Activities for a Period of 3 Years in "Undetermined" zone, Lots 366 RP, 369 RP (Part), 370 RP (Part), 371 S.A (Part), 371 S.B (Part), 372 S.A, 372 S.B, 373, 374, 375 RP, 376, 377, 378, 379, 380, 381 RP (Part), 458 (Part), 459 (Part), 460, 461, 462, 463, 464, 465, 466 (Part), 469 (Part), 470 (Part), 471 (Part), 1323 (Part), 1324, 1325 (Part), 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345 (Part), 1346 (Part), 1347 (Part), 1349 (Part), 1350 (Part), 1351, 1353, 1354, 1355, 1356 S.A, 1356 S.B, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367 RP, 1368, 1369 S.A, 1369 S.B, 1369 S.D, 1523 (Part), 1524, 1525, 1531 S.B, 1532, 1533 S.A, 1533 S.B, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544 (Part), 1592 (Part), 1593, 1613 S.C (Part) and 1614 RP (Part) in D.D. 119 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long  
(TPB Paper No. 8846)

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[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

27. Members noted that Ms. Anna Kwong had declared interests on this item as she had current business dealings with PlanArch Consultants Ltd., the consultants of the Applicant. Members noted that Ms. Anna Kwong had left the meeting temporarily at this point.

[Ms. Anna Kwong left the meeting temporarily while Ms. Annie Tam, Mr. Y.K. Cheng and Mr. Maurice Lee arrived to join the meeting at this point.]

28. The following government representative and the applicant's representatives were invited to the meeting at this point:

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

Ms. Betty Ho - Applicant's representative  
Mr. Cheng Pui Kan - Applicant's representative

29. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Ms. Amy Cheung to brief Members on the background to the application.

30. With the aid of the Powerpoint presentation, Ms. Amy Cheung, DPO/TMYL presented the application and covered the following main points as detailed in the Paper:

- (a) the application sought planning permission for temporary open storage of construction machinery and materials, recycling materials and used electrical appliances with ancillary workshop activities for a period of three years in an area zoned "Undetermined" ("U") on the approved Tong Yan San Tsuen Outline Zoning Plan (OZP);
- (b) the site had an area of about 56,600m<sup>2</sup> (including about 5,300m<sup>2</sup> of Government land) and was currently partitioned into 16 compartments for the uses applied for. The site fell within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Use (TPB PG-No.13E). The surrounding areas were mixed with open storage yards, warehouses, workshops, scattered residential structures, agricultural land and unused land. A new residential development of 30 houses, One Hyde Park, in an area zoned "Residential (Group C)" was located to the south of the site;
- (c) the site entrance abutted Kung Um Road to its east with Government land in-between. There were 43 structures with a total floor area of about 5,171 m<sup>2</sup> and a height of about 2.5m to 5m (1 to 2 storeys) for storage, ancillary office and ancillary workshop uses and 26 parking spaces for goods vehicles within the site. Space was also provided in the site for temporary storage and processing of used electrical appliances for recycling;

- (d) on 18.2.2011, the Rural and New Town Planning Committee (RNTPC) approved the application on a temporary basis for a period of three years subject to conditions including condition (c), i.e. no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined under the Road Traffic Ordinance, were allowed to enter/exit the site at any time during the planning approval period. The applicant applied for reviewing the RNTPC's decision on the imposition of approval condition (c) on 22.3.2011 and requested for removal of the said condition;
- (e) the applicant had submitted written representation in support of the review application as summarised in paragraph 3 of the Paper and below:
  - (i) the site was located in Category 1 areas under TPB PG-No.13E and was considered suitable for open storage/port back-up uses. The site had all along been zoned "U" on the OZP, which was intended to cater for the continuing demand for open storage that could not be accommodated in conventional godown premises;
  - (ii) heavy goods vehicles and trailers were essential for the transportation of construction machinery and materials. Forbidding the access of heavy goods vehicles under approval condition (c) was unreasonable and would stop the legal operation of the open storage of construction machinery and materials which had been conducted at the site for many years;
  - (iii) the approved open storage site had been using heavy goods vehicles such as trailers and container tractors to transport the stored materials in and out of the site since the first approval in 1998. The site, including the access road, was well paved and boundary fences and landscape plantings had been well maintained to minimize any potential environmental impact; and
  - (iv) in order to avoid the potential noise impacts on the

surroundings, the applicant had undertaken the environmental mitigation measures as set out in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP) at the site for many years, including the provision of boundary fence, restriction of operation hours and paving of the site;

- (f) departmental comments on the review application were summarised in paragraph 5 of the Paper. The Transport Department (TD) supported the imposition of approval condition (c) as Kung Um Road was generally insufficient to cater for the heavy goods vehicular traffic. The Director of Environmental Protection did not support the planning application. His recent site inspection revealed that there was a cluster of dwellings nearby and along the access road of the site. It was considered environmentally undesirable to allow such operations to continue to affect the sensitive receivers nearby. He had no comment on the imposition of approval condition (c). Other departments had no specific comment on the review application;
- (g) public comment - during the statutory publication period, no public comment was received on the review application;
- (h) PlanD’s view – PlanD did not support the review application based on the planning considerations and assessments as set out in paragraph 7 of the Paper and summarized below:
  - (i) as the Environmental Protection Department (EPD) did not support the application due to environmental concerns, the case should not be approved unless the potential adverse environmental impacts could be adequately addressed through imposition of approval condition (c);
  - (ii) the submission made by the applicant at the s.16 stage did not clearly indicate the type of vehicles used for the operation of the site. It only mentioned that 26 lorry/goods vehicle parking spaces of 11m (L) x 3.5m (W) would be provided at the site.

Such dimensions applied only to medium goods vehicles and rigid type of heavy goods vehicles but not other forms of heavy goods vehicles such as articulated heavy goods vehicles and container tractors and trailers which could be up to 16m long;

- (iii) the proposed deletion of approval condition (c) would allow heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined under the Road Traffic Ordinance, to enter/exit the application site. The traffic of heavy vehicles so generated would create adverse environmental impact on the residential uses in the vicinity of the site.

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

32. With the aid of the Powerpoint presentation, Ms. Betty Ho made the following points:

- (a) the site was located in Category 1 areas under TPB PG-No.13E and was considered suitable for open storage/port back-up uses. It had all along been zoned "U" on the OZP, which was intended to cater for the continuing demand for open storage which could not be accommodated in conventional godown premises. It had been approved and used for open storage of construction machinery and materials for over a decade and the operator had been using heavy goods vehicles such as trailers and container tractors to transport the stored materials in and out of the site since the first approval in 1998;
- (b) open storage of construction machinery and materials, recycling materials and used electrical appliances with ancillary workshop activities at the site was recently approved by the Board on 18.2.2011. The site was partitioned into 16 compartments for the applied use. The applicant applied for review of condition (c), i.e. no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined under the Road Traffic Ordinance were allowed to enter/exit the

site at any time during the planning approval period. Under the Road Traffic Ordinance, heavy goods vehicle was defined as “goods vehicle having a permitted gross vehicle weight exceeding 24 tonnes but not exceeding 38 tonnes”. It was unreasonable, impracticable and unnecessary to impose condition (c) which prohibited the use of trailers and heavy goods vehicles for the approved use. The applicant requested the Board to remove condition (c) from the approval;

*No adverse traffic or environmental impact*

- (c) noting TD’s concern that Kung Um Road was generally insufficient to cater for the heavy goods vehicular traffic, she said that TD should have restricted heavy goods vehicles from using Kung Um Road or implement other transport improvement measures to address the traffic safety problem, instead of imposing the approval condition on the site;
- (d) in accordance with EPD’s advice to follow the latest COP to mitigate any potential environmental impacts, the applicant had complied with all the approval conditions in previous applications and had undertaken the environmental mitigation measures as set out in the COP to minimise the potential environmental impact. These included the provision and maintenance of a 2.5m high corrugated iron fence wall at the periphery of the site, restriction of operation hours from 7:00 a.m. to 7:00 p.m. and no operation on Sundays and public holidays, and the provision and maintenance of paving and vehicular run-in/out. There was no local or public objection nor environmental complaints against the approved open storage use. She also pointed out that the new residential development in the “R(C)”zone mentioned by DPO/TMYL was about 600m away from the site;
- (e) to meet the requirement of TPB PG-No.13E that adequate parking and queuing for operational functions should be provided within the curtilage of the site to avoid on-street parking and queuing, sufficient manoeuvring, parking, loading and unloading spaces as well as 26

parking spaces (11m x 3.5m) had been shown on the Layout Plan of the planning statement to demonstrate that there would be no queuing or waiting on public road. According to the Hong Kong Planning Standards and Guidelines (HKSPG), a parking space with a dimension of 11m x 3.5m would be adequate for both medium goods vehicles and heavy goods vehicles. Parking space for container tractors/trailers had not been designated in the application as these vehicles were expected to leave the site immediately after loading/unloading. Given the size of the site, there was sufficient space within the site for the manoeuvring and loading and unloading by container tractors/trailers;

*Unreasonable*

- (f) due to the size and weight of the construction machinery and materials, the use of trailers and heavy goods vehicles were essential to the operation of the approved open storage for construction machinery and materials. Forbidding the access of trailers and heavy goods vehicles under approval condition (c) was unreasonable and the operator would be unable to continue the operation of open storage of construction machinery and materials which had been conducted on the site for over a decade. The intention of granting planning permission for the temporary open storage use of the site would be defeated;

*Impracticable*

- (g) if Kung Um Road was not suitable for use by heavy goods vehicles, TD should ban heavy goods vehicles and trailers from accessing Kung Um Road. Making reference to some photos, she claimed that forbidding the access of trailers and heavy goods vehicles from accessing open storage sites would lead to on-street loading/unloading activities on Kung Um Road, causing obstruction to traffic and safety hazards to pedestrians; and

*Unnecessary*

- (h) adequate mitigation measures had already been adopted by the applicant to ensure no adverse environmental and traffic impacts. The imposition of approval condition (c) was not necessary.

33. A Member asked about the location of the new residential developments and whether they were in close proximity to the site. Referring to Plan R-1a in the Paper, Ms. Amy Cheung, DPO/TMYL, advised that besides the new residential development of One Hyde Park, which was located in the “R(C)” zone to the south of site, there were also some new village houses under construction within the “V” zone located to the southeast of the site. All these development would share Kung Um Road as their main access. In response to the same Member’s enquiry, she confirmed that there was currently no restriction forbidding heavy goods vehicles from using Kung Um Road. In response to the Chairman’s question on the location of the nearest sensitive receiver, Ms. Amy Cheung referred to Plan R-2 of the Paper and advised that there were currently many scattered residential dwellings surrounding the sites.

34. In response to a Member’s enquiry, Ms. Betty Ho said that the applicant did not employ environmental consultants to assess the environmental impact as the applied use did not involve large-scale development or heavy industrial uses. However, all along, the applicant had ensured that there was no adverse traffic and environment impact on its surroundings. She said that the access of the site had been paved and well-maintained, and was acceptable to TD. The applicant had also followed the environmental mitigation measures as set out in the COP, including the provision of a 2.5m high fence wall, and had complied with all the approval conditions, including the provision of drainage facilities and landscape planting to the satisfaction of the concerned departments. She added that the site was mainly surrounded by warehouses and open storage uses and that the sensitive receivers mentioned by PlanD were only scattered residential dwellings in temporary structures.

35. Mr. Jimmy Leung, D of Plan, noted the applicant’s argument that the restriction on the access of heavy goods vehicles to the site was unreasonable as the operator would be unable to operate the open storage of construction machinery and

materials approved by RNTPC. He reminded the applicant, that according to s.17(6) of the Town Planning Ordinance, the Board on review might confirm or reverse the decision in question, or substitute the decision in question with any decision it could have made under s.16 after taking into account relevant planning considerations including traffic and environment impact. Noting that the site was currently partitioned into 16 compartments for the applied use but not all the compartments required the use of heavy goods vehicles, he asked whether the applicant would consider phasing out those uses that required access by heavy goods vehicles so that approval condition (c) could be complied with.

36. In response, Ms. Betty Ho confirmed that for those compartments that did not require access by heavy goods vehicles, the applicant would employ light goods vehicles and medium goods vehicles, mainly to minimise cost. However, heavy goods vehicles were still essential for the transportation of construction machinery and materials in some compartments. She advised that if access by heavy goods vehicles was not allowed to/from the site as required under approval condition (c), on-street loading and unloading might need to be carried out along Kung Um Road, which would cause a safety problem. Besides, she considered that as there was great demand for the open storage of construction machinery and materials, and the subject site was suitable for such use, the Board should consider deleting approval condition (c) so that the application site could be used for open storage of construction machinery and materials to meet economic needs.

37. A Member asked if the applicant would consider reallocating the uses among the different compartments of the site so as to minimise the environmental impact if heavy goods vehicles were allowed to enter the site. The same Member noted that there was a piece of cultivated land in the middle of the site and asked if the agricultural activities would be discontinued. In response, Ms. Betty Ho said that the open storage of construction machinery and materials, which required access by heavy goods vehicles, were concentrated in the central part of the site so as to minimise potential environmental impact on the surrounding areas. She said that the agricultural activities found within the site were undertaken by one of the tenants of the applicant. That part of the site had been used for agricultural activities for over a decade and there was no intention to discontinue the agricultural use.

38. In response to a Member's enquiry on the proportion of the site that would

require access by heavy goods vehicles, Ms. Betty Ho said that about one-third of the site required access by heavy goods vehicles for its operations, but the frequency of heavy goods vehicles entering/leaving the site was quite low.

39. A Member asked for DPO/TMYL's views on the applicant's argument that if Kung Um Road was not suitable for the use by heavy goods vehicles, TD should ban the use of heavy goods vehicles and trailers on Kung Um Road, instead of imposing an approval condition restricting the access of heavy goods vehicles to the site. In response, Ms. Amy Cheung said that given the large size of the site, any adverse traffic and environmental impact generated would be very serious. Noting that the current application also proposed the storage of used electrical appliances and ancillary workshop activities, approval condition (c) was imposed to forbid heavy goods vehicles from entering the site, mainly to address EPD's concerns on the environmental impact of the application. She advised that although TD did not restrict heavy goods vehicles from using Kung Um Road, TD was concerned about the cumulative traffic impact on Kung Um Road generated by similar open storage uses in the area. She advised that TD's comment was not the sole reason for imposing approval condition (c).

40. Noting the applicant's claim that there were on-street loading and unloading activities along Kung Um Road by some operators, a Member asked DPO/TMYL whether the same approval condition (c) had been imposed in recent planning approvals granted by the Board taking into consideration the traffic impact along Kung Um Road. In response, Ms. Amy Cheung said that the Board had taken into account individual circumstances of each application in deciding whether to impose the approval condition under concern. She noted that the Board had approved an application for open storage submitted by the same applicant in 2009 for a site located to the west of the application site without imposing the approval condition under concern. That site was, however, much smaller in scale without any residential dwelling in the vicinity. She advised that the Commissioner of Police would enforce the law against illegal loading and unloading activities along Kung Um Road as necessary.

41. The Secretary said that according to the information provided by the applicant in the application form, only 26 lorry/goods vehicle parking spaces with a dimension of 11m x 3.5m would be provided at the site. These parking spaces could only serve

medium goods vehicles and rigid type heavy goods vehicles but not other forms of heavy goods vehicles such as articulated heavy goods vehicles and container tractors and trailers. She said that approval condition (c) was imposed by the Board based on the understanding that no heavy goods vehicles would need access to the site. In response, Ms. Betty Ho said that the dimensions for the 26 lorry/goods vehicle parking spaces indicated on the layout plan submitted by the applicant were based on HKPSG and were sufficient to accommodate heavy and medium goods vehicles. The applicant did not designate any fixed parking spaces for container tractors and trailers because these vehicles would normally leave the site immediately after loading/unloading and the area for loading/unloading activities would vary according to operational need. In response to the Chairman's question, she said that the designated parking spaces on the layout plan were mainly waiting spaces for light goods vehicles and medium goods vehicles which required more time for loading and unloading of goods.

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

[Dr. Winnie Tang left the meeting at this point.]

#### Deliberation Session

43. A Member did not support the review application and said that approval condition (c) to restrict heavy good vehicles from entering into the site was imposed by RNTPC to address traffic impact of the proposed development on Kung Um Road. If the applicant considered that approval condition (c) would affect the operation of the open storage of construction machinery and materials at the site, he should consider not to store such materials at the site. This Member did not agree that the operational requirement justified the removal of approval condition (c).

44. A Member, however, considered that it would be unfair for the Board to

impose approval condition (c) selectively on some application sites along Kung Um Road, given that there was no restriction on heavy good vehicles using Kung Um Road and no information was provided by TD on the amount of heavy goods vehicles that could be accommodated on Kung Um Road. This Member considered that the use of heavy goods vehicles such as container vehicles for transportation of goods and materials would actually reduce the amount of traffic trips along Kung Um Road as compared with the use of medium goods vehicles.

45. A Member considered that there was a practical and operational need for heavy goods vehicles to gain access to the application site to serve the uses applied for. As there was demand for sites for the open storage of construction machinery and materials to serve Hong Kong's development needs and the location and size of the site was suitable for the open storage of construction machinery and materials, it would be unreasonable to keep the approval condition under concern which would make it impossible for the open storage site to operate.

[Mr. Clarence Leung left the meeting temporarily at this point.]

46. A Member had reservation on deleting approval condition (c) as the condition was originally imposed to address the departmental concerns on traffic and environmental impact. This Member was concerned that once approval condition (c) was removed, the applicant would be able to use the whole site for the open storage of construction machinery and materials which would generate significant traffic and environmental impact. This Member considered that a traffic impact assessment and an environment impact assessment should be submitted to the Board for consideration before approval condition (c) could be removed.

47. A Member considered that forbidding heavy goods vehicles from entering into the site would only create traffic safety problems along Kung Um Road due to illegal loading/unloading activities. This Member noted that Kung Um Road was not a busy road and there were many other similar open storage uses in the vicinity.

48. Mr. Jimmy Leung, D of Plan, agreed that it would be unreasonable to impose approval condition (c) if it would render the approved use inoperative as the operation

required access by heavy goods vehicles. He considered that the site was suitable for open storage of construction machinery and materials, given its large size and that the surrounding areas were occupied by open storage uses. While agreeing that approval condition (c) should be removed in view of the operational requirements, he considered that there was a need to review the long-term use of the site with the completion of more and more residential developments in the vicinity.

49. Three other Members supported the application to remove approval condition (c) noting that the open storage use had been in operation at the site for many years and that there was no environmental complaint. As the permission was only granted on a temporary basis for a period of three years, the Board could review the situation upon the expiry of the planning permission. One Member also considered it unfair to impose the approval condition on the application site without imposing the approval condition on other similar applications along Kung Um Road.

50. After further deliberation, the Board decided to approve the application on review on a temporary basis for a period of 3 years until 18.2.2014, on the terms of the application as submitted to the Board and subject to the following conditions (with the original approval condition (c) deleted and other approval conditions and advisory clauses remained unchanged):

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no storage and washing of plastic bottles were allowed on the application site at any time during the planning approval period;
- (d) no storage and handling (including loading and unloading) of electrical appliances outside the three concrete-paved covered structures as proposed by the applicant were allowed on the

application site at any time during the planning approval period;

- (e) no storage and handling (including loading and unloading) of electronic and computer wastes (including cathode-ray tubes) were allowed on the application site at any time during the planning approval period;
- (f) the existing landscape plantings on the application site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.8.2011;
- (i) in relation to (h) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.11.2011;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given shall cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director

of Planning or of the Town Planning Board.

51. The Board also agreed to advise the applicant:

- (a) that prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note DLO/YL, LandsD's comments that the lot owners and the occupier of Government land concerned would need to apply to his office for regularizing any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site was accessible to Kung Um Road via a short stretch of Government land. His office provided no maintenance works for the Government land nor guarantees right-of-way;
- (d) to note C for T's comments that the ingress/egress of the site did not abut Kung Um Road direct. The land status of the strip of land between the site and Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same strip of land should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note CHE/NTW, HyD's comments that his Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage

Sites” issued by DEP to minimize any potential environmental nuisances;

- (g) to note DAFC’s comments that good site practice and necessary measure(s) to avoid causing potential disturbance to the watercourse and the riparian vegetation within and near the site should be adopted;
- (h) to note CE/Dev(2), WSD’s comments that existing water mains within the site will be affected. The developer should bear the cost of any necessary diversion works affected by the development;
- (i) to note D of FS’s comments that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration;
- (j) to note CBS/NTW, BD’s comments that the existing structures that apparently had not been obtained approval under the Buildings Ordinance should be removed. Formal submission under the Buildings Ordinance was required for any proposed new works, including any temporary structures. The covered areas for office and storage were considered as temporary buildings that were subject to control under the Building (Planning) Regulations (B(P)R) Part VII. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency

vehicular access should be provided under B(P)R 41D. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity shall be determined under B(P)R 19(3) at the building plan submission stage. Moreover, the granting of the planning approval should not be construed as an acceptance of the unauthorized structures on the site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works should circumstances require; and

- (k) to note DEMS's comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the following measures. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

[Ms. Annie Tam and Mr. Rock Chen left the meeting at this point.]

**Agenda Item 5**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-TT/280

Temporary Eating Place For a Period of 3 Years in "Village Type Development" zone, Lots 1256 (Part), 1258 (Part), 1259 RP (Part) and 1299 RP (Part) in D.D. 117 and Adjoining Government Land, Tai Tong Shan Road, Tai Tong, Yuen Long  
(TPB Paper No. 8847)

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[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

52. The following representative of the Government and the applicant's representatives were invited to the meeting at this point:

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

Mr. Raymond Leung )

Mr. Leung Tak Fai ) Applicant's representatives

Ms. Fung Ka Wun )

Mr. Lam Tim Kit )

53. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Ms. Amy Cheung to brief Members on the background to the application.

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

- (a) the application sought planning permission for temporary eating place for a period of 3 years in an area zoned "Village Type Development" ("V") on the draft Tai Tong Outline Zoning Plan (OZP). The site had a total area of about 1,501m<sup>2</sup> (including about 460m<sup>2</sup> Government Land)

and abutted on Tai Tong Shan Road. The eating place included a dining hall, a kitchen, a toilet and storage areas. Three one-storey structures of a height from about 3m to 3.04m (a total floor area of about 655.9m<sup>2</sup>) and six car parking spaces and two loading/unloading bays for good vehicles were provided on-site.;

- (b) the Rural and New Town Planning Committee (RNTPC) rejected the application on 18.3.2011 for the reasons that the previous three planning permissions granted under Applications No. A/YL-TT/149, 192 and 249 were revoked due to non-compliance with approval conditions on fire safety aspects, and the applicant failed to demonstrate to the Board that she would comply with the approval conditions imposed by the Board; and due to the failure in complying with approval conditions on fire service installations, the potential fire risks from the eating place could not be adequately addressed. The application therefore did not meet the Town Planning Board's Guidelines for 'Application for Eating Place within "V" Zone in Rural Areas under Section 16 of the Town Planning Ordinance' (TPB PG-No. 15A);
- (c) the applicant had not submitted any written representation in support of the review application;
- (d) the site was currently occupied by temporary structures used as a restaurant without valid planning permission. The surrounding areas were intermixed with village houses, vehicle repairing workshops, car parks, open storage yards and restaurant/canteen;
- (e) the Town Planning Board Guidelines for 'Application for Eating Place within "V" Zone in Rural Areas under Section 16 of the Town Planning Ordinance' (TPB PG-No. 15A) were relevant to this application;
- (f) the site was the subject of four previous applications (No. A/YL-TT/114, 149, 192 and 249) for temporary restaurant/eating place on the site, which were granted with planning approvals between 2001 and 2009.

The last three planning permissions were revoked due to non-compliance with the approval conditions on fire safety aspect.

- (g) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. Relevant departments had no further comment on the review application. The Fire Services Department had no objection to the application subject to the provision of fire services installations and water supplies for firefighting to his satisfaction;
- (h) public comments - during the statutory publication period, no public comment was received;
- (i) PlanD's view – PlanD did not support the review application based on the planning considerations and assessments as set out in paragraph 6 of the Paper and summarized below:
  - (i) although the applied eating place was not incompatible with the surrounding uses within the subject “V” zone which were predominantly village houses, vehicle repairing workshops, car parks, open storage yards and restaurants/canteen, the applicant had to demonstrate that all potential adverse impacts arising from the development could be adequately mitigated;
  - (ii) despite the RNTPC's repeated tolerance for approving similar temporary restaurant/eating place use at the site, the applicant had failed to comply with the approval conditions on fire safety aspect within the specified time limits since the first imposition of such approval conditions in 2003. As a result, all the three previous approvals were revoked;
  - (iii) despite being warned in the approval letter of the last application that sympathetic consideration would not be given to future planning applications if the permission was again revoked, and the fact that the compliance period had been extended twice from three months to nine months, the last approval was revoked again due to non-compliance with the approval conditions on fire safety aspect. The applicant failed to provide sufficient

justifications as to why the approval conditions on fire safety aspect could not be complied with for so many years; and

- (iv) due to the failure in complying with approval conditions on fire service installations, the potential fire risks from the eating place could not be adequately addressed. The application therefore did not meet the TPB-PG No.15A.

55. The Chairman then invited the applicant's representative to elaborate on the application.

56. Mr. Raymond Leung said that since 2004, adequate fire service installations including lighting, fire extinguisher and openable windows had been provided for the eating place at the site. The fire fighting system with sprinklers had been installed for a long time. However, due to inadequate water supply to serve the sprinkler system and disagreement between the applicant and the Water Supplies Department (WSD) on how to link the site with the water main at Kiu Hing Road, the sprinkler system could not be activated. Mr. Leung however advised that after further discussion with WSD, the applicant had just been informed by WSD that a water main of 200mm in diameter had now been provided at Tai Tong Shan Road for public use. Hence, he anticipated that the water supplies for firefighting could be connected to the site in a few weeks' time.

57. As it appeared that the issue on the sprinkler systems could be resolved soon, the Chairman suggested deferring the consideration of the review application pending the provision of water supplies for the firefighting system at the site. Although this decision to defer did not require the applicant's agreement, the applicant's representative, Mr. Raymond Leung, said that the applicant was agreeable to that. Ms. Amy Cheung, DPO/TMYL, said that according to WSD's advice, the applicant would need to acquire an excavation permit from the Highways Department before WSD could carry out works for the connection of water mains under Tai Tong Shan Road and a few months would be required before the works could be completed.

58. In response to a Member's question, Ms. Amy Cheung confirmed that the non-compliance with approval conditions on the fire safety aspect was the only reason for PlanD to recommend rejection of the review application as the applicant had already

complied with all other approval conditions.

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

#### Deliberation Session

60. After further deliberation, the Board decided to defer the consideration of the review application pending the provision of water supplies for firefighting system by the applicant.

[Mr. Maurice Lee, Dr. C.P. Lau, Professor P. P. Ho and Dr. W.K. Yau left the meeting at this point.]

**Agenda Item 6**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to the Draft South West Kowloon Outline Zoning Plan No. S/K20/25

(TPB Paper No. 8844)

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[The hearing was conducted in Cantonese and English.]

61. Members noted that Mr. Benny Wong, Deputy Director of Environmental Protection, had declared an interest on this item as the Environmental Protection Department (EPD) was currently undertaking a project at one of the representation sites at Hoi Fai Road. Members noted that Mr. Wong had left the meeting temporarily at this point.

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

**Representations No. R1 to R5 and Comments No. C1 to C46**

Presentation and Question Session

62. The Chairman said that sufficient notice had been given to invite the representers and commenters to attend the hearing, but other than those that were present at the meeting, the rest had either indicated not to attend the hearing or made no reply. As sufficient notice had been given to the representers and commenters, Members agreed to proceed with the hearing in their absence. Members noted that a letter dated 24.6.2011 was tabled by R5 at the meeting.

63. The following government representatives, representers, commenters and their representatives were invited to the meeting at this point:

Mr. Wilson Chan	- District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Planning Department (PlanD)
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Mr. C.K. Soh - Senior Town Planner, Yau Tsim Mong  
(STP/YTM), PlanD

Mr. M.K. Chan - General Manager/Services, Marine  
Department (MD)

Mr. M.S. Chan - Marine Officer/Planning and Development,  
MD

R3 – Hong Kong Cargo-Vessel Traders’ Association Ltd.

Mr. Wong Yiu Kan )

Ms. Law Wing Suet ) Representers’ representatives

Mr. Paul Zimmerman )

R4 – Guangdong and Hong Kong Feeder Association Ltd.

Mr. Kenneth Chan )

Mr. Paul Zimmerman ) Representers’ representatives

R5 – New Territories Cargo Transport Association Ltd.

Mr. Ng Wai Kwong ) Representers’ representatives

Ms. Kwok Mei Yi )

C4 – Designing Hong Kong

Mr. Paul Zimmerman ) Commenters’ representatives

Ms. Eva Tam )

C7 – Hong Kong & Kowloon Motor Boats & Tug Boats Association Ltd.

Mr. Kwok Tak Kee ) Commenters’ representatives

Mr. Wong Hon Kuen )

C10 – Wong Kwok Leung

Mr. Wong Kwok Leung ) Commenter

C12 – Olympic Community Development Alliance Ltd.

Mr. Chan Chung Kit ) Commenter's representatives

C13 – Tai Kok Tsui District Resident Livelihood.

Mr. Tang Wing Kun ) Commenter's representatives

Ms. Tam Fung Kuen )

64. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representatives from the Government to brief Members on the background to the representations and comments.

65. With the aid of a Powerpoint presentation, Mr. C.K. Soh, STP/YTM of PlanD, made the following main points as detailed in the Paper:

- (a) on 21.1.2011, the draft South West Kowloon Outline Zoning Plan (OZP) No. S/K20/25 (the Plan) incorporating amendments mainly to rezone two sites, i.e. a strip of land along Hoi Fai Road fronting the New Yau Ma Tei (YMT) Typhoon Shelter (Site A) and a site bounded by Hoi Ting Road, Hoi Wang Road and Lai Cheung Road (Site B) from "Government, Institution or Community" ("G/IC") to "Open Space" ("O") (Amendment Items A and B), was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 5 valid representations and 46 comments were received;
- (b) among the 5 representations received, 2 representations (R1 and R2) from individuals including a Legislative Councillor, Hon. James To Kun-sun, were in support of the proposed amendments to the OZP, i.e. Amendment Items A and B, while 3 representations submitted by industry groups related to the operation of the public cargo working area (PCWA), namely, the Hong Kong Cargo-Vessel Traders' Association Ltd. (R3), the Guangdong and Hong Kong Feeder Associated Ltd. (R4) and the New Territories Cargo Transport Association Ltd. (R5) opposed the rezoning of the waterfront site along Hoi Fai Road from "G/IC" to "O" (Amendment Item A);

### Public Consultation

- (c) the Yau Tsim Mong District Council (YMTDC) had been advocating the provision of more waterfront open space serving local residents since 2008. In April and December 2009 the District Facilities Management Committee and Community Building Committees of YTMDC respectively passed motions to request for the early rezoning of the site at Hoi Fai Road for open space use, connecting with nearby waterfront promenade developments. On 9.2.2011, the proposed amendments to the OZP including the rezoning of the Hoi Fai Road site from “G/IC” to “O” use were circulated to the YTMDC and no further comments were received;
- (d) the Harbourfront Commission was consulted on 16.3.2011, at the meeting of its Task Force on Harbourfront Development in Kowloon, Tsuen Wan and Kwai Ching (the Task Force) and the written comments of the Task Force were provided in a letter dated 1.6.2011. The Task Force considered it important to strike a balance in meeting the different needs for a working harbour and a harbour for public enjoyment. While the Task Force did not consider a proposed pet garden use was best suited for the site, there was no consensus on the rezoning. Some members welcomed the rezoning of the waterfront site for public enjoyment and social activities which were considered compatible with the residential setting. Some members, including Mr. Paul Zimmerman of Designing Hong Kong (C4) and Mrs. Margaret Brooke (C6) who submitted comments on the representations, however, were of the view that while the site was not considered suitable to be used as a PCWA on its standalone basis, there was still strong demand for public cargo handling facilities and the strategic use of the site in view of the nearby PCWA should be carefully reviewed;

### Grounds of Representations

(e) the main grounds of the representations as detailed in paragraphs 2.3 and 2.4 of the Paper were summarised as follows:

- (i) **R1** and **R2** supported the amendments as they would provide more open space for use by the public;
- (ii) **R3 to R5** opposed Amendment Item A on the following grounds:

*Reduction of PCWA*

- a. the livelihood and employment of workers in the shipping and logistics industries were directly related to the operation of the PCWA, which was required to be located along the waterfront (**R3 to R5**);
- b. the closure of the Kwun Tong and the Cha Kwo Ling PCWAs had increased the importance of the New YMT PCWA to serve the needs of the shipping industry in the pan-Pearl River Delta area (**R3 to R5**);

*Suitability of the site*

- c. there was already an adequate supply of open space in the nearby areas (**R3**); and
- d. marine-related uses were appropriate with the existing breakwater of the New YMT Typhoon Shelter and good accessibility of the site (**R4**);

Representers' Proposals

(f) the representers' proposals as detailed in paragraph 2.5 of the Paper were summarised as follows:

- (i) **R3 to R5** proposed to retain of the previous “G/IC” zoning for the site and to develop it to meet the needs of the marine operators.
- (ii) **R3** also proposed to expand the PCWA and to:
  - a. relocate Marine Department’s (MD) Harbour Patrol Section Office to provide land for the development of a permanent waste oil collection point to address the sea water pollution problem;
  - b. designate the waters off Cheung Sha Wan as typhoon anchorage area; and
  - c. provide adequate land for shipping and logistics and for leisure and recreation on the waterfront.

PlanD’s Responses to Representations

- (g) PlanD’s responses to the grounds of representations as detailed in paragraph 5.3 of the Paper were summarised as follows:
  - (i) **R1 and R2**’s support of the rezoning amendments was noted; and
  - (ii) responses to the grounds of representation of **R3 and R5** in relation to Site A were as follows:

*Reduction of PCWA*

- a. as the representation site did not form part of the existing PCWA, the zoning amendment did not reduce the land area of the PCWA nor affect its operation;
- b. the site had a narrow width ranging from 9 m to 27 m and

was physically segregated from the existing PCWA by several GIC uses. It was therefore not suitable to be used as an extension to the PCWA or as a standalone PCWA;

- c. MD had confirmed that there was currently no plan to close or to relocate the existing New YMT PCWA;

*Suitability of the site*

- d. although there was adequate provision of open space for the population in the YTM district in accordance with the provision standard specified in the Hong Kong Planning Standards and Guidelines (HKPSG) (i.e. 1m<sup>2</sup> each in local and district open space per person), Site A provided a good opportunity to extend the existing waterfront promenade (from 570 m to 850 m, an increase of about 49%) for enjoyment of the general public. It was in line with Government's commitment to harbourfront enhancement and was a positive response to public aspirations as advocated by the YTMDC; and
  - e. Site A was previously reserved for use as MD's ship inspection and typhoon mooring site and was allocated temporarily for short term uses by government departments as works area and for vehicle parking. It was confirmed by MD and other government departments that the planned use for Site A was no longer required and that it was not required for other types of GIC uses;
- (h) PlanD's responses to the representers' proposals as detailed in paragraph 5.4 of the Paper were summarised as follows:

*Retention of previous "G/IC" zoning (R3 to R5)*

- (i) government departments consulted had indicated that Site A was no longer needed for other GIC uses. Rezoning the site to “O” use could better reflect the planning intention and facilitate government bureaux or departments to secure the required resources for implementation and management of the open space;

*Relocation of MD’s Harbour Patrol Section Office and development of a permanent waste oil collection point (R3)*

- (ii) MD had indicated that the present location of the existing Harbour Patrol Section Office was well suited for its function and did not see any need or merit to relocate the Harbour Patrol Section Office to Site A;
- (iii) waste oils from vessels might be collected within shipyards and the operation of waste oil collection from vessels should comply with the license requirements and other environmental laws. As Site A was located in proximity to large residential developments in the urban waterfront, such a waste oil collection facility was considered incompatible with the surroundings;

*Designate an open water area in Cheung Sha Wan for mooring of vessels (R3)*

- (iv) the proposal to designate the Cheung Sha Wan water area for mooring of vessels was irrelevant to the rezoning of Site A; and

*Provide adequate land for shipping and logistics industries (R3 and R5)*

- (v) the rezoning of the site did not reduce the existing PCWA area and MD had confirmed that Site A was no longer required for the planned ship inspection and typhoon mooring use. The site was not suitable as a PCWA on its own or as an extension to the

existing PCWA.

#### Grounds and Proposals of Comments

- (i) the main grounds of the commenters as detailed in paragraphs 3.1 to 3.3 of the Paper were summarised as follows:
  - (i) C1 to C3 supported R1 and R2 in relation to the rezoning amendments of the sites from “G/IC” to “O” as it would increase and enhance the amount and quality of open space in the West Kowloon area;
  - (ii) C4 to C11 opposed R1 and R2 and supported R3 to R5 for the site of Amendment Item A in that in view of its waterfront location, it should be reserved for development of marine-related facilities in support of the PCWA operation. C4 and C6 also proposed the setting back of the PCWA to create a continuous pedestrian connection between the West Kowloon Cultural District (WKCD) and Cherry Street;
  - (iii) C12 to C46 opposed R3 to R5 as the PCWA had caused nuisance to nearby residents and should be relocated from the existing location. The proposed open space would bring more space for recreation and leisure activities for the nearby residents;

#### PlanD’s Responses to Comments

- (j) PlanD’s responses to the comments as detailed in paragraph 5.5 of the Paper were summarised as follows:
  - (i) C1 to C3’s comments supporting R1 and R2 for provision of more open space for recreation were noted;
  - (ii) regarding C4 to C11’s comments opposing R1 and R2 and

supporting R3 to R5, PlanD's responses at para. (h) above were relevant;

- (iii) regarding C4 and C6's proposal of setting back the PCWA to create a continuous pedestrian connection between the WKCD and Cherry Street, it had been studied by relevant departments and MD found the proposal to be non-viable due to constraints of the PCWA; and
- (iv) C12 to C46's comments opposing R3 to R5 for nuisance associated with the operation of the PCWA and supporting the provision of more open space and waterfront promenade were noted;
- (k) PlanD's views – PlanD noted R1 and R2's support of the zoning amendments and did not support R3 to R5 for reasons as detailed in paragraph 7.2 of the Paper.

66. The Chairman then invited the representers, commenters and their representatives to elaborate on their representations and comments.

[Ms. Elsa Cheuk left the meeting at this point.]

#### R3 – Hong Kong Cargo-Vessel Traders' Association Ltd.

67. With the aid of Powerpoint presentation, Mr. Paul Zimmerman made the following main points:

##### *Usage of Harbour*

- (a) the future usage of Victoria Harbour could be broadly categorised into the eastern harbour (harbour for leisure), the central harbour (harbour for ferries) and the western harbour (working harbour);
- (b) while cargo handling activities were still active in various parts of the

harbour in 2000, it was anticipated that by 2015, all the cargo handling activities in the eastern harbour would disappear except in Chai Wan. The Yau Ma Tei (YMT) public cargo working areas (PCWAs), with its close proximity to mid-stream operations and the container ports, had become the base for the marine industry and operators and was the only space left to support Hong Kong as an international port;

- (c) there was about 76 km of waterfront in Victoria Harbour but only a small part of it provided sheltered water for safety mooring and berthing of vessels. About 36% of the eastern harbour provided sheltered water, but only 9% of the western harbour (including the YMT Typhoon Shelter) provided sheltered water;
- (d) from 2000 to 2015, there was a loss in the usage of the waterfront in Victoria Harbour for waterfront dependent/related uses (WDRU) (e.g. port, logistics, marine industries, etc.) as compared with non-WDRU (e.g. residential uses, park and promenade). The usage of waterfront in the eastern harbour for WDRU had dropped from 31% to 18%, while that of the western harbour had only slightly increased from 53% to 57% mainly due to Container Terminal 9. Similarly, there was a loss of open and sheltered waterfront for WDRU from 2000 to 2015 mainly due to the increase in the usage of waterfront for promenades;

*Oppose Rezoning of Site A*

- (e) the representer opposed the rezoning of Site A at Hoi Fai Road from “G/IC” to “O” and considered that the Board should strike a balance between the operational need of the marine industry and the aspirations of local residents for open space. As there was already ample provision of open space for local residents, including the promenade, podium open space and the local park within the neighbourhood, the incremental value of rezoning the small strip of Site A to “O” was far less than the opportunity cost incurred on the marine industry;
- (f) when the Task Force on Harbourfront Developments in Kowloon, Tsuen

Wan and Kwai Ching was consulted on 16.3.2011, it had the following views:

- (i) Site A was a precious piece of land at the harbourfront and the use of the site should be looked into more carefully;
  - (ii) the Task Force did not consider that Site A was best suitable for pet garden use. The site was also not considered suitable to be used as a PCWA on its standalone basis; and
  - (iii) the demand for public cargo handling facilities should be reviewed at a strategic level;
- (g) with the upcoming closure of the Kwun Tong PCWA, there was pressing need for berthing spaces by the marine operators. However, there was no consultation with the operators, the Port Operations Committee and the Local Vessel Advisory Committee on the proposed rezoning of Site A;

*Representer's Proposals*

- (h) the representer proposed to retain the "G/IC" zoning for Site A and to relocate the existing ship survey/inspection area, the Harbour Patrol Section Office and the Enforcement Section of the MD into Site A. The MD's ship inspection area was currently located next to the park to the south of One Silversea and was a noise nuisance to the local residents. Besides, there was also insufficient office space within the existing Harbour Patrol Section Office near the New YMT Typhoon Shelter to meet operational needs and the Enforcement Section was currently located at Shau Kei Wan;
- (i) the MD had problems in seeking funding for the expansion of the Harbour Patrol Section Office. During a meeting of the Sub-committee on Harbour Plan Review under the Harbour-front Enhancement Committee (HEC) on 20.5.2009, MD was advised to provide more information on its proposal to expand the Harbour Patrol Section Office, including justifications for site selection and the mitigation measures on development impacts. On 12.1.2011, MD had replied that at least

761m<sup>2</sup> of usable floor area was required to meet its daily operation needs. During a site visit on 1.2.2011 attended by the representatives of MD and the Harbourfront Commission, it was confirmed that there would be benefits to consolidate the three sections so as to provide greater operational efficiency to overcome space shortfalls and to mitigate existing noise impacts on residents;

- (j) by relocating the Harbour Patrol Section Office to Site A, the site currently occupied by the Harbour Patrol Section Office could be vacated and three new berths could be accommodated as an extension to the PCWA. Although the area behind the new berths would be narrow, the length of the waterfront was more important to operators than the width of the hinterland;
- (k) the representer supported the setting back of the PCWA for the provision of a footpath to provide a continuous pedestrian connection between the West Kowloon Cultural District (WKCD) and Cherry Street;
- (l) the representer's proposals would ensure a win-win-win situation by providing three new berths for the marine industry and proper facilities for MD and remove the ship survey/inspection activities causing a noise nuisance on residents; and
- (m) the Board should defer its decision on the rezoning of Site A pending comprehensive and proper consultation with the industry operators, residents and MD as well as the completion of the development plan for the YMT Typhoon Shelter by the Harbourfront Commission.

68. Mr. Wong Yiu Kan supplemented the following points:

- (a) the proposed relocation of the ship survey/inspection area from its existing location at the promenade south of One Silversea to Site A would help resolve conflicts between marine operators and residents and also ensure a more integrated and compatible land use planning for the

area;

- (b) Site A was not suitable for open space use due to the odour created by the existing eight sewage outlets serving the residential development in West Kowloon. The odour was generated by the daily flow of sewage from the residential development nearby instead of from the operation of the PCWA as claimed by some residents;
- (c) there was severe shortage of the PCWA due to the upcoming closure of the Kwun Tong and the Cha Kwo Ling PCWAs. The representer's proposal to extend the YMT PCWA with three new berths would facilitate the logistics development in Hong Kong; and
- (d) with the increasing trend towards greater use of the waterfront for non-WDRU, e.g. residential use and open space, many of the original WDRU including PCWA and shipyards needed to be relocated. This created significant impact on the marine and logistics industry. The Government should review the overall planning of West Kowloon, taking into account the needs of the industry.

R4 – Guangdong and Hong Kong Feeder Association Ltd.

69. Mr. Kenneth Chan made the following points:

- (a) in recent years, there was a significant decrease in the amount of berthing and mooring space for vessels within the harbour resulting in serious congestion in the usage of the Container Terminals. The provision of adequate marine-related facilities was essential for Hong Kong as a navigational logistics centre and transshipment hub;
- (b) the closure of the Kwun Tong and the Cha Kwo Ling PCWAs had aggravated the shortfall of berthing and mooring space for small vessels and pushed up the capital and operational costs of the marine industry (e.g. the tender bid for a berthing space in the Rambler Channel PCWA

had increased from \$900 per metre in 2008 to \$5 000 per metre this year) and threatened Hong Kong's position as a navigational logistics centre and transshipment hub;

- (c) Site A was a precious piece of land for marine industry use as it was at a strategic location with YMT PCWA located to the south and the Stonecutter Island and Rambler Channel PCWAs and the Container Terminals in Kwai Chung to the north. The provision of new berthing and mooring space in the area would help reinforce Hong Kong as a navigational logistics centre and transshipment hub; and
- (d) there was no pressing need for the proposed open space use in Site A given that there was already adequate supply of open space in the vicinity. The Government should consider alternative uses for Site A, e.g. granting 5-year or 10-year short-term tenancies for the use of marine industry operators.

R5 – New Territories Cargo Transport Association Ltd.

70. Mr. Ng Wai Kwong made the following points:

- (a) in late 1980s, there was a boom in the entrepot trade and cargo handling activities in Hong Kong. The Container Terminal in Hong Kong had ranked first among international ports at that time. Apart from berthing at the Container Terminal, many of the cargo handling activities relied heavily on the use of barges and PCWAs;
- (b) in the past, some supporting facilities were planned by the Government for the marine operators e.g. piers, training centre, funeral facilities and marine fuelling stations. However, in recent decades, the Government had ignored the need of the marine and cargo handling industries. Most of the waterfront areas were planned for residential development and due to complaints from residents, restrictions on the operating hours of the PCWA (from 7:00 a.m. to 9:00 p.m.) were imposed. This had greatly

hindered the development and competitiveness of the cargo handling industries which required a 24-hour operation;

- (c) the MD did not offer any help to the marine and cargo handling industries. In the past 15 years, the marine industrial sector had reduced by about 40%, mainly due to the reduction in PCWAs (from 10 to 6), the soaring tender price for the berthing space and increasing operation and transportation cost. Moreover, with the closure of the Kwun Tong and the Cha Kwo Ling PCWAs, most of the PCWA operators might need to close their business as it was not practical for them to move their operations from Tuen Mun to Chai Wan. Hence, it was anticipated that in the coming five years, the marine industry sector would reduce by about 50%; and
- (d) the Government should be reminded of the contributions made by the marine and cargo handling industries to the development of the container port and the economy of Hong Kong. In the future planning of the harbour and harbourfront, the Government should actively consult the marine operators and relevant associations, not only the DC. For instance, the marine operators did not support the relocation of the PCWAs in Tuen Mun as the new location was too close to the residents.

#### C4 – Designing Hong Kong

71. Mr. Paul Zimmerman had no further point to make but clarified that the operating hours of the YMT Typhoon Shelter was from 7:00 a.m. to 9:00 p.m.

#### C7 – Hong Kong & Kowloon Motor Boats & Tug Boats Association Ltd.

72. Mr. Kwok Tak Kee made the following points:

- (a) the commenter strongly objected to the rezoning of Site A from “G/IC” to “O” as it was a precious piece of land for the use of the marine operators and there was already adequate supply of open space and

promenade in the vicinity;

- (b) the MD did not offer any help to the marine industry. There was currently a lack of berthing space for the boarding of vessels as they were not allowed to use public piers/landing steps even for the loading/unloading of personal goods such as furniture; and
- (c) the commenter proposed to reserve Site A for the construction of public piers with supporting facilities for passenger boarding, a permanent ship inspection area and a permanent waste oil collection point.

73. Mr. Wong Hon Kuen made the following points:

- (a) he was disappointed that PlanD had a predetermined position on the rezoning of Site A from “G/IC” to “O” due to pressure from the Legislative Council and the District Council and ignored the views of the ship operators in the YMT Typhoon Shelter without prior consultation with them. PlanD was only concerned with increasing the length of the waterfront promenade after rezoning;
- (b) the development of residential use and promenade along the waterfront had restricted the scope for the future development of the marine industry. With the closure of the Kwun Tong and the Cha Kwo Ling PCWAs, the waterfront available for the marine operators had been largely reduced and the operating costs of PCWA were driven up due to soaring tender prices. Besides, it was also not possible to have new typhoon shelters after the enactment of the Protection of Harbour Ordinance; and
- (c) MD did not offer any help to the marine operators nor was there any dedicated liaison section within MD to take care of the needs of the operators. The commenter proposed to relocate the MD’s Harbour Patrol Section Office to Site A so that the land could be freed up to provide some new berths for the PCWA.

C12 – Olympic Community Development Alliance Ltd.

74. Mr. Chan Chung Kit made the following points:

- (a) the commenter was an alliance of a number of local concern groups including the Tai Kok Tsui District Resident Livelihood, Victoria Harbour Association, the Mong Kok Kai Fong Association, Mong Kok District Cultural, Recreational and Sports Association and Kowloon Federation of Associations. The alliance advocated a themed development for the Tai Kok Tsui district and suggested that different stakeholders in the community should be engaged in the overall planning of the district;
- (b) the current interface problem between the Typhoon Shelter and the residential development along the waterfront was the result of a lack of overall planning for the district. The residents had been suffering from the odour of the Typhoon Shelter. In this regard, the Government should review the location of the Typhoon Shelter so as to avoid intensifying the conflict between the marine operators and the residents. This would also provide scope for the future development of the marine industry, and enhance the overall economic development of Hong Kong; and
- (c) the Government should review the overall planning of the area, taking into consideration the relocation of industrial uses from Tai Kok Tsui, the population increase in Yau Tsim Mong area, and the future development of the WKCD.

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

*Provision of Berthing Spaces*

76. A Member asked for MD's views on the point raised by R3 concerning the significant decrease in sheltered water and berthing space by 2015. In response, Mr. M.K. Chan of MD said that according to the findings of MD's study "Assessment of Typhoon Shelter Space Requirements 2009-2025", the existing amount of sheltered space could meet the demand throughout the period from 2009 to 2025. Regarding berthing space in the PCWAs, Mr. Chan advised that the rearrangement for re-allocation of berths in the PCWAs was at present on-going. The first round of the tender exercise for the berths had been completed and the second round was now in progress. He said that the total number of berths in all the PCWAs was sufficient to accommodate all the existing operators.

77. Mr. Paul Zimmerman (R3, R4 & C4) pointed out that when MD indicated that there was adequate space in the typhoon shelters, MD was only referring to the amount of water within typhoon shelters that could provide shelter for the operators during typhoons, but not the amount of waterfront land around sheltered water available to support the marine industry. He said that the latter issue was not yet covered by any study and was a policy issue for the Transport and Housing Bureau.

78. Mr. Wong Yiu Kan (R3) said that it was misleading for MD to state that there was adequate provision of typhoon shelters and PCWAs. He said that there was a need for typhoon shelters and PCWAs to be located in different parts of the territory to meet the locational needs of the logistics industry.

79. Mr. Ng Wai Kwong (R5) doubted the accuracy of MD's study findings which concluded that there was adequate provision of typhoon shelters and PCWAs. He said that for the past 20 years, the size of barges and vessels had been increased from 30m to more than 50m in length. Those vessels exceeding 50m were not allowed to berth in the typhoon shelters. He said that MD should be requested to review its study findings taking into account the most up-to-date figures.

80. Mr. Kenneth Chan (R4) said that as marine operators, the Guangdong and Hong Kong Feeder Associated Ltd., considered that there were insufficient berthing spaces

for the boarding of vessels within Hong Kong. He said that it was now the norm for vessels to wait for four to six days in order to get a berthing space in the container terminal. Even if they chose to board their vessels in the PCWAs, they would still need to wait for several hours to get a berthing space. This was unacceptable for Hong Kong as an international transshipment hub. Although there were berthing spaces available in Chai Wan and Western District PCWA, they were too far away for marine operators currently operating in the YMT area which was very close to the container terminals in Kwai Chung. It would incur substantial increase in transportation time and costs if they were to use the PCWAs in Chai Wan and Western District.

81. Mr. Ng Wai Kwong (R5) said that the Government should consult the marine operators on the usage of the waterfront and not just MD and DC who had no objection to or were always in support of turning the waterfront into promenades. With inadequate berthing spaces, most of the marine operators were now facing severe operational difficulties and some of them had closed down their business or went bankrupt.

82. Mr. Kwok Tak Kee (C7) complained that the Government did not consult the marine operators on the usage of the waterfront e.g. when the Road T2 tunnel in Kwun Tong Typhoon Shelter and the Hei Ling Chau Typhoon Shelter were proposed. He said that the marine operators had objected to the location of the Hei Ling Chau Typhoon Shelter a decade ago on the ground that the site was not suitable as a shelter for vessels during typhoons. Now that the Hei Ling Chau Typhoon Shelter was completed, it was still left vacant during typhoons as no vessels were willing to berth at that location.

#### *Proposed Extension of PCWA*

83. A Member noted that the marine industry operators were more concerned about the usage of the water frontage (about 280m in length) rather than the water surface within the typhoon shelter and asked the concerned representers to elaborate on their proposed use of the waterfront. Mr. Ng Wai Kwong (R5) explained that the representers' proposal was to relocate the existing MD's Harbour Patrol Section Office to Site A so as to free up the land for the extension of PCWA by creating three new berths. He considered that there was a need for MD to relocate its existing office due to insufficient office space.

84. Mr. Paul Zimmerman (R3, R4 & C4) said that the current rezoning proposal of Site A from “G/IC” to “O” on the OZP was solely a proposal from the local residents and DC. It was unfair to the marine industry which was only given their first chance to present their proposal to the Board at this hearing. The Board should take into account the views of all stakeholders. He said that Site A was a precious piece of waterfront land within Victoria Harbour for the marine operators in view of the significant decrease in the amount of sheltered water in the eastern harbour and the importance of mid-stream operations and container ports in the western harbour. He said that the best option would be for MD to consolidate its Harbour Patrol Section Office, ship inspection area and the Enforcement Section and move into the original “G/IC” zone at Site A. The land currently occupied by the Harbour Patrol Section Office could then be vacated for the extension of the PCWA by creating three new berths.

*Proposed Open Space at Site A*

85. The Vice-chairman noted from Plan H-6 of the Paper that the accessibility of Site A was very low and asked if the site was appropriate for open space use and whether it would be further connected to the WKCD. Mr. Wilson Chan, DPO/TWK, said that the planning intention was to provide a continuous waterfront promenade linking the promenade next to The Long Beach and One Silversea to the WKCD via Site A. Various options had been explored including the provision of a footpath behind the PCWA and an elevated walkway linking Site A to the WKCD. However, further investigation on the technical feasibility and possibility of relocating the existing government facilities would be necessary.

86. Mr. Wilson Chan pointed out that the use of Site A was still subject to detailed design and that the pet garden proposal mentioned by Mr. Paul Zimmerman was only one of the suggestions put forward by the public. The Harbourfront Commission had already indicated that the site might not be suitable for pet garden. The District Facilities Management Committee of the YMT District Council would be further consulted on the detailed design of Site A. As regards the odour issue, he said that EPD was now undertaking works to eliminate the odour from the YMT Typhoon Shelter.

87. Mr. Paul Zimmerman said that the Harbour Business Forum had put forward a

proposal to connect the WKCD with Cherry Street by setting back the waterfront of the PCWA by 1.5m to 2m for the provision of a footpath and the proposal was supported by the marine operators. He said that it was not possible to provide promenades all the way along the waterfront and some parts of the promenade would need to be setback inland to cater for the provision of government and utility facilities, such as pump houses, PCWA, berths for marine police and fire services etc. Hence, good connectivity along the waterfront was more important. There was currently a footpath of more than 2 metres in Site A for connectivity purpose and there was no need for a promenade there.

### *Ship Inspection Area*

88. A Member noted that Site A was too narrow to be used as PCWA and asked if MD considered the site suitable for the relocation of the ship inspection area as proposed by some representers. Mr. M.K. Chan of MD replied that a ship inspection area did not necessarily occupy a large piece of land as the inspection process was carried out on board vessels and that only a small area at the waterfront to allow inspection officers to board the vessels was required.

89. Mr. Wong Yiu Kan (R3) did not agree with MD's view that there was no specific need for a ship inspection area. He explained that the current ship inspection area was located at the promenade south of One Silversea but the planning of the promenade did not take into account the need for ship inspection. The inspection officers did not have access to the waterfront and it was only upon discussion with LandsD that the fences were now setback by about 1.5m to provide a narrow footpath to the boarding area. He clarified that the representer's proposal was not to take up the whole of Site A but just part of the site for a permanent ship inspection area so as to accommodate the necessary ancillary facilities and parking area and also to ensure better protection of the seawall against vessels.

90. Mr. Paul Zimmerman (R3, R4 & C4) presented a photo which was taken at a round-about between Site A and the existing ship inspection area at the promenade south of One Silversea. He said that in order to carry out ship inspection duties, the marine inspection officers were required to make use of the round-about as their loading/unloading area illegally.

### *Waste Oil Collection Point*

91. Mr. Wong Yiu Kan (R3) said that the Government should provide land for the development a permanent waste oil collection point from both operational and environmental protection perspectives. He said that the operation of the waste oil collection point would not create air and water pollution problem as the waste oil would be well-contained and handled carefully at the site pending collection by recycling companies. He added that the marine operators had put much effort not to pollute the sea with waste oil, and the water quality in the area had been largely improved in the last ten years.

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

### Deliberation Session

93. The Chairman invited Members to consider the representations taking into consideration all the written submissions and the oral elaborations and clarifications presented at the meeting.

94. A Member considered that Site A was too narrow for the operation of a PCWA but agreed that if the "G/IC" site currently occupied by MD's Harbour Patrol Section Office was made available, it would serve as an effective extension for the existing PCWA as proposed by some representers. On this point, the Chairman noted that as MD had already indicated that they had no plan to relocate their office, the representers' proposal would not materialize. This same Member doubted whether Site A was suitable for open space use as the site was quite inaccessible to the public, but agreed that open space use was more preferable to a PCWA in terms of land use compatibility with the adjacent residential use.

95. Another Member agreed with the representers' views that there was insufficient provision of berthing spaces in Victoria Harbour and that there was already adequate provision of open space and promenade in the area. However, on whether the site currently occupied by MD's Harbour Patrol Section Office could be made available for the extension of the PCWA, this Member considered that MD's position was crucial and noted that MD had no plan to relocate its existing office. This Member also considered that there was planning merit to rezone Site A from "G/IC" to "O" which could enhance the connectivity of the waterfront promenade.

96. A Member considered that there was a need to create a continuous waterfront promenade from Tsim Sha Tsui to YMT and the Board should not give up the opportunity to implement this planning intention. Another Member, however, considered that without a suitable site for the relocation of the PCWA, the proposed small piece of waterfront promenade might not necessarily be a good enhancement proposal given the possible visual impact imposed by the PCWA on the promenade. This Member also considered that the continual operation of the marine industry was essential to the economic and logistics development in Hong Kong.

[Dr. W.K. Lo left the meeting at this point.]

97. A Member considered that Site A was too narrow for the provision of PCWA and any operation of PCWA at the site would impose adverse impact on the adjacent residential development. While noting that the representers' proposal to relocate MD's Harbour Patrol Section Office to Site A would have positive environment impact, this Member considered that the practicability of the proposal would depend on MD. This Member however noted that MD had no intention and plan to relocate its office to Site A. Another Member shared the same view.

98. After deliberation, the Chairman concluded the discussion and noted that Members generally agreed not to uphold R3 to R5. Members agreed that the zoning amendment did not reduce the land area of the New YMT PCWA and did not affect the operation of the PCWA and that the proposed "O" zone at Site A would provide a good opportunity to enhance the connectivity of the existing waterfront promenade. On the representers' proposal to relocate MD's Harbour Patrol Section Office and ship inspection

area to Site A, Members noted that MD had no plan to relocate its office or the ship inspection area and hence considered that the representers' proposal was not practicable. Besides, Members agreed that although there was adequate provision of open space for the population in YMT district based on the HKPSG, the Board should make good use of the opportunity provided by Site A and extend the existing waterfront promenade for the enjoyment of the general public. Members then went through the reasons for not upholding R3 to R5 as stated in paragraph 7.2 of the Paper and agreed that they were appropriate.

#### Representations No. R1 and R2

99. After further deliberation, Members noted the support of the zoning amendments by R1 and R2.

#### Representations No. R3 to R5

100. After further deliberation, the Board decided not to uphold Representations No. R3 to R5 for the following reasons:

- (a) the zoning amendment did not reduce the land area of the New YMT PCWA and did not affect the operation of the PCWA. There was currently no plan for the relocation of the PCWA;
- (b) the representation site provided a good opportunity to extend the existing waterfront promenade for the enjoyment of the general public. Government departments had indicated that the site was not required for other GIC uses; and
- (c) as for the proposal to utilize the representation site for relocation of Marine Department's Harbour Patrol Section Office or to provide other facilities associated with marine-related uses, concerned government departments had confirmed there was no such requirement and the site was not suitable for the extension of the PCWA or as a standalone PCWA.

101. The meeting was adjourned for lunch break at 2:40 p.m.

102. The meeting was resumed at 3:20 p.m.

103. The following Members and the Secretary were present in the afternoon session of the meeting :

Mr. Thomas Chow	Chairman
Mr. Stanley Y.F. Wong	Vice-chairman
Mr. K.Y. Leung	
Mr. Y.K. Cheng	
Mr. Timothy M.W. Ma	
Ms. Anna S.Y. Kwong	
Mr. Clarence W.C. Leung	
Dr. C.P. Lau	
Mr. Roger K.H. Luk	
Ms. Pansy L.P. Yau	
Mr. Stephen M.W. Yip	
Deputy Director of Environmental Protection	
Mr. Benny Wong	

**Agenda Item 8**

[Open Meeting (Presentation and Question Session Only)]

Consideration of Further Representations to the  
Draft Causeway Bay Outline Zoning Plan No. S/H6/15  
(TPB Paper No. 8849)

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[The hearing was conducted in Cantonese and English.]

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

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|------------------------|--|
| Mr. Jimmy C.F. Leung   | - his mother owned a property in the area  |
| Mr. Maurice W.M. Lee   | - owned properties in the area   |
| Mr. Roger K.H. Luk     | - his spouse owned a property in Tai Hang  |
| Miss Annie Tam         | - owned a property in Happy Valley   |
| Miss Ophelia Y.S. Wong | - owned a property in Happy Valley   |
| Mr. Raymond Y.M. Chan  | - had current business dealings with Hysan Development Company Limited (HDC), which was one of the representers (R147)   |
| Mr. Stephen M.W. Yip   | - being a land consultant for three projects in Kowloon and New Territories for the Mother Superior of St. Paul Organisation. None of these project were in Causeway Bay |
| Professor P.P. Ho      | - had current business dealings with Cheung Kong (Holdings) Ltd. (CKH)/Hutchison Whampao Limited. Hong Kong Electric Co. Ltd. (R164) was a subsidiary of CKH             |
| Professor S.C. Wong    | - had current business dealings with Ove Arup & Partners Hong Kong Limited, which was a consultant of HDC (R147)   |

105. Members noted that Raymond Y.M. Chan had tendered apology for not being able to attend the meeting and Mr. Jimmy Leung, Miss Annie Tam, Mr. Maurice W.M. Lee and Professor S.C. Wong had tendered apologies for not being able to attend the afternoon

session of meeting. Members considered that the interests of Mr. Roger K.H. Luk and Mr. Stephen M.W. Yip on this item were indirect and they could stay at the meeting. Members agreed that as the role of the Secretary was to provide information and advice on procedural matters and would not take part in the decision making, Miss Ophelia Y.S. Wong could be allowed to stay at the meeting.

#### Presentation and Question Session

106. As reasonable notice had been given to invite all the further representers, and the original representers and commenters in respect of the proposed amendments relating to the Haven Street and Sunning Road areas to attend the hearing, Members agreed to proceed with the hearing in the absence of the further representer and the relevant representers and commenters who had indicated that they would not attend or did not reply to the invitation to this meeting.

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

- Ms. Brenda Au - District Planning Officer/Hong Kong, PlanD
- Mr. Tom Yip - Senior Town Planner/Hong Kong, PlanD
- Mr. Lee Kwok Shing David - Senior Engineer/Wan Chai, TD
- Mr. Chan Chun Ping Johnny - Engineer/Wan Chai, TD
- Dr. Conn Yuen - Air Ventilation Assessment (AVA) Consultant

108. The following further representers, representers and their representatives were also invited to the meeting:

#### F2 : Maxrise Construction Engineering Limited

- Mr. Kim Chan ]
- Mr. Kenny Kong ] Further Representer's Representatives
- Ms. Stephenie Lee ]

F3: Dr. Yiu Sing Nam

Dr. Shau Kwok Lam Gollum - Further Representer's Representative

R16: The Incorporated Owners of 27-29A Haven Street

Mr. Hui Koo Sing

R17: Leung Mei Yuk

Ms. Leung Mei Yuk - Representer

R65: Cheng Cheung Sang

Mr. Cheng Cheung Sang - Representer

R79 : Chan Kwai Ling

Ms. Vogel Sylvia Leung - Representer's Representative

R81 : The Incorporated Owners of 23-25A Haven Street

R102 : Ng Sau Ching

Ms. Ng Sau Ching ] Representer  
] Representer (R81)'s Representative

R89 : Fung Tim Yau & Wong Woon Ying

Ms. Wong Woon Ying - Representer

Ms. Chan Man Han - Representer's Representative

R91 & R117 : Lee Kwong Hoi

Mr. Lee Kwong Hoi - Representer

Ms. Lee Wing Yan - Representer's Representative

R96 : Lo Mo Yung

Ms. Lo Mo Yung - Representer

R99: Ngan Hing Lin

Mr. Ngan Kwan Leung - Representer's Representative

R100 : Pang Lee Pui

Mr. Pang Lee Pui - Representer

R133 : Allied Wealth Properties Limited

Mr. Cheng Chun Ting ] Representer's Representatives

Mr. Chiu Tak Ming ]

R137 : Lei Shun Court Joint Sale Committee

Mr. Wong Fat Kee ] Representer's Representatives

Mr. Shao Wai Fei ]

R141 : Choy Choong Yew (Chairman of Incorporated Owners of Lei Kwa Court)

Mr. Wong Hon Ching ] Representer's Representative

R150 : Silver Nicety Co. Limited, Minsal Limited & Mondsee Limited

Mr. Ian Brownlee ]

Dr. L.K. Chan ]

Ms. Kira Brownlee ] Representer's Representatives

Ms. Winnie Wong ]

Mr. Marcus Chan ]

109. The Chairman extended a welcome and explained the procedures of the hearing to the further representers, representers and their representatives.

110. With the aid of a Powerpoint presentation and the model illustrating the height profile of the Causeway Bay Planning Scheme Area (the Area), Ms. Brenda Au made the following main points as detailed in the Paper:

- (a) on 17.9.2010, the draft Causeway Bay Outline Zoning Plan (OZP) No. S/H6/15 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 165 valid representations were received. On 27.11.2010, the representations were published for three weeks for

public comments. A total of five valid comments were received;

- (b) on 11.3.2011, after giving consideration to the representations and comments, the Board decided to propose amendments to the Plan to meet one representation (i.e. R164) and partially meet 124 representations (i.e. R6 to R73, R75 to R117, R130, R132 to R139, R141, R143, R144 and R150), and not to uphold the remaining representations;
- (c) the proposed amendments that were related to this hearing of further representations were (i) rezoning of the sites on both sides of Haven Street from “Residential (Group A)1” (“R(A)1”) to “Other Specified Uses” annotated “Mixed Use” (“OU(MU)”); and (ii) revision of the building height restriction (BHR) for the “Commercial” (“C”) sites on both sides of Sunning Road from 100mPD to 130mPD;
- (d) the proposed amendments were published under section 6C(2) of the Ordinance on 1.4.2011. Upon expiry of the publication period on 26.4.2011, four further representations (F1 to F4) were received;
- (e) on 27.5.2011, the Board decided to hear the further representations without resorting to the appointment of a Representation Hearing Committee, and considered further representation No. 4 submitted by Lei Shun Court Joint Sale Committee invalid as it was an original representer (R137) and a commenter (C2) in respect of the proposed amendment for the Haven Street sites;

*The Further Representations*

- (f) F1 opposed the proposed amendment to relax the BHR for the “C” sites on Sunning Road from 100mPD to 130mPD on the grounds that the relaxation would set a precedent for other developments in the area, and aggravate the traffic congestion and poor air quality in Causeway Bay. The further representer had not put forward any proposal;
- (g) F2 and F3 were in respect of the proposed amendment to rezone the

Haven Street sites from “R(A)1” to “OU(MU)”. F2 objected to the proposed rezoning. F3 supported the proposed rezoning but opposed the Board’s decision not to relax the BHR for the sites from 100mPD to 130mPD;

*Grounds of Further Representations and Further Representatives’ Proposals*

- (h) F2 opposed the proposed rezoning of the Haven Street sites from “R(A)1” to “OU(MU)”. The main grounds of F2 and its proposal were set out in paragraph 2.3 of Paper. The key points were:

*Traffic problem*

- (i) Haven Street was a cul-de-sac within a residential cluster. The proposed rezoning would further deteriorate the local traffic conditions and living environment;
- (ii) with the rezoning, more non-residential developments would take place on the sites. The poorly accessible Haven Street would not be able to cater for the increase in pedestrian and vehicular flows;

*Disregarding approved residential development*

- (iii) a proposed residential development at 32-50 Haven Street was under construction. The proposed “OU(MU)” zoning would cause a social interface impact on the redevelopment scheme;

*“OU(MU)” zoning unrealistic*

- (iv) based on a BHR of 100mPD and the provision of car parking spaces at basement levels, only a maximum plot ratio of 14 could be achieved for non-residential development at the sites. There would be a loss of almost 7% of the total gross floor area (GFA) as compared with the permissible plot ratio of 15 under the Buildings Ordinance for other “C” sites;

*Further Representer’s Proposal*

- (v) to retain the existing “R(A)1” zoning for the Haven Street sites; or relax the BHR from 100mPD to 135mPD. The Notes of the OZP should require mixed use developments to undertake relevant assessments to address their impacts on the local traffic and social issues;
  
- (i) F3 supported the proposed rezoning of the Haven Street sites from “R(A)1” to “OU(MU)”, but objected to the Board’s decision not to relax the BHR from 100mPD to 130mPD on the grounds set out at paragraph 2.4 of the Paper. The key points were :

*Air ventilation*

- (i) a higher BHR of 130mPD could enable the provision of wider building gaps upon redevelopment for better air ventilation. If a BH of 130mPD was allowed, the total width of the buildings could be proportionally be shortened to 35.5m, leaving a total building gaps of 66.6m;
  
- (ii) the AVA report recommended the introduction of building height difference to encourage wind to reach the pedestrian level by a road width/building width ratio of 1:1 and 1.5:1 respectively in Paterson Street/Cannon Street and Hennessey Road/Yee Wo Street areas;
  
- (iii) according to the wind tunnel test results of PlanD’s benchmarking studies, a large part of Causeway Bay had a low average summer wind speed of 0.3m/second to 0.4m/second. Such figures were not disclosed to the public. There were doubts on whether such low wind speed also occurred around the Haven Street sites;
  
- (iv) a roadside monitoring station was set up at Hennessey Road/Yee Woo Street for measurement of air pollutants. No station had been set up in the Haven Street area. This suggested that the area was not subject to the problem of air ventilation;

*BH issue*

- (v) a more relaxed BHR for the sites would allow room to develop the Haven Street area into another node for commercial activities in Causeway Bay;
- (vi) in setting the BHR for the sites, reference was made to the adjacent low-rise GIC buildings. Since commercial use was allowed under the proposed “OU(MU)” zoning, reference should be made to the “C” sites on the opposite side of Leighton Road which were subject to a BHR of 130mPD;
- (vii) the Haven Street sites were further away from the waterfront. Taking into account the stepped height concept and the principle of ridgeline preservation, the sites should enjoy a BHR of 188mPD. The further representer’s proposal of 130mPD was reasonable;

*Minor relaxation of BHR*

- (viii) the buildings at the odd street numbers of Haven Street had over 500 owners. It was not possible, nor practicable for the small owners to apply for minor relaxation of the BHR. The only option available to them would be to sell their properties to the big developers at a low price. Instead of relying on application for minor relaxation of the BHR, a relaxed BHR of 130mPD would be fairer and more transparent to the sellers and buyers of the properties;
- (ix) for the provision of ‘minor relaxation of the BHR’, it was not certain what constitute ‘minor’ and acceptable to the Board;

*Improvement to traffic and air ventilation*

- (x) the traffic conditions along Leighton Road and Haven Street were undesirable particularly during the peak hours. By providing a

non-building area at Lei Wen Court and Lei Kwa Court, the cul-de-sac at Haven Street could be converted into a through road to connect with Caroline Hill Road. This would facilitate the diversion of traffic from Leighton Road and enhance air ventilation at the street level;

*Further Representer's Proposals*

- (xii) to relax the BHR for the Haven Street sites from 100mPD to 130mPD, or to relax the BHR for 23-33 Haven Street and 17-21 Caroline Hill Road from 100mPD to 130mPD, both with the implementation of the traffic improvement measure;

*Responses to Grounds of Further Representations*

- (j) F1 - Sunning Road sites
  - (i) at the review hearing held on 11.3.2011, the Board considered that a BHR of 100mPD would imply a lower floor-to-floor height for the future redevelopment at the sites. Since the sites were at a prime location with potential for redevelopment into Grade A office buildings, the Board agreed that the proposed relaxation of the BHR to 130mPD would allow better utilization of the sites. As the relaxation would tally with the general BH band for the "C" sites to the south of Hennessy Road/Yee Wo Street, it would not set an undesirable precedent for other developments in the "C" zone within the Area;
  - (ii) the Commissioner for Transport (C for T) had advised that the increase in the BHR per se did not necessarily lead to deterioration of the traffic condition. As long as the GFA and usage of the development remained the same, the increase in BH would not generate or attract more traffic;
- (k) F2 - Haven Street sites

*Traffic problem*

- (i) as compared with the previous “C/R” zoning, the proposed “OU(MU)” zoning would not generate additional adverse traffic impacts since the types of permissible developments under the two zonings were similar. Yet, the “OU(MU)” zoning had the benefit of addressing the undesirable land use mix within a building under the original “C/R” zoning;
- (ii) while the Haven Street area was a residential neighbourhood, it was adjacent to the core commercial area of Causeway Bay and had the potential for commercial redevelopment. The “OU(MU)” zoning would allow flexibility for development/redevelopment to meet changing market demands;
- (iii) traffic impact of the commercial development would depend on the actual use or mix of uses as different uses (e.g. office, retail, hotel) had different traffic generation patterns. Nevertheless, the traffic impact of the “OU(MU)” zone should theoretically be the same as the previous “C/R” zone;

*Disregarding approved residential development*

- (iv) the proposed residential development at 32-50 Haven Street with building plan approval obtained was allowed to proceed irrespective of the proposed “OU(MU)” zoning. Residential and commercial uses were generally compatible so long as they were not inter-mixed on the same floor or portion of the building without proper separation. The “OU(MU)” zoning was to address the possible nuisance and social impact brought by the inter-mix of commercial and residential uses within the same development as permitted under the “C/R” zoning, and would not cause land-use incompatibility problem and adverse social impact. Compared with the original “R(A)1” zoning, the developers would have greater flexibility in pursuing the appropriate type of development at the sites under the “OU(MU)” zoning;

*“OU(MU)” zoning unrealistic*

- (v) on the BHR of 100mPD for the sites (site level at about 4.5mPD), it would generally be able to accommodate the development intensity permitted under the OZP. Specifically, for commercial developments, the BH would depend on a number of factors such as the storey height, mixed of uses, etc. While F2 submitted that under the BHR of 100mPD, a maximum plot ratio of 14 could be achieved for non-residential development, there was no elaboration on the reason for relaxing the building height for 35m;
  
- (vi) according to the AVA report, the maximum BH for the area should be capped at a reasonable level, i.e. 100mPD, to minimize the obstruction to the prevailing south-westerly wind in summer and deterioration of the air ventilation environment. Since the actual mix of uses in the future developments within the “OU(MU)” zone was not determined yet and a BHR of 130mPD would aggravate the adverse blockage effect on the prevailing wind, a BHR of 100mPD was considered appropriate for the site upon balancing the need to accommodate permissible development intensity and air ventilation considerations. There was provision for application for minor relaxation of the BHR under the OZP, should it be demonstrated that the development intensity permitted under the OZP could not be accommodated within the BHR of 100mPD;

*Further Representer’s Proposals*

- (vi) for the above reasons, F2’s proposal to retain the “R(A)1” zoning for the Haven Street sites was not supported. The proposal of relaxing the BHR to 135mPD was not supported. Regarding the proposed requirement on undertaking assessments to address traffic and social impacts, the “OU(MU)” zone was not envisaged to cause major traffic and

social impacts on the surrounding areas;

- (l) F3 - Haven Street sites
  - (i) F3's support to the proposed "OU(MU)" zoning was noted;

*Air ventilation*

- (ii) except for the "C" sites to the north, the Haven Street sites were surrounded by generally low-rise recreational and GIC uses on the remaining three sides and were at the entrance of prevailing wind. According to the AVA report, the maximum BH for the area should be capped at a reasonable level, i.e. 100mPD, to minimize the obstruction to the prevailing south-westerly wind in summer and deterioration of the air ventilation environment on the low-rise GIC uses northeast of the site at the downwind location;
- (iii) whether a wider building gap would be provided in a development depended on many factors other than BH alone. A relaxed BHR of 130mPD did not guarantee the provision of wider building gaps. The proposed development at 32-50 Haven Street was a good example. There were two set of approved building plans with building heights of 100mPD and 135mPD respectively. There was no significant difference between these two set of approved building plans in respect of the building gaps provided. The major difference was the floor-to-floor height adopted;
- (iv) the illustration provided by the further representer that building gaps with a total width of 66.6m would be provided upon redevelopment under a BH of 130mPD. This was not supported by details and the accuracy of the assessment could not be ascertained;

- (v) figures 24 and 25 of the AVA report were related to the developments along the major wind corridors of Hennessy Road/Yee Wo Street, Paterson Street and Cannon Street. The figures were related to the said major wind corridors, rather than Haven Street, and the blockage ratio of wind was determined by BH, building width and road width. The further representer had only compared the latter two, which was not appropriate. The AVA consultant also considered that from the air ventilation viewpoint, further relaxation of the BHR for the sites would result in greater blockage of wind and a stagnant zone at the St. Paul's Convent School site, and the BHR of 100mPD was considered as a reasonable height, upon balancing other relevant planning considerations;
  
- (vi) the 'Wind Tunnel Benchmarking Studies for the Urban Climatic Mapping and Standards for Wind Environment - Feasibility Study' had been available for public inspection since late 2008. According to the study, the major part of Causeway Bay, including the area to the immediate north of Haven Street, had an average wind speed of 0.3m/second to 0.4m/second. Although the figures did not cover the Haven Street sites, relaxation of the BHR for the sites would cause negative impact on the adjacent areas;
  
- (vii) the Environmental Protection Department (EPD) had set up 3 roadside stations for monitoring the air quality at street level in the urban areas. The EPD had advised that it was not appropriate to relate the air ventilation problem to the set-up and location of air quality monitoring stations;

*BH issue*

- (viii) the BHR for the sites could generally accommodate the development intensity as permitted under the OZP, particularly for residential developments. For commercial developments,

the BH would depend on a number of factors. A BHR of 100mPD was considered appropriate upon balancing the need to accommodate permissible development intensity and air ventilation considerations. There was provision for application for minor relaxation of the BHR under the OZP. Under the “OU(MU)” zoning, the Haven Street area might not necessarily be developed into a commercial node and hence development/redevelopment did not hinge on a relaxed BHR of 130mPD;

- (ix) while the “C” sites to the north of Haven Street were subject to a BHR of 130mPD, the Haven Street area was surrounded by generally low-rise recreation and GIC uses on the remaining three sides. A BHR of 100mPD was considered more compatible with the surrounding developments and the medium-rise character for the residential neighbourhood;
- (x) the BHR of 100mPD was considered sufficient for the intended developments under the proposed “OU(MU)” zone. While a stepped BH profile with BHRs of 110mPD and 130mPD had been adopted for the “C” sites in the core Causeway Bay area, it was not appropriate to apply them to the Haven Street area, having regard to the air ventilation considerations and the general low-rise character of the surrounding areas. Moreover, given that the sites were located at an inland location, the preservation of ridgeline was not a crucial consideration in setting the BHR for the sites;

*Minor relaxation of BHR*

- (xi) land ownership was not a mandatory requirement for making applications for minor relaxation of BHR, nor a material consideration of the Board. Such applications could be made by developers, individual owners or any other parties, and would be considered by the Board in a fair and objective manner based on

the consideration criteria set out in the Explanatory Statement (ES) of the OZP;

- (xii) the cases quoted by the further representer did not involve applications for minor relaxation of BHR. The proposed development at 500 Hennessy Road and Merry Terrace at Seymour Road obtained building plan approvals before the imposition of BHRs on the relevant OZPs. The Legend in Tai Hang complied with the BHR on the OZP. The proposed office development at Taikoo Place obtained the Board's permission in March 2011 for the Master Layout Plan and encroachment of building structure on the NBA within the site, but the proposed development complied with the BHRs on the OZP;
  
- (xiii) there was no preset standard on the extent of relaxation that could be considered as minor, and each application would be considered by the Board based on its individual merits and in accordance with the criteria as set out in the ES of the OZP. In deciding whether a minor relaxation of BHR could be allowed, the major considerations were related to the planning and design merits of the proposal and the possible impacts of the proposed relaxation on relevant aspects, rather than on the percentage of relaxation sought;

*Improvement to traffic and air ventilation*

- (xiv) the C for T had advised that whilst there might be benefit from traffic point of view if the proposed through road from Haven Street to Caroline Hill Road could be provided, the feasibility and implementability was doubtful because of the level difference between the two roads and the difficulty in ensuring redevelopment of all the affected private lots at the same time. The minor relaxation provision in the Notes of the OZP could allow consideration of development schemes incorporating such planning gain if a relaxation of the BHR was necessary. The

AVA consultant had advised that the relaxation of the BHR would have adverse blockage effect on the prevailing wind towards the adjacent St. Paul's Convent School site, and the provision of a void at the end of Haven Street as suggested by F3 was not useful in enhancing the air ventilation in the area due to the proposed residential development at 32-50 Haven Street;

*Further Representer's Proposals*

(xv) F3's proposals of relaxing the BHR for the sites from 100mPD to 130mPD, or relaxing the BHR for 23-33 Haven Street and 17-21 Caroline Hill Road, both with the implementation of traffic improvement measures, were not supported.

(m) PlanD's views –

- (i) the support of F3 to the proposed "OU(MU)" zoning for the Haven Street sites was noted;
- (ii) did not support F1, F2 and the remaining part of F3; and
- (iii) the draft Causeway Bay OZP No. S/H6/15 should be amended by the proposed amendments.

[Dr. C.P. Lau left the meeting at this point.]

111. The Chairman then invited the further representers, representers and their representatives to elaborate on their submissions.

F2 : Maxrise Construction Engineering Ltd.

112. With the aid of a Powerpoint presentation, Mr. Kim Chan and Mr. Kenny Kong made the following main points:

- (a) there were two sets of approved building plans for the redevelopment of 32-50 Haven Street (the Site), with a building height of 100mPD and 135mPD respectively. It should be noted that the permissible development intensity could not be fully accommodated under the development scheme with a building height of 100mPD;

- (b) F2 had no in-principle objection to the rezoning of the sites on both sides of Haven Street to “OU(MU)”, but requested the Board to relax the BHR for the sites from 100mPD to 120mPD or 130mPD. The main reason was to preserve the Christ The King Chapel, which was a Grade 2 historic building located 5m to the east of the Site;
- (c) in order to accommodate the maximum permissible GFA and to comply with the BHR of 100mPD for the site, one to two storeys of basement carpark would have to be provided for residential use and 5 to 6 storeys for commercial use;
- (d) the Christ The King Chapel was in close proximity to the Site. The Chapel was currently a Grade 2 historic building and Antiquities and Monuments Office (AMO) had proposed to upgrade it as a Grade 1 historic building. Works were being undertaken at two sites near the Chapel, namely, the St. Paul’s Hospital Phase 2 development, and the Site. The excavation works undertaken at the St. Paul’s Hospital site had caused cracks on the floors and external walls of the Chapel;
- (e) the Chapel had previously requested F2 to protect six pieces of stained glasses at the Chapel. However, at a meeting held in May 2011, the Chapel informed F2 that two of these stained glasses had already been deformed due to the excavation works carried out at the St. Paul’s Hospital site. Excavation works would be carried out at the Site, though the extent would be less than that of the St. Paul’s Hospital site. It should be noted that although the excavation works and the level of settlement had been closely monitored and fully complied with the Government’s standards, the works had caused serious damages to the Chapel. The BHR should be relaxed so that basement development in the area would not be required; and
- (f) in setting the BHR, the Board should take into account the unique characteristics and considerations of the area. The Chapel had important religious, social, historic and cultural values and should be preserved.

Excavation works for basement development would have significant impacts on this historic building. Basement development could be avoided if the Board agreed to relax the BHR for 20m or 30m.

F3 (Dr. Yiu Sing Nam)

113. Members noted that two letters dated 21.6.2011 and 23.6.2011 submitted by F3 had been tabled at the meeting. The letter dated 21.6.2011 enclosed a page to replace page 2 of the original submission of F3. The letter dated 23.6.2011 clarified F3's proposed relaxation of BHR in Haven Street area.

114. With the aid of a Powerpoint presentation and some information tabled at the meeting, Dr. Shau Kwok Lam Gollum, the representative of F3, made the following main points:

- (a) Causeway Bay was a shopping and entertainment centre with heavy pedestrian and traffic flow. Times Square, Sogo and the Lee Garden area were the three existing shopping and entertainment nodes. The Haven Street area could be redeveloped into the fourth node for commercial activities if a more relaxed BHR was allowed. This would help to divert pedestrian and vehicular traffic from the core Causeway Bay and improve the air quality therein;
- (b) F3 had prepared an improvement plan for the Haven Street cluster which would :
  - i) increase the non-building-area (NBA) and setback upon redevelopment;
  - ii) enlarge the building gaps; and
  - iii) open up the cul-de-sec at Haven Street;

*Increase NBA and Setback*

- (c) by allowing a higher BHR, the NBA and setback along Haven Street could be increased to allow more usable areas at ground floor for pedestrian and vehicular flow;

*Enlarge Building Gaps*

- (d) according to the AVA report, a building height of 80mPD and 100mPD were recommended for the sites in Paterson Street/Cannon Street and Hennessey Road/Yee Wo Street. To enhance the air ventilation in the area, the Board had imposed a relaxed BHR of 110mPD and 130mPD for these two areas. The road width/building gap to building width ratio under the AVA recommended BHR and the relaxed BHRs were summarized below:

	AVA Recommendation	Relaxed BHR
Paterson Street/Cannon Street Building Gap/Road Width to Building Width Ratio	80mPD 1 : 1	110mPD 1.75 : 1
Hennessey Road/Yee Woo Street Building Gap/Road Width to Building Width Ratio	100mPD 1.5 : 1	130mPD 2.25 : 1

- (e) a higher BHR would enable the provision of wider building gaps between buildings upon redevelopment for better ventilation. If the BHR for the Haven Street sites was relaxed to 130mPD, the total width of the building could be shortened to 35.5m, leaving total building gaps of 66.6m. The road width/building gap to building width ratio would be enhanced:

	Existing BHR	Relaxed BHR
Haven Street area Building Gap/Road Width to Building Width Ratio	100mPD 1.21 : 1	130mPD 1.87 : 1

- (f) whilst the proposed relaxation of BHR to 130mPD might adversely affect the air circulation, the impact was insignificant. It would also have the following benefits :
- i) improving air quality at street level which would benefit the

- pedestrians;
  - ii) allowing wider walkway for pedestrians;
  - iii) improving vehicular traffic flow;
  - iv) allowing higher ceiling height for building to be redeveloped on the sites;
  - v) allowing flexibility for better and creative building design; and
  - vi) allowing better use of limited land resources;
- (g) the BHRs of the sites in the north and south of Hennessy Road were 110mPD and 130mPD respectively. At the TPB meeting held on 11.3.2011, the Board agreed to relax the BHR for the Sunning Road area from 100mPD to 130mPD. It was considered that the BHR of the Haven Street area should also be relaxed to 130mPD as it was just next to the Sunning Road area with similar characteristics. Both areas were subject to the stepped building height principle and located to the south of Hennessy Road. As the sites in Haven Street were less densely developed, the air quality therein was better than the Sunning Road area;
- (h) in response to PlanD's comments of not supporting the proposed relaxation, F3 had the following responses:

*Low-rise development cluster*

- (i) Haven Street area was no longer in the cluster of low-rise buildings. There was an existing high-rise hospital building of the St. Paul's Hospital nearby and another high-rise hospital building was under construction;

*Obstruct south-westerly wind in summer*

- (j) the south-westerly wind in summer which came from Leighton Hill was weak. A minor relaxation of BHR from 100mPD to 130mPD would not have any significant impacts on the area. Apart from the south-westerly wind, the Haven Street area enjoyed strong easterly wind and southerly wind. There was strong wind coming from the north all year round;

- (k) although the air ventilation in the Paterson Street/Cannon Street and the Hennessy Road/Yee Wo areas was poor, the TPB had imposed a higher BHR of 110mPD and 130mPD as compared with the AVA recommendations of 80mPD and 100mPD. As such, there was scope to allow a minor relaxation of the BHR for the Haven Street sites;

*BHR based on reasonable assumption*

- (l) office and hotel developments were allowed under the current “OU(MU)” zoning. These development required higher floor-to-floor height and a more relaxed BHR;

*Building gaps not guaranteed*

- (m) if the BHR was relaxed to 130mPD, wider building gaps were guaranteed because the buildings to be built on the sites would be slender;

*Application for relaxation was not applicable*

- (n) although land ownership was not a mandatory requirement for making applications for minor relaxation of BHR, there were other stringent requirements for making such applications under section 16 of the Town Planning Ordinance. The Board should relax the BHR at the first place instead of relying on the provision of minor relaxation of BHR;

*Feasibility of the proposed through road Linking Haven Street and Caroline Hill Road*

- (o) the existing traffic condition of Haven Street which was a cul-de-sec was chaotic. There were triple parking, reversing of vehicles, busy on-street loading/unloading activities, and conflicts between vehicles and pedestrians along the street. TD commented that there were benefits from the traffic point of view if a through road between Haven Street and Caroline Hill Road could be provided;
- (p) the proposed through road linking Haven Street and Caroline Hill Road was technically feasible as the gradient of the subject through road would be 1: 21 only;

- (q) the five buildings at odd numbers of Haven Street and Caroline Hill Road had to be redeveloped as one single project as they were built on a common podium and shared three common right-of-ways. The provision of the through road was technically feasible; and
- (r) the Board should relax the BHR of the Haven Cluster from 100mPD to 130mPD, which was in line with the BHR of adjacent area and the height of the new St. Paul's Hospital.

[Ms. Anna S.Y. Kwong and Mr. Benny Wong left the meeting at this point.]

R99 (Ngan Hing Lin)

115. Mr. Ngan Kwan Leung, the representative of R99, made the following main points:

- (a) he represented one of the property owners of Haven Street sites;
- (b) a new building would be built at 32 - 50 Haven Street with a building height of 130mPD. There was no reason why the other sites along the same street and within the same cluster were subject to a BHR of 100mPD. It was doubtful whether a relaxation of 30m would have any significant adverse impact on the air ventilation of the area;
- (c) the Haven Street cluster was an inland area and outside the view fan from Tsim Sha Tsui. Relaxation of the BHR from 100mPD to 130mPD would not have any adverse visual impacts;
- (d) a relaxation of BHR of 30m would unlikely bring any significant adverse impacts on air ventilation as the St. Paul cluster was bounded by low-rise GIC uses and open spaces at its north and south;
- (e) in considering various controversial planning applications, such as the proposed hotel development at Ap Lei Chau and the proposed high-rise

development at Wan Chai, TPB had taken a neutral stance and balanced the interests of parties involved in making its decision. For this case, no objection had been received from green groups, developers or the St. Paul's Covent School against the small owners' proposal to relax the BHR of the Haven Street. It was unreasonable for the Board to reject the proposal; and

- (f) the imposition of the BHR of 100mPD would result in squat/flat top and shoe-box type buildings as developers would maximize the development intensity of the site. Taller buildings would allow wider building gaps for better air ventilation.

R137 (Joint Sale Group of Lei Shun Court of Haven Cluster)

116. With the aid of a Powerpoint Presentation, Mr. Wong Fat Kee, representative of R137, made the following main points:

- (a) R137 agreed with F3's responses to PlanD's comments of not supporting the proposed BHR relaxation, in particular the proposed through road linking Haven Street and Caroline Hill Road. Although there was a level difference between the two roads, the proposed through road with a gradient of 1:21 was technically feasible;
- (b) according to the preamble of the Ordinance, the Board should aim to promote the health, safety, convenience and general welfare of the community;
- (c) the proposed amendments to the Causeway Bay OZP were still at the drafting stage. If the draft OZP was submitted for CE in C's approval, the Plan would become an approved plan which was statutory. It would be difficult for small owners to do anything further;
- (d) relaxation of the BHR alone would not result in any increase in gross floor area or development intensity. However, a relaxed BHR would allow flexibility for better building design and help achieving the

planning gains and merits as set out in paragraph 7.8 of the ES of the OZP. TPB should relax the BHR at this stage rather than requesting the small owners to submit planning applications for minor relaxation of BHR;

- (e) the BHRs for the Causeway Bay area had been formulated after taken into account various factors, including views to ridgelines, stepped building height concept, the recommendations of the AVA, traffic conditions, future potential use of land, building design, etc. However, these were only conceptual principles. Flexibility should be allowed in setting the actual BHRs having regard to the local situation of the areas;
- (f) F3 submitted that taking into account the principle of ridgeline preservation, the Haven Street sites should enjoy a BHR of 188mPD and F3's proposal of 130mPD was reasonable. In response, PlanD stated that the preservation of ridgeline was not a crucial consideration in setting the BHR for the Haven Street sites. This argument was contrary to the principles adopted;
- (g) the Board had adopted a flexible approach in setting the BHRs for the Causeway Bay area. Notwithstanding the recommendations of the AVA report, the BHRs for the area north/south of Hennessy Road/Yee Wo Street had been set at 110mPD and 130mPD. To partially meet the representation submitted by R150, the BHR for the Sunning Road area had been relaxed from 100mPD to 130mPD. Although no representation had been submitted in respect of Lippo Leighton Tower, Ming An Plaza, etc., the BHR of these sites was also relaxed to 130mPD;
- (h) TPB had adopted a flexible approach in allowing exceptionally tall buildings, such as the Lee Gardens, 500 Hennessy Road, Harbourfront Landmark, the Legend and the Oakhill at Wood Road. In approving these exceptionally tall landmark buildings, the Board should have taken into account the special consideration and adopted a flexible approach. However, this flexible approach was not applied for the Haven Street

sites;

- (i) PlanD raised a concern that even if the BHR of the Haven Street area was relaxed to 130mPD, there would be no guarantee that wider building gaps would be provided in the redevelopment scheme of the Haven Street sites. In this regard, although no detailed or accurate assessment could be submitted at this stage, it was a common sense that with a relaxed BHR, buildings would be taller and slender to allow wider building gaps;
- (j) in view of the unique situation, relaxation of the BHR for the Haven Street sites would not set an undesirable precedent. There was no other cul-de-sac in Causeway Bay or other part of territory that had such busy pedestrian and vehicular traffic flow;
- (k) even if the BHR was relaxed, the developers of the Haven Street sites still needed to submit detailed building and development plans for TPB's approval. This would be similar to Small House developments, the proposed development in Taikoo Place in Quarry Bay and the proposed development at the site of Ebenezer School and Home for the Visually Impaired at Pok Ful Lam which required planning permission from the Board;
- (l) although land ownership was not a mandatory requirement for making an application for minor relaxation of BHR, there were stringent requirements set out under section 16 of the Ordinance for submitting such application. They included the requirements that the applicant should be the landowner or he had to obtain consent of the landowner in respect of the application, the applicant had to pay the prescribed fee and verify the details of the application. It was difficult to obtain the authorization or consent of all landowners for submitting the section 16 application. This created hurdles for the small landowners to make such applications;

- (m) the Haven Street sites were under unrestricted lease. According to the stepped height concept and taking into account the principle of ridgeline preservation, the sites should enjoy a BHR of 188mPD. F3's proposal of 130mPD was reasonable; and
- (n) by relaxing the BHRs for the area, the Board could take this opportunity to address the chaotic traffic situation of the Haven Street cul-de-sac. This would greatly benefit the local community.

R150 (Silver Nicety Company Limited, Minsal Limited and Mondsee Limited)

117. With the aid of a Powerpoint Presentation and some information tabled at the meeting, Mr. Ian Brownlee made the following main points:

- (a) the presentation of R150 was related to three sites located in the Sunning Road area, namely, Sunning Plaza/Sunning Court, 18 Hysan Avenue and 111 Leighton Road;
- (b) R150 opposed to F1's request for a lower BHR of 100mPD for the Sunning Road area and supported the proposals of F2 and F3 to increase the BHR for the Haven Street area from 100mPD to 130mPD. R150 also supported the presentation made by F3;
- (c) three extracts from the South China Morning Post dated 14 and 22 June 2011 and a paper by Jones Lang LaSalle highlighted the massive demand for good quality Grade A office spaces, and that a floor-to-floor height of around 4.5m was an internationally accepted standard for Grade A office building. It was important for Hong Kong to be able to rapidly provide Grade A offices in decentralised locations so as to free up space in Central for expanding financial services in Hong Kong. There was no exact location that was not suitable for Grade A office development as long as there were suitable transport infrastructure and ancillary services;
- (d) there were limited sites of sufficient size to meet the requirements for the development of Grade A office buildings. To meet the pressing

demand, the Board should take a proactive role in encouraging the redevelopment of suitable sites not only in Central, but all core areas of commercial activities. Not many sites in Causeway Bay were available for redevelopment in the next 5 years. It would take years of planning and construction for any redevelopment;

- (e) at the TPB meeting held on 11.3.2011, the Board acknowledged the need for a floor to floor height of 4.5m for a Grade A office building. The Board also considered that given its prime location, the Sunning Plaza and Sunning Court site could be redeveloped into Grade A offices. In view of this, the Board decided to relax the BHR of the Sunning Road area from 100mPD to 130mPD whereas the representer had asked for a BHR of 150mPD. The representer considered it rather irrational for the Board to decide to promote Grade A offices on the site, but still set the BHR so low that it would not enable that standard of office to be achieved;

[Mr. Clarence C.W. Leung left the meeting temporarily at this point.]

- (f) at the TPB meeting on 11.3.2011, the Board decided to amend the planning intention and zoning for the Haven Street area from “R(A)” to “OU(MU)”. This would enable the construction of office buildings with greater GFA than a residential building. However, the Board decided not to relax the BHR for the area whilst the relaxed BHR was required to accommodate the changed zoning and planning intention;
- (g) it was prudent for the Board to review the rather arbitrary conceptual BHR profile adopted for the areas. In reviewing the BHRs, the Board should take into account the approved building plans of various developments in the Sunning Road area and the Haven Street cluster;
- (h) by setting the BHR too low, the Board was only encouraging the design of ‘bad’ buildings rather than encouraging and facilitating the design of ‘good’ buildings. There was no scope for design flexibility under the

BHRs. Minor relaxation clause was not a solution to setting a low BHR. The adoption of a modified stepped BHR profile would provide flexibility to encourage good design. It would also ensure the stepped height concept would remain valid and that out of context buildings would not be built; and

- (i) R150 supported an adjustment to the stepped height profile which would allow 150mPD for the Sunning Road area and 130mPD for the Haven Street cluster. This modified stepped height profile would encourage the provision of good quality buildings with wider building gaps and greater permeability.

118. With the aid of a Powerpoint presentation, Dr. L.K. Chan made the following main points:

- (a) many exceptionally tall buildings quoted by R137 in his presentation were built prior to the imposition of BHR on OZPs. As such, it was not fair to blame the Board for approving these developments. While there was a need for building height control to avoid the exceptionally tall buildings, a reasonable BHR should be imposed to allow design flexibility;
- (b) Sunning Plaza, which was the first building in Hong Kong designed by Mr. I M Pei, formed part of Hong Kong people's collective memory. The developer of Sunning Plaza had taken the initiative to setback the development at the street level to provide a spacious plaza entrance and landscaped area. The adjacent Sunning Court was a residential building. In between these two building was a café with an outdoor landscape area. The green spaces at the ground level had given the site an unique character;
- (c) the Sunning Plaza and Sunning Court were readily available for redevelopment to provide Grade A office spaces to meet the pressing demand. A set of building plans for redevelopment with a BH of 180mPD was approved in 2009. However, Hysan Group intended to provide a development of appropriate height and building design compatible with

the adjacent area;

- (d) it should be noted that 130mPD was the minimum building height required for developing a Grade A office building which could accommodate the permissible development intensity for the site (as indicated in the slides). A set of building plan with a building height of 130mPD had been prepared for the redevelopment of site and was ready for submission for BD's approval. With a BHR of 130mPD, the proposed office building would have a podium with a nearly 100% site coverage. Such design would have the benefit of providing more valuable commercial floor space at street level. However, the proposed office building would be a shoe-box type development and the existing entrance plaza and landscaped areas could no longer be provided;
- (e) by relaxing the BH to 150mPD, the site coverage of the podium could be reduced and spaces available at the ground level would be used to provide an entrance plaza, landscaped area as well as an internal drop-off point which was very much needed for a Grade A office building;
- (f) over the years, the Hysan Group had struck to build a green neighbourhood in Causeway Bay. The Hysan Plaza which was a Plantium LEED building with innovative architectural design was a good example. Different development options had been explored to optimize the redevelopment potential of the Sunning Plaza site, while retaining its heritage and character. The representer had examined the possibility to retrofit instead of redeveloping the building and contractors had been engaged to conduct an in-depth engineering feasibility study on such option;

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

- (g) the Hysan Group had also made effort to address the congestion problem in Causeway Bay. Traffic and pedestrian schemes had been proposed to provide underground connection between different car parks of Hysan properties. This would allow for good vehicular movement, free up space

at street level for pedestrians use, improve local air quality and create a high quality pedestrian environment. The Hysan Group needed the development opportunity and impetus for taking forward these proposals;

- (h) PlanD suggested that the Hysan Group could make use of the provision of application for minor relaxation of the BHR. However, the planning application process was time-consuming which would affect the implementation of the redevelopment project. In addition, the Board, in granting the planning permission, might impose approval conditions; and
- (i) the requirement of imposing BHR to provide proper control on the future development/redevelopment in the area was supported. However, the BHR should not be set too low and sufficient allowance should be provided to allow design flexibility of development.

119. The Chairman then invited questions from Members.

*Provision of a Through Road Linking Haven Street and Caroline Hill Road*

120. A Member asked Ms. Brenda Au, DPO/HK, whether there was any amendment on the OZP involved road widening. Ms. Brenda Au, DPO/HK, replied that on the OZP, setback requirements had been imposed on various zones to improve the pedestrian walking environment. For Haven Street, a minimum setback of 0.5m from the lot boundary had been imposed on both sides of the street. As such, the Haven Street would be widened by 1m upon redevelopment of the sites.

121. This Member continued to ask whether F3 had undertaken any traffic impact assessment to confirm the feasibility of the proposed through road linking Haven Street and Caroline Hill Road. Dr. Shau Kwok Lam, Gollum, the representative of F3, replied that the small owners of the Haven Street sites were not well-organized and did not have the resources to hire a consultant to prepare the traffic impact assessment. However, they had been living in the area for a long time and were very familiar with the local situation. This Member said that the proposed through road would bring the traffic from Haven Street to Caroline Hill Road, and the neighbouring streets like Cotton Path and Eastern Hospital Road which were narrow roads with limited vehicular capacity. The effectiveness of the proposed through road

in addressing the traffic problem should be assessed. Dr. Shau replied that the traffic condition of Haven Street was chaotic and posed safety hazard on pedestrians every day. With the provision of a through road linking Haven Street and Caroline Hill Road, vehicles did not have to reverse backward when leaving Haven Street. In addition, the traffic around the Hong Kong Stadium was not busy. Dr. Shau said that as covered in his presentation, the five buildings at the odd numbers of Haven Street and Caroline Hill Road had to be redeveloped at the same time as one single project. It was technically feasible to impose setback and NBA requirements for implementing the proposed through road. There was no reason to request the small owners, but not the relevant government department, to conduct the traffic impact assessment.

122. In response to a Member's enquiry, Ms. Brenda Au, DPO/HK, said that the proposed through road with a vertical clearance of 8m and a width similar to Haven Street, proposed by F3 fell within private land. According to the information provided by the Lands Department, the lots in Haven Street area were virtually unrestricted except for the non-offensive trade clause. The reason why the five buildings had to be redeveloped as one single project as submitted by F3 might be due to the fact that these buildings were built on a common podium. This might be the technical problem explaining why the representatives of F3 and R137 stated that the buildings could not be redeveloped individually.

#### *32-50 Haven Street Site*

123. In response to a Member's enquiry on the impacts of the excavation works for basement development, Mr. Kim Chan replied that it was actually the underground soil and water erosion that had caused damages to the historic building. Mr. Chan explained that in order to carry out the excavation works for the basement development, underground water under the construction sites had to be pumped out. This would affect the underground watertable and cause settlement in the nearby area. It should be noted that the excavation works undertaken at the St. Paul's Hospital site had already caused serious damage to the historic building. The site works to be undertaken at 32-50 Haven Street, which was right next to the historic building, would cause more serious problem.

124. Mr. Kenny Kong added that bored piling would be used for the proposed development at the representation site, i.e. 32-50 Haven Street. This was the safest method and had less negative impacts on the environment and soil in the area. However, the concern

was on the excavation works for basement development. To enable excavation works to be undertaken for the basement development, the groundwater had to be pumped out and the level of the underground water had to be lowered than the lowest level of the basement floor. Such works would take a relatively long period of time to complete. This would inevitably affect the underground watertable and level of settlement of the adjacent area. Under normal circumstances, this would not cause any significant problems for buildings with solid foundation. However, historic building usually had shallow foundation which would be easily affected by the uneven settlement. As such, basement development should be avoided as far as possible for those sites adjacent the historic building. In this regard, Mr. Kim Chan said that if the representation site was redeveloped for a commercial development, a 5-storey basement development was required under the BHR of 100mPD. Taking into account the fact that the level of the underground watertable had to be 5 m lower than the lowest level of the basement, the underground water had been pumped out until the water level was 26.5m below ground. The impact on the historic building would be significant.

125. In response to a Member's enquiry, Mr. Kenny Kong said there were two sets of approved building plans for the redevelopment of 32-50 Haven Street. One set of building plans with a building height of 135mPD was approved on 11.3.2010, i.e. prior to the imposition of the BHR on the site. Another set of building plans with a building height of 100mPD was approved after the imposition of the BHR. For the 135mPD development scheme, a large garden would be provided at the podium and no basement development was required. Under the 100mPD development scheme, no podium garden could be provided and a basement had to be built. The foundation works being undertaken at the site was based on the building plans of 135mPD in order to comply with the scheduled development programme. However, the developer intended to revise the development scheme. The development scheme of the approved building plans of 135mPD mainly provided large residential units. To be in line with the Government's policy to provide more small residential units to meet the market demand, the developer was intended to amend the approved building plans. However, the revised development scheme which was a major revision, would have to comply with the BHR of 100mPD imposed on the site under the OZP. The Chairman enquired whether car parking spaces would be provided in the proposed development. In accordance with the latest Practice Note for Authorized Persons (PNAP) issued by the BD, car park would have to be provided underground if GFA concession were to be granted. Mr. Kenny Kong replied that according to his understanding, GFA concession

might be granted if 50% of the car parking spaces were provided in the basement. If the Board agreed to relax the BHR, the developer would only provide 50% of the required car parking spaces at aboveground in order to avoid basement development. In this regard, Mr. Kong said that there was no basement development under the development scheme of 135mPD.

[Post meeting note : according to the APP-2 issued by the Buildings Department, 100% GFA concession may be granted for underground car parks while only 50% GFA concession may be granted for aboveground car park. ]

126. In response to a Member's enquiry on the foundation works being undertaken at the site, Mr. Kenny Kong said that there would be a total of 11 piles for the proposed development and the excavation works for the first pile had been completed. Mr. Kong continued to point out that with a 100mPD BHR, a proposed development for retail use with a floor-to-floor height of 4m, the development needed to have five-storey basement floors in order to achieve a plot ratio of 15. Hence, the building height should be relaxed for 35m, i.e. to 135mPD, to avoid basement development.

#### *Development Intensity*

127. A Member asked whether the permissible development intensity could be accommodated under the 100mPD BHR for the Haven Street sites. Ms. Brenda Au, DPO/HK, said that with a BHR of 100mPD for the sites (with a site level at about 4.5mPD and a net building height of 95.5m), it would generally be able to accommodate the development intensity of these sites permitted under the OZP for residential development. A set of building plans with a building height of 100mPD had been approved for 32-50 Haven Street. In response to F2's submission that the permissible development intensity could not be fully accommodated for 32-50 Haven Street, Ms. Brenda Au said that the site was a Class A site and the proposed composite development, i.e. residential development with a commercial podium, had already achieved a plot ratio of 8.39 which was about the maximum permissible plot ratio under the Building (Planning) Regulations. For commercial developments permitted under the current "OU(MU)" zoning, the building height would depend on a number of factors such as the actual mix of uses, floor-to-floor height. Since the actual mix of uses in the future developments within the "OU(MU)" zone was not determined, it was not appropriate to relax the BHR to 130mPD or 135mPD as requested. Commercial

developments, even with the maximum permissible plot ratio, might not necessarily require such building heights. For instance, there was recently a set of building plans for a proposed commercial development with a building height below 100mPD submitted in the nearby area. Moreover, there was provision for application for minor relaxation of the BHR under the OZP if it could demonstrate that the development intensity permitted under the OZP could not be accommodated or there were planning and design merits. Mr. Kenny Kong said that according to the approved building plans for residential development at 32-50 Haven Street with a building height of 100mPD, the permissible development intensity could not be fully accommodated under the development scheme (with an outstanding of 152.8m<sup>2</sup> domestic gross floor area).

128. Dr. Shau Kwok Lam, Gollum, the representative of F3, said that although a BHR 100mPD was able to accommodate the development intensity for a residential development, a relaxed BHR would allow a higher ceiling height and more comfortable living environment. Besides, a relaxed BHR could also accommodate the commercial use which was permitted as of right under the "OU(MU)". Although there was provision for minor relaxation of BHR through the planning permission system, this would create hurdles and uncertainty on the future development. For Members' information, he said that the Joint Sale Group of Lei Shun Court had issued two rounds of tender for the redevelopment of the site and no submission of tender had been received.

#### *Air Ventilation*

129. A Member enquired whether a relaxation of 30 m would bring about any significant adverse air ventilation impacts. Dr. Conn Yuen replied that the Haven Street area was located between the Leighton Road and the low to medium-rise St. Paul cluster. The area was currently occupied by a group of residential buildings up to about 50mPD. With wind coming from Victoria Harbour and Victoria Park and the prevailing south-westerly wind in summer, the existing wind situation in the area did not present major air ventilation problem. However, as the Haven Street was a narrow street with a width of about 11m, the increase of the building height from the existing 50mPD to 100mPD would have adverse impacts on air ventilation. Further increasing the building heights for the Haven Street area from 100mPD to 130mPD as proposed by F2 and F3 would block the south-westerly in summer, and this would result in a stagnant zone in the area.

130. This Member continued to ask whether the comment raised by F3 and R137 that a relaxed BHR would allow taller buildings and wider building gaps and this would enhance air ventilation was valid. Dr. Conn Yuen said that a set of building plans of 135mPD had already been approved for 32 -50 Haven Street. This high-rise building would block the wind passing through the building gaps between buildings located at the western side of Haven Street. This meant even with addition of courtyard at Haven Street, the wind would be blocked by this approved development. In addition, as the Haven Street was only about 11m wide, the south-westerly wind could hardly penetrate into the Haven Street area if the building height in the area was further increased to 130mPD. In response to this Member's enquiry, Dr. Yuen said that the wind situation would be improved if the Haven Street could be further widened to 30m, which would be impractical.

131. In response to Mr. Kim Chan's enquiry on the building bulk at 32-50 Haven Street adopted by the AVA Consultant, Ms. Brenda Au, DPO/HK, said that according to the approved building plans of 135mPD, the podium of the proposed development at 32-50 Haven Street had almost full site coverage, except for a 2.3m wide setback serving as right-of-way along the eastern boundary of the site. Although the tower block would not have full site coverage, the podium structure (of almost 15m high) would block the breezeways and cause negative air ventilation at the pedestrian level.

132. Mr. Kim Chan said that the existing footpath of Haven Street had a width of 2.3m. As such, the Haven Street should be more than 11m wide. Ms. Brenda Au, DPO/HK, said that the Haven Street had a width of about 12m, including footpaths on two sides. Although there was a question on the actual width of the Haven Street discussed at the last TPB meeting on 11.3.2011, the difference was in the range of one to two metres. As suggested by Dr. Conn Yuen, for a proposed BHR of 130mPD, the wind situation would only be enhanced if the Haven Street could be correspondingly widened to 30m.

133. Mr. Kim Chan asked whether the wind passing through building gaps at the western side of the Haven Street could have downwash effect to enhance the air ventilation. Dr. Conn Yuen said that the downwash effect was not possible because the south-westerly wind would be blocked by the 15m podium structure to be built on 32-50 Haven Street. Mr. Kenny Kong said that the building tower on top of the podium structure would have much reduced site coverage. Besides, there was a gap/road between the podium of 32-50 Haven

Street and the podium of the adjoining building, and the sites on the western side of the Haven Street would not be redeveloped into a solid block with 100 % site coverage. It was doubtful why downwash effect was not possible.

[Ms. Pansy L.P. Yau left the meeting at this point.]

*Application for Minor Relaxation of BHR*

134. In response to the Chairman's request, Ms. Brenda Au, DPO/HK, confirmed that owners' consent or authorization was not a pre-requisite for submitting a section 16 application. As set out in the Town Planning Guidelines No. 31, apart from obtaining the consent of the current land owners, the applicant could choose to notify the current land owners or demonstrate that reasonable steps had been taken to obtain/give the necessary owner's consent/notification. As such, the comments that there were stringent requirements on the submission of section 16 planning application were not valid. Ms. Brenda Au said that the comments of R137 that the developers needed to submit development and building plans for the Board's final approval was not correct. Ms. Au said that as long as the proposed developments on the site complied with the development restrictions set out in the outline zoning plans, there was no requirement for the developer to submit the development proposals for the Board's approval. Approval of building plans was not under the ambit of the TPB. Regarding the case quoted by R137, it should be noted that the Small House applications were to seek planning permission for the proposed land use. The Taikoo Place case was an application for comprehensive office development with minor relaxation of the NBA restriction. The planning application in relation to the Ebenezer School and Home for the Visually Impaired at Pok Fu Lam was a rezoning application.

*Enhanced Scheme at Sunning Plaza/Sunning Court*

135. The Chairman said that as mentioned in R150's presentation, the enhanced scheme would provide some planning and design merits. However, there was no guarantee that the planning gains would be realized with the BHR relaxed. The Chairman asked what would be the view of R150 if a reduced site coverage was to be imposed on the site so as to ensure that the planning gains and design merits, such as the entrance plaza, landscaped area and drop-off point incorporated in the enhanced scheme, would be realized. Mr. Ian Brownlee said that if a relaxed BHR of 150mPD was allowed, there would be a good

chance to have a good building design for the future development of the site. On the other hand, if the BHR was not relaxed and remained as 130mPD, there was a good chance that the developer would build a worse scheme. The BHR of 130mPD only allowed the absolute minimum building height required without any flexibility. A relaxed BHR could allow flexibility for better design and hence an enhanced scheme could be provided on the site. The Chairman said that there was no guarantee that the enhanced scheme would be materialized with the BHR relaxed and it was considered that the provision for minor relaxation of BHR under section 16 application was an appropriate mechanism. Mr. Brownlee said that the section 16 application was time-consuming and it was uncertain whether the approval would be granted. The Hysan Group had built a number of good design projects at the time when there was no BHR imposed on the OZP. The BHR was stringent and would accommodate only the permissible development intensity without any flexibility for better design.

136. A Member said that Dr. L.K. Chan mentioned in her presentation that as compared with the enhanced scheme with a building height of 150mPD, the proposed scheme with a building height of 130mPD would have full site coverage and according to Dr. L.K. Chan this would have the benefit of providing more valuable commercial floor spaces at street level. In view of this, this Member asked if the BHR was relaxed to 150mPD, whether the Hysan Group would still achieve such benefit by maximizing the ground floor commercial spaces and providing setback only at upper floors. In response, Mr. Ian Brownlee said that the SBD Guidelines had set out the requirements for GFA concession such as basement carpark and building set back, etc. The Chairman said that the SBD Guidelines were for the granting of GFA concession, but it was not a statutory requirement.

137. Dr. L.K. Chan said that the concern of the Board was appreciated. Although the SBD Guidelines was not a statutory requirement, it would involve GFA concession of about 4% of the proposed scheme and such concession was significant. R150 had already prepared a set of building plans under a BHR of 130mPD and ready for submission to BD for approval. R150 would not accept a reduced site coverage in return for a relaxation of BHR for 20m. The crux of the issue was what would be the loss to the community if the BHR was relaxed for 20m. The risk was that the proposed building would be 20m taller. However, based on the air ventilation assessment undertaken by R150, a relaxation of 20m building height would not result in any significant impacts on air ventilation as there was a building of 200mPD right

behind the site. If this flexibility was not given, the developer would build the most commercially viable scheme that complied with the BHR. The Hysan Group did not have the time to go for a section 16 planning application. It was not possible to work out the figure in respect of the reduced site coverage within such a short notice and without any detailed study on the development scheme. The enhanced scheme and the 3-D model presented had made use of different building designs of ramps, raised levels, split levels, etc.. The Chairman said that the crux of the issue was how could the Board be assured that the enhanced scheme would materialize with the BHR relaxed. Dr. Chan said that it was difficult for her to find a way to assure the Board. Whilst section 16 planning application for minor relaxation of BHR was a mechanism, it was time-consuming. The Chairman clarified that the reduced site coverage was just an idea he floated with R150 to test their view on the issue, but not an offer nor a proposal of the TPB. In response to a Member's question, Dr. L.K. Chan confirmed that the present BHR would enable the site to be built to its maximum GFA allowed. It was only that with BHR relaxation, the planning gains could not be achieved without adversely affecting the GFA that could be built.

[Mr. Roger K.H. Luk left the meeting at this point.]

#### *BHR for Haven Street Area*

138. Mr. Wong Fat Kei, the representative of R137, said that R137 in-principle supported the imposition of BHR to enable a better control on the development in the area. However, an appropriate relaxation of the BHR from 100mPD to 130mPD could enable a better use of the scarce land resources and allow a better building design. Mr. Wong also pointed out that Dr. Conn Yuen's comments on the possible adverse impacts on air ventilation were technical issue. Mr. Wong said that he did not accept Dr. Yuen's statement that due to the presence of a development of 135mPD at 32-50 Haven Street, the sites at the western side of the Haven Street should not be redeveloped. This would deprive the development right of the small owners of the relevant sites. The relaxation of the BHR would allow wider building gaps and provide the opportunity to provide a through road linking Haven Street and Caroline Hill Road. This would benefit the local community. The Chairman said that Dr. Conn Yuen had clarified the adverse air ventilation impacts of further relaxing the BHR, but had not stated that the sites should not be redeveloped because of the new development at 32-50 Haven Street. Members agreed that Dr. Yuen had not made such statement.

139. Dr. Shau Kwok Lam, Gollum, the representative of F3, said that although increasing the BHR for 30m might cause some negative impacts, it would help to provide wider building gaps, set back and NBA to allow more pedestrian area as well as a through road linking from Haven Street and Caroline Hill Road. On balance, the benefits were more than the drawbacks. Dr. Shau said that he shared the comments of R150 that no one would lose if the BHR were relaxed for an additional 20m to 30m. A Member pointed out that the building height was affected by a number of factors such as floor-to-floor height which varied under different uses and development scheme. As such, a relaxed BHR did not guarantee the provision of wider building gaps.

140. Mr. Ngan Kwan Leung, the representative of R99 asked whether there was any principle for setting the BHR of 100mPD for the Haven Street area. In his view, the BHR was arbitrary and only a rough estimate. As the proposed relaxation of the BHR from 100mPD to 130mPD was minor and there was no strong objection from the public, the relaxation of BHR for the Haven Street area should be allowed to benefit the small owners. Mr. Ngan also suggested that the BHR for the Hong Kong Island could be set on the basis of the topography in terms of contour lines. This was a more scientific approach and could avoid lengthy discussion on the subject.

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

[The meeting was adjourned for a 5-minute break]

[Mr. Stephen M.W. Yip left the meeting at this point.]

#### Deliberation Session

142. A Member said that some of the issues raised by the further representers and representers at this hearing had in fact been put forwarded by the representers and considered

by the Board at the hearing of representations on 11.3.2011, in particular the enhanced development scheme and the proposal to relax the BHR of Sunning Road area from 130mPD to 150mPD submitted by R150. As this was the hearing of further representations in respect of the proposed amendments made by the Board on 11.3.2011, this Member asked whether the Board should focus on the submissions in relation to the further representations. The Secretary replied that according to section 6D(1) of the Ordinance, any person, other than that who had made any representation or comment after consideration of which the proposed amendments were proposed under 6B(8), might make further representation to the Board in respect of the proposed amendments within the relevant exhibition period. It was noted that F2 and F3 were not submitted by the original representers, although the representatives raised similar grounds of representations and proposals. The original representers and commenters in respect of the proposed amendments relating to the Haven Street and Sunning Road areas had also been invited to the hearing. It was noted that R150 stated that they supported F2 and F3's proposal of relaxing the BHR of Haven Street from 100mPD to 130mPD. Taking this line of argument, R150 proposed an adjustment to the stepped height profile which allowed 130mPD for Haven Street and 150mPD for the Sunning Road area.

#### *Building Height Restrictions*

143. Members noted that the representatives of R150 indicated that the BHR 130mPD could accommodate the permissible development intensity. A Member said that the argument put forwarded by R150 that not relaxing the BHR would result in a bad design of the development was unfounded. Members considered that a relaxed BHR would not necessarily guarantee a good building design. A Member said that the Board had to take care of the interest and aspirations of the community in imposing BHRs. If the developer had worked out a good design with planning gains and design merits that required a relaxation of the BHR, there was provision for application to the Board for minor relaxation of BHR. The further representers and representers had not put forward sufficient justification for deviating from this principle. There was no reason why the Board should simply take the words of the further representers and representers, relax the BHR and take the risk that the better design might not materialize. That would be an irresponsible decision against public interest.

144. A Member said that the imposition of the BHR was to provide planning control to meet public aspiration for better environment. The crux of the consideration was whether the proposed relaxation was justified by the planning gains and benefits brought by the

relaxation of the BHR rather than the so-called ‘loss/risk’ of not relaxing the BHR as argued by the further representers and representers in their presentations. Although the traffic improvement measures in relation to the Haven Street cul-de-sac and enhancement measures on Sunning Plaza/Sunning Court redevelopment put forward by F3 and R150 respectively might have planning and design merits, there was no mechanism to ensure that the proposed measures would be implemented if the BHRs were relaxed. A more prudent approach was to make use of the provision of application for minor relaxation of the BHR.

145. The Secretary said that the further representers and representers mentioned in their presentations that a relaxed BHR would allow taller and slender buildings which allowed more setback and open area at street level for air ventilation. In this regard, Members considered that taller buildings did not guarantee a smaller building footprint or setback at the frontage. Given the general tendency in the market to maximize the land value of the lower floors by designing a 15m commercial podium with a 100% site coverage under the B(P)R, a development with more relaxed BH control would be taller but still with a full site coverage. The provision of better designed sustainable buildings was not guaranteed. There were public complaints on the exceptionally tall buildings and the wall effects brought about by these tall buildings. The objectives of imposing the BHRs were to meet the public aspirations for greater certainty and transparency in the statutory planning system and to prevent the excessively tall or out-of-context buildings. A Member said that there was no strong justification to have the BHR relaxed for 20m or 30m as requested by the further representers and representers. The Board had to strike a balance between public interest and private development right. Members noted that R150 did not accept a reduced site coverage if the BHR was to be relaxed.

146. The Chairman said that the BHR imposed was not arbitrary as raised by Mr. Ngan Kwan Leung, the representative of R99. Members noted that the BHR was formulated taking into account various factors including the existing topography, stepped building height concept, the recommendations of the AVA, characteristics of local area, and development intensity permissible under the OZP.

#### *Sunning Road Area*

147. F1 opposed the proposed amendment to relax the BHR for the “C” sites on Sunning Road from 100mPD to 130mPD on the grounds that the relaxation would aggravate

the traffic congestion and poor air quality in Causeway Bay. The Chairman said that at the last TPB meeting held on 11.3.2011, Members considered that the Sunning Road sites were at a prime location with potential to be redeveloped for Grade A office building. Members decided to propose amendment to relax the BHR for the Sunning Road area to 130mPD to allow better utilization of the sites. Members agreed not to uphold the further representation F1. In this connection, Members noted the comments and proposal of R150. There was no new grounds submitted which justified a relaxation of the BHR proposed. To cater for site specific circumstances and schemes with planning and design merits, there was provision for application for minor relaxation of BHR under the OZP.

#### *32-50 Haven Street Site*

148. Members noted that F2 no longer objected to the rezoning of the Haven Street sites from “R(A)1” to “OU(MU)”. F2 requested to relax the BHR from 100mPD to 135mPD because of the adverse impacts of basement development on the adjacent historic building. Members noted that the issue had been put forward by the representer at the hearing of representations held on 11.3.2011. A Member considered that this technical problem could be addressed and the argument put forward by the further representer was not convincing. The Chairman said that Buildings Department and AMO should be asked to take note of this and take appropriate action to protect the historic building. A Member said that there was provision for minor relaxation of BHR. If the development potential of the site could not be fully accommodated due to this site specific circumstance, F2 could submit an application for minor relaxation of the BHR. When the Board considered the application, AMO’s comments would be sought accordingly. Other Members agreed.

#### *Haven Street Sites*

149. A Member said that F3’s argument of not providing a traffic impact assessment for the proposed through road was not convincing. Whilst F3 stated that no such assessment could be prepared because the small owners were disorganized, they also stated that five buildings on the odd numbers of the Haven Street had to be redeveloped together as one single project. Another Member shared this view and said that the proposed through road linking Haven Street and Caroline Hill Road might affect the private lots at 23-33 of Haven Street (i.e. Lei Wen Court), the views and comments of the concerned landowners could not be neglected. As this was an enhancement measure submitted by F3 to substantiate their proposal to relax the BHR, assessments should be undertaken to demonstrate its effectiveness

and feasibility.

150. Another Member said that the chaotic traffic situation of Haven Street was a transport issue to be addressed by the Transport Department. The proposal through road might not be the only solution and might not be as effective as the further representer and representer claimed. The further representer also had not carried out any traffic impact assessment. In view of this, there was no strong justification to relax the BHR. Another Member said that the proposed through road might align with the building tower set back at the southern part as well as the 2.3m right of way setback at 32-50 Haven Street. This would create a continuous corridor which might help to enhance the air ventilation in the area. However, its effectiveness and feasibility needed to be further examined. To cater for this site-specific circumstances and schemes with planning and design merits, there was already a provision for application for minor relaxation of the BHR. In this regard, the Secretary said that there was no requirement under the Town Planning Ordinance that section 16 applications had to be submitted by landowners. Land ownership was not a mandatory requirement for making such applications. Such applications could be made by developers, individual owners or any other parties. To protect the interests of the landowner, the applicant was required to obtain the consent or notify the landowners. The notification of landowners could be done in a number of ways as set out in the TPB Guidelines including sending a written notification of the application to the owners, or publishing a notice of application in the specified local newspapers.

151. Regarding F3's argument that in setting the BHR for the Haven Street sites, reference should be made to the "C" sites on the opposite side of Leighton Road which had a BHR of 130mPD, Members noted that the Haven Street sites were at the entrance of prevailing wind. From an air ventilation point of view, further relaxation of BHR would result in blockage of wind and a stagnant zone in the area. Members considered that it was appropriate to cap the maximum building height at 100mPD to minimize the obstruction to the prevailing wind. There was provision for minor relaxation of BHR if the further representers could demonstrate that the development scheme would have planning and design merits and would not result in adverse air ventilation impacts.

152. After further deliberation, the Chairman concluded Members' views that the further representations should not be upheld. The Board noted F3's support and F2 did not

oppose the proposed “OU(MU)” zoning for the Haven Street. Members considered that the proposed BHR of 130mPD for Sunning Road area was appropriate given its prime location with potential for redevelopment into Grade A office buildings. The BHR would not result in an increase in the development intensity of the sites and no additional traffic impact was envisaged. As such, the representation of F1 should not be upheld. For the Haven Street area, the BHR of 100mPD would generally be able to accommodate the development intensity permitted under the OZP. Members considered that it was appropriate to cap the maximum building height at 100mPD to minimize the obstruction to the prevailing south-westerly wind in summer and deterioration of the air ventilation environment in the area. Hence, the representations of F2 and F3 in respect of the BHR for Haven Street should not be upheld. Members then went through the reasons for not upholding F1 to F3 as stated in paragraph 5 of the Paper and agreed that they should be suitably amended.

#### Further Representation No. F1

153. After further deliberation, the Board decided not to uphold the representation of F1 since the Sunning Road sites were at a prime location with potential for redevelopment into Grade A office buildings, and a BHR of 130mPD would allow a better utilization for the sites. The BHR would not result in an increase in the development intensity of the sites, and no additional traffic impact was envisaged.

#### Further Representation No. F2

154. After further deliberation, the Board decided not to uphold the representation of F2 for the following reasons:

- (a) as the Haven Street sites were in the cluster of generally low-rise recreational and GIC uses and at the entrance of the prevailing wind, a BHR of 100mPD could minimize the obstruction to the prevailing south-westerly wind in summer, and was considered compatible with the surrounding areas and the medium-rise character for the neighbourhood; and
- (b) the BHR of 100mPD for the sites would generally be able to accommodate the development intensity permitted under the OZP. To cater for site-specific circumstances and schemes with planning and

design merits, there was provision for application for minor relaxation of the BHR under the OZP.

Further Representation No. F3

155. After further deliberation, the Board decided not to uphold the representation of F3 for the following reasons:

- (a) as the Haven Street sites were in the cluster of generally low-rise recreational and GIC uses and at the entrance of the prevailing wind, a BHR of 100mPD could minimize the obstruction to the prevailing south-westerly wind in summer, and was considered compatible with the surrounding areas and the medium-rise character for the neighbourhood;
- (b) the BHR for the sites was formulated based on reasonable assumptions and flexibility was allowed in the shape and form of the buildings. The BHR did not preclude the incorporation of building gaps. A relaxed BHR of 130mPD did not guarantee the provision of wider building gaps;
- (c) for an application for minor relaxation of BHR, land ownership was not a mandatory requirement for making such applications, nor a material consideration of the Board. Such applications would be considered by the Board in a fair and objective manner based on the consideration criteria set out in the Explanatory Statement of the OZP; and
- (d) the feasibility of the proposed through road from Haven Street to Caroline Hill Road was doubtful because of the level difference between the two roads and the difficulty in ensuring comprehensive development of all affected private lots at the same time. The minor relaxation provision in the Notes of the OZP could allow consideration of development schemes incorporating such planning gain if a relaxation of the BHR was necessary.

156. The Board also agreed that :

- (a) the draft Causeway Bay OZP No. S/H6/15 should be amended by the proposed amendments and such amendments should form part of the Plan. In accordance with section 6H of the Ordinance, the OZP should thereafter be read as including the amendments;
- (b) the amendments should be made available for public inspection until the Chief Executive in Council had made a decision in respect of the draft plan in question under section 9 of the Ordinance;
- (c) administratively, the Building Authority and relevant Government departments would be informed of the decision of the Board and would be provided with a copy/copies of the amendments; and
- (d) the Buildings Department and the Antiquities and Monuments Office should be advised to note that the Christ The King Chapel, a Grade 2 historic building, might be adversely affected by the excavation works for basement development in the vicinity of the Chapel and take appropriate action, if required.

**Sha Tin, Tai Po and North District**

**Agenda Items 9 & 10**

[Open Meeting]

Request for Deferral for Review of Application Nos. A/NE-LT/411 and 412

Proposed Houses (New Territories Exempted Houses – Small Houses)

in "Agriculture" zone, Lot 623 S.A and S.B in D.D. 8,

Ma Po Mei Village, Lam Tsuen, Tai Po

(TPB Papers No. 8850 and 8851)

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[The meeting was conducted in Cantonese.]

157. The Secretary reported that on 9.6.2011, the representative of the applicants wrote to the Secretary, Town Planning Board (the Board) and requested the Board to defer making a decision on the review applications for two months in order to allow time for preparation of sewerage connection proposal and obtaining consents from relevant owners so as to confirm the feasibility of the sewerage connection for the proposed houses. The Planning Department had no objection to the request for deferment as the justifications for deferment met the criteria for deferment as set out in the TPB Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance.

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

**Agenda Item 11**

[Open Meeting]

Request for Deferral for Review of Application No. A/NE-TK/329  
Proposed House (New Territories Exempted House – Small House)  
in "Green Belt" zone, Government Land in D.D. 15, Shan Liu Village, Tai Po  
(TPB Paper No. 8855)

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[The meeting was conducted in Cantonese.]

159. The Secretary reported that on 16.6.2011, the applicant wrote to the Secretary of the Town Planning Board (the Board) requesting the Board to defer consideration of the review application for 3 months as the applicant needed to wait for the finalisation of the detailed design of the trunk sewer being prepared by Drainage Services Department. The Planning Department had no objection to the request for deferment as the justifications for deferment met the criteria for deferment as set out in the TPB Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance.

160. After deliberation, the Board agreed to defer consideration of the review application for two months in order to allow time for the applicant to prepare submission of further information. The Board also agreed that the application should be submitted to the Board for consideration within three months from the date of receipt of further information from the applicant. The Board also agreed to advise the applicant that two months were allowed for preparation of submission of the further information. Since this was the second deferment and the Board had allowed a total of four months for preparation of submission of further information, Members agreed that no further deferment would be granted unless under very special circumstances.

## Procedural Items

### Agenda Item 12

[Open Meeting]

Submission of the Draft Cheung Sha Wan Outline Zoning Plan No. S/K5/32A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance  
(TPB Paper No. 8852)

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[The meeting was conducted in Cantonese.]

161. The Secretary introduced the Paper. On 30.9.2010, the draft Cheung Sha Wan OZP No. S/K5/32 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of five representations were received. On 10.12.2010, the representations were published for three weeks for public comments. No comment was received. On 25.3.2011, after giving consideration to the representations, the Board decided not to propose any amendment to the draft OZP to meet the representations. The Board also agreed to amend the Explanatory Statement in respect of the “Commercial (4)” and “Government, Institution or Community (4)” zones to clearly state that the setback requirements in those two zones were for facilitating air ventilation, road widening and streetscape improvement of the Cheung Sha Wan Industrial/Business Area. Since the representation consideration process had been completed, the draft OZP was ready for submission to the Chief Executive in Council (CE in C) for approval.

162. After deliberation, the Board :

- (a) agreed that the draft Cheung Sha Wan OZP No. S/K5/32A at Annex I of the Paper and its Notes at Annex II of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Cheung Sha Wan OZP No. S/K5/32A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the

Board; and

- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

**Agenda Item 13**

[Open Meeting]

Submission of the Draft Wang Tau Hom and Tung Tau Outline Zoning Plan No. S/K8/20A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance  
(TPB Paper No. 8858)

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[The meeting was conducted in Cantonese.]

163. The following Members had declared interests on this item as the relevant representations were related to a URA urban renewal project at Nga Tsin Wai Village, and two representations were submitted by the Wong Tai Sin District Council and East Kowloon District Residents' Committee:

- |   |   |   |
|---|---|---|
| Mr. Jimmy Leung<br>as Director of Planning                                  | - | being a non-executive director of URA   |
| Miss Annie Tam<br>as Director of Lands                                      | - | being a non-executive director of URA   |
| Mr. Andrew Tsang<br>as Assistant Director of the<br>Home Affairs Department | - | being an assistant to the Director of Home Affairs<br>who was a non-executive director of URA                     |
| Mr. Maurice W.M. Lee  | - | being a former non-executive director of URA  |
| Mr. Walter K.L. Chan  | - | being a non-executive director of URA   |
| Mr. Timothy K.W. Ma   | - | his office was located at Chuk Yuen area  |
| Ms. Maggie M.K. Chan  | - | being a Wong Tai Sin District Council Member and<br>a member of the East Kowloon District Residents'<br>Committee |

Mr. Felix W. Fong	]	had business dealing with Cheung Kong
Professor P.P. Ho	]	(Holdings) Ltd. which was a joint venture partner with the URA

164. As the item was procedural in nature and no deliberation was required, the above Members could be allowed to stay in the meeting. Members noted that Mr. Jimmy Leung, Miss Annie Tam, Mr. Andrew Tsang, Mr. Maurice W.M. Lee, Mr. Walter K.L. Chan, Mr. Felix W. Fong, Ms. Maggie M.K. Chan and Professor P.P. Ho had tendered apologies for not being able to attend the afternoon session of the meeting.

165. The Secretary introduced the Paper. On 17.9.2010, the draft Wang Tau Hom and Tung Tau OZP No. S/K8/20 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of five valid representations were received. On 26.11.2010, the representations were published for three weeks for public comments and one comment was received. On 25.3.2011, after giving consideration to the representations, the Board decided not to propose any amendment to the draft OZP to meet the representations. Since the representation consideration process had been completed, the OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

166. After deliberation, the Board :

- (a) agreed that the draft Wang Tau Hom and Tung Tau OZP No. S/K8/20A at Annex I of the Paper and its Notes at Annex II of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the Wang Tau Hom and Tung Tau OZP No. S/K8/20A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

**Agenda Item 14**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Further Representations  
to the Draft Wan Chai Outline Zoning Plan No. S/H5/26  
(TPB Paper No. 8856)

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[The meeting was conducted in Cantonese.]

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

- |                       |   |  |
|-----------------------|---|--|
| Mr. K.Y. Leung        | - | his spouse owned a flat on Lockhart Road   |
| Ms. Julia M.K. Lau    | - | owned properties on Star Street  |
| Mr. Laurence L.J. Li  | - | owned a flat in Wan Chai   |
| Mr. Rock C.N. Chen    | - | owned a flat on Star Street  |
| Mr. Y.K. Cheng        | - | being an active member of the Methodist Church which was one of the representers   |
| Mr. Timothy K.M. Ma   | - | being a member of the Executive Committee of the Hong Kong Council of Social Services  |
| Mr. Raymond Y.M. Chan | - | had current business dealings with Swire and Hysan which submitted representations to the OZP  |
| Ms. Anna S.Y. Kwong   | - | had current business dealings with the consultants of one of the representers  |
| Professor S.C. Wong   | - | had current business dealings with the consultants of one of the representers  |
| Mr. Felix W. Fong     | - | had current business dealings with Hutchison Whampao Ltd. which was connected with The Electric Co. Ltd., one of the representers      |
| Professor P.P. Ho     | - | had current business dealings with Cheung Kong (Holdings) Ltd. which was connected with The Electric Co. Ltd., one of the representers |
| Mr. Stephen M.W. Yip  | - | had current business dealings with the consultants of one of the representers  |

168. As the item was procedural in nature and no deliberation was required, the above Members could be allowed to stay in the meeting. Members noted that Ms. Julia M.K. Lau, Mr. Laurence L.J. Li and Mr. Raymond Y.M. Chan had tendered apologies for not being able to attend the meeting and Professor S.C. Wong, Mr. Felix W. Fong, Mr. Rock C.N. Chen and Professor P.P. Ho had tendered apologies for not being able to attend the afternoon session of the meeting. Members also noted that Ms. Anna S.Y. Kwong and Mr. Stephen M.W. Yip had already left the meeting.

169. The Secretary reported that on 24.9.2010, the draft Wan Chai Outline Zoning Plan No. S/H5/26 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 106 representations were received. On 3.12.2010, the representations were published for three weeks for public comments and a total of 293 comments were received. On 26.4.2011, after giving consideration to the representations and comments, the Town Planning Board (the Board) decided to propose amendments to the Plan to partially meet Representations No. R98 to R100 by rezoning the sites at 8-10 and 12-18 Wing Fung Street from “Residential (Group A)” (“R(A)”) to a sub-area of “Commercial” (“C”) with a BHR of 120mPD, and with a requirement that any redevelopment for commercial/ office use be subject to the approval by the Board to ensure that there would be no adverse traffic impact. The proposed amendments were agreed by the Board on 13.5.2011 and published under section 6C(2) of the Ordinance on 20.5.2011. Upon expiry of the publication period on 10.6.2011, two further representations were received.

170. Further representation No. 1 (F1) supported the proposed amendments in relation to the rezoning of the aforementioned sites at Wing Fung Street with a condition of adding front setback to allow widening of street/walkway. Further representation No. 2 (F2) supported in principle the rezoning of the subject sites to “C” but opposed the requirement for planning permission for commercial/office development under the proposed “C(7)” zoning. F2 proposed to rezone the subject sites from “C(7)” to “C(6)” (which currently covered Three Pacific Place and subject to a BHR of 180mPD) with same individual BHRs and amended the Notes of the “C” zone by combining Remarks (6) and (7) with the deletion of the requirement for planning permission for commercial/office development.

171. As the representations were considered by the full Board on 26.4.2011, it was considered more appropriate for the full Board to hear the further representations without resorting to the appointment of a Representation Hearing Committee. The hearing of the two further representations would be organized in one group as they were related to the same site.

172. After deliberation, the Board agreed that the representations should be heard collectively by the Board in the manner as proposed in paragraphs 2.1 to 2.3 of the Paper.

### **Agenda Item 15**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Yuen Long Outline Zoning Plan No. S/YL/19  
(TPB Paper No. 8857)

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[The meeting was conducted in Cantonese.]

173. The Secretary reported that the draft Yuen Long OZP No. S/YL/19 was exhibited for public inspection under section 5 of the Town Planning Ordinance on 18.3.2011. During the two-month exhibition period, a total of 25 representations were received. On 24.5.2011, the representations were published for public comments for three weeks and two comments were received.

174. The amendments relevant to the representations and the comments received were mainly related to the rezoning of two pieces of land in Yuen Long from business to residential use. Since the amendment had attracted wide public interests including Yuen Long District Council and relevant Rural Committees and the representations were of similar nature, it was suggested that the 25 representations and two comments be heard collectively in one group by the Board and there was no need to resort to the appointment of a Representation Hearing Committee.

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

**Agenda Item 16**

[Confidential Item]

[Closed Meeting]

176. This item was recorded under confidential cover.

**Agenda Item 17**

[Open Meeting]

**Any Other Business**

[The meeting was conducted in Cantonese.]

177. There being no other business, the meeting was closed at 7:30 pm.