

TOWN PLANNING BOARD

**Minutes of 673rd Meeting of the
Metro Planning Committee held at 9:00 a.m. on 11.6.2021**

Present

Director of Planning
Mr Ivan M.K. Chung

Chairman

Mr Wilson Y.W. Fung

Vice-chairman

Dr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Mr Alex T.H. Lai

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Dr Roger C.K. Chan

Assistant Commissioner for Transport (Urban),
Transport Department
Mr Patrick K.H. Ho

Chief Engineer (Works), Home Affairs Department
Mr Gavin C.T. Tse

Principal Environmental Protection Officer (Metro Assessment),
Environmental Protection Department
Dr Sunny C.W. Cheung

Assistant Director (Regional 1), Lands Department
Mr Albert K.L. Cheung

Deputy Director of Planning/District
Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Mr Thomas O.S. Ho

Mr C.H. Tse

In Attendance

Assistant Director of Planning/Board
Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board
Ms Caroline T.Y. Tang

Town Planner/Town Planning Board
Ms Andrea W. Y. Yan

Opening Remarks

1. The Chairman said that the meeting would be conducted with video conferencing arrangement.

Agenda Item 1

Confirmation of the Draft Minutes of the 672nd MPC Meeting held on 28.5.2021

[Open Meeting]

2. The draft minutes of the 672nd MPC meeting held on 28.5.2021 were confirmed without amendments.

Agenda Item 2

Matter Arising

[Open Meeting]

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

Hong Kong District

Agenda Items 3 to 5

Section 12A Applications

[Open Meeting (Presentation and Question Sessions only)]

Y/H10/10 Application for Amendment to the Approved Pok Fu Lam Outline Zoning Plan No. S/H10/19, To rezone the application site from “Open Space” to “Open Space (1)”, Cyberport Waterfront Park, Hong Kong (MPC Paper No. Y/H10/10)

Y/H10/11 Application for Amendment to the Approved Pok Fu Lam Outline Zoning Plan No. S/H10/19, To rezone part of the application site from “Open Space” to “Other Specified Uses” annotated “Promenade” and extend the Outline Zoning Plan boundary to include part of Telegraph Bay sea area and zone as “Other Specified Uses” annotated “Promenade”, Telegraph Bay Waterfront, Hong Kong (MPC Paper No. Y/H10/11 and 12)

Y/H10/12 Application for Amendment to the Approved Pok Fu Lam Outline Zoning Plan No. S/H10/19, To rezone part of the application site from “Government, Institution or Community” to “Open Space” or “Other Specified Uses” annotated “Promenade” and extend the Outline Zoning Plan boundary to include part of Sandy Bay Waterfront and zone as “Open Space” or “Other Specified Uses” annotated “Promenade”, Sandy Bay Waterfront, Hong Kong (MPC Paper No. Y/H10/11 and 12)

4. The Committee agreed that as the three s.12A applications for proposed amendments to the Approved Pok Fu Lam Outline Zoning Plan (OZP) were submitted by the same applicant, similar in nature and the application sites were located in close proximity to one another, they could be considered together.

5. The Secretary reported that the application sites were located in Pok Fu Lam.

The site of application No. Y/H10/10 was under the management of the Hong Kong Cyberport Management Company Limited (HKCMCL) with Urbis Limited (Urbis) as its consultant for the Cyberport expansion project (the Project). Part of the site of application No. Y/H10/12 was at an existing pedestrian walkway being managed by the University of Hong Kong (HKU). The following Members had declared interests on the items:

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| Mr Wilson Y.W. Fung
(<i>Vice-chairman</i>) | - | being the Chairman of the Accounting Advisory Board of School of Business, HKU; |
| Dr Roger C.K. Chan | - | being an Associate Professor of HKU; |
| Mr Alex T.H. Lai | - | his former firm had business dealings with Urbis and HKU; |
| Mr Thomas O.S. Ho | - | having current business dealings with Urbis; |
| Ms Lilian S.K. Law | - | being an Adjunct Associate Professor of HKU; |
| Professor John C.Y. Ng | - | being an Adjunct Professor of HKU; |
| Ms Sandy H.Y. Wong | - | being a personal friend of the Chief Executive Officer of HKCMCL; |
| Professor T.S. Liu | - | collaborating with the Caritas Pokfulam Community Development Project Centre at Pok Fu Lam Village in carrying out an education programme; and |
| Professor Jonathan W.C. Wong |] | family member(s) living in Wah Fu |
| Mr Gavin C.T. Tse |] | Estate. |

6. The Committee noted that Mr Thomas O.S. Ho had tendered an apology for being unable to attend the meeting, and Mr Alex T.H. Lai had no involvement in the Project and had not yet arrived to join the meeting. As the interests of Mr Wilson Y.W. Fung, Dr Roger C.K. Chan, Ms Lilian S.K. Law, Professor John C.Y. Ng and Professor T.S. Liu were indirect, Ms Sandy H.Y. Wong had no involvement in the Project, and the residence of or family member(s) of Professor Jonathan W.C. Wong and Mr Gavin C.T. Tse had no direct view of the application sites, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

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

PlanD

Mr Louis K.H. Kau - District Planning Officer/Hong Kong (DPO/HK)

Mr Mann M.H. Chow - Senior Town Planner/Hong Kong District (STP/HK)

Applicant's Representatives

Designing Hong Kong Limited

Mr Paul Zimmerman

Mr Samuel Wong

8. The Chairman extended a welcome and explained the procedures of the meeting. He then invited PlanD's representative to brief Members on the background of the applications.

9. With the aid of a PowerPoint presentation, Mr Mann M.H. Chow, STP/HK, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;

- (b) the proposed rezoning of the application site (i.e. Cyberport Waterfront Park (the Park)) from “Open Space” (“O”) to “O(1)” on the approved Pok Fu Lam OZP No. S/H10/19 by incorporating a new set of Notes for the proposed “O(1)” zone under which ‘Pier’ was a Column 1 use instead of a Column 2 use, and a requirement for the submission of a master layout plan (MLP) and a landscape design proposal to the Town Planning Board (the Board) for approval under application No. Y/H10/10; the proposed rezoning of the application site (i.e. Telegraph Bay waterfront) from “O” to “Other Specified Uses” annotated “Promenade” (“OU(Promenade)”) and extending the OZP boundary to include part of Telegraph Bay sea area and zone it as “OU(Promenade)” in order to reserve an area for the development of an elevated walkway or boardwalk under application No. Y/H10/11; and the proposed rezoning of the application site (i.e. Sandy Bay waterfront) from “Government, Institution or Community” (“G/IC”) to “O” or “OU(Promenade)” and extending the OZP boundary to include part of Sandy Bay waterfront and zone it as “O” or “OU(Promenade)” in order to reserve the entire waterfront as open space under application No. Y/H10/12;
- (c) departmental comments were set out in paragraph 9 of the Papers;
- (d) during the statutory publication period, 1,042 public comments on application No. Y/H10/10 with 1,041 supporting comments (including 1,039 in standard format with some providing additional views) from the respective Incorporated Owners of Woodbury Court, Blocks 41 to 44 of Baguio Villa and Scenic Villas and individuals and one opposing comment from HKCMCL; 1,041 public comments on application No. Y/H10/11 with 1,037 supporting comments (including 1,035 in standard format) from the above three Incorporated Owners and individuals and four opposing comments from individuals; and 1,043 public comments on application No. Y/H10/12 with 1,041 supporting comments (including 1,039 in standard format) from the above three Incorporated Owners and individuals and two opposing comments from individuals were received. Major views were set out in paragraph 10 of the Papers; and

- (e) PlanD's views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Papers. For application No. Y/H10/10, the applicant had not submitted any justifications nor technical assessments to demonstrate the feasibility of having a 'Pier' at the application site and whether such use would not cause any adverse environmental impacts. The Project had already moved forward to the implementation stage. Relevant lease conditions relating to the design and management of the Park would be incorporated. The existing "O" zone was considered appropriate. There was no planning justification for the inclusion of 'Pier' as a Column 1 use and incorporation of the submission of a MLP or a landscape design proposal for the proposed "O(1)" zone. As for applications No. Y/H10/11 and 12, the provision of open space (including promenade) was always permitted on land falling within the boundary of the OZP, even though the concerned areas were mainly zoned "O" and "G/IC" on the OZP. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department advised that a Geotechnical Planning Review Report should be submitted by the applicant as the proposals might affect the man-made slope and/or retaining walls. The Director of Environmental Protection did not support the applications as the applicant failed to demonstrate that the proposals would not cause adverse water quality and environmental impacts. The Commissioner for Transport considered that the existing pedestrian access between Sandy Bay and Telegraph Bay was sufficient for the pedestrians. The Development Bureau (DEVB) considered that more justification was required as it would involve substantial elevated structures for walkway and boardwalk along the coastal area and covering part of the sea area. There was also no justification for extending the OZP boundary as proposed by the applicant. The proposals under the three applications were similar to the grounds of the representations (Rs), comments (Cs) and further representations (FRs) of the related amendment item on the draft OZP No. S/H10/18 which had been considered thoroughly by the Board in 2020 and the Board agreed not to uphold those Rs and FRs. Given that there was no change in planning circumstances since the approval of the OZP on 15.1.2021, there was no reason to deviate from the Board's previous decision. Regarding the

public comments received, the comments of government departments and planning assessments above were relevant.

[Messrs Franklin Yu and Alex T.H. Lai arrived to join the meeting during PlanD's presentation.]

10. The Chairman then invited the applicant's representatives to elaborate on the applications. With the aid of a PowerPoint presentation, Mr Paul Zimmerman, the applicant's representative, made the following main points:

Background

- (a) while it was mentioned in the Explanatory Statement (ES) of the OZP that opportunity might be given to explore the provision of a continuous walking trail along the coast of Pok Fu Lam, the ES did not form part of the statutory OZP and hence such requirement was not mandatory;
- (b) it was the applicant's vision to provide a continuous waterfront around Hong Kong Island for public enjoyment. Since 2002, the applicant had been working closely with the Government to realise the vision. For the waterfront in the Southern District, there were some missing links in Pok Fu Lam;

Y/H10/10

- (c) currently, the Park was allocated to HKCMCL under a Short Term Tenancy (STT) which might not be renewed in case HKCMCL underperformed or failed to meet public expectations. It was noted that HKCMCL had applied to the Lands Department (LandsD) for land grant for the Project including the enhancement of the Park. Allocation of park to a private company for design and management was not a usual practice. Besides, it was not LandsD's expertise or responsibility in the design of parks and thus undesirable leaving the issue to be dealt with by imposing land grant conditions. As such, the submission of a MLP and a landscape design proposal for the approval of the Board should be required so that appropriate requirements on the design and management of the Park could

be set out in the land grant conditions;

- (d) it was stated in the opposing public comment submitted by HKCMCL that the submission of a MLP would delay the enhancement programme of the Park for public enjoyment and it planned to engage the relevant stakeholders so as to enhance the Park to meet the needs of the community. In fact, the Park was not part of the Project and the submission of a MLP would not cause a delay to the Project. HKCMCL should have consulted the local community and the District Council, appointed relevant professionals and determined the facilities to be provided at the Park before seeking funding approval from the Finance Committee of the Legislative Council (LegCo) for the Project on 11.6.2021 (i.e. the same date of the current Committee meeting). However, it was only mentioned in the LegCo Paper (paragraph 15 of LegCo Paper No. FCR(2021-22)26) that the Park would be enhanced by constructing a waterfront promenade, re-laying turf, adding pet-friendly and smart facilities as well as landscaping for public enjoyment, which were not what the local community had opted for. In a survey he conducted on the aspirations of the Project, the respondents opted for facilities such as linkage to Sandy Bay, skate park and cycling facilities;
- (e) the existing pier at the Park, which was regarded as landing steps by PlanD, had been part of the Cyberport for a long time. A pier was also shown in the sale brochure of the residential development in Cyberport and the location plan of the STT. The pier was currently under the management of HKCMCL and would only be open to the public upon request. The provision of a pier at the application site should always be permitted under the OZP and the pier should be open for public use;

Y/H10/11

- (f) the application site was partly a steep cliff and partly the sea area at Telegraph Bay, which was currently the missing link of a continuous waterfront between Sandy Bay and the Cyberport. The rezoning proposal was intended to reserve area for the development of an elevated walkway or

boardwalk similar to the Mills & Chung Path at Deep Water Bay. According to paragraph 9.1.5 of Paper No. Y/H10/11 and 12, the Highways Department would consider taking up the maintenance responsibility of the proposed elevated walkway or boardwalk if the Transport Department took up the management responsibility;

- (g) the proposed works could not be realised if the planning intention of the area was not clearly stated on the OZP. If the application site was zoned as “OU(Promenade)”, it would be easier to seek funding to implement the proposed works;

Y/H10/12

- (h) the proposal was intended to reserve the entire waterfront (including area currently outside the OZP boundary) and designate the concerned area as open space to provide clarity to nearby land users and government departments regarding any future developments, and the maintenance and management issues;
- (i) by referring to some maps, it was pointed out that the area in Sandy Bay was reclaimed in 1975 and was then developed as the HKU Stanley Ho Sports Centre with a pedestrian walkway to the immediate west of the sports centre. A piece of vacant land at the coast was also formed but was not included in the OZP boundary (i.e. part of the application site);
- (j) it was also stated in PlanD’s assessments that provision of open space (including promenade) was always permitted within the OZP, but LandsD advised that the existing pedestrian walkway (i.e. part of the application site) was granted to HKU under Licence H4715 restricted for the use as a works area in connection with the construction of pitched slopes and reclamation of the two sports fields at Sandy Bay, which made it unclear as to whether the concerned area could be used as a promenade;
- (k) according to paragraph 9.1.1 of Paper No. Y/H10/11 and 12, DEVB considered that while there would be merits in enhancing accessibility and

improving the area for public enjoyment as far as possible, a feasible scheme would need to be proposed for consideration. However, the current application was only intended to amend the OZP so that the planning intention of the application site could be clearly reflected on the OZP and future developments would be guided by the provisions of the OZP;

- (l) although effort was made in the district level by proposing district minor works (DMW) to construct a trail along the rocky shore at Sandy Bay (also stated by the District Officer (South), Home Affairs Department (HAD) in paragraph 9.1.9 of Paper No. Y/H10/11 and 12), it was difficult to seek funding to implement the DMW in the absence of a statutory plan covering the coastal area; and

Conclusion

- (m) the rezoning proposals were to enable the Board to scrutinise the design of the Park and to facilitate the provision of a public pier and a continuous waterfront promenade at Pok Fu Lam for public enjoyment.

11. As the presentations of PlanD's representative and the applicant's representative were completed, the Chairman invited questions from Members.

12. Some Members raised the following questions to PlanD's representatives:

The Landing Steps and the Park

- (a) the location, background, status and utilisation rate of the landing steps;
- (b) the reason why the landing steps were closed and would only be open to the public upon request;
- (c) the differences between pier and landing steps in planning terms and the relevant provisions under "O" zone of the OZP;
- (d) the implication of inclusion of 'Pier' use under Column 1 of the Notes of

the relevant zone;

- (e) noting that the area for the Project was zoned “OU(Cyber-Port)(1)” on the OZP and submission of a layout plan (LP) for the approval of the Board was required, what the extent of the LP was;

Connectivity between Sandy Bay and Cyberport

- (f) noting DEVB had advised that the pedestrians could use the existing footpath to walk between Sandy Bay and Telegraph Bay and enjoy the sea view from a higher level, where the location of the said footpath was;
- (g) whether the applicant’s claim that the intention of enhancing the connectivity along the coast of Pok Fu Lam could not be realised if such intention was only stated in the ES of the OZP was valid;
- (h) whether widening of Cyberport Road for the provision of a pedestrian link connecting Sandy Bay and Cyberport was in line with the planning intention of the “O” zone;
- (i) whether it was feasible to extend the OZP boundary to include the pink area on Plan Z-3 of Paper No. Y/H10/11 and 12;

The Lease

- (j) whether there would be public consultation during the drafting of the land grant conditions for the Project including the Park;
- (k) how the design requirements of the Park could be incorporated into the lease, and whether enforcement action could be taken if there was any breach of the lease condition;

Others

- (l) whether the applicant had submitted any technical assessments in support of the applications. If not, whether the assessments on the enhancement

works would be conducted by the relevant works departments;

- (m) apart from the submission of planning applications for amendment of OZP, whether the applicant's visions of a continuous waterfront promenade in Pok Fu Lam could be achieved through other means;
- (n) whether there was any government policy on promoting the continuity and connectivity of the waterfront outside both sides of the Victoria Harbour;
- (o) whether it was within the Committee's ambit to specify the design of the promenade on the OZP;
- (p) the background of the elevated walkway at Mills & Chung Path at Deep Water Bay; and
- (q) the zonings of the existing promenades on Hong Kong Island.

13. In response, Mr Louis K.H. Kau, DPO/HK, made the following main points:

The Landing Steps and the Park

- (a) as shown on Plans Z-4 and Z-5 of Paper No. Y/H10/10, the landing steps formed part of the Park and already existed when Cyberport was built. The landing steps were originally used for transporting construction materials for the Cyberport development. The landing steps could be used by the public upon request and a signage had been placed by HKCMCL indicating that the management should be contacted for the use of the landing steps. There was no information available at hand regarding the utilisation rate of the landing steps;
- (b) the landing steps were closed for safety reason and could be open to the public upon request;
- (c) as stated in p.8 of Paper No. Y/H10/10, according to the Definition of Terms used in statutory plans, 'Pier' meant any structure built out over the

water and supported by pillars or piles, used as a landing place for ferries, boats, ships and other vessels. As the structure at the Park was not built out over the water, it was not regarded as 'Pier' in planning terms;

- (d) the applicant had not submitted any justifications nor technical assessments to demonstrate the feasibility of having a 'Pier' at the application site and whether such use would not cause adverse environmental impacts if such use was always permitted. If 'Pier' use was put under Column 2 of the Notes of the relevant zone, submission of planning application together with technical assessments for the Committee's consideration was required for its development;
- (e) the LP should cover the area zoned "OU(Cyber-Port)(1)" on the OZP. Notwithstanding that, the surrounding developments including the Park and waterfront promenade should be taken into account in preparing the LP;

Connectivity between Sandy Bay and Cyberport

- (f) the concerned footpath was along Sha Wan Drive and Cyberport Road;
- (g) during the consideration of the Rs/Cs on the draft OZP No. S/H10/18 on 5.6.2020, the Board supported the enhancement of the waterfront connectivity and agreed that the relevant part of the ES of the OZP could be strengthened to elaborate on the intention. Although the ES did not form part of the statutory OZP, it reflected the planning intention and objectives of the Board for the various land use zones of the OZP. Due consideration should also be given to the ES when assessing any proposed development within the zone concerned. The OZP and ES only showed the broad land-use zonings and major road systems of individual planning scheme areas without specifying the target completion date of individual developments within the zones. Relevant works departments would take forward the proposed developments under their ambit according to the established mechanisms;
- (h) according to the Notes of the OZP, provision of road was always permitted

on land falling within the boundary of the OZP;

- (i) should the application be agreed by the Committee, an amendment to include the pink area on the OZP would be submitted to the Committee for agreement prior to gazetting under section 5 of the Town Planning Ordinance;

The Lease

- (j) as HKCMCL had committed that they would engage the relevant stakeholders to collect their views on the design and facilities to be provided in the Park, the views collected would be taken into account when formulating the detailed design of the Park;
- (k) during the drafting of the lease conditions for the Project, relevant lease conditions including those relating to the design and management of the Park could be incorporated since the proposed enhancement of the Park was of public interest. Upon execution of the land grant and receipt of the detailed design of the Park, LandsD would circulate it to relevant government departments for comment. Should there be any breach of the relevant lease conditions, lease enforcement action would be taken by LandsD as appropriate;

Others

- (l) according to the relevant Guidance Notes for planning application under s.12A and s.16 of the Town Planning Ordinance, the submission of technical assessments might be required for applications for any particular use or development that might have implications on technical aspects. As for the subject three s.12A applications, the applicant had not provided any technical assessments to substantiate the applications nor to demonstrate that the proposals were feasible or would not generate any insurmountable impact on the surroundings. In addition, various government departments advised that they could not assess the implication/feasibility of the proposals as there was insufficient information in the submissions. If enhancement works to the waterfront would be carried out by the

Government, the relevant works departments would conduct relevant technical assessments to ascertain the feasibility, in particular the impact of the proposal on the man-made seawall under application No. Y/H10/12;

- (m) as mentioned by the applicant, the proposals could be implemented through DMW. Besides, the Harbourfront Commission was set up to take forward harbourfront enhancement of the Victoria harbourfront. Moreover, as announced in the 2020 Policy Address, the Government would implement the Invigorating Island South initiative and the Invigorating Island South Office was set up under DEVB to engage and collaborate with stakeholders so as to implement the key projects under the initiative, including enhancing pedestrian connectivity of the waterfront area;
- (n) to facilitate the planning and development of the Victoria Harbour and the harbourfront area, relevant government policies were drawn up to provide guidance for the relevant waterfront development proposals. However, there was no government policy related to the planning and development of promenades outside the Victoria Harbour. Nevertheless, Chapter 11 of the Hong Kong Planning Standards and Guidelines had provided general guidance regarding the design of the waterfront;
- (o) in determining land use zoning for an area, where considered appropriate, the Committee could also specify design requirements for the future developments on the OZP;
- (p) the Mills & Chung's Path was in fact an elevated cable trough constructed by Hong Kong Electric Company along the coast of Deep Water Bay in connection with the laying of an electric cable. The cable trough was constructed in such a way that it could be used as a waterfront walkway and open to the public; and
- (q) other promenades such as those in the Central District and North Point were mainly zoned as "O" or "G/IC". The provision of promenade was always permitted in the said zones.

14. With regard to other means whereby assistance could be sought in implementing a continuous waterfront promenade, Mr Paul Zimmerman, the applicant's representative, supplemented that the areas of responsibility of the Harbourfront Commission were confined to the areas along both sides of the Victoria Harbour. As for the Invigorating Island South Office, its priority was given to revamping Ocean Park. Mr Zimmerman also said that it was stated in Chapter 11 of the HKPSG that where practicable, continuous waterfront promenade should be provided for public enjoyment (paragraph 6.2.19 of Chapter 11), which provided guidance for the Committee in considering developments in the waterfront areas.

15. Some Members raised the following questions to the applicant's representatives:

- (a) the history of the landing steps;
- (b) the benefits of the provision of a continuous waterfront trail around Hong Kong Island;
- (c) whether HKCMCL had engaged the applicant to collect views on the design of the Park since the hearings of the Rs/Cs/FRs held in 2020;
- (d) whether the applicant had consulted the public on the proposed elevated walkway/boardwalk;
- (e) the role of the Board anticipated by the applicant in facilitating the vision of promoting connectivity along the waterfront;
- (f) whether widening of Cyberport Road for the provision of a pedestrian link connecting Sandy Bay and Cyberport could be an alternative of the proposed elevated walkway/boardwalk; and
- (g) whether there was a plan to link up the waterfront at the Waterfall Bay.

16. In response, Mr Paul Zimmerman, the applicant's representative, made the following main points:

- (a) before reclamation in Pok Fu Lam, a pier at the waterfront was used by Dairy Farm. A map of 1975 showed that reclamation work of the area on which Cyberport currently stood was in progress and a new pier appeared to be completed in 1987;
- (b) a complete trail would enhance the waterfront as a unique attraction for the public and tourists, as well as promoting sports activities such as marathons;
- (c) HKCMCL had arranged a meeting with the Vice-chairman of the Southern District Council after seeking the funding approval from the Finance Committee. In other words, the elements of the Park had been determined within the budget approved by the Finance Committee before consultation with the relevant stakeholders was conducted;
- (d) the elevated walkway/boardwalk was proposed to minimise the disturbance to the rocky shore. According to the surveys conducted by the applicant, 95% of the respondents supported a linkage between Sandy Bay and the Park;
- (e) DMW for connecting the promenade from Sandy Bay near HKU Sports Centre to Telegraph Bay had been proposed and HAD had prepared a detailed study regarding the feasibilities of the DMW which concluded that the project estimate had exceeded the allowable budget limit for DMW. HAD could not act as the implementation agent under the current Government structure due to its budget limit. The project could be implemented by other government departments with funding support but the support from the Committee was requested to clearly state the planning intention of the area on the OZP;
- (f) by referring to the satellite photo on Google Earth, the area to the immediate west of Cyberport Road was a steep slope. Although there was a staircase connecting Cyberport Road, the pump house for the Queen Mary

Hospital and Sandy Bay, as advised by the Electrical and Mechanical Services Department and the Queen Mary Hospital, pipelines for oil, electricity and water supplies were running underneath the staircase which was not suitable for public use. Moreover, most of the residents nearby were elderly and a flat elevated walkway along the waterfront would be more desirable in terms of pedestrian accessibility and mobility; and

- (g) the applicant had been in contact with the Southern District Council to explore to linking up the waterfront between Cyberport and Waterfall Bay through DMW.

17. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairman informed the applicant's representatives that the hearing procedure for the applications had been completed and the Committee would deliberate on the applications in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the representatives from PlanD and the applicant for attending the meeting. They left the meeting at this point.

[Dr Frankie W.C. Yeung joined the meeting during the question and answer session.]

Deliberation Session

18. The Chairman recapitulated that the Board had thoroughly considered similar proposals in the consideration of the Rs/Cs/FRs on the proposed amendments to the draft OZP No. S/H10/18 in 2020 and the Board agreed not to uphold the Rs and FRs. To ensure an integrated and compatible layout for the Project, the Board agreed in the hearings that the HKCMCL would be required to submit a LP for the Project for the approval of the Board.

19. At the Chairman's invitation, Mr Albert K.L. Cheung, Assistant Director (Regional 1) (AD/R1), LandsD, said that whilst the Park was not within the boundary of the proposed land grant for the Project, HKCMCL was required to submit landscaping plans for LandsD's approval in respect of the Park under the proposed land grant. The Chairman supplemented that the submissions received would be subject to the scrutiny of relevant government departments including PlanD on urban design and landscape aspects and the

Leisure and Cultural Services Department on design and provision of facilities aspects of the Park. As from the lease enforcement perspective, Mr Albert K.L. Cheung said that given that HKCMCL was wholly owned by the Government, it was unlikely that HKCMCL would be in breach of the lease requirements.

20. In response to a Member's enquiry, Mr Albert K.L. Cheung, AD/R1, LandsD, said that the maintenance of the Park would be at the cost of HKCMCL.

21. A Member expressed concern on the current arrangement of the landing steps which might not be user-friendly and considered that HKCMCL should review such arrangement together with the enhancement of the Park comprehensively after taking into account the public views and aspirations. Some Members considered it undesirable to include 'Pier' use under Column 1 as proposed under application No. Y/H10/10 as the management and maintenance issues of the proposed pier was uncertain at the current stage, and the applicant had not submitted any justifications nor technical assessments to demonstrate the feasibility of having a 'Pier' at the application site. The provision of a pier at the waterfront should be subject to the consideration of the Board under the planning application mechanism and thus the provision under the current "O" zone was considered appropriate.

22. Noting that the development of open space (including promenade or walking trail) was always permitted within the OZP despite that the concerned areas were mainly zoned "G/IC" and "O", some Members were of the view that it was unnecessary to rezone the application sites to "OU(Promenade)" as proposed by the applicant under applications No. Y/H10/11 and 12 and rezoning the application sites would pre-empt the possible design/features of any future waterfront development.

23. Some Members considered that submission of similar proposals under s.12A mechanism for the Committee's consideration within a short period of time after the approval of the draft OZP No. S/H10/18 was undesirable as the Board had given due consideration to the representers/commenters/further representers' views on waterfront connectivity along the coastal area of Pok Fu Lam in the hearings. Given there was no change in planning circumstances since the approval of the OZP, there was no reason to deviate from the Board's previous decision.

24. While not supporting the three applications, some Members indicated support for the promotion of an attractive and vibrant waterfront in Pok Fu Lam and the applicant's vision for the provision of a continuous waterfront around Hong Kong Island for public enjoyment and looked forward to realisation of such vision. Those Members also considered that relevant government departments should take the lead in exploring the developments of an attractive and vibrant waterfront and enhancement of waterfront connectivity in Pok Fu Lam.

25. The Chairman concluded that Members generally considered that the three applications could not be supported as the current zonings were appropriate and there was no strong justification to support the rezoning proposals. With regard to some Members' concern on the current opening arrangements of the landing steps to the public and its integration with the future design of the Park, such views could be relayed to HKCMCL for its consideration in the enhancement of the Park development. As for the applicant's vision of enhancing the waterfront connectively in Pok Fu Lam which was supported by Members, it should be noted that such intention had already been reflected in the ES of the OZP. Moreover, noting that there were some parts of the coastal area that were not currently accessible to the public, the DEVB could be requested to explore the possibility of linking up the coastal area so as to enhance pedestrian connectivity. Members agreed to the Chairman's suggestions.

[Mr Stanley T.S. Choi left the meeting during deliberation.]

26. After deliberation, the Committee decided not to agree to the applications for the following reasons:

Application No. Y/H10/10

- “(a) the “Open Space” (“O”) zone is considered appropriate to reflect the planning intention of the site as public open space; and
- (b) there is no planning justification for the inclusion of ‘Pier’ use as a Column 1 use and for the incorporation of the submission of a master layout plan or a

landscape design proposal in the Notes of the proposed “O(1)” zone.”

Applications No. Y/H10/11 and 12

- “(a) the current zonings of part of the application sites have already allowed for the provision of a waterfront promenade; and
- (b) there is no strong planning justification for extending the Outline Zoning Plan boundary”

[Dr Frankie W.C. Yeung, Professor T.S. Liu and Mr Alex T.H. Lai left the meeting at this point.]

Kowloon District

Agenda Item 6

Section 12A Application

[Open Meeting]

Y/K10/4 Application for Amendment to the Draft Ma Tau Kok Outline Zoning Plan No. S/K10/25, To amend the building height restriction on a “Government, Institution or Community” site from 3 storeys to 45 metres above Principal Datum, 40 Lung Kong Road, Kowloon City, Kowloon
(MPC Paper No. Y/K10/4A)

27. The Secretary reported that the application site was located in Ma Tau Kok and Mr C.H. Tse had declared an interest on the item for his close relative owning a property in Ma Tau Kok.

28. The Committee noted that applicant had requested deferral of consideration of the application and Mr C.H. Tse had tendered an apology for being unable to attend the meeting.

29. The Committee noted that the applicant’s representative requested on 3.6.2021 deferment of consideration of the application for one month so as to allow more time to

prepare further information to address departmental comments including those from the Social Welfare Department. It was the second time that the applicant requested deferment of the application. Since the last deferment, the applicant had submitted further information to address departmental comments.

30. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of further information. Since it was the second deferment and a total of three months had been allowed for preparation of the submission of further information, no further deferment would be granted unless under very special circumstances.

Tsuen Wan and West Kowloon District

Agenda Item 7

[Open Meeting (Presentation and Question Sessions only)]

Proposed Amendments to the Approved Tsing Yi Outline Zoning Plan (OZP) No. S/TY/30
(MPC Paper No.5/21)

31. The Secretary reported that the amendment item involved a public housing development to be developed by the Hong Kong Housing Authority (HKHA) which was supported by an Engineering Feasibility Study (EFS) conducted by the Civil Engineering and Development Department (CEDD) with WSP (Asia) Limited (WSP) as one of the consultants of the EFS. The following Members had declared interests on the item:

Mr Gavin C.T. Tse (as <i>Chief Engineer (Works)</i>),	-	being a representative of the Director of Home Affairs who was a member of the
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Home Affairs Department)

Strategic Planning Committee and Subsidised Housing Committee of the HKHA;

- Mr Alex T.H. Lai - his former firm had business dealings with HKHA and WSP;
- Mr Thomas O.S. Ho - having current business dealings with HKHA;
- Dr Lawrence W.C. Poon - his spouse being an employee of the Housing Department (HD) (the executive arm of HKHA), but not involved in planning work;
- Mr Franklin Yu - being a member of Building Committee of HKHA; and
- Mr Daniel K.S. Lau - being an ex-employee of the Hong Kong Housing Society which was involved in housing development issues in discussion with HD (the executive arm of HKHA).

32. The Committee noted that according to the procedure and practice adopted by the Town Planning Board (the Board), as the proposed amendment for public housing development was the subject of amendment to the outline zoning plan (OZP) proposed by the Planning Department (PlanD), the interests of Members in relation to HKHA on the item only needed to be recorded and they could stay in the meeting. The Committee noted that Mr Thomas O.S. Ho had tendered an apology for being unable to attend the meeting and Mr Alex T.H. Lai had already left the meeting.

33. The following representatives from PlanD, CEDD, HD, and the consultants were invited to the meeting at this point:

PlanD

Mr Derek P.K. Tse - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK)

Mr Stephen C.Y. Chan - Senior Town Planner/Tsuen Wan and West Kowloon District (STP/TWK)

Ms Apple W.C. Lau - Town Planner/Tsuen Wan and West Kowloon

CEDD

Mr Leung Chi Foon - Chief Engineer/Special Duties (Works) (CE/SD(Works))

Mr Pierre S.W. Wong - Senior Engineer 1/Special Duties (Works)

HD

Ms Canetti P.S. Yu - Senior Town Planner/6

Mr Garret K.Y. Hong - Senior Architect/3 (Acting)

Consultants

Mr Calvin C.W. Li] WSP

Ms Pamela B.Y. Lui]

Presentation and Question Sessions

34. With the aid of a PowerPoint presentation, Mr Stephen C.Y. Chan, STP/TWK, presented the proposed amendments as detailed in the Paper and covered the following main points:

Background

- (a) to meet the pressing need for housing land supply, the Government had been carrying out various land use reviews, including “Green Belt” (“GB”) sites. A site to the west of Tsing Yi Road West (the Site) with a sloping terrain was identified for public housing development;

The Rezoning Proposal

- (b) taking into account the policy directive for intensification of the maximum plot ratio (PR) for public housing sites (i.e. up to 30% increase in total), the site context and the results of the EFS, it was proposed to rezone the Site (about 2.73 ha) from “GB” to “Residential (Group A) 5” (“R(A)5”) subject to a maximum PR and building height (BH) of 6.7 and 220mPD respectively, providing about 3,800 units and other ancillary and government, institution and community (GIC) facilities;

Technical Assessments

- (c) the EFS conducted by CEDD covered various technical aspects, which confirmed that the proposed public housing development was technically feasible with no insurmountable technical problem with implementation of the appropriate mitigation measures;

Provision of GIC Facilities and Open Space

- (d) taking into account the proposed development under Amendment Item A, the existing and planned provision of GIC facilities and open space were generally adequate to meet the demand of the overall planned population of Tsing Yi Planning Area in accordance with the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG);
- (e) according to the HKPSG, there would be shortfalls in the provision of hospital beds, residential care homes for the elderly, community care services facilities and child care centres. As for hospitals, the assessment of the overall provision was based on a hospital cluster, and a number of hospital redevelopment projects were planned under the First and Second Ten-year Hospital Development Plans. GIC facilities would be provided

in the proposed development. The actual provision of social welfare facilities would be subject to the consideration of the Social Welfare Department in the planning and development process, as appropriate;

Departmental Comments

- (f) relevant government bureaux and departments had no objection to or no adverse comment on the proposed OZP amendments;

Consultation

- (g) the Kwai Tsing District Council (K&TDC) was consulted on 11.5.2021 regarding the EFS. While K&TDC members in general did not object to the provision of more public rental housing units, they considered that the proposed development was not acceptable and expressed concerns on the proposed location, excessive development intensity, adverse traffic and ecological impacts, inadequate provision of open space, GIC and retail facilities in the proposed development and uncertainty on the type of public housing to be provided, etc.. K&TDC also passed a motion that the proposed development should be suspended or an alternative site be identified unless the proposal had been suitably refined on various technical aspects. During consultation with K&TDC, a letter from the Owners' Committee of Mount Haven expressing objection to the proposed development was also received; and
- (h) in response to the motion passed by K&TDC, a letter was issued by the Secretary for Development on 4.6.2021 to further explain the need for the rezoning and provide detailed responses to the concerns raised.

35. As the presentation by PlanD's representative had been completed, the Chairman invited questions from Members.

36. The Chairman and some Members raised the following questions:

- (a) noting that the Site fell within the "GB" zone and K&TDC had expressed that alternative location, such as brownfield sites and the Tsing Yi North

Area should be considered, whether the Government had considered alternative sites for public housing developments in Tsing Yi;

- (b) noting that the southern part of the Site fell within the consultation zone of an oil depot, i.e. Shell Tsing Yi Installation, which was a Potentially Hazardous Installation (PHI) located to the further southwest of the Site, whether developments within the consultation zone should be permitted or not;
- (c) the findings of the Hazard Assessment (HA) conducted and mitigation measures proposed on the potential risk to the public housing development;
- (d) whether the existing watercourses would be affected by the proposed public housing development, and if so, how the diversion of watercourse would be undertaken and whether there was any successful precedent case;
- (e) what factors had been taken into consideration in deciding on the 10m-wide buffer zone; and
- (f) whether the Site was of high conservation value.

37. In response, Mr Derek P.K. Tse, DPO/TWK, PlanD, Mr Leung Chi Foon, CE/SD(Works), CEDD, and Mr Calvin C.W. Li, WSP, made the following main points:

- (a) the Government had adopted a multi-pronged approach in identifying suitable sites for residential development, including reviews on “GB” sites. The first stage of “GB” review mainly covered “GB” areas which were formed, deserted or devegetated while the second stage covered “GB” zones in the fringe of built-up areas close to existing urban areas and new towns, and those vegetated areas with relatively less buffering effect and lower conservation value. The Site was identified at the second stage of “GB” review. A few sites in Tsing Yi previously identified suitable for residential development had been rezoned and proceeded to various stages of development. Two possible sites in the vicinity of Kwai Tsing

Container Terminals had been explored but they were considered not suitable for residential development given the land use incompatibility due to the operation of the container terminal. While the northeastern part of the coastal area of Tsing Yi North was mainly residential in nature, the remaining coastal area was generally intended for boatyard and marine-oriented industrial uses requiring waterfrontage and had already been used for some existing shipbuilding and repairing activities, and thus, not considered suitable for residential use;

- (b) the consultation zone of PHIs was specified to require the assessment of the associated risks. HAs were required for developments within the consultation zone of PHIs (i.e. up to 1,000m) to ensure that the associated risks were controlled within an acceptable level. Delineation of the consultation zone was not meant to rule out any development in the area. Moreover, other completed residential developments within the same consultation zone such as Ching Wah Court to the southeast of the Site could also be found;
- (c) the HA for the Site concluded that the individual risk criteria would not exceed 1 in 100,000 per year which complied with the Hong Kong Risk Guidelines as outlined in the HKPSG whereas the societal risks were within the level of “As Low As Reasonably Practicable”. The HA had been submitted to the Co-ordinating Committee on Land-use Planning and Control Relating to Potentially Hazardous Installations in December 2020 for its consideration. Relevant government departments had no in-principle objection to the HA. No mitigation measure was required as the individual risk criteria and societal risks were in compliance with the Hong Kong Risk Guidelines;
- (d) a watercourse running across the Site from a south to north direction would be affected and diversion of the watercourse was required for the development. According to the Preliminary Environmental Review, two freshwater crab species worthy of conservation, namely *Nanhaipotamon hongkongense* and *Cryptopotamon anacoluthon*, were recorded in the

watercourse and proposed to be translocated to the upper course of the diverted watercourse to mitigate the potential ecological impact arising from the diversion works. Opportunities would be taken to revitalise the diverted watercourse with incorporation of ecological elements, such as microhabitats in the diverted watercourse to enhance biodiversity and ecological functions. Appropriate construction methods and interface treatments by an authorised person would be carried out before the construction of the proposed public housing development. Similar stream diversions and translocations of aquatic species of conservation worthiness could be found in other government projects such as the public housing development at Pik Wan Road. Every effort would be made to mitigate the ecological impacts that might be caused by the proposed public housing development;

- (e) in devising a 10m-wide buffer zone alongside the diverted watercourse, CEDD had consulted the Agriculture, Fisheries and Conservation Department which considered that a buffer zone of such width would be sufficient to mitigate the potential indirect impact of human activities from the proposed development; and
- (f) according to the Preliminary Landscape and Visual Impact Assessment on the Site, four immature *Aquilaria sinensis*, which were proposed to be transplanted, had been identified at the northeastern portion of the Site. The other trees identified were common species of lower conservation value. The two freshwater crab species recorded, namely *Nanhaipotamon hongkongense* and *Cryptopotamon anacoluthon*, were worthy of conservation.

38. After deliberation, the Committee decided to:

- (a) agree to the proposed amendment to the approved Tsing Yi OZP No. S/TY/30 and that the draft Tsing Yi OZP No. S/TY/30A at Attachment II (to be renumbered to S/TY/31 upon exhibition) and its Notes at Attachment III are suitable for exhibition under section 5 of the Town Planning

Ordinance; and

- (b) adopt the revised ES at Attachment IV for the draft Tsing Yi OZP No. S/TY/30A as an expression of the planning intentions and objectives of the Board for various land use zonings of the OZP and that the revised ES will be published together with the OZP.

39. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before their publication under the Town Planning Ordinance. Any major revision would be submitted for the Board's consideration.

[The Chairman thanked the government representatives and the consultants for their attendance to answer Members' enquiries. They left the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

A/KC/473 Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Information Technology and Telecommunications Industries (Proposed Data Centre Development) in "Other Specified Uses" annotated "Business" Zone, 2-10 Tai Yuen Street, Kwai Chung
(MPC Paper No. A/KC/473B)

40. The Secretary reported that Ove Arup & Partners Hong Kong Limited (ARUP) was the consultant of the applicant. The following Members had declared interests on the item:

- | | | |
|-------------------|---|--|
| Mr Alex T.H. Lai | - | his former firm had business dealings with ARUP; |
| Mr Thomas O.S. Ho | - | having current business dealings with ARUP; and |

Mr Franklin Yu - his firm having current business dealings with ARUP.

41. The Committee noted that Mr Thomas O.S. Ho had tendered an apology for being unable to attend the meeting and Mr Alex T.H. Lai had already left the meeting. As Mr Franklin Yu had no involvement in the application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

42. With the aid of a PowerPoint presentation, Mr Stephen C.Y. Chan, STP/TWK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed minor relaxation of plot ratio (PR) restriction for permitted information technology and telecommunications industries (data centre development);
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication periods, a total of 61 public comments were received, including one supporting comment from an individual, 27 objecting comments from local organisations and individuals and 33 comments from a member of the Legislative Council and individuals providing comments/expressing concerns on the application. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed use was in line with the planning intention of the “Other Specified Uses” annotated “Business” zone. The Development Bureau gave policy support to the application under the Government’s new policy

on revitalising pre-1987 industrial buildings (IBs) (the Policy) while noting that the proposed minor relaxation of PR restriction of 20% was based on the PR of the existing building of 9.75 which already exceeded the maximum PR of 9.5 as specified on the Outline Zoning Plan (OZP). The Innovation and Technology Bureau considered that the proposed development would help address the growing demand for data centres. The proposed development would provide various planning and design merits including a 2m full-height voluntary setback along Kwok Shui Road and Tai Yuen Street with featured paving and landscape treatments at the building's low zone and the provision of glass canopy at the building entrance. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD considered that the proposed design measures might promote visual interest and improve pedestrian environment. Other concerned government departments had no objection to or no adverse comment on the application. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

43. Some Members raised the following questions:
- (a) the pedestrian connection to the application site (the Site);
 - (b) noting that there seemed to be no residential development in the vicinity of the Site, whether the proposed development would cause potential noise pollution on the surrounding developments as indicated by some opposing public comments;
 - (c) the location of the closest residential development to the Site;
 - (d) whether the construction of the proposed development would generate adverse impacts on the proposed Residential Care Home for the Elderly (RCHE) development to the south of the Site under application No. Y/KC/15 which was partially agreed by the Committee on 23.10.2020;

- (e) details of the proposed voluntary full-height setback;
- (f) whether plantings would be provided on the pavements abutting the Site;
and
- (g) potential impacts of the proposed Ring Main Units (RMUs) on the pedestrian environment; and
- (h) the time limit for owners of IBs to submit planning applications for minor relaxation of PR restriction.

44. In response, Mr Stephen C.Y. Chan, STP/TWK, made the following main points:

- (a) the Site was accessible from MTR Kwai Hing Station via Kwai Chung Road and MTR Tai Wo Hau Station via Kwok Shui Road, both of which were about a 15 minutes' walk. Pedestrian crossings were located near the junctions at Kwok Shui Road/Lei Muk Road as well as Kwok Shui Road/Cheung Wing Road near Tung Chun Soy and Canning Company. There was no pedestrian crossing facility along Tai Yuen Street abutting the Site;
- (b) to the west of the Site was Tung Chun Soy and Canning Company. A s.16 application (No. A/KC/444) for a comprehensive residential and commercial development with minor relaxation of building height restriction was approved with conditions by the Committee on 22.3.2019 but the approved scheme was yet to commence. Potential noise impact on the planned residential development might be caused by the proposed development. In that regard, an approval condition on the submission of a Noise Impact Assessment and the implementation of the noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection was recommended should the application be approved by the Committee. In addition, the Environmental Protection Department (EPD) had promulgated relevant guidelines, including the Technical Memorandum for the Assessment of Noise from Places Other

Than Domestic Premises, Public Places, and Construction Sites and Good Practices on Ventilation System Noise Control to determine whether the noise generated from the proposed development had complied with the relevant requirements;

- (c) there were two areas to the south and southwest of the Site currently zoned “Residential (Group A)” and a public housing development to the northeast of the Site, namely Shek Yam Estate;
- (d) currently the concerned site for RCHE development was mainly occupied by vacant buildings and structures. The draft Kwai Chung Outline Zoning Plan (OZP) currently in force was subject to an on-going Judicial Review (JR) proceedings and the Court had ordered an interim stay of submission of the OZP to the Chief Executive in Council. Upon completion of the JR proceedings, the Town Planning Board would incorporate the proposed amendments approved under the s.12A application into the OZP and the draft plan incorporating the amendments would be subject to the statutory plan making procedures under the Town Planning Ordinance (the Ordinance). After completion of the statutory plan-making procedures, a planning application under s.16 of the Ordinance would be required for the proposed RCHE development. Given the above and known programme, the proposed development would likely be completed before implementation of the proposed RCHE;
- (e) the proposed development would incorporate a 2m voluntary full-height setback from the lot boundary abutting Kwok Shui Road and Tai Yuen Street. With the proposed setback, the pedestrian footpaths along Kwok Shui Road and Tai Yuen Street would be widened to no less than about 3.7m and 5.1m respectively;
- (f) landscape treatments including groundcovers, shrubs and tree along the building facade, vertical greening on the facades of G/F to 2/F fronting Tai Yuen Street, as well as rooftop greening on 1/F, 2/F and R/F, were proposed. According to the applicant, the possibility of providing

additional tree planting on ground level had been explored. However, taking into account the site constraints on the ground level such as the essential plant room arrangement for operation of the China Light and Power Company's substation, parking and loading/unloading requirements for heavy goods vehicles, retaining structure for basement and enclosure of underground fuel tanks with inadequate soil depth for tree planting, additional planting on the ground level was considered not feasible by the applicant. Moreover, associated transformer bay and RMUs would be placed on the ground floor facing Kwok Shui Road and in turn would reduce the coverage of greenery on the pedestrian level. Appropriate advisory clauses were also recommended by CTP/UD&L, PlanD, advising the applicant to enhance the landscape treatments as far as possible;

- (g) no detailed information relating to the operation of RMUs was provided by the applicant. However, it was understood that the operational and ventilation requirements for the transformer bays/RMUs placed on G/F had reduced the opportunities for more greening; and
- (h) planning applications for minor relaxation of PR for redevelopment of IB should be submitted on or before 10.10.2021 (i.e. three years from the effective date of the Policy).

Deliberation Session

45. Members generally had no objection to the application. A Member, whilst noting the pedestrian access to the Site, raised concern on the impacts on the pedestrian environment and comfort caused by the exhaust fans of the RMUs fronting Kwok Shui Road. In that connection, Members noted that the proposed development should comply with the relevant requirements of EPD. To address the Member's concern, the Chairman proposed and the Committee agreed that an advisory clause regarding the enhancement of the pedestrian environment should be added.

46. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission

should be valid until 11.6.2025, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the design and provision of parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the design and implementation of traffic measures as proposed by the applicant at his own cost prior to occupation of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of a noise impact assessment and the implementation of the noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the submission of an updated sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the implementation of the local sewerage upgrading/sewerage connection works identified in the updated sewerage impact assessment in condition (d) above to the satisfaction of the Director of Drainage Services or of the TPB;
and
- (f) the submission of land contamination assessments in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to development of the site to the satisfaction of the Director of Environmental Protection or of the TPB.”

47. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper and the following additional advisory clause:

“to explore the possibility to enhance the pedestrian environment and comfort along the site frontages, particularly along Kwok Shui Road.”

[The Chairman thanked Mr Stephen C.Y. Chan, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

[Mr Clement C.M. Miu, Senior Town Planner/Tsuen Wan and West Kowloon District (STP/TWK), was invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

A/K3/592 Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Non-Polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods) in "Other Specified Uses" annotated "Business" Zone, 71-75 Bedford Road, Tai Kok Tsui, Kowloon
(MPC Paper No. A/K3/592)

48. The Secretary reported that application site was located at Bedford Road, Mong Kok and KTA Planning Limited (KTA) was one of the consultants of the applicant. The following Members had declared interests on the item:

- | | | |
|--------------------|---|---|
| Mr Daniel K.S. Lau | - | being an ex-employee of the Hong Kong Housing Society which had business dealings with KTA; |
| Mr C.H. Tse | - | owning a property in Mong Kok; and |
| Mr Gavin C.T. Tse | - | close relative owning a property in Bedford Road, Mong Kok. |

49. The Committee noted that Mr C.H. Tse had tendered an apology for being unable to attend the meeting. As the interest of Mr Daniel K.S. Lau was indirect and the property owned by Mr Gavin C.T. Tse's close relative had no direct view of the application site, the

Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

50. With the aid of a PowerPoint presentation, Mr Clement C.M. Miu, STP/TWK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed minor relaxation of plot ratio (PR) restriction for permitted non-polluting industrial use (excluding industrial undertakings involving the use/storage of dangerous goods);
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, one objecting comment from an individual was received. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed use was in line with the planning intention of the “Other Specified Uses” annotated “Business” zone. The Development Bureau gave policy support to the application. The proposed minor relaxation of PR restriction from 12 to 14.4 (+20%) was in line with the policy on revitalisation of pre-1987 industrial buildings (IB). The proposed development would provide various planning and design merits including voluntary full-height building setback from the lot boundaries along Bedford Road and Walnut Street, building setback on upper floors (i.e. 11/F to 21/F), vertical greening and canopy structure at the main entrance fronting Walnut Street. The Chief Town Planner/Urban Design and Landscape, PlanD considered that the proposed setback and landscape features might promote pedestrian comfort and visual interest. Other concerned government departments had no objection to or no adverse

comment on the application. Regarding the public comment received, the comments of government departments and planning assessments above were relevant.

51. Two Members raised the following questions:

- (a) whether the canopy proposed at the entrance fronting Walnut Street could be further extended, having noted that the existing IB in the Site had a more extensive canopy; and
- (b) whether the canopy could be exempted from site coverage (SC) calculation.

52. In response, Mr Clement C.M. Miu, STP/TWK, made the following main points:

- (a) according to the applicant, the proposed setback area should be provided without any permanent building structures other than the landscaped features and perforated boundary wall as set out under the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers No. 132 (PNAP APP-132). Further extension of the canopy would exceed the maximum permitted SC allowed under PNAP APP-132 (i.e. 91% for building height (BH) below 25m); and
- (b) according to PNAP APP-132, canopy should be included in the SC calculation for the proposed development. That said, the applicant could apply for SC concession at the building plan submission stage and the Building Authority (BA) would consider the application on a case by case basis.

Deliberation Session

53. The Committee noted that according to the applicant, the proposed development was designed in accordance with PNAP APP-132 with SC for BH below 25m limited to not more than 91%.

54. In response to a Member's enquiry on SC concession, the Chairman said that application for SC concession would only be considered by the BA at the building plan submission stage. Meanwhile, the applicant had submitted a more conservative design of the proposed canopy. Further enhancement might be proposed at the detailed design stage.

55. A Member recalled that during the consideration of a similar application (No. A/TW/521) on 14.5.2021, as per the Buildings Department's advice, the proposed canopy on 1/F if projecting not more than 2m "above the main entrance of the building" might not be counted for SC and PR calculations subject to the requirements under PNAP APP-19. Such exemption was applicable to canopies within the lot boundaries. The Member said that the applicant should make reference to that advice when drawing up the detailed design of the proposed canopy.

56. The Chairman concluded that Members generally considered that the application could be supported. That said, some Members considered that there might be room to extend the canopy to cover the whole building frontage along Bedford Road and Walnut Street so as to promote pedestrian comfort. To address Members' concern, the Chairman proposed and the Committee agreed that a suitable advisory clause should be added.

57. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 11.6.2025, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the design and provision of internal transport facilities and vehicular access arrangement for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission of a land contamination assessment in accordance with the prevailing guidelines and the implementation of the remedial measures identified therein prior to development of the site to the satisfaction of the Director of Environmental Protection or of the TPB.”

58. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper and the following additional advisory clause:

“to explore the possibility to extend the canopy to cover the whole building frontage along Bedford Road and Walnut Street.”

[The Chairman thanked Mr Clement C.M. Miu, STP/TWK, for his attendance to answer Members’ enquiries. He left the meeting at this point.]

Hong Kong District

[Mr Rico W.K. Tsang, Senior Town Planner/Hong Kong District (STP/HK), was invited to the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

A/H18/85 Proposed School within “Government, Institution or Community (2)”, “Government, Institution or Community (4)” and “Green Belt” Zones, and Proposed Minor Relaxation of Building Height Restriction within “Government, Institution or Community (4)” Zone, Two sites adjacent to Hong Kong International School at 700 Tai Tam Reservoir Road, Tai Tam, Hong Kong
(MPC Paper No. A/H18/85A)

59. The Secretary reported that AECOM Asia Company Limited (AECOM), Ove Arup & Partners Hong Kong Limited (ARUP) and WSP (Asia) Limited (WSP) were three of the consultants of the applicant. The following Members had declared interests on the item:

Mr Alex T.H. Lai - his former firm had business dealings with ARUP and WSP;

Mr Thomas O.S. Ho - having current business dealings with AECOM and ARUP; and

Mr Franklin Yu - his firm having current business dealings with ARUP.

60. The Committee noted that Mr Thomas O.S. Ho had tendered an apology for being unable to attend the meeting and Mr Alex T.H. Lai had already left the meeting. As Mr Franklin Yu had no involvement in the application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

61. With the aid of a PowerPoint presentation, Mr Rico W.K. Tsang, STP/HK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed school with minor relaxation of building height (BH) restriction;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication periods, a total of 71 public comments were received, with 66 supporting comments (including 54 in standard format) from individuals and five objecting comments from a Southern District Council member and individuals. Major views were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The two proposed school buildings fell entirely within the “Government, Institution or Community (2)” (“G/IC(2)”), “G/IC(3)” and “G/IC(4)” zones (with about 55m² or 0.6% of total site area encroaching onto the “Green

Belt” zone for vehicular access). The proposed use was in line with the planning intention of the “G/IC” zone. The Secretary for Education gave policy support to the proposed school development. The proposed minor relaxation of BH restriction would not induce significant visual impact on the surrounding areas. To mitigate the potential visual impacts, various mitigation measures were proposed. As compared with the previously approved scheme (application No. A/H18/64), while the proposed gross floor area had increased, the building bulk of the proposed development was largely kept intact. Concerned government departments had no objection to or no adverse comment on the application. To address the technical concerns/requirements of relevant government departments, appropriate approval conditions were recommended. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

62. Members had no question on the application.

Deliberation Session

63. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 11.6.2025, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the design and provision of the vehicular access and internal transport facilities of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of a traffic management plan to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB;

- (d) the submission of a revised noise impact assessment and implementation of the recommendations identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the submission of a drainage impact assessment and implementation of the drainage improvement works identified therein to the satisfaction of the Director of Drainage Services or of the TPB; and
- (f) the implementation of the local sewerage upgrading/sewerage connection works identified in the sewerage impact assessment to the satisfaction of the Director of Drainage Services or of the TPB.”

64. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix IV of the Paper.

[The Chairman thanked Mr Rico W.K. Tsang, STP/HK, for his attendance to answer Members’ enquiries. He left the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting]

A/H19/81 Proposed Public Utility Installation (Submarine Cable Landing Ducts and Beach Manholes Only) in “Coastal Protection Area” Zone, Two Strips of Government Land adjacent to RBL 1158, Chung Hom Kok, Hong Kong
(MPC Paper No. A/H19/81)

65. The Secretary reported that Urbis Limited (Urbis) was one of the consultants of the applicant and the following Members had declared interests on the item:

Mr Alex T.H. Lai - his former firm had business dealings with Urbis; and

Mr Thomas O.S. Ho - having current business dealings with Urbis.

66. The Committee noted that the applicant had requested deferment of consideration of the application, and Mr Thomas O.S. Ho had tendered an apology for being unable to attend the meeting and Mr Alex T.H. Lai had already left the meeting.

67. The Committee noted that the applicant's representative requested on 21.5.2021 deferment of consideration of the application for two months so as to allow more time to prepare further information to address departmental and public comments. It was the first time that the applicant requested deferment of the application.

68. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Kowloon District

Agenda Item 12

Section 16 Application

[Open Meeting]

A/K10/269 Proposed Flat, Shop and Services and Eating Place in “Residential (Group E)” Zone, 21 Yuk Yat Street, To Kwa Wan, Kowloon
(MPC Paper No. A/K10/269)

69. The Secretary reported that application site was located in Ma Tau Kok and Mr C.H. Tse had declared an interest on the item for his close relative owning a property in Ma Tau Kok.

70. The Committee noted that the applicant had requested deferment of consideration of the application and Mr C.H. Tse had tendered an apology for being unable to attend the meeting.

71. The Committee noted that the applicant’s representative requested on 31.5.2021 deferment of consideration of the application for two months so as to allow more time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

72. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 13

Section 16 Application

[Open Meeting]

A/K15/128 Proposed Social Welfare Facility (Residential Care Home for the Elderly) in “Village Type Development” Zone, G/F at Lots 729 S.A RP (Part) and 729 RP (Part) in S.D. 3 and Adjoining Government Land, Lei Yue Mun, Kowloon
(MPC Paper No. A/K15/128)

73. The Secretary reported that Fotton ELA Architects Limited (Fotton) was the consultant of the applicant and Mr Alex T.H. Lai had declared an interest on the item as his former firm had business dealings with Fotton.

74. The Committee noted that the applicant had requested deferment of consideration of the application and Mr Alex T.H. Lai had already left the meeting.

75. The Committee noted that the applicant’s representative requested on 24.5.2021 deferment of consideration of the application for two months so as to allow more time to prepare further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

76. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 14

Any Other Business

77. There being no other business, the meeting was closed at 1:35 p.m.