

TOWN PLANNING BOARD

Minutes of 694th Meeting of the Metro Planning Committee held at 9:00 a.m. on 6.5.2022

Present

Director of Planning
Mr Ivan M. K. Chung

Chairman

Mr Wilson Y.W. Fung

Vice-chairman

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor Jonathan W.C. Wong

Professor Roger C.K. Chan

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Ms Bernadette W.S. Tsui

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

Chief Engineer (Works), Home Affairs Department
Mr Paul Y.K. Au

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

Assistant Director (Regional 1),
Lands Department
Ms Trevina C.W. Kung

Deputy Director of Planning/District
Mr C.K. Yip

Secretary

Absent with Apology

Mr Ricky W.Y. Yu

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Johanna W.Y. Cheng

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 693rd MPC Meeting held on 22.4.2022

[Open Meeting]

2. The draft minutes of the 693rd MPC meeting held on 22.4.2022 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 Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H10/14 Application for Amendment to the Approved Pok Fu Lam Outline Zoning Plan No. S/H10/19, To rezone the application site from “Government, Institution or Community” to “Comprehensive Development Area” or “Residential (Group C) 7”, The Ebenezer School and Home for The Visually Impaired, 131 Pok Fu Lam Road, Pok Fu Lam, Hong Kong (RBL 136RP)
(MPC Paper No. Y/H10/14)

4. The Secretary reported that the application site (the Site) was in Pok Fu Lam and C M Wong & Associates Limited (CMWA) was one of the consultants of the applicant. The following Members had declared interests on the item:

Mr Ben S.S. Lui - co-owning with spouse a flat in Pok Fu Lam, his spouse owned a car parking space in Pok Fu Lam and being a director of a company which owned flats and car parking spaces in Pok Fu Lam;

Ms Bernadette W.S. Tsui - living in Pok Fu Lam; and

Mr Franklin Yu - having current business dealings with CMWA.

5. The Committee noted that Mr Franklin Yu had no involvement in the application and he had not yet joined the meeting. As the flat co-owned by Mr Ben S.S. Lui, the flats owned by his company and the residence of Ms Bernadette W.S. Tsui had no direct view of the Site, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

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

PlanD

Mr Mann M.H. Chow - District Planning Officer/Hong Kong
(DPO/HK)

Ms Erica S.M. Wong - Senior Town Planner/Hong Kong
(STP/HK)

Applicant's Representatives

The Ebenezer School and Home for the Visually Impaired Limited

Ms Alice Tak Fun Yuk

Ms Shirley Shuk Yi To

Mr Roger Anthony Nissim

Masterplan Limited

Mr Ian Brownlee

Ms Heather Sik Kiu Yuen

Ramboll Hong Kong Limited

Mr Ka Fai Chiu

Binnies Hong Kong Limited

Mr Hoi Chun Lam

Handi Architects Limited

Mr Chi Ho Ng

7. The Chairman extended a welcome and explained the procedure of the meeting. He then invited PlanD's representatives to brief Members on the background of the application.

8. With the aid of a PowerPoint presentation, Ms Erica S.M. Wong, STP/HK, briefed Members on the background of the application, the proposed rezoning, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. PlanD had no objection to the application and recommended the Committee to partially agree to the application to rezone the Site to “Residential (Group C)7” (“R(C)7”) with requirement for the submission of a layout plan to address the concerns of the Director of Environmental Protection (DEP) on environmental aspects.

[Mr Stanley T.S. Choi joined the meeting during the presentation of PlanD.]

9. The Chairman then invited the applicant’s representatives to elaborate on the application. Mr Ian Brownlee, Ms Alice Tak Fun Yuk, Ms Shirley Shuk Yi To, Mr Roger Anthony Nissim and Mr Ka Fai Chiu, the applicant’s representatives, made the following main points:

Background and Relocation of the Ebenezer School and Home for the Visually Impaired (the Ebenezer)

- (a) the Ebenezer was founded in 1897 and the Site had been occupied by the Ebenezer providing services to the visually impaired since 1930s. The lease governing the Site was virtually unrestricted. It was the applicant’s objective to provide improved services to the visually impaired of all ages, including rehabilitation and early intervention, on a long term basis. The existing school buildings were built over 60 years ago and in congested and dilapidated conditions. At present, more than 70% of the visually impaired students whom they served also had moderate to severe intellectual disability or were physically handicapped and there was an urgent need to upgrade their facilities and increase activity spaces. The purpose of the relocation was to provide modern and purpose-built facilities in a suitable location and to secure a source of funding to maintain and expand their services, especially those services such as early intervention and employment placement that were not funded/subsidised by the Government;

- (b) the Education Bureau (EDB) had no in-principle objection to the relocation of the Ebenezer but as the relocation plan was initiated by the applicant, the Government would not provide a school site for the relocation (paragraph 9.1.1 of the Paper). The applicant had to bear the full cost of the proposed relocation, including but not limited to building cost, removal cost, furniture and equipment cost of standard and above-standard provisions;

- (c) since 2007, the applicant had submitted rezoning applications for a residential development on the Site that were rejected by the Committee mainly on the grounds of excessive development intensity for the earlier application and as a relocation site was unavailable, the continuous provision of services to the visually impaired could not be ascertained. The development intensity under the current application (a maximum plot ratio (PR) of 1.9 and maximum building height (BH) of 151mPD) was the same as that of the existing buildings and in accordance with the development parameters in the latest previous application No. Y/H10/5 in 2011, which was agreeable in-principle to the Committee but the Committee had concern as no relocation site had been identified for continuing the existing services provided by the applicant. After more than 10 years of site search, a private developer had offered a relocation site in Tung Chung (Tung Chung Site) in exchange for the Site. Application for in-situ land exchange and general building plan (GBP) had been submitted and there was certainty in the implementation of the new facilities for the Ebenezer on the Tung Chung Site. An Agreement for Exchange between the applicant and the developer was made with conditions including, inter alia, satisfactory completion of the new facilities with relevant government licences issued before relocation of all existing services at the Site;

- (d) in terms of land administration, District Lands Officers of the Lands Department (LandsD) advised that (paragraphs 9.1.4 and 9.1.5 of the Paper) the lease governing the Site was a virtually unrestricted one and lease modification from LandsD to implement the proposed residential use was

not required. The in-situ land exchange application for the Tung Chung Site was being processed by LandsD in consultation with the concerned bureaux/departments. The applicant was working closely with the developer with the aim to providing continuous educational and social welfare services for the visually impaired in the Tung Chung Site;

- (e) the Tung Chung Site was much better than the Site in terms of accessibility being close to the planned MTR Tung Chung West Station, having more space for outdoor activities and recreational facilities;

Environmental and Sewerage Aspects

- (f) the proposed development at the Site would be a high-end residential development with only 83 units, and the developer would ensure a high quality living environment for future residents. Therefore, all the potential impacts of traffic noise, air quality and sewerage would be properly addressed by the developer and the technical assessments submitted had demonstrated that there would be no insurmountable technical problems;
- (g) DEP's indication that there was no mechanism to ensure proper design and measures on mitigation of environmental impact be implemented for the proposed development was inaccurate. Whilst DEP was of the view that the future residential development might be subject to potential traffic noise and air quality impacts by vehicular emissions from Pok Fu Lam Road, appropriate mitigation measures were proposed to address the impacts, including (i) a 20m-wide buffer distance between the building blocks and Pok Fu Lam Road, which was in compliance with the requirement under the Hong Kong Planning Standards and Guidelines (HKPSG); and (ii) single aspect building design to minimise the angle of view from the residential units to Pok Fu Lam Road. These mitigation measures were not uncommon and thus difficulty in implementing these measures was not anticipated;
- (h) as for the sewerage aspect, according to the submitted sewerage impact

assessment (SIA), the estimated sewage generated from the proposed residential development was about 126.3m³ per day and the peak flow increase was less than 1% of the capacity of the Preliminary Treatment Works in Sandy Bay. Having taken into account the sewage generated by the planned developments in the area, there would still be about 54% of the public sewer capacity available for future developments, including the proposed residential development on the Site. No adverse sewerage impact was anticipated and DEP and the Drainage Services Department (DSD) had no adverse comment or objection to the SIA. In addition, under the Buildings Ordinance, drainage plans had to be submitted for the Building Authority's approval before commencement of any building works. The drainage plans submitted would also be referred to the Environmental Protection Department (EPD) and DSD for comments;

- (i) while appreciating that PlanD had no in-principle objection to rezoning the Site to "R(C)7", the applicant considered that the requirement for submission of a layout plan to address the concerns of DEP on the potential impacts of traffic noise, air quality and sewerage was unnecessary as there was existing mechanism to scrutinise private development projects as explained above. The multiple vetting might prolong the development process of the proposed residential development for 12 to 18 months, which contradicted the Government's initiative for streamlining development process; and

Conclusion

- (j) the relocation of the Ebenezer was much-needed for the visually impaired community and the Site was suitable for residential development with no adverse impact. To avoid slowing down the completion of the relocation plan, the Committee was requested to rezone the Site to "R(C)7" without the requirement for submission of a layout plan through s.16 planning application.

[Mr Franklin Yu joined the meeting during the presentation of the applicant's representatives]

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

The Proposal and Local Context of the Site

11. The Chairman and some Members raised the following questions to PlanD's representative:

- (a) the history of the zoning of the Site and the lease covering it;
- (b) the BH of the surrounding developments;
- (c) noting that the BHs of some surrounding residential developments were higher than that of the proposed residential development, what the Committee's considerations were in the previous applications for requiring the BH of the proposed development not to exceed those of the existing buildings at the Site;
- (d) whether PlanD agreed with the applicant's claim that a layout plan submission was not required as DEP's concerns on environmental aspects could be addressed at the GBP submission stage; and
- (e) whether the Faculty of Medicine of the University of Hong Kong (HKUMed) had the intention to use the Site for their extension as suggested in some of the public comments.

12. In response, Mr Mann M.H. Chow, DPO/HK, made the following main points:

- (a) the Site was zoned "Government, Institution or Community" ("G/IC") since the publication of the first Pok Fu Lam OZP No. S/H10/1 in 1986. The Site was held under a virtually unrestricted lease;
- (b) to the north and northeast across Pok Fu Lam Road were various

medium-rise residential developments with BHs ranging from 2 to 23 storeys (ranging from about 182mPD to 227mPD). To the immediate northwest was the site of the proposed academic buildings for HKUMed (subject of an agreed s.12A application No. Y/H10/13 for rezoning from “Green Belt” (“GB”) to “G/IC” with BHs ranging from 123mPD to 164mPD). The BH of the proposed residential development was not more than 151mPD, which was same as that of the existing tallest building at the Site;

- (c) the Site was the subject of three previous rezoning applications No. Y/H10/1, Y/H10/4 and Y/H10/5. Most of the taller residential developments in the vicinity of the Site were not completed at the time when the previous applications were considered. During the consideration of applications No. Y/H10/1 and Y/H10/4, the Committee considered that the BHs (244.8mPD and 224mPD) proposed in the submissions were excessive and were not in line with the planning intention set out in the Explanatory Statement (i.e. to keep developments on the seaward side of Pok Fu Lam Road below the level of Pok Fu Lam Road, for the area to the north of its junction with Chi Fu Road, as far as possible to preserve public view and amenity and also the general character of the area) and was of the view that the BHs of the proposed development should not exceed those of the existing buildings at the Site;
- (d) as the lease governing the Site was virtually unrestricted and lease modification would not be required for the proposed residential development, DEP considered that support could only be given for the proposed “R(C)7” zone if there was a mechanism to ensure the implementation of suitable design and measures to satisfy the relevant requirements under the HKPSG in terms of air quality and traffic noise. The applicant would only be required to submit drainage plans but not a SIA for the GBP submission, thus the sewerage impacts of the proposed development, if any, might not be ascertained and addressed at an early stage. Moreover, the design and layout of the proposed residential development under the current s.12A application was indicative only (i.e.

not scheme binding for vetting of GBP submissions). Hence, submission of a layout plan to address the concerns of DEP on environmental aspect under s.16 planning application was recommended and could ensure that the proposed residential development would be built in accordance with the approved layout plan which addressed DEP's concerns; and

- (e) as stated in paragraph 9.1.2 of the Paper, the Secretary for Food and Health advised that the HKUMed had no academic development plan at the Site and considered that the Site was inadequate to accommodate the teaching and learning requirements set out by the HKUMed for their medium-term healthcare teaching facilities projects.

Background of the Ebenezer and the Relocation Plan

13. Some Members raised the following questions:
- (a) noting that the lease governing the Site was virtually unrestricted, whether there was mechanism to ensure that there would be no interruption in the provision of services by the Ebenezer should the application be agreed by the Committee;
 - (b) noting that the relocation of the Ebenezer to Tung Chung would be completed in 2025 and the planned MTR Tung Chung West Station would only be built in 2029, what the transportation arrangements for the staff, service users and visitors were before the operation of the MTR station;
 - (c) EDB's view on the relocation plan;
 - (d) noting from the report issued by the Census and Statistics Department (C&SD) in 2014 that there were about 174,800 persons with visual impairment (with about 1,300 persons aged 15 and below) and there were less than 1,000 service users at the Site, whether the services provided in the Tung Chung Site would be sufficient to meet the outstanding demand for visually impaired students;

- (e) noting that the capacity of Care and Attention Home for the Visually Impaired Elderly would only be increased from 45 to 60 places upon relocation to the Tung Chung Site, whether further increase in the number of places could be considered;
- (f) noting that the land value of the Site was higher than the Tung Chung Site, what the benefits and rationales for relocation were;
- (g) whether the Ebenezer New Hope School located to the immediate south-east of the Site (outside the application boundary of the Site) would also be relocated and the possible after use of that site;
- (h) the factors which might affect the redevelopment and relocation plan;
- (i) whether the original land grantee of the Site (i.e. the Hildesheim Mission to the Blind) and the affected services users/families had been consulted on the relocation plan; and
- (j) the grantee of the Tung Chung Site and whether premium was required for the new campus in the Tung Chung Site.

14. In response, Mr Mann M.H. Chow, DPO/HK, made the following main points:

- (a) should the application be approved, the Town Planning Board (the Board) would amend the approved Pok Fu Lam Outline Zoning Plan No. S/H10/19 (the OZP). The statutory plan-making process would take about a year, with additional time needed for compliance with other relevant legislations before building works could commence on the Site. By that time, the Ebenezer would likely be already relocated to the Tung Chung Site and there would be no interruption of services. Also, one of the conditions in the Agreement for Exchange between the applicant and the developer was that the new facilities in the Tung Chung Site had to be satisfactorily completed with relevant government licences issued before relocating all of

their existing services, which would ensure that the buildings at the Site would not be demolished before completion of the new facilities and their relocation; and

- (b) same as the existing arrangement at the Site, shuttle bus services for staff and service users at various locations in the territory to/from the Tung Chung Site would be provided by the applicant. There would also be a public transport interchange at the planned MTR Tung Chung West Station. Major transport link such as the Tuen Mun - Chek Lap Kok Link would enhance accessibility to the New Territories and supporting infrastructures to be completed in the years ahead would enhance the accessibility of the Tung Chung Site via public transport.

15. In response, Mr Ian Brownlee, Ms Alice Tak Fun Yuk, Ms Shirley Shuk Yi To and Mr Roger Anthony Nissim, the applicant's representatives, made the following main points:

- (a) the Tung Chung Site was not remote and had some public facilities and schools. The Government was urged to expedite the construction of Road L22 and the MTR station. In fact, more than 70% of the students and elderly were living in the boarding/residential facilities on-site and frequent travels for these service users to/from Tung Chung Site were not anticipated. They would provide shuttle bus to staff and school bus during their peak operating hours. On balance, the Tung Chung Site was the best possible choice available for the relocation at this juncture;
- (b) although EDB indicated that a new school site on government land would not be granted, they had no in-principle objection to relocation of the Ebenezer;
- (c) the report issued by C&SD in 2014 had a different definition of "visual impairment" as compared with the World Health Organisation. Persons with mild and moderate visual impairment were also included under the C&SD report. However, according to the requirements of EDB and the

Social Welfare Department (SWD), the service users that were eligible for government funded/subsidised services should have visual acuity less than 10%. Based on the applicant's available data, there were about 40 to 45 children (from ages 0 to 6 with severe visual disability) enrolled in the early intervention programme operated by the Ebenezer each year, and the existing school places (around 150-160 places) at the Ebenezer was considered sufficient to meet the future demand of visually impaired students. In addition to the on-site educational services, they also provided outreach services to the visually impaired students in other educational institutions;

- (d) the Tung Chung Site was zoned "G/IC" on the approved Tung Chung Valley Outline Zoning Plan No. S/I-TCV/2 and subject to a maximum BH of 4 storeys. As the facilities and buildings in the Tung Chung Site also had to be designed in a manner to suit the particular needs of the elderly residents, further increase in the capacity might be constrained. Nevertheless, the applicant would explore the feasibility of optimising the facilities on the Tung Chung Site through minor relaxation of the BH restriction, if needed in the future;
- (e) according to the Agreement for Exchange, the developer would be responsible for the building cost for the facilities at the Tung Chung Site and some funds would also be obtained from the land exchange. The applicant was a charitable organisation (all directors were non-remunerated) and the funds would all be used in the Ebenezer, including provision of modern facilities and equipment, staffing, repair and maintenance cost, as well as provision of long-term and non-subsidised services such as early intervention programme for visually impaired children and employment placement services. Also, the Ebenezer was facing an urgent need for relocation as additional spaces were required to meet updated standards and for the provision of specialised services and trainings;
- (f) the Ebenezer New Hope School would be relocated to the Tung Chung Site and as that existing school site was restricted to uses for young people who

were visually impaired, it would continue to provide services for the visually impaired;

- (g) the requirement for submission of a layout plan under s.16 planning application might unnecessarily prolong the development process. Relevant government departments such as EDB and SWD would ensure that the relocation of the Ebenezer would be in compliance with the relevant legislations and government requirements;
- (h) the Site was originally granted to the Hildesheim Mission to the Blind (the Hildesheim). In 2021, the Hildesheim had given formal agreement to the applicant for proceeding with the relocation plan and the land exchange for the Tung Chung Site. Service users/families had been engaged since the late 1990s and would be further consulted when there were more details on the relocation plan; and
- (i) the in-situ land exchange application for the Tung Chung Site was under processing by LandsD, the applicant would be the grantee of the Tung Chung Site and premium might be charged by LandsD.

16. 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 application had been completed and the Committee would deliberate on the application 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.

Deliberation Session

17. The Chairman recapitulated the planning history of the Site and the Committee's views in the consideration of the previous applications. To address the Committee's previous concern on the continuous provision of educational and social welfare services to the visually impaired, the applicant had identified a relocation site in Tung Chung. As for the current application, PlanD considered that the proposed rezoning to "R(C)7" was

acceptable but recommended submission of a layout plan as a requirement under the zone to address DEP's concerns on environmental aspect. It should be noted that the scale and site context of the Tung Chung Site were not relevant considerations for the current application. Having said that, the applicant had committed in the meeting to optimise the use of the Tung Chung Site and would explore the feasibility to further expand the new facilities. If needed, application for minor relaxation of the BH restriction might be submitted by the applicant. The Chairman then invited Members to consider the application and whether or not to stipulate the requirement for submission of a layout plan under the "R(C)7" zone.

18. At the invitation of the Chairman, Dr Sunny C.W. Cheung, Principal Environmental Protection Officer (Metro Assessment), EPD, said that DEP generally had no objection to Option B of the applicant's proposal (i.e. to rezone the Site to "Comprehensive Development Area"). However, support could only be given for Option A (i.e. to rezone the Site to "R(C)7") if there was a mechanism, for instance the submission of a layout plan, to ensure that proper design and measures would be implemented for the proposed residential development such that the future residents would not be subject to adverse air and noise impacts.

19. While supporting the application to facilitate the relocation of the Ebenezer, a Member agreed with the applicant's view that there were other established mechanisms to control the design or mitigation measures to be implemented to address the environmental concerns of DEP, and thus the requirement for submission of a layout plan was unnecessary. Other Members indicated support to the application to rezone the Site to "R(C)7" and considered that the requirement for the submission of a layout plan was needed as the lease governing the Site was virtually unrestricted, and the potential impacts and mitigation measures should be identified and addressed at an earlier stage to ensure an acceptable living environment for the future residents.

20. A Member expressed appreciation of the endeavours of the applicant in providing educational and social welfare services for the visually impaired and the concerted efforts in searching for suitable relocation site throughout the years, and considered that the Government should provide more support to such non-profit making organisations in providing government/institution/community (GIC) services. Some Members also pointed out that Hong Kong was facing population ageing and there was a growing need for

residential care homes for the elderly, including those for the visually impaired. The applicant should explore the feasibility to increase places in the elderly home in the Tung Chung Site to meet any such demand as far as possible. A few Members said that further optimisation of the Tung Chung Site should be considered by way of application for minor relaxation of BH restriction, where necessary. Two Members had some concerns that the services for the visually impaired might be interrupted and the planned public transport would not be available in time to serve the staff and service users of the Tung Chung Site.

21. Two Members said that when the Committee considered and agreed to rezone the “GB” area to the immediate north-west of the Site to “G/IC” in end 2021 for the extension of HKUMed under the s.12A application No. Y/H10/13, the Committee was not aware of the subject application. They opined that the Committee could be better apprised of any planned developments in the vicinity when considering future applications or OZP amendments.

22. The Chairman concluded that Members generally agreed to rezone the Site to “R(C)7” with the requirement for submission of a layout plan under s.16 planning application to address concerns on environmental aspect. As regards the view on the Government’s support to providers of GIC or social welfare facilities, the Chairman said that the relevant bureaux and departments would review their policies from time to time to support the operation of non-profit making organisations, and land had been reserved in New Development Areas for GIC and social welfare uses. During the layout plan submission stage, the applicant would provide information about the progress of the relocation plan for the Committee’s reference.

23. After deliberation, the Committee decided to partially agree to the application to rezone the application site to “R(C)7” with the requirement of layout plan submission, and Members noted that details of the amendments to the approved Pok Fu Lam Outline Zoning Plan No. S/H10/19 would be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance.

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/H9/6 Application for Amendment to the Approved Shau Kei Wan Outline Zoning Plan No. S/H9/18, To rezone the application site from “Open Space”, “Residential (Group A)” and “Government, Institution or Community” to “Residential (Group A) 5”, Amend the Notes of the zone applicable to the site, Shaukiwan Lots 170 S.A, 170 RP, 171, 172, 173, 174, 175 & 176, Shaukiwan Inland Lot 794 and adjoining Government Land, A Kung Ngam Road, Shau Kei Wan, Hong Kong (MPC Paper No. Y/H9/6A)

24. The Secretary reported that the application was submitted by the Hong Kong Housing Society (HKHS) and the application site (the Site) abutted Ming Wah Dai Ha, Shau Kei Wan. The following Members had declared interests on the item:

Mr Ivan M.K. Chung - being an ex-officio member of the Supervisory Board of the HKHS;
(*Chairman*)

Ms Lilian S.K. Law - being a member of HKHS and an ex-Executive Director and committee member of the Boys’ and Girls’ Clubs Association of Hong Kong (BGCA), which had a service unit in Ming Wah Dai Ha, Shau Kei Wan; and

Mr Daniel K.S. Lau - being a member of the HKHS.

25. As the interest of Mr Ivan M.K. Chung (the Chairman) was direct, the Committee agreed that he should be invited to leave the meeting temporarily for the item. As the interest of Ms Lilian S.K. Law in relation to BGCA was indirect, and Ms Law and Mr Daniel K.S. Lau had no involvement in the application, the Committee agreed that they could stay in the meeting.

[Mr Ivan M.K. Chung left the meeting temporarily at this point.]

26. Mr Wilson Y.W. Fung, the Vice-chairman, took over the chairmanship at this point.

Presentation and Question Sessions

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

PlanD

Mr Mann M.H. Chow - District Planning Officer/Hong Kong (DPO/HK)

Mr. Ng Kwok Tim - Senior Town Planner/Hong Kong (STP/HK)

Applicant's Representatives

Hong Kong Housing Society

Mr Markus Li

Mr Alex Hui

Ms Grace Siu

Townland Consultants Limited

Ms Cindy Tsang

Mr Leo Chung

Wong Tung and Partners Limited

Mr Larry Poon

Mr Tony Ho

Otherland Limited

Mr Ivan Shiu

28. The Vice-chairman extended a welcome and explained the procedure of the

meeting. He then invited PlanD's representatives to brief Members on the background of the application.

29. With the aid of a PowerPoint presentation, Mr. Ng Kwok Tim, STP/HK, briefed Members on the background of the application, the proposed rezoning, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. PlanD had no in-principle objection to the application.

30. The Vice-chairman then invited the applicant's representatives to elaborate on the application. Ms Cindy Tsang, the applicant's representatives, indicated that they had no further elaboration and stood ready to answer Members' questions. As the presentation of PlanD's representative was completed and the applicant's representatives had no further presentation, the Vice-chairman invited questions from Members.

31. Some Members raised the following questions:

- (a) Why the proposed ratio of felling to compensatory planting was at a ratio of 1:0.8, that was less than Government's normal provision at a 1:1 ratio in terms of quantity;
- (b) whether the open space would be accessible to the public; and
- (c) the pedestrian connectivity between A Kung Ngam Road and Miu Tung Street/Shau Kei Wan Main Street East.

32. In response, by referring to Drawing Z-15 of the Paper, Mr Mann M.H. Chow, DPO/HK, said that two open spaces, namely the Northern Garden and the Southern Garden where an existing big tree was preserved as a landscaped feature, were proposed. The Site was a sloping site with level difference of more than 16m. To strike a balance between the provision of open space and optimisation of housing units under the existing site constraints, the applicant considered that the proposed compensatory planting ratio of 1:0.8 was the best achievable proposal.

33. Ms Cindy Tsang, the applicant's representative, made the following main points:

- (a) the proposed open spaces, including covered and uncovered open spaces as shown in Drawing Z-16 of the Paper, would be opened for public enjoyment; and
- (b) referring to Drawing Z-18 of the Paper, the pedestrian connectivity of the Site with the surrounding developments would be enhanced through the provision of both horizontal and vertical barrier-free connections on a 7 days x 24 hours basis, including a lift tower and a link bridge connecting Miu Tung Street at the Shau Kei Wan level to the proposed and surrounding developments at A Kung Ngam Road level.

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

Deliberation Session

35. Members generally had no objection to the application. After deliberation, the Committee decided to agree to the application, and Members noted that the relevant proposed amendments to the approved Shau Kei Wan Outline Zoning Plan No. S/H9/18 would be submitted to the Committee for agreement prior to gazetting under section 5 of the Town Planning Ordinance.

Tsuen Wan and West Kowloon District

[Mr. Ng Kar Shu, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK) and Ms Cheryl H.L. Yeung, Town Planner/Tsuen Wan and West Kowloon (TP/TWK), were invited to the meeting at this point.]

[Mr Ivan M.K. Chung rejoined the meeting and took up the chairmanship at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting]

A/K20/135 Proposed Pier (Landing Steps) in “Open Space” Zone, Disused Pier near New Kowloon Inland Lot No. 6550 at Lai Ying Street, Cheung Sha Wan, Kowloon

(MPC Paper No. A/K20/135)

36. The Secretary reported that the application was submitted by Fedder Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK). The following Members had declared interests on the item:

Ms Lilian S.K. Law - being an ex-Executive Director and committee member of the Boys’ & Girls’ Clubs Association of Hong Kong which had received sponsorship from SHK; and

Mr Franklin Yu - his spouse being an employee of SHK.

37. The Committee noted that the applicant had requested deferment of consideration of the application. As the interest of Mr Franklin Yu was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion. As the interest of Ms Lilian S.K. Law was indirect, the Committee agreed that she could stay in the meeting.

38. The Committee noted that the applicant’s representative requested on 22.4.2022 deferment of consideration of the application for two months in order to allow time to address departmental comments. It was the first time that the applicant requested deferment of the application.

39. 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 6

Section 16 Application

[Open Meeting]

A/KC/490 Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Information Technology and Telecommunications Industries Use (Data Centre) in "Other Specified Uses" annotated "Business" Zone, Kwai Chung Town Lot No. 136, 30-34 Kwai Wing Road, Kwai Chung, New Territories
(MPC Paper No. A/KC/490)

40. The Committee noted that the applicant's representative requested on 22.4.2022 deferment of consideration of the application for two months in order to allow time to address departmental comments. It was the first time that the applicant requested deferment of the application.

41. 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 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions only)]

A/TW/530 Columbarium in “Government, Institution or Community (4)” Zone, Level 2 and Extension, Hoi Wui Tap, Western Monastery, Lo Wai, Tsuen Wan, New Territories (Lot No. 1461 (part) and 1499 (part) in D.D. 453)
(MPC Paper No. A/TW/530A)

Presentation and Question Sessions

42. With the aid of a powerpoint presentation, Ms Cheryl H.L. Yeung, TP/TWK, briefed Members on the background of the application, the applied use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department had no objection to the application.

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

- (a) how the implementation of the traffic management measures and the maximum sale of 150 niches each year as proposed by the applicant would be controlled; and
- (b) whether the sold niches were covered by planning permission.

44. In response, Mr. Ng Kar Shu, STP/TWK, made the following main points:

- (a) If the application was approved by the Committee, the applicant would apply for a licence under the Private Columbaria Ordinance (PCO). Relevant government departments such as PlanD and the Transport Department would be consulted when the Food and Environmental Hygiene Department processed such licence application. The proposed traffic management measures and maximum number of saleable niches each year could be incorporated in the licensing requirements as specified by the Private Columbaria Licensing Board (PCLB). If the licence application

was approved by PCLB, the Private Columbaria Affairs Office would oversee implementation of the licensing requirements. The licensee would also be required to submit the records of the niches sold to PCLB on an annual basis; and

- (b) 5,027 niches under the current application were sold before the enactment of PCO (i.e. 30.6.2017) and the applicant indicated that no niche was sold since then. Under PCO, only private columbaria that had obtained a licence might sell or newly let out niches.

Deliberation Session

45. The Chairman remarked that the current application involved a gross floor area (GFA) of about 280m², which was about 54m² more than the original GFA of 226m² as referred to in the rezoning request (No. Z/TW/8) agreed by the Committee in 2003. The concerned government departments had no objection to or adverse comment on the application and there was an established licensing mechanism under PCO to control the operation of the columbarium as proposed under the application. An approval condition on the maximum number of niches concerning the columbarium use at the application premises was recommended for the Committee's consideration.

46. A Member supported the regularisation of the niches at the application premises.

47. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 6.5.2026, 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 condition :

“ the total number of niches concerning the columbarium use at the application premises should not exceed 11,046.”

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

- Ms Lilian S.K. Law - being an ex-Executive Director and committee member of the Boys' & Girls' Clubs Association of Hong Kong which had received sponsorship from Lee Hysan Foundation, and co-owning with spouse a property in Wong Nai Chung area;
- Professor Jonathan W.C. Wong - Lee Hysan Foundation had sponsored some of his projects;
- Mr Ricky W.Y. Yu - Lee Hysan Foundation had sponsored some of his projects and being the Director and Chief Executive Officer of Light Be which had received donation from the Foundation; and
- Mr Franklin Yu - his firm having current business dealings with ARUP.

50. The Committee noted that Mr Ricky W.Y. Yu had tendered an apology for being unable to attend the meeting. As the interests of Ms Lilian S.K. Law and Professor Jonathan W.C. Wong in relation to Hysan were indirect, the properties co-owned by Mr Ivan M.K. Chung (Chairman) and Ms Law had no direct view of the Site and Mr Franklin Yu had no involvement in the application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

51. With the aid of a powerpoint presentation, Ms. Floria Y.T. Tsang, STP/HK, briefed Members on the background of the application, the proposed layout plan and the minor relaxation of gross floor area (GFA), departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department (PlanD) had no objection to the application.

52. Some Members raised the following questions:

Connectivity of the Site

- (a) noting from Drawing A-1 of the Paper that a future footbridge linking up the Site with Lee Garden Six was annotated as “to be constructed by others”, how the provision of the said footbridge could be ensured, and whether the footbridge would be accessible by the public on a 7 days x 24 hours basis;
- (b) the details of the potential subway connection to the Causeway Bay MTR Station;
- (c) the pedestrian connection to the government/institution/community (GIC) facilities in Tower 3;
- (d) whether the proposed visual corridor at G/F between Towers 1 and 2 would be connected to the public open space at the Site;

Proposed Performing Arts and Cultural Facilities

- (e) noting that the proposed minor relaxation of GFA of 2,000m² was to facilitate the provision of additional GIC facilities for performing arts and cultural, whether there was a mechanism to ensure that the additional GFA would be used for the proposed purpose;
- (f) noting that the performing arts and cultural facilities were proposed on 5/F of Towers 1 and 2, why it was different from the notional schemes previously presented to the Town Planning Board (the Board) and whether the provision of performing arts and cultural facilities was a mandatory requirement under the “Commercial (2)” (“C(2)”) zone covering the Site;
- (g) the operator of and the accessibility to the proposed performing arts and cultural facilities;

- (h) whether the building height of the proposed development would be reduced if the performing arts and cultural facilities were not provided;

Others

- (i) whether the disposition of the proposed tower blocks had taken into account the district court buildings to the immediate southwest of the Site; and
- (j) whether the applicant had provided any proposal on ways to enhance public enjoyment and vibrancy of the proposed public open space through organising various types of event, exhibition or activity.

53. In response, Mr Mann M.H. Chow, DPO/HK, made the following main points:

Connectivity of the Site

- (a) the current application was submitted by a joint venture of Hysan and Chime Corporation Limited. Hysan had applied to the Government to waive the land premium for lease modification for construction of five footbridges and one covered walkway in the Causeway Bay area, including the future footbridge linking up the Site with Lee Garden Six (that did not form part of the subject application). The Chief Executive in Council had approved Hysan's application for waiving the premium payable for the aforementioned pedestrian links in 2021. The said footbridge that would be opened for public access 24 hours a day would be completed before 2029 (i.e. the estimated completion year of the proposed development under the current application);
- (b) a connection point for a future pedestrian subway would be reserved on B3/F of Towers 1 and 2, however, the detailed alignment of the potential pedestrian subway connection to the Causeway Bay MTR Station was yet to be finalised by the Government;

- (c) from the future footbridge on 2/F, the public could access the GIC facilities in Tower 3 via the public open space at that level with barrier-free access. The public open space would also be accessible by lifts from B3/F, the level of which was the connection to the possible pedestrian subway to the Causeway Bay MTR Station. Loading/unloading bay and parking of the GIC facilities were provided on B3/F of Tower 3 with direct disabled access to the GIC facilities in Tower 3;
- (d) the visual corridor of 6m wide and 3-storey high was proposed on G/F between Towers 1 and 2 to preserve the views of the two Old and Valuable Trees and it would be part of the public open space network on G/F;

Proposed Performing Arts and Cultural Facilities

- (e) the additional GFA of 2,000m² for GIC facilities (performing arts and cultural facilities) would exceed the maximum permitted GFA of 100,000m² under the conditions of the lease governing the Site. The applicant had to apply for a lease modification for the provision of additional GFA for performing arts and cultural facilities that was subject to the Lands Department's approval. The use of the additional GFA for performing arts and cultural facilities would be stipulated in the lease concerned;
- (f) some representers, including Hysan, had proposed that performing arts and cultural facilities should be provided at the Site and presented their indicative schemes to the Board during the hearing of the representations and comments on representations in respect of the amendment relating to the "C(2)" zone on the draft Wong Nai Chung Outline Zoning Plan No. S/H7/20 (the OZP). After considering the representations and comments, the Board agreed to highlight the intention of providing additional GIC facilities and that performing arts and cultural facilities (without specification on the scope or location) were compatible uses at the Site in the Explanatory Statement (ES) of the OZP, so as to encourage the

developer of the Site to provide such facilities as far as possible. Flexibility was allowed on the design, floor area and location of performing arts and cultural facilities to be provided. While the provision of performing arts and cultural facilities was not mandatory, provision of other GIC facilities including a child care centre, a day care centre for the elderly and a district health centre were stated in the ES and were required under the lease to be provided at the Site. Subsequently, the Site was disposed through public sale and the applicant (i.e. a joint venture of two companies) had succeeded in bidding for the Site. As such, the detailed design of the proposed development might be different from the notional scheme presented during the representation hearing;

- (g) the proposed performing arts and cultural facilities would be operated on a non-profit making basis by non-governmental organisation(s) to be engaged by the applicant. The said facilities on the 5/F would be accessible via the lifts of Towers 1 and 2;
- (h) even if performing arts and cultural facilities were not provided, the applicant might change the design and layout of the other floors and it might not necessarily result in lower building height. Any major changes in the layout required submission of the revised layout plan for the consideration of the Board;

Others

- (i) the applicant had consulted the Architectural Services Department, which was responsible for the design and construction of the district court, in formulating the design for the proposed tower blocks. A 7.5m-wide tower setback from the district court site was proposed by the applicant to allow sufficient building gap; and
- (j) the applicant had not provided any information in the submission regarding the means to enhance public enjoyment and vibrancy of the proposed open space. However, Members' view on the need to better engage the public

in the public open space area could be conveyed to the applicant for their consideration.

54. Regarding a Member's enquiry on whether the performing arts and cultural facilities were already intended for the "C(2)" zone in the OZP amendment stage, the Chairman supplemented that the amendments to the OZP to rezone the Site to "C(2)" were initiated by the PlanD and a notional scheme showing the possible layout of the building blocks and open spaces, without performing arts and cultural facilities, was presented for the reference of the Board. During the hearing, the Board noted that the Wan Chai District Council (WCDC) had requested for more performing arts and cultural facilities in the area and the Board agreed to revise the ES to encourage the developer of the Site to provide such facilities on a voluntary basis. In response to the suggestion in the ES, the applicant proposed an additional GFA of 2,000m² for provision of performing arts and cultural facilities.

Deliberation Session

55. The Chairman recapitulated that the proposed uses were always permitted under the "C(2)" zone and the subject application was for submission of a layout plan as required under the Notes of the "C(2)" zone. The major differences between the notional scheme presented by PlanD during the OZP amendment stage and the current application were (i) location of the open space (i.e. on G/F only in the notional scheme and on G/F and podium level in the current application) (ii) the design of the building blocks (i.e. instead of having two towers with a 25m-wide building gap in the notional scheme, the towers were combined into a twin tower (Towers 1 & 2) and a visual corridor was provided between Towers 1 and 2 at ground level); and (iii) additional performing arts and cultural facilities of 2,000m² GFA were provided in response to the requirement as stated in the ES of the OZP which was subject to lease modification and such provision could be controlled under the lease.

56. A Member recalled that the performing arts and cultural facilities at the Site were proposed by WCDC during the OZP hearing stage, and the Board had a thorough discussion on the public open space and the facilities to be provided at the Site, including the potential to integrate any performing arts and cultural facilities with the public open space so as to enhance the attractiveness and public enjoyment. Noting that the performing arts and

cultural facilities were proposed on 5/F of Towers 1 and 2, a few Members considered that the design under the current application might not be able to attract public attention. Some Members, on the other hand, noted that there were popular performing arts and cultural facilities (such as the ArtisTree in Quarry Bay), located in the upper level premises and not integrated with the outdoor area, and had no objection to the minor relaxation of GFA to accommodate such facilities. Members in general appreciated the applicant's proposal to provide such facilities to address the views of the Board and the request of the WCDC.

57. Some Members said that the applicant should review the location of the performing arts and cultural facilities e.g. relocating to G/F or lower floors and enhance public accessibility to the premises on 5/F. Some Members also considered that there should be a mechanism to control the use of the additional GFA applied for under the subject application so as to meet the public aspiration for the proposed performing arts and cultural facilities at the Site.

58. A Member considered that public accessibility to the proposed GIC facilities in Tower 3 should be further improved, such as locating the facilities on lower floors of the building as well as better integration and connection with the public open space and pedestrian accesses. Another Member said that the access to the MTR station should be enhanced and various art and cultural activities should also be held in the proposed public open space by the future operator of the performing arts and cultural facilities.

59. The Committee noted that should the application be approved by the Committee, the applicant would be required under the recommended approval condition to submit a revised Landscape Master Plan. The general building plans of the development at the Site would also need to be submitted to the Building Authority for approval. The applicant could be advised to refine the detailed design of the public open space and layout of the proposed development at those stages. If any Class B amendments were involved, an application under s.16(A)2 of the Town Planning Ordinance would need to be submitted.

60. The Chairman concluded that Members generally had no objection to the layout plan and the proposed minor relaxation of GFA of 2,000m² for provision of the proposed performing arts and cultural facilities. To address some Members' concerns, the Committee agreed that an advisory clause should be added to advise the applicant to (i) review the

location of the performing arts and cultural facilities (e.g. relocating to a lower level) and enhance its accessibility and integration with the public open space, (ii) improve accessibility to the GIC facilities in Tower 3 and (iii) enhance connection of the Site to the MTR station.

61. 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 6.5.2026, 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 vehicular access, car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission of a Conservation Management Plan and implementation of the mitigation measures identified therein before commencement of works to the satisfaction of the Commissioner of Heritage or of the TPB.”

62. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix V of the Paper and the additional advisory clause as below:

“to note the comments of the Committee that the location of the performing arts and cultural facilities be reviewed, and its accessibility and integration with the public open space, and the connection to the Causeway Bay MTR Station should be enhanced.”

[The Chairman thanked Mr Mann M.H. Chow, DPO/HK and Ms. Flora Y.T. Tsang, STP/HK, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Agenda Item 9

Any Other Business

63. There being no other business, the meeting was closed at 1:00 p.m..