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Minutes of the 373rd Meeting of the
Rural and New Town Planning Committee held on 6.6.2008

[Mr. Wilson W.S. Chan, Senior Town Planner/Tuen Mun & Yuen Long (STP/TMYL) and Ms. Miranda C.Y. Yue, Town Planner/Tuen Mun & Yuen Long (TP/TMYL), were invited to the meeting at this point.]

Agenda Item 8

[Closed Meeting]

Proposed Amendments to the
Draft Tuen Mun Outline Zoning Plan No. S/TM/23
(RNTPC Paper No. 11/08)

1. With the aid of powerpoint presentation, Mr. Wilson Chan, STP/TMYL presented the proposed amendments to the draft Tuen Mun Outline Zoning Plan (OZP) as detailed in the Paper:

Background of the Proposed Amendments

- (a) Tuen Mun Planning Area 20 was a residential area and was predominantly low-medium density in character. It was mainly zoned “Residential (Group B)” (“R(B)”), with the Dragon Inn Court development zoned as “R(B)4” and land along Kadoorie Beach and Cafeteria (Old) Beach zoned “Open Space” under the OZP. Currently, there were no development restrictions in the “R(B)” zone.
- (b) All along, the development control in Area 20 relied on the administrative control as laid down in the draft Tuen Mun Area 20

Layout Plan (LP) No. L/TM 20/1G. According to the LP, all residential sites in Area 20 were subject to a maximum plot ratio (PR) of 1.3, and 80% of the residential sites (mainly those along Castle Peak Road and those fronting the beaches), which were designated as “R3”, were subject to a maximum building height (BH) of 10 storeys. The other 20% of the residential sites (the lots abutting Tsing Yung Street), which were designated as R2, were not subject to maximum height restrictions. These administrative restrictions were imposed in accordance with the low-medium density character of the area and to respect the natural terrain, which rose from the beaches to Tuen Mun Road.

- (c) Even though the LP was a well-established mechanism for development control, recent cases indicated that it might be insufficient to rely solely on administrative measures or the lease conditions to control development bulk and building height. Recently, two building redevelopment proposals (TMTL 334 and TMTL 208) not conforming to the 10-storey building height restriction had been approved under the Buildings Ordinance. In this regard, imposition of statutory development restrictions was considered necessary to provide a more effective measure to regulate the development profile so as to maintain the existing low to medium rise character of the area.

General Principles of the Proposed Development Restrictions

- (a) In proposing development restrictions in terms of maximum plot ratio and maximum building height, due regard has been accorded to the current administrative controls as stipulated in the LP, the existing built form of the developments and the development right under the lease.
- (b) Upon redevelopment, existing buildings already exceed the proposed restrictions would not be affected and explicit provision

has been proposed in the Notes of the OZP to allow redevelopment to the PR and height of the existing building. Lots which have already obtained building plan approval will also not be affected by the proposed restrictions and can proceed with the development in accordance with the approved building plans. However, in the event that there are major changes to the approved building plans, the amended building plans will be assessed in terms of the extant OZP.

The Proposed Amendments (Plan 6)

- (a) The proposed amendments to the OZP were summarized as follows:

Area	Proposed rezoning with proposed plot ratio (PR) and building height (BH) restrictions
<u>Amendment Item A1</u> An area sandwiched between Tuen Mun Road and Castle Peak Road – Castle Peak Bay Section	From “R(B)” to “R(B)6” PR: 3.3 BH: 30 storeys
<u>Amendment Item A2</u> TMYL 334	From “R(B)” to “R(B)7” PR: 3.3 BH: 17 storeys
<u>Amendment Item A3</u> Area northeast of Castle Peak Road – Castle Peak Bay Section	From “R(B)” to “R(B)8” PR: 1.3 BH: 15 storeys
<u>Amendment Item A4</u> Area South of Castle Peak Road-Castle Peak Section	From “R(B)” to “R(B)9” PR: 1.3 BH: 10 storeys (6 storeys for Area (A))
<u>Amendment Item A5</u> Lot 378 & Ext. in D.D. 376	From “R(B)4” to “R(B)8” PR: 1.3 BH: 15 storeys

- (b) For Amendment Item A2, TMYL 334 was previously occupied by a 17-storey block above a 1-storey basement. The building was

recently demolished for redevelopment. A building plan approval was recently granted to a 24-storey domestic block above 2-storey basements. The lot owner could proceed with the redevelopment proposal according to the approved building plans. However, major change to the approved building plans would be assessed in terms of the extant OZP.

- (c) For amendments to the Notes of the OZP, new sub-areas had been incorporated into the Notes of the “R(B)” zone (“R(B)6” to “R(B)9”) to tie in with the proposed amendments to the OZP. There would be provisions allowing redevelopment to the PR and height of the existing building. A maximum BH of 16 storeys and 3 storeys had been proposed to be added to the Notes of the “R(B)4” zone for TMYL 324 and TMYL 325 respectively to tie in with the relevant approved planning schemes and the as-built situation.
- (d) The Explanatory Statement of the OZP had also been revised accordingly. An additional paragraph 3.3 would be added to exempt slopes, non-building areas and access roads from plot ratio and site coverage calculations.

2. Members had the following questions and comments:

- (a) the existing situation in TMTL 334 and TMTL 208;
- (b) whether the proposed amendments could be subject to legal challenge considering that only TMTL 334 would be allowed to be redeveloped to a height greater than the surrounding areas; and
- (c) whether there would be amendment exercises to impose statutory development restrictions to other places which might be facing similar problems as in Area 20. There was concern that it might be too late if no similar amendment exercises were conducted for

other areas which might have the same problems.

3. In response, Mr. Wilson W.S. Chan made the following main points:
 - (a) at TMTL 334, a 17-storey building had been demolished, while at TMYL 208, there was an existing 2-storey building at the site. Building plans for a 24-storey domestic building over 2-storey basements and a 10-storey domestic building over a 5-storey podium and carparks at TMTL 334 and TMTL 208 had been approved respectively. The lot owners concerned could proceed with the redevelopment proposals in accordance with the approved building plans unless there were major changes to the approved building plans;
 - (b) rather than resorting to legal actions, any person had any opinion or not satisfied with the proposed amendments could make representations to the Board according to the provisions of the Town Planning Ordinance when the OZP was gazetted. In any case, upon redevelopment, existing buildings already exceeding the proposed restrictions would not be affected and explicit provision had been proposed in the Notes of the OZP to allow redevelopment to the PR and height of the existing building. Therefore, the development rights at the sites affected by the proposed amendments would not be deprived; and
 - (c) Planning Department had been reviewing all the OZPs comprehensively to incorporate suitable development restrictions where appropriate. However, in view of the complexity of the issues involved, more time was required for to study and propose suitable development restrictions for many other areas. Within the Tuen Mun area, the amendment exercise was conducted for Area 20 first as the area was subject to significant pressure for redevelopment.
4. A Member asked whether it was possible to issue a moratorium imposing

development restrictions covering all areas in Hong Kong. The Chairperson replied that a moratorium was a strong administrative measure and had to have the support of the community and the Legislative Council and the approval of the Chief Executive in Council. It might involve lengthy discussions amongst concerned parties before a moratorium could be imposed, which might defeat the purpose of the moratorium.

Deliberation Session

5. After deliberation, the Committee decided to :
- (a) agree to the proposed amendments to the draft Tuen Mun OZP No. S/TM/23 as described in paragraph 6 above and that the Amendment Plan No. S/TM/23A at Annex C of the Paper (to be renumbered to S/TM/24 upon gazetting) and the Notes of the Amendment Plan at Annex D of the Paper were suitable for exhibition for public inspection under section 7 of the Ordinance;
 - (b) adopt the updated Explanatory Statement at Annex E of the Paper as an expression of the planning intention and objectives of the Board for various land use zonings on the draft Tuen Mun OZP and to be issued under the name of the Board; and
 - (c) agree that the updated Explanatory Statement at Annex E of the Paper was suitable for exhibition for public inspection together with the draft Tuen Mun OZP.

[The Chairperson thanked Mr. Wilson W.S. Chan, STP/TMYL and Ms. Miranda C.Y. Yue, TP/TMYL, for their attendance to answer Members' enquiries. They left the meeting at this point.]