

**Minutes of 1003rd Meeting of the  
Town Planning Board held on 17.1.2012**

**Present**

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

Chairman

Mr. Stanley Y.F. Wong

Vice-Chairman

Mr. K.Y. Leung

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Rock C.N. Chen

Mr. Felix W. Fong

Professor P.P. Ho

Professor Eddie C.M. Hui

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Mr. Maurice W.M. Lee

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Dr. W.K. Lo

Mr. Roger K.H. Luk

Mr. Timothy K.W. Ma

Dr. Winnie S.M. Tang

Professor S.C. Wong

Ms. Pansy L.P. Yau

Dr. W.K. Yau

Assistor Director (2), Home Affairs Department  
Mr. Eric Hui

Principal Assistant Secretary (Transport)  
Transport and Housing Bureau  
Mr. Fletch Chan

Deputy Director of Environmental Protection  
Mr. Benny Wong

Deputy Director of Lands  
Mr. Jeff Lam

Director of Planning  
Mr. Jimmy C.F. Leung

Deputy Director of Planning/District  
Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Mr. Walter K.L. Chan

Professor Edwin H.W. Chan

Mr. Y.K. Cheng

Dr. C.P. Lau

Ms. Julia M.K. Lau

Miss Anita W.T. Ma

Mr. Stephen M.W. Yip

**In Attendance**

Assistant Director of Planning/Board  
Mr. C.T. Ling

Chief Town Planner/Town Planning Board  
Ms. Christine K.C. Tse (p.m.)

Senior Town Planner/Town Planning Board  
Ms. Donna Tam (a.m.)  
Town Planner/Town Planning Board  
Mr. Terrence Leung (p.m.)

**Agenda Item 1**

[Open meeting]

Confirmation of Minutes of the 999th Meeting held on 30.11.2011, 1.12.2011, 2.12.2011, 3.12.2011, 7.12.2011, 9.12.2011 and 13.12.2011 and the 1001st Meetings held on 23.12.2011

[The meeting was conducted in Cantonese.]

1. The minutes of the 999th meeting held on 30.11.2011, 1.12.2011, 2.12.2011, 3.12.2011, 7.12.2011, 9.12.2011 and 13.12.2011 and the 1001st meeting held on 23.12.2011 were confirmed without amendments.

**Agenda Item 2**

[Open meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

2. There were no matters arising from the last meeting.

**Agenda Item 2**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments

to the Draft Urban Renewal Authority Staunton Street/

Wing Lee Street Development Scheme Plan No. S/H3/URA1/3 and

Draft Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/26

(TPB Paper No. 8995)

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[The hearing was conducted in Cantonese.]

Presentation and Question Session

[Ms. Maggie M.K. Chan arrived to join the meeting at this point.]

3. The following Members had declared interest in this item:

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|---|---|
| Mr. Jimmy Leung<br>being the Director of<br>Planning            | - being a Non-executive Director of the Urban<br>Renewal Authority (URA)  |
| Mr. Jeff Lam<br>being the Deputy Director of<br>Lands           | - being alternate Member to the Director of Lands<br>who was a Non-executive Director of the URA  |
| Mr. Eric Hui<br>being the Assistant Director<br>of Home Affairs | - being an assistant to the Director of Home<br>Affairs who was a Non-executive Director of the<br>URA                                      |
| Mr. Walter K.L. Chan  | - being a Non-executive Director of the URA   |
| Mr. Maurice W.M. Lee  | - being a former Non-Executive Director of URA<br>(1.12.2002 to 30.11.2008)   |
| Mr. Stephen M.W. Yip  | - being a former Non-Executive Director of URA<br>(1.11.2006 to 30.11.2008)   |
| Mr. Raymond Y.M. Chan   | - being a former member of the Home Purchase<br>Allowance Appeals Committee of the URA  |
| Professor Edwin H.W. Chan                                       | - being a member of the Home Purchase<br>Allowance Appeals Committee of the URA   |
| Mr. Maggie M.K. Chan  | - being a former member of the Home Purchase<br>Allowance Appeals Committee of the URA and<br>had an office at Wing Wo Street in Sheung Wan |
| Mr. B.W. Chan   | - being the Chairman of the Appeal Board Panel<br>under the URA Ordinance   |

- |                         |  |
|-------------------------|--|
| Dr. James C.W. Lau      | - being a former member of the Appeal Board Panel under the URA Ordinance                    |
| Professor P.P. Ho       | - having current business dealings with the URA and his spouse owned two flats in Sheung Wan |
| Mr. Clarence W.C. Leung | - his mother owned a flat in Sai Ying Pun  |
| Mr. Roger K.H. Luk      | - being a council member of St. Paul's College located in the district                       |

4. As the representations were specifically related to the URA Development Scheme Plan (DSP), Members agreed that the interests of Mr. Jimmy Leung, Mr. Jeff Lam, Mr. Eric Hui and Mr. Walter K.L. Chan were direct and substantial. Mr. Jimmy Leung and Mr. Jeff Lam left the meeting temporary at this point. Members also noted that Mr. Walter K.L. Chan had tendered apology for not being able to attend the meeting and Mr. Eric Hui had not yet arrived.

5. Members agreed that as Mr. Maurice W.M. Lee and Mr. Stephen M.W. Yip had ceased to be non-executive director of URA for more than three years, Mr. Lee and Mr. Yip should be allowed to stay at the meeting for the item. Members noted that Mr. Lee had not yet arrived and Mr. Yip had tendered apology for not being able to attend the meeting.

6. Members agreed that as the Home Purchase Allowance Appeals Committee was not appointed by or under the URA, the interests of Ms. Maggie M.K. Chan, Professor Edwin H.W. Chan and Mr. Raymond Y.M. Chan were indirect and that they could stay at the meeting. Members also noted that Professor Edwin H.W. Chan had tendered apology for not being able to attend the meeting and Mr. Raymond Y.M. Chan had not yet arrived.

7. Members noted that the Appeal Board Panel of the URA Ordinance was an independent body to hear disputes between URA and objectors affected by development projects to be implemented under the URA Ordinance. It was not appointed by or under the URA and had no association with URA. Members agreed that the interests of Dr. James C.W. Lau and Mr. B.W. Chan were indirect and they could stay at the meeting. Members noted that Dr. James C.W. Lau and Mr. B.W. Chan had not yet arrived.

8. Members noted that Professor P.P. Ho had not yet arrived.
9. As the representations would not affect the St. Paul College and the flat owned by Mr. Clarence W.C. Leung, Members agreed that the interests of Mr. Roger K.H. Luk and Mr. Clarence W.C. Leung were indirect and they should be allowed to stay at the meeting for the item. Members noted that Mr. Clarence W.C. Leung had not yet arrived.
10. The following representatives from the Planning Department (PlanD), representers and commenters were invited to the meeting at this point:

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

Ms. April Kun Senior Town Planner/Hong Kong (STP/HK),  
PlanD

## Representations

R-DSP-2 and R-OZP-2(Cheng Lai King and Ho Chun Ki)R-DSP-7 (Cheng Lai King)

Ms. Cheng Lai King                      Representer

R-DSP/OZP-4 (Private Property Owners in Staunton Street and Shing Wong Street) and R-DSP-24 (Dare Koslow)

Mr. Ian Brownlee )  
 Ms. Juliet Chow ) Representers' Representatives  
 Mr. Dare Koslow ) Representer/Representer's Representative

R-DSP/OZP-5 (Central & Western Concern Group)

## R-DSP-23 (Katty Law, Central &amp; Western Concern Group)

Ms. Katty Law                      Representer/Representer's Representative

R-OZP-7 (Expert Charter Ltd.)

Ms Keren Seddon )

Ms. Cindy Tsang	)	Representer's Representatives
Ms. Delius Wong	)	
Ms Stephanie Chan	)	

R-DSP-22 (Rayson Yip)

Mr. Rayson Yip	)	Representer
Ms. Sin Man Wun	)	Representer's Representatives

Comments

C1 (URA)

Mr. Calvin Lam	)	
Mr. Michael Ma	)	Commerter's Representatives
Mr. Wilfred Au	)	
Mr. Gary Lam	)	

11. The Chairman said that reasonable notice had been given to invite representers and commenters to attend the hearing, but other than those who were present at the meeting, the rest had either indicated that they would not attend the hearing or had made no reply. Members agreed that the Board should proceed with the hearing in the absence of these representers and commenters.

12. The Chairman extended a welcome and invited DPO/HK to brief Members on the representations and comments.

[Mr. Felix W. Fong arrived to join the meeting at this point.]

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

- (a) on 8.7.2011, the draft URA Staunton Street/Wing Lee Street DSP No. S/H3/URA1/3 and the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/26, incorporating amendments mainly related to the excision of the Wing Lee Street area and the Bridges Street Market site (Site A) from the DSP and incorporation of the excised area into the OZP, were exhibited for



public inspection under s.5 of the Town Planning Ordinance (TPO). During the two-month exhibition period, a total of 28 representations in respect of the DSP and OZP were received. These included 4 representations relating to both plans, 21 representations relating to the DSP only and 3 representations relating to the OZP only. On 4.10.2011, the representations were published for public comments for three weeks. A total of 8 comments were received;

- (b) the representations could be broadly divided into four groups: (i) in relation to the Wing Lee Street area (Site A); (ii) in relation to Sites B and C; (iii) in relation to the Bridges Street Market site; and (iv) in relation to Hollywood House;

#### DSP Background

- (c) on 11.7.2003, the draft URA Staunton Street/Wing Lee Street DSP No. S/H3/URA1/1 was exhibited under s.5 of the TPO for public inspection. After giving preliminary and further considerations to the 6 objections received, the Board decided not to meet the objections and not to propose any amendment to the draft DSP. The Board's decision was however legally challenged by one of the objectors. On 15.6.2007, after reconsidering the objection as directed by the Court of Appeal in respect of the judicial review, the Board agreed to propose an amendment to the draft DSP to meet the objection by excising the objection site (i.e. the Centre Point site) from the DSP area which was gazetted on 22.6.2007. The DSP was subsequently approved by the Chief Executive in Council (CE in C) on 2.10.2007 under s.9(1)(a) of the TPO and renumbered as S/H3/URA1/2. While the Centre Point site was excised from the DSP, the planning intention of the "Comprehensive Development Area" ("CDA") zone as stated in the DSP approved by the CE in C to achieve environmental improvement in the area through comprehensive redevelopment remained unchanged. On 23.11.2007, the Board endorsed the revised Planning Brief (PB) based on the revised scheme boundary;

- (d) the approved DSP No. S/H3/URA1/2 covered the area bounded by

Staunton Street, Bridges Street, Wing Lee Street, Wa In Fong East and Aberdeen Street. The area was zoned “CDA” on the DSP and comprised 3 sites, i.e. Sites A, B and C;

Previous Applications

- (e) based on the PB endorsed by the Board on 23.11.2007, URA on 26.3.2008 submitted a planning application No. A/H3/381 including a Master Layout Plan (MLP) for a proposed comprehensive residential and commercial development in the development scheme area at a plot ratio (PR) of 8. The application was subsequently withdrawn;
- (f) on 20.3.2009, several owners of Site C submitted an alternative MLP under Application No. A/H3/388 for a proposed comprehensive residential and commercial development with the provision of public open space for the Board’s consideration. The applicants followed URA’s proposals for Sites A and B, while the existing buildings at Site C were to be retained and renovated by the existing owners and were subject to a maximum of 7 storeys. Subsequently, the applicant also submitted a s.12A application No. Y/H3/5 on 24.4.2009 to amend the OZP by incorporating Site C and the adjoining Chung Wo Lane (which was zoned “CDA” under the approved URA Staunton Street/Wing Lee Street DSP No. S/H3/URA1/2) as “Residential (Group C)” (“R(C)”), with maximum PR 5 and maximum BH of 12 storeys;
- (g) on 29.1.2010, MPC decided to reject application No. A/H3/388 for the reasons that the proposed development was not in line with the planning intention of the “CDA” zone to bring about environmental improvement through comprehensive redevelopment, restructuring the street pattern, promoting efficient land use and providing community facilities/public open space; no technical assessments had been submitted as part of the MLP submission in accordance with the requirements of the Notes of the “CDA” zone; and the implementability of the proposed development was doubtful. The s.12A application No. Y/H3/5 was also rejected by MPC on 29.1.2010 for the reasons that the DSP had been approved by the CE in

C;

- (h) on 27.2.2009, URA submitted another application No. A/H3/387 with an overall PR of 4.5. URA submitted further information on 29.1.2010 proposing to further reduce the PR of the overall scheme to 3.9 by revising the development on Site C to a 20-storey building. A common public view received on URA's revised proposal was that the tenement buildings at Wing Lee Street (Site A) were regarded as historically valuable and deserved conservation. On 17.3.2010, URA further submitted a letter to the Board suggesting an alternative approach, i.e. a "complete conservation" (「原汁原味」保育) approach, to preserve the tenement buildings at Wing Lee Street. URA also proposed the Board to consider excising Site A from the DSP and rezoning it to an appropriate conservation/preservation zoning while Sites B and C would remain in the DSP;

[Dr. W.K. Lo and Mr. Clarence W.C. Leung arrived to join the meeting at this point.]

*The Board's deliberation on 7.1.2011*

- (i) on 7.1.2011, the Board considered the information submitted by URA. In deliberating on whether and how the buildings at Wing Lee Street should be preserved under a "complete conservation" approach, the Board considered whether the buildings should be preserved because of their social value and the existing character/ambience of Wing Lee Street, rather than the buildings per se; the existing building condition and rehabilitation/maintenance costs; and the implications for the concerned owners and tenants. The Board also noted that some owners wished to conserve their buildings on their own and were reluctant to sell their properties to URA, and the Development Bureau (DEVB) had indicated that it was inappropriate to acquire the private properties by invoking the Lands Resumption Ordinance for preserving Wing Lee Street;
- (j) the Board came to the view that a "complete conservation" approach with all tenement buildings at Wing Lee Street to be preserved would involve

substantial financial cost and would not be a good use of land resources. According to the established practice, the Board would not designate a preservation zoning for buildings which were not declared monuments/graded historic buildings. The Board noted that if the planning intention was to preserve only the existing character and ambience, flexibility should be provided in the zoning mechanism to cater for future planning and development needs, such as flexibility for certain extent of redevelopment while retaining sufficient planning control through the planning permission mechanism;

- (k) noting that the Bridges Street Market would become the only area left in Site A if the Wing Lee Street area was excised from the DSP, and the DEVB was at that time considering the possibility of preserving the market for adaptive re-use under its Revitalising Historic Buildings through Partnership Scheme, the Board also considered the excision of the market from the DSP;
- (l) on 7.1.2011, the Board agreed that the intention should be to preserve the existing character and ambience of Wing Lee Street; the whole of Site A, including Wing Lee Street and the Bridges Street Market, should be excised from the DSP; and the “CDA” zoning was a possible zoning mechanism for the Wing Lee Street area while the Bridges Street Market would be covered by an appropriate zoning separately;

*Representations related to the Wing Lee Street area (Site A)*

- (m) R-DSP/OZP-1 (submitted by Designing Hong Kong Limited (DHKL)) supported the preservation of Wing Lee Street. R-DSP-2, 3 and 7 as well as R-OZP- 2 and 3 (submitted by two Central & Western District Council (C&WDC) members and a member of the public) supported the incorporation of the area into the OZP with the building height (BH) restriction, while R-DSP/OZP-6 and R-DSP-8 to 22 (R-DSP-8 to 20 were submitted in three types of standard letters) opposed excising the area from the DSP and incorporating them into the OZP and asked to keep the Wing Lee Street area within the DSP for URA to preserve the buildings.

R-OZP-7 submitted by an owner of 11 Wing Lee Street opposed the “CDA” zoning and BH restriction of the Wing Lee Street area;

- (n) the representers (R-DSP/OZP-6, R-DSP-8 to 22) generally asked to keep the Wing Lee Street area within the DSP for URA to take up the preservation. They considered that keeping the area within the DSP for URA to maintain would be a better preservation plan. The area should be preserved and for residential use, instead of changing it to a “CDA”. To avoid demolition for redevelopment, no BH restriction should be imposed. It would be more efficient to preserve the Wing Lee Street area by acquiring the area for URA to maintain, as URA owned half of the properties and had started the refurbishment works. Besides, private owners would not preserve the buildings and landscape, and some might even demolish the buildings;
- (o) R-DSP-11 to 15 considered that URA had committed to redevelop the area and it would be an undesirable precedent to excise the area from the DSP;
- (p) R-OZP-7 opposed the “CDA” zoning and BH restriction, as full acquisition of the properties at Wing Lee Street had not been achieved over the years and URA had only been able to acquire 54% of the properties. It proved the difficulty in amalgamating the “CDA” zone, which was non-implementable, and could only result in further planning delay and planning blight. The “CDA” zone and BH restriction seriously undermined the financial incentive to redevelop the site and was detrimental to the provision of the new flats needed to meet the strong housing demand. A phased development would not be able to meet the criteria of the TPB Guidelines No. 17 as the planning intention in respect of the “CDA” zone would be undermined and the comprehensiveness of the redevelopment would be adversely affected;
- (q) as the heritage value was attached to the street but not the tenement buildings, and the statutory planning intention was to preserve the existing character and ambience of the Wing Lee Street area, no preservation of tenement buildings was needed and the landowners should have the right to

redevelop the existing tenement buildings. R-OZP-7 proposed to rezone the site to “OU(Mixed Use)” (“OU(MU)”); to relax the BH restriction to 75mPD; and to remove the requirement in the Explanatory Statement (ES) for planning approval before any demolition took place;

*Representations related to Sites B and C*

- (r) R-DSP/OZP-1 (submitted by DHKL) and R-DSP/OZP5 (submitted by Central and Western Concern Group) asked for more stringent control on the Staunton Street/Wing Lee Street area. R-DSP/OZP-4 (submitted on behalf of private owners who owned properties in Sites B and C) and R-DSP/OZP-5 opposed the extent of the amendments and requested to rezone Sites B and C as well. R-DSP-23 and 24 (submitted by a member of the public and an owner of 62 Staunton Street respectively) had not clearly specified support or opposition but considered that the renovation-led approach should also be applied to Sites B and C;
- (s) R-DSP/OZP-1, 4 & 5 and R-DSP-23 & 24 considered that the amendments relating to the excision of Site A from the DSP should also be applied to Sites B and C. The DSP should be totally removed as the situation of Sites B and C was similar to that of Site A in terms of the age, scale and quality of the buildings. There were no reasons, in terms of building condition, which would justify intervention by URA. The private landowners in Sites B and C did not wish to sell their properties to URA. Some owners had already refurbished their buildings and others would rehabilitate their buildings if they had certainty that they could retain ownership. Resumption of the retained DSP area did not meet the policy on land resumption under the Land Resumption Ordinance;
- (t) R-DSP/OZP-4 commented that there was no prior consultation before the decision to amend the DSP was made and the Board had confused the various processes under different provisions of the TPO;
- (u) flexibility should be provided for owners to decide on whether to do their own renovation or sell their units to URA. The renovation-led approach

could also be applied to Sites B and C. In fact, some private owners in Sites B and C had already successfully renovated their own properties;

- (v) R-DSP/OZP-1 suggested that a full heritage zoning for Wing Lee Street should be adopted. R-DSP/OZP-1, 4 & 5 and R-DSP-23 proposed that a BH restriction similar to the existing height or of 4 or 7 storeys should be imposed for the DSP. R-DSP/OZP-4 proposed to remove the DSP and incorporate the excised area into the OZP; or to amend the planning intention of the DSP to retain the ambience and character of the area including an option for owners to retain ownership of their properties;

*Representations related to the Bridges Street Market Site*

- (w) R-OZP-2 to 3, R-DSP-3 and R-DSP/OZP-4 supported the zoning of the Bridges Street Market site as “OU (Historical Site Preserved for Cultural and Recreational Uses)” and stipulating BH restriction for the zone. R-OZP-2 proposed to show the history that Dr. Sun Yat-sen was baptized in the Bridges Street Market site and to provide public space at the site. R-DSP-3 and R-OZP-3 proposed to use the market as a printing museum or to rent the site to non-profit making organizations or other art organizations for organising non-profit making activities;
- (x) R-DSP/OZP-4 opposed the excision of the site from the DSP as the whole DSP should be removed not just Site A. R-DSP-25 opposed the excision of the Bridges Street Market site from the DSP since the market had historic value as Dr. Sun Yat-sen was baptized and lived in there. The site should therefore be preserved and included in the DSP with suitable design concept (e.g. open plaza, statue and buildings) for remembrance of the history;

*Representation related to Hollywood House*

- (y) R-OZP-2 opposed the rezoning of an area occupied by part of Hollywood House at 27-29 Hollywood Road from ‘Road’ to “C” as the purpose of the rezoning was not understood;

The Comments

- (z) C1 (submitted by URA) supported the excision of Site A from the DSP and incorporation of the area into the OZP with the “CDA” zoning, and opposed R-DSP/OZP-1, R-DSP/OZP-4, R-DSP/OZP-5, R-DSP-6 and R-DSP-8 to R-DSP-24 on the following grounds:
- (i) a special rehabilitation scheme had been offered to the owners and rehabilitation of whole blocks at Wing Lee Street acquired by URA was underway;
  - (ii) the excision of Site A from the DSP and the “CDA” zoning were supported as they met the public aspiration. They allowed the Board to retain control over any redevelopment in form of MLP in order to preserve the terrace ambience, which was mainly determined by the proportion of buildings in relation to the terrace and the unique setting of a row of residential buildings fronting onto a pedestrian street which became a public space;
  - (iii) the planning intention of the “CDA” zone on the DSP was to achieve environmental improvement through comprehensive redevelopment, restructuring the street pattern, promoting efficient land use and providing community facilities. Piecemeal redevelopments would render the majority of the lots inaccessible by fire engine and offer little opportunity for improving air ventilation. The public open space proposed by R-DSP/OZP-4 was privately owned and the proposal required land resumption, and as a standalone project, the implementability was doubtful. The open space, if provided, was also inaccessible by the disabled;
  - (iv) some of the owners/owners’ representatives at Site C had previously urged URA to speed up the planning and acquisition process. With such diverse views, the “CDA” zoning proposed by the concerned representers would result in planning blight at Sites B and C unless



an implementation agent had been identified; and

- (v) unlike Site A with a unique terrace ambience worthy of preservation, there was no similar heritage value in Sites B and C. According to the building condition survey carried out by URA's structural consultant, majority of the buildings in Sites B and C were in "poor"/"varied" condition. Rehabilitation was not a sustainable and practical option;
- (aa) C2 to C8 supported R-DSP/OZP-4 on one or more of the following grounds:
  - (i) private owners should not be forced to give up their homes. The owners should be encouraged and supported should they be eager to renovate and maintain their flats. There were alternative means to ensure private owners to take responsibility for their buildings;
  - (ii) buildings in Sites A, B and C were all built in the same period with distinct styles and architectural uniqueness worthy for preservation. Having URA's control on the process would only lead to high-rise building without any preservation of the heritage;
  - (iii) the engineering report (done by R-DSP/OZP-4) had confirmed that the buildings in Sites B and C were in fine condition and there was no justification for involuntary resumption of private properties from land owners; and
  - (iv) private owners had no incentive to maintain their homes as a result of the collaboration between URA and the developers. The profit motives drove even more developments in the already congested areas. The Buildings Department (BD) should enforce the building codes to ensure proper building maintenance;

[Mr. Fletch Chan arrived to join the meeting at this point.]

- (bb) PlanD's responses to the representations and the representers' proposals were summarized in paragraph 4.4 of the Paper and highlighted as follows:

*The Wing Lee Street Area*

- (i) the preservation of the Wing Lee Street area was not meant to be a building conservation project. The old tenement buildings at Wing Lee Street were neither existing nor proposed historic buildings by the Antiquities Advisory Board (AAB). The cultural and social value of the tenement buildings at Wing Lee Street was mainly on the printing industry there serving the companies nearby in Central and Sheung Wan. The integrity of the terrace ambience might be preserved through preserving the building scale, proportion, rhythm and typology of the current setting of the tenement buildings. In agreeing to preserve the Wing Lee Street area on 7.1.2011, the Board made it clear that the area should be preserved because of the social value and the existing character and terrace ambience, rather than the buildings per se;
- (ii) given the planning intention and some owners within Site A wished to preserve their buildings on their own and were reluctant to sell their properties to URA, it would not be appropriate to invoke the Lands Resumption Ordinance to acquire the private properties in Site A for URA's preservation;
- (iii) while Site A was excised from the DSP, the owners and tenants' interests had been well taken care of by URA;
- (iv) within the "CDA" zoning of the Wing Lee Street area, residential and ground floor shop and services uses in an existing building were always permitted;
- (v) on R-OZP-7's objection to the "CDA" zoning of the Wing Lee Street area, it was considered that the zoning could provide flexibility to cater for future planning and development needs while

retaining sufficient planning control through the planning permission system. The statement in the ES requiring that planning permission should be obtained before demolition of any existing building was to ensure that development/redevelopment would be undertaken in a comprehensive manner;

- (vi) the BH restriction of four storeys mainly reflected and contained the existing height of the tenement buildings which were of three to four storeys. This had struck a balance between community aspirations for preserving the area and private development rights;
- (vii) on R-OZP-7's concern about the implementability of the "CDA" zone, it was not necessary to amalgamate all the sites in the "CDA" zone for the Wing Lee Street area to achieve the planning intention. Preservation of the existing character and ambience of the area could be pursued with phased development/redevelopment of individual lots without amalgamation;

Sites B and C

- (viii) the common public view expressed on URA's previous proposal (Application No. A/H3/387) was related to the preservation of the Wing Lee Street area only. The Wing Lee Street area was special in terms of the rather uniform buildings design and contextual setting on a terrace. The settings in Sites B and C did not have similar character as that at Wing Lee Street;
- (ix) although renovation works had been carried out by some owners to their properties within Sites B and C, many of the existing buildings were still in deteriorating or poor conditions. Some of the buildings had illegal extensions, and some parts of Site C were in poor environmental and hygienic conditions. Based on the building condition survey submitted by URA, the majority of the 21 buildings in Sites B and C were in "poor" (markedly dilapidated condition)/"varied" (dilapidated condition)" conditions. BD

advised that URA's survey results generally tallied with the results of the special operation for "Inspection of Buildings of Aged 50 and above" conducted by BD in 2010. Investigation/repair orders under s.26/26A of the Buildings Ordinance (BO) had also been served on the respective owners of buildings indicated as "poor" in URA's survey. Such buildings had been rendered dangerous or liable to become dangerous, or such buildings were found dilapidated or defective such that works/investigation might be required to be carried out to ensure safety. As most of the buildings at Sites B and C were built in 1960's with a nominal design life of 50 years, major repair of these buildings was not a sustainable and practical solution;

- (x) there was no information to demonstrate that all the owners in Sites B and C supported the excision of the area from the DSP. It was also noted that URA was holding 28 of the 79 units in Sites B and C. There was also no supporting document provided to substantiate that majority of current owners in Sites B and C did not wish to sell their properties to URA. In fact, some owners in Site C had previously expressed no objection to the redevelopment. The implementability of R-DSP/OZP-4's proposal for owners to retain and rehabilitate all the existing buildings at Sites B and C was doubtful;
- (xi) the Antiquities and Monuments Office (AMO) had already carried out a preliminary heritage assessment and concluded that the buildings in Sites A, B and C had no particular historic value while the terrace ambience of Wing Lee Street was worth preservation. It was an established practice that the Board would not designate a preservation zoning for buildings which were neither existing nor proposed historic buildings. There was no justification for excising Sites B and C from the DSP, revising the planning intention of the "CDA" zone under the DSP, or removing the DSP;
- (xii) the planning intention of the "CDA" zone for Sites B and C on the

DSP was to achieve environmental improvement through comprehensive redevelopment. Since it was not a conservation project, there was no reason to restrict the BH to four storeys as proposed by the representer. In considering URA's application (A/H3/387) on 19.3.2010, MPC agreed that the development parameters and layout for Sites B and C (i.e. a 13-storey and a 20-storey residential block respectively with lower floors accommodating commercial/retail uses, which had taken into account PlanD's proposed development parameters for Site C) were acceptable;

*The Bridges Street Market*

- (xiii) the excision of the site from the DSP was to facilitate the preservation and revitalization of the site. The "OU(Historical Site Preserved for Cultural and Recreational Uses)" zone, with the planning intention to preserve and revitalize the existing Bridges Street Market site for cultural and recreational uses, was in line with the representer's request to preserve and revitalize the site;
- (xiv) the Bridges Street Market site, which was a Grade 3 historic building, had been included in Batch III of the Revitalising Historic Buildings through Partnership Scheme launched by the Commissioner for Heritage's Office (CHO), DEVB on 7.10.2011. The Scheme invited non-profit making organisations to submit applications to put the government-owned historic buildings to adaptive re-use through the operation of social enterprises. Any adaptive reuse scheme should follow the Conservation Guidelines drawn up by AMO. In particular, the Guidelines required the setting up of an interpretation area to illustrate the evolution history of the site from the American Congregational Mission Preaching Hall to the Bridges Street Market, including the historical value of its relationship with Dr. Sun Yat-sen and contributions to Christianity when it was a church, and the social value of its connection with the community when it was a market;

Hollywood House

- (xv) Hollywood House on IL 109CRP and IL 109RP, was partly zoned “C” (IL 109CRP) and partly shown as ‘Road’ (IL 109RP) on the approved OZP No. S/H3/25. The existing composite commercial/residential building was completed in 1965, with the lowest floors for shop and office uses. To rectify the discrepancy between the lot boundary and the zoning boundary and to reflect the planning intention for commercial development in the locality, the concerned ‘Road’ area was rezoned to “C” on the OZP;

PlanD’s Views

- (cc) the support of R-DSP/OZP-1 for the preservation of Wing Lee Street; the support of R-DSP-2 and 3, R-OZP-2 and 3 and R-DSP-7 to the excision of the Wing Lee Street area and the Bridges Street Market site from the DSP and incorporation of the excised area into the OZP; and the support of R-DSP/OZP-4 for the rezoning of the Bridges Street Market site were noted; and
- (dd) R-DSP/OZP-5 and 6, R-DSP-8 to 25 and R-OZP-7 and the remaining parts of R-DSP/OZP-1 and 4, R-DSP-3 and R-OZP-2 and 3 should not be upheld.

[Ms. Maggie M.K. Chan left the meeting at this point.]

14. The Chairman then invited the representatives of the representers and commenters to elaborate on their submissions.

R-DSP/OZP-4 (Private Property Owners in Staunton Street and Shing Wong Street)

R-DSP-24 (Dare Koslow)

15. With reference to the supplementary statement submitted in support of the representation and the supplementary information tabled at the meeting, and with the aid of a Powerpoint presentation, Mr. Ian Brownlee made the following main points:

- (a) the representer represented four owners of properties in Sites B and C of the DSP. Authorization letters of these private owners were tabled at the meeting for Members' information;
- (b) when deciding to remove the Wing Lee Street area (Site A) from the DSP, the Board should have made a full assessment of the impact on the whole DSP including Sites B and C. The Board should have realized that the circumstances in the area had significantly changed and that the involvement of the URA in the area no longer had to be through the DSP process. The Board had accepted a valid alternative way to improve the environment of the area in removing Site A from the DSP and accepting the URA's proposal for implementation;
- (c) the private owners were capable of improving and maintaining their buildings in a good condition if they were not frustrated by the threat of the URA's resumption of the area;
- (d) the TPB Paper did not adequately present all significant factors that needed to be considered by Board. It also adopted illogical and inconsistent comments made by the URA as the basis for recommending no change to the zoning of Sites B and C;
- (e) a short video of the current situation of the area of Sites B and C was shown to Members;
- (f) there had been three fundamental changes since the s.12A application (No. Y/H3/5) and the planning application (No. A/H3/388) (submitted by several owners of Site C) were considered by the Board:
  - (i) there was now no approved DSP scheme for the Board to make reference to when considering the representations;
  - (ii) there was now no approved planning intention for the DSP area and the Board was therefore free to consider alternatives to the "CDA"

approach, and free to introduce a new or alternative planning intention for the land involved;

- (iii) the Board and the URA had adopted an alternative “non-resumption” approach for Site A which incorporated many of the implementation measures suggested in the s.12A application and the planning application submitted by several owners of Site C. This approach completely undermined the argument for the comprehensive development approach adopted in the DSP;
- (g) the process of excising Site A from the DSP had been undertaken in bias towards the URA and against the interests of private landowners. There was no openness and consultation, as demonstrated in the following aspects:
  - (i) despite the Board’s suggestion that the owners of the private property within the area should be consulted in coming up with an alternative scheme, no consultation had taken place;
  - (ii) as indicated in paragraph 3.5 of the Paper considered by the MPC (MPC Paper No. 6/11) on 17.6.2011 on the proposed amendments to the DSP and the OZP, the Board had previously considered information submitted by URA. However, the information was under confidential cover and not made known to the owners or to the public. The information should include a “Building Condition Report”. It would appear that the information was only related to Site A, but not the whole DSP area. This was considered to be a major deficiency;
  - (iii) on 15.8.2011, the representative of private owners in Sites B and C wrote to the Secretary of the Board requesting a copy of the information submitted to the Board, but the request was refused;
  - (iv) the lack of transparency and lack of consultation with the owners were a major concern to the private owners as their property rights



were directly affected. It was evident that the process had been completely inadequate in terms of gauging the opinion of all the affected landowners in the input to the amendments to the DSP. This was particularly so when it was known that many of the private owners in sites B and C had not sold their properties to the URA but would like to retain ownership of their properties;

(h) when making changes of significance, the Board should be provided with all relevant information to enable a reasonable decision to be made. This had not taken place in relation to the current amendments to the DSP as only selective information was placed before the Board. This was shown in the following aspects:

(i) on 16.6.2011, a letter on behalf of the private owners was sent to the Board pointing out the inadequacy of the information in the said MPC Paper. The MPC Paper did not refer to any of the information previously submitted in the applications submitted by the private landowners and it did not provide information regarding the appeal to the Town Planning Appeal Board which was yet to be heard. The MPC Paper also did not include the implications on the whole of the DSP in removing Site A from it. The letter suggested that the MPC should give serious consideration to also removing Sites B and C from the DSP;

(ii) it was noted in the minutes of the MPC meeting on 17.6.2011 that the letter was tabled and discussed. The following was noted in paragraphs 53 and 55 to 58 of the MPC minutes:

a. the planning history of Sites B and C was incorporated into other previous Board and MPC Papers, but had not been included in that subject MPC Paper No. 6/11:

b. when considering the application submitted by URA (A/H3/387), the MPC had agreed that the parameters and layout for Sites B and C were appropriate;

- c. a reply to a previous letter of the 4.5.2011 had been sent only two days (on the 14.6.2011) prior to the MPC meeting. The letter did not address the prior consultation issue, but referred the private owners to the statutory processes for submission of representations;
  - d. regarding the background information submitted by the URA, the MPC was advised that as it involved reference of the DSP and OZP back from the CE in C under s.12(1)(b)(ii), it was not disclosed to the public;
  - e. a Board Member said that the Board was fully aware of the information regarding Site C as the subject matter had been thoroughly discussed in several Board meetings;
- (iii) it would appear that the MPC had confused the various processes under different provisions of the TPO when deciding to amend the DSP and OZP. This was evident in that:
- a. the MPC had considered the information regarding the proposed amendments when it decided on the reference of the DSP and OZP back from the CE in C under s.12(1)(b)(ii), but the information was not highlighted to the Board when it decided to amend the DSP and OZP to excise Site A from the DSP;
  - b. the Board had not considered the information regarding the applications previously submitted by the private owners;
  - c. the Board had considered the information provided by URA when it decided on the reference of the DSP and OZP back from the CE in C under s.12(1)(b)(ii). While the Board was advised that the application submitted by URA (A/H3/387) was considered relevant, details of the application were not provided for the MPC to consider;

- d. it was wrong to assume that the Board was provided with adequate information, if information on the previous applications submitted by the private owners was not included. This was particularly so as the criteria and circumstances that the Board applied to the Wing Lee Street area were directly relevant and similar to those in Sites B and C. Those aspects should have been specifically considered under the plan-making process, which was different from the planning application process under s.16 and s.12;
- (iv) the decision to amend the DSP was therefore made on an ad hoc basis with no systematic information placed before the MPC to arrive at an informed decision. This had continued in the present hearing of the representations. The focus was on defending a previously inadequate process rather than trying to provide the relevant information in the TPB Paper;
- (i) the original proposal for the DSP was submitted to the Board in 2003 (eight years ago). In 2007, the site now occupied by the Centre Point was excised from the DSP following a Judicial Review. The BD had previously advised URA that the lanes should be excluded from the sites for calculation of development potential. These lanes would remain as public lanes. The Board had also excluded the whole of Site A from the DSP in the current amendment. The remaining Sites B and C were not physically connected and could not be part of a realistic comprehensive scheme. The existing buildings in Sites B and C had been improved under private initiatives and there was a strong desire of the private owners to retain these buildings and the character of the area. With all of these changes, there were strong reasons for considering whether the DSP was still required and the relevance of the original planning intention;
- (j) the MPC Paper was inadequate for justifying the continued existence of the DSP as it did not include any assessment of any nature or matter relating to the remaining portions within Sites B and C. A re-assessment of the

conditions within the remainder of the area should have been carried out and a re-assessment of the justification for the URA involvement needed to be carried out;

- (k) no information was presented to the MPC to indicate what form of new development would be envisaged on Sites B and C, any proposals for renovation of existing buildings, visual relationship to the Wing Lee Street terrace to any proposed new buildings, the community facilities required in the area and provision of open space or landscaping. The situation in planning, heritage and landscaping conditions had changed drastically in the last few years and any assumptions previously made were no longer relevant. This was particularly so when considering the overall urban design context for the area and how it had changed as a result of the changed made to the DSP;

[Dr. Winnie S.M. Tang arrived to join the meeting at this point.]

- (l) it was stated in paragraph 6 of the ES of the DSP that *“most of the buildings within the Area are of three to six storeys high and residential in nature with ground floor shops and workshops. Although renovation works have been carried out by some owners on the properties/buildings within the Area, many of the existing buildings are in deteriorating or poor conditions. Some of the buildings have illegal extensions and the internal service lanes are narrow with poor environmental and hygienic condition.”* However, there was no assessment done to show how many of the existing buildings were “in deterioration or poor conditions” and the extent to which they were problematic. The existence of “illegal structures” was also common even in high-quality residential districts. The existence of “illegal structures” should not be taken to necessarily indicate a problematic urban environment. The hygiene of the internal service lanes might have been an issue when the original DSP was proposed. However, with the occurrence of SARS and the subsequent improvement in public hygiene services, there was no evidence of “poor environmental and hygienic conditions” in recent inspections to the area;

- (m) paragraph 7.2 of the ES also stated that *“the Development Scheme envisages the comprehensive redevelopment of the Area for residential and commercial uses with open space. Portions of the existing street including part of Wa In Fong East and Wa In Fong West which are covered by the area will be integrated into the area for comprehensive redevelopment.”* However, there was no apparent reason for integrating the parts of Wa In Fong into a comprehensive redevelopment, given that Shing Wong Street was to be retained as ‘Road’ on the DSP and OZP. The existing street network was mainly stepped streets and small lanes which were an integrated part of the urban pattern of the area. They were a pleasant and a complementary environment at Wing Lee Street, which the Board had decided to retain for its ‘ambience’. Small-scale commercial and residential developments compatible with the existing scale of the streets and the existing buildings would be appropriate;
- (n) paragraph 7.4 of the ES stated that *“a landscaped open space at the podium level may be provided on the basis of the planned population in order to meet the needs of the future residents and to enhance the environment. Public open space will be provided at grade to meet the needs of the general public.”* It should be noted that there was an extensive pattern of open space throughout the neighbourhood. They included the Wing Lee Street Sitting-out Area, the Chung Wa Lane Sitting-out Area, the existing private open space at the rear of Dawning Heights and the new landscape private open space at the rear of the Centre Point development. These private open spaces were open to the public. There was scope for an additional open space on the government land occupied by temporary structures in Chung Wa Lane and on the vacant site between Shing Wong Street and Wa In Fong West. Hence, further and significant justifications should be provided if private land rights were to be taken away for the provision of further open space in the area;
- (o) the representer also submitted an assessment of the Landscape Resources in the area, a tree assessment and a Landscape Plan. They illustrated the existing public open spaces, private open spaces for public access and an area of government land which could be used for public open space in the

area. They also identified important trees to retain;

- (p) the existing streetscape for Shing Wong Street was dependent on the openness of the area and the low-rise nature and similar character of the buildings on the eastern side of the street. If there was a need for public open space to be provided within the DSP area, this could be provided at the site opposite the junction of Shing Wong Street and Wing Lee Street. The existing sitting-out area at Chung Wo Lane could be improved and an area of government land currently occupied by temporary structures could also be turned into a planted open area;
- (q) paragraph 7.5 stated that *“as part of the redevelopment, the Development Scheme will rationalise the pedestrian circulation by closing some internal lanes and replacing them with a more comprehensive and coherent network. The proposed pedestrian network would offer safe, convenient and pleasant routes for pedestrians while maintaining the existing north-south route between Caine Road and Staunton Street and east-west connections between Shing Wong Street and Staunton Street.”* However, the existing pedestrian circulation system in the area was safe, convenient and very pleasant. There was no particular reason why some of the existing routes should be closed;
- (r) the Board had given no consideration to the quality of the buildings within Sites B and C. A report, prepared and signed by a qualified structural engineer, was submitted with the representation. The report showed that none of the buildings in the area required demolition. The buildings to which dangerous building notices had been given by the BD included those URA had an ownership interest. The report also rated 11 buildings as having “good” structural condition, 7 “reasonable” but needed maintenance work and only 3 were in poor shape. The report showed that there was no need for URA to resume private land in the area as there was no public interest matter which needed to be addressed in terms of building quality;
- (s) this was the first piece of updated information on building conditions being provided to the Board. URA, in response to the representer’s submission,

only provided a single page plan with no description of the definitions on the conditions of the buildings, no photos, no description on methodology taken and no signature of who prepared it and their qualifications. The categories of building conditions were incomprehensible and the meaning of “varied” in the description was not explained;

- (t) paragraph 4.4.7 of the TPB Paper did not provide any reasonable assessment of the representer’s submissions and on their relevance, but had purely adopted the conclusion in URA’s single plan. It would also appear that the survey undertaken by URA had been largely carried out by external observation;
- (u) the private lots within the area were subject to a term of 999 years and were basically unrestricted and of great value. The Board should therefore satisfy itself that there was a real public purpose that private land was to be included within the DSP and resumed; there was no alternative which involved no resumption of private property; and the land to be resumed was the minimum area necessary to achieve the public purpose;

[Professor S.C. Wong arrived to join the meeting at this point.]

- (v) from the TPB Paper, it could be concluded that:
  - (i) the DEVB had previously advised that resumption was not appropriate for Wing Lee Street as there was not enough justification on the “public purpose” involved;
  - (ii) the development scheme would be implemented through resumption of private land as many owners in Sites B and C were not willing to sell their properties to URA;
  - (iii) if URA considered that resumption of land for a public park in the area was doubtful in terms of implementation, there was no reason why resumption of private land for development by private developer was for public purpose and was easier to be implemented;

- (iv) there was no public purpose item included in the development scheme;
- (v) there was a reasonable alternative available which did not require resumption and this alternative had been applied to Wing Lee Street;
- (w) it was clear that there was no consensus on excising Wing Lee Street or Sites B and C from the DSP, as shown in the strong objections raised by some owners. It was unreasonable to request that the representer's representation should represent all private owners within Sites B and C to show consensus. On the other hand, none of the owners in Sites B and C showed support to the current proposal and the URA's failure to acquire many properties in Sites B and C also indicated that owners did not support the DSP approach;
- (x) there was public support for excising Site C from the DSP as demonstrated in the s.12A application submitted by some owners in Site C. There was no public objection to the representer's proposal, except that from URA;
- (y) URA's comments were distorting the facts in the following aspects:
  - (i) FSD had no comment on the representer's proposal which showed that there was no need to provide access by fire engines to the stepped streets;
  - (ii) the objection to the previous planning application submitted by the private owners was not relevant in the current plan-making process. It should also be noted that those objectors had not submitted any representation or comment to the current amendments to the DSP and OZP. The owner of 66 Staunton Street had recently completed the refurbishment of his building and indicated that there was no need for URA to improve the area;
  - (iii) the reference to a letter from an owner concerned (an owner in Site C)



about public safety had been twisted out of context;

- (iv) there were other ways to improve the area through a varied and interesting private sector approach. The DSP and the involvement of URA had been the main factor in causing urban blight. A “non-comprehensive development approach” would help retain the character of a wider area than just Wing Lee Street;
- (z) the DSP should be subject to a BH restriction, same as any other “CDA” zone. The PB was an internal administrative document and the public or the landowners were not involved in the processing of the PB;
- (aa) the appeal to the Town Planning Appeal Board was relevant to this representation as it was yet to be heard. If the subject representation was upheld by the Board, there would be no need to proceed with the appeal. The representation process provided a direct and more public way of resolving the issues;
- (bb) 3 options were proposed to enable the private owners to keep their property and to improve the quality of the area while retaining the character and amenity:

*Option 1: to remove the DSP and incorporate Sites B and C in the OZP*

- (i) the majority of Site B should be rezoned to “Residential (Group C)1” with a maximum BH of four storeys;
- (ii) a portion of vacant land between Wa In Fong West and Shing Wong Street should be rezoned to “Open Space” (“O”) and developed as a public park;
- (iii) Wa In Fong East and Wa In Fong West should be shown as “Road”;
- (iv) the majority of Site C should be rezoned to “Residential (Group C)” consistent with the adjacent zoning and with a sub-area to permit a maximum BH of seven storeys;

- (v) two small areas of government land in Chung Wo Lane, i.e. the existing Chung Wo Lane Sitting-out Area and the area occupied by temporary structures, should be rezoned to “O”;
- (vi) Chung Wo Lane should be shown as “Road”;

[Mr. Laurence L.J. Li arrived to join the meeting at this point.]

Option 2: to rezone the area as “CDA”

- (i) this followed the approach of Site A and enabled the Board to consider redevelopment through planning application;
- (ii) the area should be rezoned to “CDA” subject to a BH restriction of seven storeys for Site C to reflect the existing BH and character of the buildings;

Option 3: to retain the DSP

- (i) the planning intention stated in the DSP should be amended to follow that for Wing Lee Street;
- (ii) to include in the Planning Intention for the whole DSP area that the DSP was to “*primarily preserve the existing character and ambience of the area in the vicinity of the historical Bridges Street Market, Wing Lee Street and the former Police Married Quarters site. The intention is to retain the existing pattern of lanes and to provide opportunities for inclusion of small public open space areas for public enjoyment and improvement of the general quality of the area. Private owners will be encouraged to repair and maintain their properties. However, the URA, either separately or in conjunction with the existing owners, will rehabilitate repair or redevelop buildings within the DSP area. Where owners may wish to retain ownership of their existing buildings, the URA may consider subsidizing the rehabilitation/maintenance costs*”;

- (iii) a BH restriction of four storeys to be imposed on Site B and seven storeys on Site C; and
- (iv) paragraph 8 of the ES of the DSP should be re-written to reflect the joint process of implementation and rehabilitation with the existing owners. Paragraph 8.2 should reflect a changed approach with the URA not intending to acquire the property unless the owners wished to, in accordance with their new “demand-led” approach to urban renewal. Resumption of land should be stated as being used only if and when all other options had failed and where a matter of public interest was involved.

16. Ms. Juliet Chow (owner of property at Staunton Street) made the following main points:

- (a) if it was the planning intention to improve the environment of the area, the private owners had already done a very good job in achieving this. There was no need for the Government to spend the money to resume the private properties; and
- (b) the area was one of the most popular and valuable places in Hong Kong and there was no reason for the Government to use public money to resume the area and make way for URA to build high-rise development and make profit.

17. Mr. Dare Koslow (owner of 4/F of 62 Staunton Street) made the following main points:

- (a) as an owner of the property within a tenement building, he had no intention to demolish the building or sell it to URA for redevelopment, but to preserve it to show Hong Kong’s traditions and real old-style streetscape; and
- (b) he was committed to preserve the tenement building and the surrounding area in good condition;

- (c) the URA was an absentee landlord and knew nothing about tenement buildings. The URA had taken no initiative in maintaining the area and the tenement buildings under their ownership in good condition. He had previously written to the URA to request them to share maintenance responsibility of the area, but the letter was misinterpreted as asking URA to acquire the area because of poor conditions of the tenement buildings;
- (d) there should be alternative means to improve the environment of the area without redeveloping for high-rise development. This was to preserve the tenement buildings; and
- (e) the Board should consider whether the community needed additional high-rise high-density developments, or a viable and lively neighbourhood.

18. Mr. Ian Brownlee supplemented that as with the preservation of the Former Police Married Quarters site for creative industry, the preservation of the Bridges Street Market site and the streetscape of Wing Lee Street, the other buildings could also be preserved as part of the new neighbourhood for creative art and heritage preservation.

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

R-OZP-7 (Expert Charter Limited)

19. With the aid of a Powerpoint presentation, Ms. Keren Seddon made the following main points:

- (a) the representation was against the “CDA” zone of the representation site and the stipulation of a BH restriction of four storeys. The representer also objected to the requirement stipulated in the ES of the OZP for planning permission to be obtained before demolition of any building within the representation site;
- (b) the redevelopment potential of the representation site would be severely limited by the new zoning and that the “CDA” zoning was in fact

non-implementable;

- (c) the imposition of the blanket BH restriction of four storeys was arbitrary and would not help to achieve the planning intention of preserving the character and ambience of Wing Lee Street. The “CDA” zoning would force a single redevelopment by a single entity at a single point in time, which would result in an out-of-context building that would destroy what was left as the street character. This street character was achieved as a result of the past organic growth and “small-grain” development pattern;
- (d) the representation site, with an area of about 699m<sup>2</sup>, covered 12 existing tenement buildings at Wing Lee Street. The representer owned one of these tenement buildings at 11 Wing Lee Street. There was no vehicular access to the site and pedestrian access was primarily by means of a staircase along Shing Wong Street;
- (e) many tenement buildings at Wing Lee Street were almost 60 years old and could not comply with the current fire safety and building codes. According to the assessment undertaken by URA, the buildings within the representation site were generally in poor conditions and major structural strengthening and alteration would be required. Given the poor condition and poor structural stability of the buildings, urban renewal or redevelopment was crucial in improving the living conditions for the local residents;
- (f) there had been eight years since the first gazetting of the DSP for the development scheme in 2003. URA had only managed to secure 54% of ownership of the representation site. The remaining 46% of the site remained under multiple ownership;
- (g) the site had become popular as a result of its providing the setting for an award-winning film. While the film had resulted in a certain public sentiment in support of the preservation of the site, the need to retain the existing tenement buildings had not been accepted by the relevant authority and the buildings had not been graded;

- (h) meanwhile, the small lot owners had suffered from planning blight for over 10 years as a result of the designation of the area under the DSP;
- (i) it was noted that the planning intention of the subject “CDA” zone was primarily to preserve the existing character and ambience of Wing Lee Street area. However, it was doubtful if the existing character and ambience of the street area should be preserved, and if yes, it was doubtful if preservation could be best achieved through the “CDA” zoning and the four-storey BH restriction;
- (j) while the planning intention for preservation was agreeable, it was noted that there was no intention to preserve the tenement buildings per se. The perception of the need to preserve the buildings was based on some subjective analysis and an emotional response to the film. On the other hand, the preservation of the character and ambience of the street was another matter to be considered. Such character and ambience was in fact a result of the fine-grain scale and mixture of uses and daily activities spilling onto the street. This character and ambience had been allowed to develop on the site in an organic manner over many years without any “CDA” zoning or BH restriction. This was resulted as individual landowners were able to develop their own sites in their own styles;
- (k) the intention of the “CDA” zoning was for development/redevelopment for residential and/or commercial uses planned in a comprehensive manner. Implementation of comprehensive redevelopment would be easier if fewer landowners were involved;
- (l) according to TPB Guidelines No. 17 on ‘Designation of “CDA” Zones and Monitoring the Progress of “CDA” Developments’, in designating a “CDA” zone, consideration had to be given to land status, ownership and the likely prospect for implementation. Generally, “CDA” would only be designated or retained if there was positive prospect of implementation. Otherwise, the site would be zoned as other appropriate uses. However, the subject “CDA” was non-implementable as it involved multiple

ownership. The planning intention would therefore not be achieved and the zone was not in the public interest or the interest of the small lot owners;

- (m) the designation of a non-implementable “CDA” would result in planning blight and eventual deterioration of the existing buildings within the representation site that were still under private ownership. As indicated in the Visual Inspection Report submitted by URA in support of their development scheme in 2010, there were signs of structural defects in the tenement buildings, including water seepage, decaying walls both internally and externally, falling pieces of reinforced concrete and collapsing of the roof canopy. It was also found that the internal conditions were even worse than the external conditions and the common areas. There was an urgent need to improve the living conditions;
- (n) of the 12 tenement buildings within the site, URA had only acquired four of them (5 and 7 to 9 Wing Lee Street) and parts of 3 and 12 Wing Lee Street. A significant 46% of the properties were still under private ownership, which made agreement on a single comprehensive scheme very difficult;
- (o) a “CDA” zoning might also result in monotonous and standardized building design. While it was the Board’s planning intention to preserve the character and ambience of the site, a different zoning could allow for organic growth and a “small-grain” urban pattern with boutique type redevelopment. Through different redevelopment and rehabilitation initiatives, a different zoning could result in more varied and interesting building facades at Wing Lee Street. Street level activities could be increased as the revitalization initiatives gathered momentum;
- (p) the subject “CDA” site was only 699m<sup>2</sup> in area. There was no road access. There was also limited redevelopment potential. These factors would exacerbate the non-implementability of the “CDA” site and planning delay and planning blight that could be expected under such situation;

- (q) phased development under the “CDA” zoning as proposed by PlanD was not feasible. This approach was against the planning principle of a “CDA” zoning for comprehensive development. Phased development would also result in even smaller size residual area within the “CDA”;
- (r) with such a small size “CDA” zoning, any redevelopment could not be self-contained and open space, government, institution or community (GIC) facilities, transport and other infrastructure facilities could not be provided;
- (s) given the past organic development of the representation site, many of the existing buildings had shared access staircases between each pair of tenement buildings. Redevelopment in a phased manner with access to each lot would not be practicable;
- (t) the stringent BH restriction of only four storeys was not in line with Government’s policy to facilitate urban renewal in the old urban areas, to provide incentive for restructuring of obsolete areas, and to prioritize land supply for housing sites. The BH restriction would hamper the local provision of flats. Small flats in this part of Sheung Wan were highly attractive, convenient and affordable;
- (u) the four storeys BH restriction did not take into account a five-storey building at 3 Wing Lee Street. PlanD’s statement that the existing buildings at Wing Lee Street were 3 to 4 storeys high was not correct;
- (v) as shown in the photographs taken at the site, any slight difference between four to five storeys was imperceptible given the overall built context;
- (w) the four-storey BH restriction did not make any sense in urban design term as high-rise residential estates had been erected in close proximity to the representation site. They included Casa Bella (181mPD), Centre Stage (162.6mPD), Grandview Garden (25 storeys) and Centre Point (136.8mPD). These high-rise developments completely dwarfed the appearance of the three to six storeys tenement buildings;



- (x) while the ES of the OZP stipulated that the purpose of imposing the BH restriction was to prevent excessively tall or out-of-context buildings, to preserve the views to the ridgelines and to provide better control of BHs, given that the site was situated on a slope and was surrounded by high-rise developments, a less restrictive BH restriction could still achieve the planning intention. A more lenient BH restriction could provide more incentive for small lot owners to redevelop their sub-standard tenement buildings without detracting from the existing character and ambience of the street;
- (y) in fact, the two proposals previously submitted by URA in 2011 were based on a BH of just under 75mPD or 6 storeys. There were no adverse comments from relevant government departments on the proposed BH;
- (z) the representation site was privately-owned. It was not intended to serve as a public breathing space. Breathing space should be provided through various GIC and open space sites. The Wing Lee Street Rest Garden and the Wing Lee Street Sitting-out Area immediately abutted the representation site. The Kwong Hon Terrace Garden was located only two street blocks away to the southeast;
- (aa) it should be noted that it was not the planning intention of the Board for complete preservation of the tenement buildings at Wing Lee Street but to impose a flexible zoning in order to allow the preservation of the character and ambience of the site. However, a “CDA” zoning was not considered as a suitable zoning for such intention;
- (bb) the requirement for planning permission for any demolition of the existing buildings within the “CDA” as stipulated in the ES was not consistent with the planning intention not to completely preserve the tenement buildings. The requirement was superfluous and not transparent as there could always be a hidden agenda under the planning permission requirement;
- (cc) any full preservation intention, or any requirement for planning permission prior to demolition being allowed would result in planning blight. It had

created uncertainties and put the small lot owners in an impossible situation which was both unjustified and unreasonable. It would frustrate urban renewal initiatives and could cause further building decay;

- (dd) owing to the lack of amenity and the poor structural conditions of the existing tenement buildings, it was in the public interest to upgrade the existing living conditions through redevelopment now, but not many years later through preservation of the existing tenement buildings;
- (ee) the representer therefore had the following proposed amendments to the OZP:
  - (i) to rezone the representation site from “CDA” to “OU(MU)”;
  - (ii) to relax the BH restriction from four storeys to 75mPD. Taking into account the street level of the representation site at 53.7mPD, the actual BH would only be 21.3m only. Assuming a floor-to-floor height of 3.15m, the 75mPD BH would allow for around six to seven storeys;
  - (iii) to remove the requirement in the ES for planning approval before any demolition of the existing buildings;
- (ff) the “OU(MU)” zoning was considered more suitable for the representation site in view of the mixed ownership and the small-grain pattern of the lots. The zone allowed for a combination of various types of compatible uses to be developed on the site, thus promoting vitality and diversity within the street. More importantly, the zone facilitated the participation of small lot owners in the urban renewal and regeneration process in a way that also allowed the existing character and ambience of Wing Lee Street to be preserved. Organic development was enabled in the short term and planning blight could be avoided;
- (gg) the representation site met the planning criteria for “OU(MU)” zone in that there was already a mixture of commercial, office and residential uses in

the area; the representation site had good accessibility as it was well-served by green minibuses and buses on Caine Road and Hollywood Road and it was also within comfortable walking distance to the Sheung Wan MTR Station; the area was supported with basic infrastructure facilities; and various GIC facilities and open spaces were provided for future residents;

- (hh) regarding the proposed BH restriction of 75mPD, it should be noted that there was no urban design concern on such BH when the URA submitted their previous planning applications for the development scheme; and
- (ii) while the buildings already acquired by URA had been renovated, other owners were not motivated by the revitalization scheme. The restrictions imposed under the “CDA” zoning would further suppress any incentive for current landowners to redevelop their tenement buildings. The “OU(MU)” zoning as proposed by the representer for the representation site should provide encouragement to the small lot owners and to maintain the small-grain, mixed use character of the area.

R-DSP-7 (Cheng Lai King)

R-DSP-2 and R-OZP-2 (Cheng Lai King and Ho Chun Ki)

20. Ms. Cheng Lai King made the following main points:

- (a) the exclusion of Wing Lee Street from the DSP was supported;
- (b) over the past years, there had been many new high-rise developments in the district which had affected the environment and air ventilation of the area. Local residents did not want additional high-rise developments and construction works in the area. The Wing Lee Street area should be retained as a breathing space for the area;
- (c) it was noted that private owners were not willing to sell their properties to the URA, but rather to renovate the tenement buildings themselves;
- (d) the existing tenement buildings at Wing Lee Street had their unique

characteristics. While the tenement buildings were not graded as historic buildings, such unique characteristics of the tenement buildings cluster built in the 50s and 60s and the ground floor shops should be preserved. The proposal to increase the BH of the area and redevelopment of individual building to high-rise development was therefore not supported;

- (e) the preservation of the Bridges Street Market was supported;
- (f) consideration should be given to improve the access for the disables to the Wing Lee Street area;
- (g) the mature trees in the area should be preserved; and
- (h) there was concern that the rezoning of Hollywood House would result in occupation of the street area by shops or restaurants.

R-DSP-22 (Rayson Yip)

21. Mr. Rayson Yip played a recording on his representation for more than 15 minutes on his complaints on URA's unlawful acquisition of his property at Wing Lee Street over the past years and the main points were summarized below:

- (a) he was the owner of G/F of 12 Wing Lee Street;
- (b) while he had no strong view on the development scheme to be carried out by URA, he hoped that URA should undertake its promise to private owners in addressing the resumption issue;
- (c) it was considered very unfair for URA to acquire his property with a price below the market price. The gross floor area of the property and the four shares of ownership had also not been recognized in the acquisition proposal;
- (d) URA on one hand acquired his property with a very low price, while on the other hand would sell the property to big developer in an extremely high

price for development. This was considered as a transfer of benefits and an abuse of power by the Board for URA's interests (「以權謀私」);

- (e) if it was the intention to preserve Wing Lee Street, the URA should acquire all private properties there and do the preservation work. Alternatively, the private property owners should be compensated for the land premium and do the preservation work on their own. URA should not use unlawful way to acquire the private properties and any acquisition should be fair to landowners; and
- (f) the Government should help ensure that the acquisition by URA should be in accordance with the law and fair to small property owners, and that no transfer of benefit should be allowed.

22. The Chairman interrupted Mr. Rayson Yip's presentation of the tape recording and told Mr. Yip that his concern as expressed in the tape recording on acquisition of properties by URA was not related to the amendments to the DSP and OZP to be considered by the Board in the representation hearing.

23. The Chairman asked if Mr. Rayson Yip had any further points to make on the amendments to the DSP and OZP. The Chairman reiterated that the hearing was related to representations to the amendments to the DSP and OZP. The presentation already made by Mr. Rayson Yip was unrelated to the issue and outside the scope of the representation hearing. Mr. Rayson Yip's concern on acquisition of private properties by the URA was outside the ambit of the Board which was to deal with the land use planning of the area. The Chairman also stated his disagreement to Mr. Yip's comments that there was an abuse of power by the Board in promoting private interests (「以權謀私」) and a Member spoke in support of the Chairman's refutation.

24. Mr. Rayson Yip did not continue with his presentation and he left the meeting at this juncture.

R-DSP/OZP-5 (Central and Western Concern Group)

R-DSP-23 (Katty Law)

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

- (a) the development intensity of the district had become very high in recent years and there were already too many high-rise private developments in the area;
- (b) the preservation value of the tenement buildings cluster in the area was recognized by a professor of the Chinese University of Hong Kong, although the buildings were not graded by the AAB;
- (c) the character and ambience of the terrace of Wing Lee Street could not be preserved if the tenement buildings were allowed to be demolished. The terrace and the tenement buildings were integral parts of the ambience of the area and should not be treated in a different manner;
- (d) both URA and some private owners had done renovation works to the tenement buildings in the area and the renovated tenement buildings had formed the unique characteristics of the area. This also demonstrated that it was feasible to preserve and renovate the tenement buildings. This was considered as the best way to improve the environment of the area. There was no need to demolish the old buildings. It was illogical and unreasonable to demolish the tenement buildings which had already been renovated and were in good conditions and structurally sound, and to replace them with some new high-rise high-class developments in the area; and
- (e) the value of the tenement buildings would be increased after the renovation works. It was therefore agreed that there should be reasonable planning control with appropriate flexibility allowed on these tenement buildings and the proposal of a representer to increase the BH restriction for the area to 7 storeys should not be supported.

[Mr. Rock C.N. Chen left the meeting at this point.]

C1 (URA)

26. With the aid of a Powerpoint presentation, Mr. Michael Ma made the following main points:

- (a) since the decision to excise Site A from the DSP, URA had already stopped acquiring the private properties within the area. URA now possessed four blocks of tenement buildings at Wing Lee Street;
- (b) URA had provided assistance to the private owners. For instance, URA had assisted tenants to relocate. URA had also provided financial assistance for tenants/private owners to renovate their properties;
- (c) for the properties already acquired by URA, works had been done to renovate the buildings and provide them with building services such as toilets. It was proposed that one of the renovated buildings would be used by researchers of The University of Hong Kong for doing research on preservation in the Central and Western District. Two buildings were proposed for use by non-government organizations and one to provide residence for artists in support of the creative industries in the Former Police Married Quarters site;
- (d) the improvement in the environment of the area shown in the photographs presented by a representer's representative was a result of a newly completed private development (Centre Point) in the area;
- (e) while some tenement buildings had been renovated, the buildings at the back of the lanes were still very old and in dilapidated conditions. There was also no disable access to the area; and
- (f) the tenement buildings in the area built some 50 years ago were subject to a design life of about 50 years only. While renovated works could be undertaken to improve the conditions of these buildings, the life span of these buildings could not be further extended for a very long period and the renovation cost would be very high.

27. Mr. Calvin Lam said that he was a registered structural engineer. With the aid of a Powerpoint presentation, Mr. Calvin Lam made the following main points in respect of the building conditions within Sites B and C:

- (a) the Consultant of URA, which was an international consultancy firm, had conducted a Building Survey Condition Survey on the 21 buildings in Sites B and C in October 2011. The latest conditions were updated on 16.1.2012;
- (b) visual inspection on the exterior and internal common area was done for 12 buildings and visual inspection on the exterior only was done for the other 9 buildings due to restricted internal access. Detailed testing on the strength of reinforced concrete and the extent of carbonization had also been done to samples collected from buildings in the area;
- (c) according to the summary of updated findings in the Survey, about 85% of the buildings were in “varied”, i.e. dilapidated, condition or “poor”, i.e. markedly dilapidated, condition. These buildings exhibited localized or extensive defects in structural elements, typically reinforcement corrosion, concrete spalling, bulging, cracking, water seeping and stain;
- (d) two buildings were identified with potential public safety concerns, i.e. with significant concrete bulging, cracking and spalling on external walls;
- (e) extensive unauthorized building works (UBWs) were also observed. They included metal rack balconies and flower racks at external wall and illegal rooftop structures; and
- (f) photographs taken on 16.1.2012 showed the dilapidated/markedly dilapidated conditions of the buildings within the area. While as shown in the photographs presented by a representer that a few buildings in the area had been renovated and were in good appearance, it should be noted that the buildings as could be inspected at the rear lane were mostly subject to very bad conditions and some even had public safety concerns.



28. As the representers' representatives and the commenter's representatives had completed their presentation, the Chairman invited questions from Members.

29. A Member asked if owners, who had undertaken renovation works to their buildings, had undertaken improvement works to the structure of the buildings.

30. In response, Mr. Ian Brownlee made the following main points:

- (a) BD should be responsible for UBWs and building safety;
- (b) as understood from the owner of the building which had been recently renovated, works had been done to the extent that was required. The works included fixing all the spalling and water leaking. For instance, the roof had been reconstructed to address the leaking problem; and
- (c) it was understood that it was not necessary to undertake structural improvement works to the buildings.

31. Mr. Dare Koslow said that he had done a survey with an engineer on the concrete condition of his building. The survey result showed that the concrete of the building was quite adequate and had yet to reach the end of its life.

32. Mr. Calvin Lam said that reinforced concrete was normally subject to carbonization problem because of the very humid weather of Hong Kong. The major result would be concrete spalling (which was commonly called "concrete cancer"). Under normal circumstances, renovation works of old buildings would focus on places where concrete spalling was observed. However, it should be noted that once concrete spalling occurred at some parts of the buildings, the problem could be spread to the concrete of the other areas of the buildings. Very comprehensive and substantial works, such as to recast the whole beam, had to be undertaken in order to rectify the problem and to extend the life of the reinforced concrete. Such works would be very costly and might not be cost-effective as the design life of the reinforced concrete might not be extended for a very long period.

33. A Member noted that there were views that there should be complete

preservation of the tenement buildings on Sites B and C. These views had been discussed previously by the Board on various occasions. In the previous discussion of the Board, it was noted that many private owners did not agree to complete preservation of the tenement buildings. He asked if there was any information on the building ownership and views of the owners in Sites B and C.

34. In response, Mr. Ian Brownlee said that he had no detailed information on the ownership of buildings and the lanes in Site B. However, it was noted that in Shing Wong Street, other than one building, which had already been acquired by URA, other properties should be under private ownership. For Site C, two buildings, which had been renovated, were under private ownership. It was noted that there was still significant amount of land under private ownership.

35. Mr. Dare Koslow said that private owners had the means and the will to renovate their own properties. They should be allowed to decide themselves on the way to improve the environment of the area.

36. Mr. Calvin Lam said that URA would take up the responsibility to maintain the tenement buildings already acquired by URA to ensure that there would not be any concern on public safety. However, URA would not renovate the tenement buildings in Sites B and C to the standards same as the works done on the tenement buildings at Wing Lee Street.

37. Ms. Brenda Au supplemented that there were a total of 79 units (excluding unauthorized units) within Sites B and C, 28 of them (representing about 35%) were owned by URA. Within Site B, 20 out of 46 units were owned by URA, while within Site C, 8 out of 33 units were owned by URA. Regarding the private owners' views, when the amendment to the DSP to excise Site A was exhibited for public inspection under the Town Planning Ordinance, only two representations (R-DSP/OZP-4 and R-DSP-24 involving four owners including Mr. Dare Koslow) were submitted by private owners from Sites B and C. This could mean that other owners did not express any objection to retaining Sites B and C in the DSP.

38. A Member had the following questions:

(a) the representative of R-OZP-7 was requested to explain on her

understanding on the character and ambience of Wing Lee Street;

- (b) when did the owners represented under R-DSP/OZP-4 buy the properties in Sites B and C and when they bought the properties, whether they were Hong Kong residents; and
- (c) it was noted that the design life of the reinforced concrete was about 50 years only, did the owners have any information on how long the life of the concrete had been extended after they had renovated the tenement buildings?

39. Ms. Keren Seddon said that the character and ambience of Wing Lee Street came from the scale, proportion and the mixed uses of the street under a small-grain urban pattern. The character and ambience had happened incidentally and over a period of time, created by a number of people and with their own ideas. The ambience came from the varieties of the buildings, the street life and street activities. The preservation of the ambience should therefore be realized through the “OU(MU)” zoning which allowed a mix of different uses and activities and was subject to appropriate control by the Board.

40. Mr. Ian Brownlee said that the subject properties were owned by companies and the relevant owners were permanent residents of Hong Kong. The properties were bought about 6 to 7 years ago. When buying a property within an old building, the relevant owners should know the responsibility to maintain the building and about extending the life of the building through proper renovation works. The refurbishment of the buildings at Wing Lee Street had demonstrated the feasibility of extending the life of the tenement buildings, while on the other hand, the Board had allowed for redevelopment of the buildings with the character and ambience of the street to be kept. The same approach should also be applied to Sites B and C.

41. A Member had the following questions:

- (a) URA should be requested to provide more details on its intention to preserve the street fabric (肌里) of the district, in particular for Sites B and C;

- (b) as the conclusion in the building condition survey undertaken by the consultant of URA was derived mainly from visual inspection, how could URA confirm the conditions of the buildings;
- (c) PlanD was requested to respond to the representer's argument that a "CDA" zoning was not appropriate for site which was under multiple ownership;
- (d) the representative of R-OZP-7 was requested to explain how and to what extent the restrictions stipulated under the "CDA" zoning, including the four-storey BH restriction, had resulted in a total preservation of the buildings at Wing Lee Street and affected the redevelopment of the representer's property; and
- (e) it was noted that not all residents of tenement buildings shared the views that the tenement buildings should not be demolished or redeveloped to improve the environment. While it might be nice to preserve the tenement buildings, there were other residents and owners of the tenement buildings who hoped that their properties could be resumed by the URA such that their living environment could be improved. R-DSP/OZP-4 was requested to give views on this.

42. Regarding the preservation of the street fabric of the area, Mr. Michael Ma said that all the streets and lanes within the area would be retained and would not be built upon. As such, the small street blocks could be retained and no large podium type development would be proposed in the development scheme. Open space and small shops would also be provided.

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

43. Mr. Calvin Lam said that based on their experience on survey on some 3,000 old buildings in Hong Kong, the results demonstrated that the conclusion made on visual inspection on the outside of the buildings could be applied also to the interior conditions of the buildings.

44. Ms. Brenda Au referred Members to paragraph 4.4.7 of the TPB Paper and said that BD had advised that the URA's survey results generally tallied with the results of the special operation for "Inspection of Buildings of Aged 50 and above" conducted by BD in 2010. According to the inspection findings of the special operation, investigation/repair orders under s.26/26A of the Buildings Ordinance had been served on the respective owners. The buildings issued with the orders were also those indicated as "poor" in URA's survey. Regarding ownership of the "CDA" site at Wing Lee Street, Ms. Brenda Au said that the tenement buildings were mainly owned by five owners including URA. While the buildings at 3, 6 and 12 Wing Lee Street were still under multiple ownership, some of the properties had already been acquired by URA. Given the ownership pattern, there was a reasonable chance for a comprehensive planning for development/redevelopment of the site under the "CDA" zoning to achieve the planning intention to preserve the character and terrace ambience. As the buildings at Wing Lee Street were mostly over 60 years old, it was doubtful if they could be preserved in the long term. Therefore, flexibility had been allowed under the "CDA" zoning for comprehensive design for redevelopment subject to planning permission by the Board. Under the "CDA" zoning, the character and ambience of the street could be retained. Regarding R-OZP-7's claim that 3 Wing Lee Street had five storeys, Ms. Brenda Au said that according to information shown on the building plan records obtained from the BD, most buildings at Wing Lee Street were four storeys high and some were three storeys. None of the buildings was more than four storeys high. As such, a BH restriction of four storeys had been imposed to reflect the height of the existing buildings, less the illegal structures.

45. Ms. Keren Seddon said that the requirement for planning permission prior to demolition as stipulated in the ES of the OZP was not in line with the planning intention of the "CDA" zone in that only the character and ambience of the Wing Lee Street should be preserved. Instead, the requirement implied a forced rehabilitation of the tenement buildings, which had not been graded by the AAB. If the site was rezoned to "OU(MU)", a great hurdle could be removed for the small lot owners as the "OU(MU)" zoning provided certainty for redevelopment. Ms. Seddon said that BHs of four to six storeys were observed at the site. It was arbitrary to impose a BH restriction of four storeys for the site. PlanD was also not consistent as the URA's previous proposal for a BH of 75mPD for the site was supported by PlanD.

46. Mr. Ian Brownlee said that some private owners of the tenement buildings were

reluctant to renovate their tenement buildings as the area was included within the DSP. If the DSP was removed, the private owners could apply for loan to renovate their buildings on their own initiatives. In addition, ownership could change in time. It should not be a factor for the Board to worry about. It was noted that URA had only acquired about 35% of the properties within Sites B and C. It was considered that there was no need for further amalgamation of the sites. Redevelopment or preservation could be undertaken through private initiatives. The site should be rezoned to an appropriate zoning with an appropriate BH restriction to make sure that any redevelopment would be compatible with the surrounding area. The Board could undertake a formal consultation with the private owners within the site through proposing a further amendment to the DSP to excise also Sites B and C. Supporting and opposing views could be submitted as further representations for the Board to consider under the further representation hearing process.

47. A Member noted that the building at 66 Staunton Street had been reclassified from “poor” condition to “satisfactory” condition in URA’s latest survey on the building conditions for the tenement buildings within the area. He asked if the “satisfactory” classification was referring to the exterior of the building or the structural condition of the building. This Member also asked if URA was still in the process of acquiring the private properties within Sites B and C, and what would be the follow up action if URA failed to acquire all the private properties.

48. In response, Mr. Calvin Lam said that the re-grading of 66 Staunton Street from “poor” to “satisfactory” in URA’s latest survey was a conclusion made from external visual inspection of the building. In addition, the survey could only reflect the building condition at the time when the inspection was undertaken. As explained above, once concrete spalling occurred at some parts of the building, the problem could be spread to the concrete of the other parts of the building. If no continuous maintenance and renovation works were done, the condition of the building would further deteriorate and would become “poor” again in one to two years. Mr. Lam said that URA would continue to acquire the properties within the site. However, if URA finally failed to acquire all private properties within the site, they would apply for resumption under the Lands Resumption Ordinance.

49. A Member said that there had been changes of focus for the area over the past years. There could not be a scheme which could meet the expectation of all parties concerned. Instead, a balanced and fair solution should be identified in order to improve the

environment of the area. This Member asked URA if the current proposal could achieve the 4Rs of the URA, which were “redevelopment”, “rehabilitation”, “revitalization” and “preservation”.

50. Mr. Michael Ma responded that the current proposal aimed at achieving the 4Rs of URA. The preservation of the fabric of the community was one of the preservation objectives of the scheme. The design of the scheme would allow both preservation and revitalization of the area, taking into account the changes in the community’s aspirations.

51. Ms. Katty Law said that it was noted that the private owners in Sites B and C had renovated the tenement buildings on their own initiatives. If the lives of the tenement buildings were only 50 years as claimed by URA, the private owners would not spend the money to do the renovation works. In fact, the URA had demonstrated the feasibility of renovating the tenement buildings in Site A and it was noted that about one million dollars was spent by URA on renovating one tenement building there. It was considered worthwhile to spend the amount of money in order to preserve the character of the older districts. This had also encouraged other owners of tenement buildings to better maintain and renovate their own buildings such that the life of the tenement buildings could be extended and their value could also be enhanced. In this regard, flexibility should be allowed for both URA and other private owners to preserve the area at their own wish. Consideration should also be given to set up a mechanism such that URA could help private individual to purchase tenement buildings and to preserve them, such that the old district could be preserved.

52. In response, Mr. Calvin Lam said that while the design life of reinforced concrete used to build the tenement buildings was only 50 years, it did not mean that the buildings would collapse once it reached their design life. The actual life of the buildings would be subject to the maintenance works undertaken by the owners over the years. Mr. Lam also said that about four million, not one million dollars as indicated by Ms. Katty Law, was spent in renovating one tenement building at Wing Lee Street. There should be consensus in society on whether the public money should be further spent on similar renovation projects.

53. Ms. Brenda Au provided the Board with the following clarifications in response to the submissions made by the representative of R-DSP/OZP-4 at the meeting:

- (a) the representer's representative indicated that the TPB Paper considered by the Board on 7.1.2011 on reference back of the subject DSP was under confidential cover. The report on building conditions undertaken by URA attached to the said TPB Paper was therefore not made available for public inspection. The said report was undertaken by URA on the building conditions of the existing tenement buildings at Wing Lee Street as requested by the Board. The report had been attached at Annex VI of the TPB Paper No.8995 which had been provided to the representers and commenters;
- (b) the representer's representative also indicated that the MPC Paper on proposed amendments to the DSP and OZP considered by the MPC on 17.6.2011 did not contain all background information of the subject site. However, MPC had been briefed on the detailed background information including the rezoning application, and the planning application and the subsequent appeal submitted by the private owners as recorded in the relevant MPC minutes; and
- (c) regarding the accusation that there was no information on the provision of open space in the area and on whether the URA would provide open space in the proposed development scheme, according to PlanD's assessment, there would be an overall surplus of about 4 ha of open space provision (including district and local open spaces) in the Central and Western District when all the planned open spaces were completed. However, in the Sai Ying Pun and Sheung Wan District, there would still be a deficit of 5.45 ha local open space. As such, it would be a benefit for the district if additional local open space could be provided.

54. Mr. Ian Brownlee said that there was no information to indicate the requirements on the provision of open space and public facilities within the URA development scheme. If there was no public facility to be provided, there was no public purpose for URA to undertake the development scheme. In addition, as noted in the responses of URA, the public open space to be provided in R-DSP/OZP-4's proposal was privately owned and there was no public purpose to justify land resumption. Mr. Brownlee reiterated that there had been changes in circumstances since the publication of the DSP in 2003. There was now



alternative way to improve the environment of the area by renovating the tenement buildings while allowing flexibility for redevelopment on private owners' own initiatives. In this connection, private land ownership should not be taken away and it was noted that private owners did not intend to sell their properties to URA to facilitate the development scheme under the DSP.

55. Ms. Katty Law said that the URA development scheme intended to demolish the good quality tenement buildings and replace them with high-rise developments and only a piece of open space would be provided. These were not acceptable. Low-rise buildings and good quality tenement buildings were more preferred for the area, and as such, the tenement buildings and the character of the area should be preserved.

56. The Secretary informed the Board that R-DSP-22 (Rayson Yip), who had already left the meeting, had sent a telephone message and requested that his message be conveyed to the Board. The Secretary then read out Mr. Yip's message which said that if his right to express his views was respected, he would not feel aggrieved. However, he had not been allowed to do so. In this connection, he requested that URA should withdraw their plan unless they had done what they should do.

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

[Professor S.C. Wong, Dr. Winnie S.M. Tang, Professor Eddie C.M. Hui and Mr. Fletch Chan left the meeting at this point.]

#### Deliberation Session

58. A Member said that the case had been dragged on for a long period of time. He considered that the best scenario was to expedite actions that would arrest the deterioration of the buildings in the area.

[Mr. Maurice W.M. Lee left the meeting at this point.]

59. The Vice-chairman said that the representer's representative showed photographs of the buildings facing the street which had been renovated and were in good condition. However, as shown in the photographs taken in the updated survey undertaken by URA on 16.1.2012, the buildings at the rear of the lanes were in very poor conditions. Some even had public safety concern. The Vice-chairman said that the AAB should be responsible for preservation of historic buildings but the AAB had not given any grading to the tenement buildings at Wing Lee Street or at Sites B and C. There was no justification for the Board to require the complete preservation of the tenement buildings in the area. On the other hand, the environment of the area, which was in dilapidated condition, should be improved. The Vice-chairman also noted that the representer R-DSP/OZP-4 only represented four owners of Sites B and C, and the other owners did not express any objection to the retention of the sites within the DSP. The retention of the sites within the DSP would facilitate redevelopment to improve the environment of the area. So, he did not support the representer's proposal.

60. A Member agreed that a BH restriction of four storeys, which was the BH of the existing buildings, should be imposed for Site A. This was in line with the public aspiration on preserving the character and ambience of Wing Lee Street. This Member supported the excision of Site A from the DSP given the special need to preserve the character and ambience of the terrace. This Member also noted that the tenement buildings at Sites B and C were reaching the design life of 50 years. There were a total of 21 buildings in Sites B and C, but the two representers only represented four owners. The photographs taken by URA had demonstrated that the area was generally in poor condition and required redevelopment to improve the environment. This Member also noted that although the tenement buildings could be renovated, the structural conditions of these tenement buildings might not be able to be effectively improved and the life of the buildings could not be extended for a long period of time.

61. A Member said that the conditions of the buildings in Sites A, B and C were similar. A choice had to be made between preserving the tenement buildings at all cost and to redevelop the area. This Member considered that the current proposal had already struck a proper balance among different interests. Under the current arrangement, the character and ambience of Wing Lee Street could be preserved, while flexibility was allowed under the "CDA" zoning for redevelopment of the site in a comprehensive manner. As for Sites B and C, it did not have the terrace character as in Site A. Although the desire of some owners to

preserve the tenement buildings was recognized, it was noted that most other owners did not oppose to redevelopment of the area. It was also noted that URA's building condition survey had already demonstrated the poor conditions of the tenement buildings and that some even had public safety concern.

62. Another Member said that the renovation works undertaken by the private owners had improved the outlook or the external condition of the buildings in Sites B and C. However, it was doubtful if the structural condition of these buildings had also been improved and the life span of these buildings had been extended for a long period of time. He also shared the view of the above Member that URA's survey had also demonstrated the structural safety concern of the tenement buildings. This Member supported that the environment of the area should be improved through comprehensive redevelopment without further delay.

63. A Member shared the views of the above Members that Sites B and C should be redeveloped in order to improve the environment of the area. This Member said that tenement buildings were found in many places in Hong Kong. However, there was no comprehensive plan on the need to preserve these tenement buildings. The current plan for Wing Lee Street had already provided a new mechanism to preserve the character and ambience of the area.

64. Another Member noted that many elderly private owners of tenement buildings welcomed redevelopment by the URA as this provided an opportunity for them to improve their living environment.

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

65. A Member said that there were different views regarding the preservation of the tenement buildings in the area. Some considered that the Government should be responsible for full preservation of the tenement buildings at all cost. Some who had already sold their properties to URA wanted to have more compensation. Others might have a strong desire to preserve the tenement buildings given their special historical value as they saw it. This Member shared the view that the subject case had been dragged on for a long time and there had been changes in public views over the years. A decision should be made now to facilitate improvement to the area.

66. A Member agreed with the current proposal. This Member noted that the private owners who had submitted representation against the retention of Sites B and C in the DSP acquired their properties only in recent years. Other owners who had owned the tenement buildings for a long time did not oppose to the development scheme. Given the existing problems of the tenement buildings, many residents and owners would be very disappointed if the redevelopment plan of URA was abandoned. It was also noted that some owners of Wing Lee Street did not support the full preservation of the tenement buildings there. Another Member shared the views that owners of tenement buildings would have different views on preservation of tenement buildings.

67. After further deliberation, the Chairman concluded Members' views that the current plan had already taken into account the overall public interests/views on preserving the character and ambience of the Wing Lee Street area, and that the excision of Site A from the DSP and zoning of it as "CDA" on the OZP with a BH restriction of 4 storeys were supported. Taking into account the updated information provided by URA on the conditions of the tenement buildings in Sites B and C, which had been confirmed by BD, Members agreed that the sites should be retained under the DSP in order to improve the environment of the area. The Board also noted that only a few owners had undertaken renovation works to their tenement buildings in Sites B and C and most other owners did not raise any objection to the development scheme under the DSP. On the Bridges Street Market site, Members agreed that the building should be preserved for adaptive reuse. The rezoning of Hollywood House was considered appropriate to reflect the existing lot boundary. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 6.2 of the Paper and considered that they were appropriate.

#### Representation No. R-DSP/OZP-1

68. After further deliberation, the Board noted the support of R-DSP/OZP-1 and decided not to uphold the remaining part of the representation of R-DSP/OZP-1 for the following reasons:

- (a) the previous inclusion of the Wing Lee Street area in the DSP was for comprehensive redevelopment. Given the latest planning intention was to preserve the existing character and ambience of the Wing Lee Street area, it

should be excised from the DSP. It was not intended to be a building conservation project as the tenement buildings at Wing Lee Street were neither existing nor proposed historic buildings. Having regard to the planning intention and some owners' wish to preserve their buildings on their own, it would not be appropriate to invoke the Lands Resumption Ordinance to acquire the private properties in Site A for URA's preservation; and

- (b) Sites B and C had long been intended for comprehensive redevelopment rather than for preservation. There was no justification to restrict the BH for Sites B and C to such low levels as proposed. A revised Planning Brief would be prepared by PlanD to set out the development parameters and the various technical requirements for this "CDA" zone.

Representation No. R-DSP-2

69. After further deliberation, the Board noted the support of R-DSP-2.

Representation No. R-OZP-2

70. After further deliberation, the Board noted the support of R-OZP-2 and decided not to uphold the remaining part of the representation of R-OZP-2 for the following reasons:

- (a) the planning intention of the "OU (Historical Site Preserved for Cultural and Recreational Uses)" zone was to preserve and revitalize the existing Bridges Street Market site for cultural and recreational uses. Flexibility had been provided for inclusion of uses in relation to the remembrance of the history associated with the site; and
- (b) the Amendment Item to rezone the area occupied by part of Hollywood House at 27-29 Hollywood Road from 'Road' to "C" was to rectify the discrepancy between the lot boundary and the zoning boundary and to reflect the planning intention for commercial development in the locality.

Representation No. R-DSP-3

71. After further deliberation, the Board noted the support of R-DSP-3 and decided not to uphold the remaining part of the representation of R-DSP-3 for the following reason:

the planning intention of the “OU (Historical Site Preserved for Cultural and Recreational Uses” zone was to preserve and revitalize the existing Bridges Street Market site for cultural and recreational uses. Flexibility had been provided for inclusion of uses in relation to the remembrance of the history associated with the site.

Representation No. R-OZP-3

72. After further deliberation, the Board noted the support of R-OZP-3 and decided not to uphold the remaining part of the representation of R-OZP-3 for the following reason:

the planning intention of the “OU (Historical Site Preserved for Cultural and Recreational Uses” zone was to preserve and revitalize the existing Bridges Street Market site for cultural and recreational uses. Flexibility had been provided for inclusion of uses in relation to the remembrance of the history associated with the site.

Representation No. R-DSP/OZP-4

73. After further deliberation, the Board noted the support of R-DSP/OZP-4 and decided not to uphold the remaining part of the representation of R-DSP/OZP-4 for the following reasons:

- (a) the Wing Lee Street area was to be preserved due to its unique character and terrace ambience as well as the social value attached to it. As these were not applicable to Sites B and C, extending the approach adopted for Site A to these two sites was not justified;
- (b) the planning intention of the “CDA” zone for Sites B and C as stated in the DSP was to achieve environmental improvement through comprehensive

redevelopment, restructuring the street pattern, promoting efficient land use and providing community facilities/public open space. The deletion of the DSP or proposed rezoning would allow piecemeal development, which would defeat the planning intention. The implementability of the proposal for owners to retain and rehabilitate the existing buildings within Sites B and C was also doubtful; and

- (c) Sites B and C had long been intended for comprehensive redevelopment rather than for preservation. There was no justification to restrict the BH for Sites B and C to such low levels as proposed. A revised Planning Brief would be prepared by PlanD to set out the development parameters and the various technical requirements for this “CDA” zone.

Representation No. R-DSP/OZP-5

74. After further deliberation, the Board decided not to uphold the representation of R-DSP/OZP-5 for the following reasons:

- (a) the Wing Lee Street area was to be preserved due to its unique character and terrace ambience as well as the social value attached to it. As these were not applicable to Sites B and C, extending the approach adopted for Site A to these two sites was not justified;
- (b) the planning intention of the “CDA” zone for Sites B and C as stated in the DSP was to achieve environmental improvement through comprehensive redevelopment, restructuring the street pattern, promoting efficient land use and providing community facilities/public open space. The deletion of the DSP or proposed rezoning would allow piecemeal development, which would defeat the planning intention. The implementability of the proposal for owners to retain and rehabilitate the existing buildings within Sites B and C was also doubtful; and
- (c) Sites B and C had long been intended for comprehensive redevelopment rather than for preservation. There was no justification to restrict the BH for Sites B and C to such low levels as proposed. A revised Planning

Brief would be prepared by PlanD to set out the development parameters and the various technical requirements for this “CDA” zone.

Representation No. R-DSP/OZP-6

75. After further deliberation, the Board decided not to uphold the representation of R-DSP/OZP-6 for the following reasons:

- (a) the previous inclusion of the Wing Lee Street area in the DSP was for comprehensive redevelopment. Given the latest planning intention was to preserve the existing character and ambience of the Wing Lee Street area, it should be excised from the DSP. It was not intended to be a building conservation project as the tenement buildings at Wing Lee Street were neither existing nor proposed historic buildings. Having regard to the planning intention and some owners’ wish to preserve their buildings on their own, it would not be appropriate to invoke the Lands Resumption Ordinance to acquire the private properties in Site A for URA’s preservation; and
- (b) the BH restriction of 4 storeys could ensure that any development/redevelopment would meet the planning intention for preserving existing character and ambience of the Wing Lee Street area. Deletion/relaxation of the BH restriction would jeopardize the planning intention.

Representation No. R-DSP-7

76. After further deliberation, the Board noted the support of R-DSP-7.

Representations No. R-DSP-8 to 10

77. After further deliberation, the Board decided not to uphold the representations of R-DSP-8 to 10 for the following reason:

the previous inclusion of the Wing Lee Street area in the DSP was for comprehensive redevelopment. Given the latest planning intention was to



preserve the existing character and ambience of the Wing Lee Street area, it should be excised from the DSP. It was not intended to be a building conservation project as the tenement buildings at Wing Lee Street were neither existing nor proposed historic buildings. Having regard to the planning intention and some owners' wish to preserve their buildings on their own, it would not be appropriate to invoke the Lands Resumption Ordinance to acquire the private properties in Site A for URA's preservation.

Representations No. R-DSP-11 to 15

78. After further deliberation, the Board decided not to uphold the representations of R-DSP-11 to 15 for the following reason:

- (a) the previous inclusion of the Wing Lee Street area in the DSP was for comprehensive redevelopment. Given the latest planning intention was to preserve the existing character and ambience of the Wing Lee Street area, it should be excised from the DSP. It was not intended to be a building conservation project as the tenement buildings at Wing Lee Street were neither existing nor proposed historic buildings. Having regard to the planning intention and some owners' wish to preserve their buildings on their own, it would not be appropriate to invoke the Lands Resumption Ordinance to acquire the private properties in Site A for URA's preservation; and
- (b) the amendment in respect of the Wing Lee Street area would not set an undesirable precedent for excising other areas from DSPs because of its unique background and character.

Representations No. R-DSP-16 to 22

79. After further deliberation, the Board decided not to uphold the representations of R-DSP-16 to 22 for the following reason:

the previous inclusion of the Wing Lee Street area in the DSP was for comprehensive redevelopment. Given the latest planning intention was to

preserve the existing character and ambience of the Wing Lee Street area, it should be excised from the DSP. It was not intended to be a building conservation project as the tenement buildings at Wing Lee Street were neither existing nor proposed historic buildings. Having regard to the planning intention and some owners' wish to preserve their buildings on their own, it would not be appropriate to invoke the Lands Resumption Ordinance to acquire the private properties in Site A for URA's preservation.

Representation No. R-DSP-23

80. After further deliberation, the Board decided not to uphold the representation of R-DSP-23 for the following reasons:

- (a) the Wing Lee Street area was to be preserved due to its unique character and terrace ambience as well as the social value attached to it. As these were not applicable to Sites B and C, extending the approach adopted for Site A to these two sites was not justified;
- (b) the planning intention of the "CDA" zone for Sites B and C as stated in the DSP was to achieve environmental improvement through comprehensive redevelopment, restructuring the street pattern, promoting efficient land use and providing community facilities/public open space. The deletion of the DSP or proposed rezoning would allow piecemeal development, which would defeat the planning intention. The implementability of the proposal for owners to retain and rehabilitate the existing buildings within Sites B and C was also doubtful; and
- (c) Sites B and C had long been intended for comprehensive redevelopment rather than for preservation. There was no justification to restrict the BH for Sites B and C to such low levels as proposed. A revised Planning Brief would be prepared by PlanD to set out the development parameters and the various technical requirements for this "CDA" zone.

Representation No. R-DSP-24

81. After further deliberation, the Board decided not to uphold the representation of R-DSP-24 for the following reasons:

- (a) the Wing Lee Street area was to be preserved due to its unique character and terrace ambience as well as the social value attached to it. As these were not applicable to Sites B and C, extending the approach adopted for Site A to these two sites was not justified; and
- (b) the planning intention of the “CDA” zone for Sites B and C as stated in the DSP was to achieve environmental improvement through comprehensive redevelopment, restructuring the street pattern, promoting efficient land use and providing community facilities/public open space. The deletion of the DSP or proposed rezoning would allow piecemeal development, which would defeat the planning intention. The implementability of the proposal for owners to retain and rehabilitate the existing buildings within Sites B and C was also doubtful.

Representation No. R-DSP-25

82. After further deliberation, the Board decided not to uphold the representation of R-DSP-25 for the following reason:

the planning intention of the “OU (Historical Site Preserved for Cultural and Recreational Uses” zone was to preserve and revitalize the existing Bridges Street Market site for cultural and recreational uses. Flexibility had been provided for inclusion of uses in relation to the remembrance of the history associated with the site.

Representation No. R-OZP-7

83. After further deliberation, the Board decided not to uphold the representation of R-OZP-7 for the following reason:

- (a) the “CDA” zoning could provide flexibility to cater for future planning and development needs while retaining sufficient planning control through the planning permission system. It could ensure that development/redevelopment would be undertaken in a comprehensive manner. The proposed “OU(Mixed Use)” zoning would not provide adequate planning control. Phased development/redevelopment of the “CDA” zone at Wing Lee Street might be considered under the planning permission system subject to the demonstration that the planning intention to preserve the existing character and ambience of the area would not be adversely affected; and
- (b) the BH restriction of 4 storeys could ensure that any development/redevelopment would meet the planning intention for preserving existing character and ambience of the Wing Lee Street area. Deletion/relaxation of the BH restriction would jeopardize the planning intention.

[Professor Paul K.S. Lam arrived to join the meeting at this point. Mr. Jimmy Leung and Mr. Jeff Lam returned to join the meeting at this point.]

[Mr. Felix Fong left the meeting at this point.]

**Agenda Item 4**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to the  
Draft Shek Kwu Chau Outline Zoning Plan No. S/I-SKC/1  
R1 to R33, C1 to C4

(TPB Paper No. 8996)

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[The meeting was conducted in Cantonese and English.]

84. The Secretary said that Mr. Benny Wong, being the representative of the Environmental Protection Department, had declared interest in this item and he had already left the meeting. The Secretary also said that Professor Paul Lam, Dr. W.K. Lo, Ms. L.P. Yau and Dr. W.K. Yau had also declared interest as they were members of the Advisory Council on the Environment (ACE) which had endorsed the Environmental Impact Assessment (EIA) report for the proposed Integrated Waste Management Facilities (IWMF). However, as the ACE was an advisory body, according to the established practice of the Board, the concerned Members could be allowed to stay at the meeting. Members agreed. Dr. W.K. Lo said that he and Dr. W.K. Yau were members of the EIA Subcommittee of the ACE which had recommended to the ACE that the EIA report in relation to the proposed IWMF be endorsed with conditions. As the ACE had endorsed the EIA report, he asked whether the four concerned Members should withdraw from the meeting. The Secretary said that in considering whether the concerned Members should withdraw from the meeting, Members should note that the ACE and the Board were two different statutory/advisory bodies established under different legislation. Moreover, the decision of the ACE, which was made collectively, might not represent the views of an individual member. The Chairman said that there had been precedents in which a proposed development had to go through both the ACE and the Board. The Board had previously established that Members' interest was not direct and the Members could stay in the meeting and participate in the discussion. The Vice-Chairman said that there was no need for the Board to depart from its established practice. After some further deliberations, the Board agreed that the four concerned Members could stay at the meeting.

[Mr. B.W. Chan and Dr. W.K. Yau arrived to join the meeting at this point.]

85. The following representatives of the Planning Department (PlanD), Environmental Protection Department (EPD) and the consultants of EPD were invited to the meeting at this point:

Mr. Ivan Chung	- District Planning Officer/Sai Kung and Islands (DPO/SKIs), PlanD
Miss Erica Wong	- Senior Town Planner/Islands (STP/Is), PlanD
Mr. Tony Tso	- Town Planner/Is, PlanD
Mr. Elvis Au	- Assistant Director (Nature Conservation & Infrastructure Planning), EPD (AD/Nature Conservation & Infrastructure Planning)
Mr. Lui Ping Hon	- Principal Environmental Protection Officer (Infrastructure Planning), EPD (PEPO/Infrastructure Planning)
Dr. Stephen Lam	- Environmental Protection Officer (Infrastructure Planning), EPD
Mr. David Lui	- AECOM Co. Ltd.
Mr. Peter Lee	- AECOM Co. Ltd.

86. The following representers and representers' representatives were also invited to the meeting:

R2 (WWF Hong Kong)

Ms. Sandra Chow	- Representer
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R6 (Hong Kong Bird Watching Society)

Mr. Cheng Nok Ming	- Representer
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R7 (Cheung Chau Rural Committee in association with various parties)

Mr. Hung Hin Lai	]	
Mr. Lau Ying Hung	]	Representer's Representatives
Mr. Yoshino Takahiko	]	

R11 (Kwong Sai Loi (Cheung Chau Rural Committee Residents' Representative))

Ms. Lam Lai Ying	]	
Mr. Wong Chun Tung	]	Representer's Representatives
Mr. Lam Lai Bing	]	

R12 (Mr. Chan Kam Hon)

Mr. Chan Kam Hon	-	Representer
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R14 (Hui Fai Ching)

Ms. Louise Preston	]	Representer's Representative
Mr. Tom Hope	]	

R15 (Ms. Kwong Wai Kuen)

Ms. Kwong Wai Kuen	-	Representer
Ms. Ho Pui Ha	]	Representer's Representatives
Mr. Tse Sai Kit	]	

R16 (Ms. Chau Wai Lin)

Ms. Chau Wai Lin	-	Representer
Mr. Wu Kwok Cheung	]	
Mr. Kwong Kwok Wai	]	
Mr. Kwok Man Cheong	]	
Mr. Tang Tai Ping	]	Representer's Representatives
Ms. Fok Lai Hing	]	
Mr. Lo Tak Loi	]	

R17 (Mr. Andrew Merrick)

Mr. Andrew Merrick	-	Representer
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R18 (Ms. Kelly Merrick)

Ms. Kelly Merrick	-	Representer
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R19 (Green Lantau Association)

Mr. Clive Noffke	-	Representer
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R23 (Mr. Merrin Pearse)

Mr. John Schofield - Representer's Representative

R26 (Humanistic Association of Hong Kong)

Mr. Mark Parlett - Representer

R27 (Mr. Dr. Martin Williams)

Mr. Yip Chi Chung ] Representer's Representative

Mr. Ng Fan Lam ]

R28 (Ms. Lee Kwai Chun, Islands District Councillor)

Ms. Lee Kwai Chun - Representer

R29 (Mr. Ho Wai Yip, Lantau Area Committee Member)

Mr. Ho Wai Yip - Representer

R31 (Mr. Kwong Koon Wan, Cheung Chau Rural Committee Residents' Representative)

Mr. Kwong Koon Wan - Representer

R32 (Mr. Siu Ka Mun, Cheung Chau Rural Committee Residents' Representative)

Mr. Siu Ka Mun - Representer

Mr. Kwok Cheuk Kin ] Representer's Representative

Mr. Lai Siu Keung ]

R33 (Range Educational Centre Environmental Concern Group)

Mr. Hui Fai Ching - Representer

Mr. Chan Chi Ping ]

Mr. Fung Kin Wai ] Representer's Representatives

Mr. Lau Tat Keung ]

87. The Chairman said that sufficient notice had been given to invite the representers and commenters to attend the hearing, but other than those who were present at the meeting, the



rest had indicated either not to attend the hearing or made no reply. As sufficient notice had been given to the representers and commenters, Members agreed to proceed with the hearing in their absence.

88. The Chairman extended a welcome and explained the procedures of the hearing to the representers and representers' representatives. He then invited representatives from PlanD and EPD to brief Members on the representations.

89. With the aid of a Powerpoint presentation, Mr. Ivan Chung, DPO/SKIs, made the following main points as detailed in the Paper:

#### Background

- (a) in December 2005, the Government published a comprehensive Policy Framework for the Management of Municipal Solid Waste (MSW) (2005-2014) (the Policy Framework). One of the initiatives in the Policy Framework was to develop IWMF;
- (b) in order to identify a suitable location for the IWMF, a detailed site selection exercise was completed by the EPD in 2008. Two potential sites, an artificial island near Shek Kwu Chau (SKC) and Tsang Tsui Ash Lagoons (TTAL) in Tuen Mun, were identified for further engineering and EIA studies;
- (c) in November 2008, EPD commissioned a consultancy study "Engineering Investigation and Environmental Studies for IWMF Phase 1 – Feasibility Study" to examine various environmental, engineering and other technical issues in relation to the proposed sites for IWMF. The consultancy study suggested, among others, that an artificial island off SKC be formed by reclamation near the south-western coast of SKC, with breakwaters protecting the berth area and water basin of the IWMF from strong winds and waves. As part of the consultancy study, an EIA study had been carried out in accordance with the requirements of the EIAO;

- (d) in early 2011, the Government announced a comprehensive waste management strategy and action plan to tackle the imminent waste problem. The strategy and action plan proposed the development of an IWMF on a reclamation area near the south-western coast off SKC or in TTAL, Tuen Mun;
- (e) on 25.2.2011, EPD briefed the Board on the progress of the key initiatives in the Policy Framework including the proposed IWMF. At the same meeting, the Board gave preliminary consideration to the draft SKC Outline Zoning Plan (OZP) No. S/I-SKC/E and agreed that the draft OZP, its Notes and Explanatory Statement were suitable for submission to the Islands District Council (IsDC) for consultation;
- (f) on 21.3.2011, the Tourism, Agriculture, Fisheries and Environmental Hygiene Committee (TAFEHC) of the IsDC was consulted on the draft OZP. Some DC members were concerned about the insufficient public consultation, the criteria of site selection for the proposed IWMF at SKC and the adverse environmental impacts of the IWMF in relation to air, health, marine ecology, tourism and fisheries. TAFEHC rejected the consultation paper and called on the Government to terminate the plan to build an incinerator on SKC;

#### The Representations and Comments

- (g) on 8.4.2011, the Board gave further consideration to the draft OZP taking account of the views of TAFEHC of the IsDC. Having considered departmental responses to TAFEHC's views, the Board agreed that the draft SKC OZP was suitable for publication under section 5 of the Town Planning Ordinance (the Ordinance);
- (h) on 29.4.2011, the draft OZP was published for public inspection for a period of two months, during which a total of 33 representations were received by the Board. The representers included green groups (R1 to R6 and R19), groups associated with the Cheung Chau Rural Committee (R7, R11 and R31), an IsDC member (R28), a member of the Lantau Area Committee (R29)

and members of the public (R8 to R10, R12 to R16, R17, R18, R20 to R27, R30, R32 and R33);

- (i) on 15.7.2011, the representations were published for comments. During the first three weeks of the public inspection period, a total of four comments on representations were received. The commenters included a village representative of San Shek Wan (C1) and other members of the public (C2 to C4);

[Prof. P.P. Ho arrived to join the meeting at this point.]

#### Grounds of Representations

- (j) the main grounds of the representations as detailed in paragraphs 3.3 to 3.17 of the Paper were summarized as follows:
  - (i) R1 (part), R5 (part), R6 (part), R7 (part) and R19 (part) welcomed the introduction of statutory planning control to SKC. They either supported or had no objection to the “Conservation Area” (“CA”), “Coastal Protection Area” (“CPA”) and “Government, Institution or Community” (“G/IC”) zones for the SKC Island;
  - (b) the rest of the representations objected to the OZP on the following grounds:

#### *Concerns on the overall waste management strategy*

- a. there should be an overall government plan for waste management in Hong Kong. A holistic approach with wider and more long-term consideration should be adopted to handle the waste problem. The implementation of all the recommended measures set out in the Policy Framework (2005-2014) should be accelerated. Waste reduction at source and recycling should be promoted proactively before constructing the IWMP. The existing refuse transfer stations should be converted into waste processing centres, including specialised

incinerators (R4, R5, R11 to R16, R33 and C4);

*Site selection for IWMF*

- b. the IWMF project involved reclamation and breakwater construction which would need to go through different legal procedures and would make the project more expensive. The criteria for selecting SKC instead of TTAL for the IWMF were not clear and unconvincing. Compared with TTAL, development of the IWMF at SKC would require a longer development period and higher costs. The proposed IWMF could be sited at the TTAL in Tuen Mun, west of Tuen Mun or other industrial location (R5, R9 to R19, R24 to R26, R29 to R33);

*EIA process of the IWMF*

- c. the IWMF proposal should be shelved and should not be continued until a valid and authenticated environmental assessment was made available for public consultation. The Board should not assume that the EIA would be approved eventually and should not pre-empt consideration of other possible zonings for the area (R1, R3, R6, R8, R21, R23, R27, R31 to R33);
- d. the EIA was biased and appeared to result from political imperatives (R25 and R26);
- e. all relevant data (including TTAL, SKC and any other options) should be identified/disclosed to the public before the Board could decide on what land use was in the best interest of the community (R5);
- f. the conflict of interest in respect of the EPD in presenting and validating the proposed IWMF should be reviewed and resolved immediately (R8);

*Ecology and fisheries*

- g. the proposed IWMF would bring about adverse impacts on the natural beauty, ecology (including Finless Porpoises, White-bellied Sea Eagles and coral communities) and the fisheries in the nearby areas (R2 to R7,

R9 to R16, R19, R21, R25 to R29 and R31 to R33);

*Air quality*

- h. the distance between the proposed IWMF and Cheung Chau was about 3.5 km and the prevailing south-westerly wind would bring about air pollution (R3, R7, R9, R11 to R18, R25, R26 and R33);

*Health and Fung Shui*

- i. the proposed IWMF would threaten the health of the Cheung Chau residents and their future generations. The proposed reclamation and construction of the IWMF would seriously damage the fung shui and jeopardise the stability of Cheung Chau (R7, R10 to R16, R25, R26, R28, R29, R31 to R33);

*Economic impacts*

- j. owing to the pollution impacts, the proposed IWMF would deal a serious blow to the tourism industry of Cheung Chau. As the project would affect the breeding grounds of fish and mariculture, the fishing industry and the livelihood of the fishermen of Cheung Chau and the nearby areas would be affected. Moreover, the project would incur high financial costs to the Government (R5, R7, R10 to R16, R19, R20, R25, R26, R28 to R33);

*Public engagement*

- k. the consultation period conducted by the Government, in particular the EPD, for the proposed IWMF sites at SKC and TTAL was too short. No consensus had been reached by the community on the IWMF;

*Inconsistent with other government plans*

- l. the proposed IWMF was incongruent with the 2005 Concept Plan for Lantau (R22 and R23);
- m. the proposed IWMF was inconsistent with the South West New Territories (SWNT) Development Strategy Review of July 2001, which

had recommended the protection of the South Lantau and nearby islands for nature conservation and leisure tourism. SKC was designated as a potential conservation area (R2, R23, R25 to R27 and R33);

[Dr. James Lau and Ms. Anna Kwong arrived to join the meeting at this point.]

#### Grounds of Comments

- (k) the main grounds of the comments objecting the IWMF and the reclamation as detailed in paragraph 4 of the Paper were summarized as follows:
  - (i) adverse impact of the proposed IWMF on the air quality of South Lantau (C1);
  - (ii) adverse impact of the proposed IWMF on the terrestrial and marine environment (C2 to C4); and
  - (iii) the EIA was yet to be approved, and studies and plans for the IWMF were incomplete (C3).

#### Proposals from representers and commenters

- (l) the proposals from the representers and commenters as detailed in paragraph 5 of the Paper were summarized as follows:

##### *Need for Statutory Planning Control and Zoning of the IWMF*

- (i) Development Permission Area Plan should be first prepared for SKC (R5);
- (ii) the project proponent should submit a section 12A application for the proposed IWMF and the Board should not approve the application unless the EIA report for the proposed IWMF was approved (R6);
- (iii) the Board should review and undertake public consultation in respect of the OZP pending resolution of the EIA report for the proposed IWMF (R33);

- (iv) the OZP should be shelved/scrapped (R9, R17, R18, R23, R27 and R29), and the natural environment of SKC should be maintained status quo (C4);
- (v) the proposed reclamation area (i.e. the waters to the south of SKC) should not be zoned "Other Specified Uses" annotated "Integrated Waste Management Facilities" ("OU(IWMF)") until the EIA Report was approved by DEP (R1 and R3). It should be zoned as "Conservation Area" (R2);

*Designation of Country Park and Marine Park*

- (vi) SKC should be designated as a Country Park (R9);
- (vii) the area between Soko Islands and SKC should be designated as a marine park (R5); and
- (viii) the coastline on both sides of the waterway from Hong Kong to Macau should be designated as a marine park (R30).

PlanD's responses to the representations

- (m) PlanD's responses to the representations as detailed in paragraph 6.2 of the Paper were summarized as follows:
  - (i) the views supporting the extension of the statutory planning control to SKC and the designation of "G/IC", "CPA" and "CA" zones were noted (R1(part), R5(part), R6(part), R7(part) and R19(part));

*Overall Waste Management Strategy and Need for IWMF (R4, R5, R11 to R16, R33 and C4)*

- (ii) on 4.1.2011, the Government announced an implementation plan for waste management strategies following a review of the Policy Framework published in 2005. The objective of the implementation plan was "reduce, recycle and proper waste management." Waste reduction and recovery would continue to be a priority, but there would still be about 8,500 tonnes

of municipal solid waste every day that could not be reused or recycled. It was therefore essential to plan for a IWMF as part of the waste management strategy;

*Site Selection for IWMF (R5, R9 to R19, R24 to R26, R29 to R33)*

- (iii) in order to identify a suitable location for IWMF, a detailed site selection exercise was completed by EPD in 2008 under the study 'Site Search for Integrated Waste Management Facilities in Hong Kong for Municipal Solid Waste'. Taking into account the results of the EIA report and other considerations including the distance of transport of municipal solid waste, the distance and wind direction in relation to the nearby residential areas, the potential for economic synergy, and the spatial distribution of waste management facilities in Hong Kong as a whole, SKC had been identified as the preferred site by EPD for developing the first modern IWMF;

*EIA Process of IWMF (R1, R3, R5, R6, R8, R21, R23, R25 to R27 and R31 to R33)*

- (iv) the IWMF EIA Report was submitted to the EIA Authority in January 2011, exhibited for the public comment from 17.2.2011 to 16.3.2011 under the EIA Ordinance (EIAO) and was endorsed by the ACE with conditions at its meeting on 11.4.2011. In light of the judgement handed down by the High Court on a judicial review in relation to the EIA of the Hong Kong-Zhuhai-Macao Bridge (HZMB), the EIA report of the proposed IWMF was withdrawn on 11.5.2011. Following the judgment handed down by the Court of Appeal regarding the EIA of the HZMB on 27.9.2011, the EIA report of the proposed IWMF was revised and submitted to the EIA Authority on 24.10.2011. On 30.12.2011, the revised IWMF EIA Report was endorsed by the ACE. The revised EIA Report indicated that with the adoption of advanced technologies and the implementation of appropriate mitigation measures, the construction and operation of modern incineration facilities at SKC were environmentally acceptable;

*Impacts on the ecology and the fisheries (R2, R7, R9 to R16, R19, R21,*



R25 to R29 and R31 to R33)

- (v) to keep the impact of the IWMF on the terrestrial and marine environment to the minimum and acceptable level and to conserve the natural shoreline of SKC, the reclamation area would not be connected to SKC and would be separated from SKC by a water channel;
- (vi) the reclamation and construction works of breakwaters and vertical seawall for the IWMF would adopt a vertical cellular cofferdam approach to minimize works on sediment dredging, thereby localizing and minimizing the associated impacts on the marine water quality, ecology and fisheries;
- (vii) the area for reclamation would be minimized to protect the Finless Porpoises, White-bellied Sea Eagles and coral communities as far as possible;
- (viii) with the proper implementation of the recommended mitigation measures, potential impact on fisheries from the project was considered acceptable;

*Impacts on air quality* (R3, R7, R9, R11 to R18, R25, R26 and R33)

- (ix) the IWMF would adopt advanced incineration technology to destroy organic pollutants completely. Advanced air pollution control system would be installed for the proposed IWMF to ensure that the emissions from the IWMF stack would meet the target emission limits that were the same as or more stringent than those stipulated in Hong Kong and the European Union for waste incineration;

*Health and Fung Shui* (R7, R10 to R16, R25, R26, R28, R29, R31 to R33)

- (x) human health impact arising from the emissions of the proposed IWMF had also been assessed in the EIA study. The cancer risk arising from the exposure to compounds of potential concern (COPCs) associated with the IWMF emission was not unacceptable;

- (xi) the representer's concerns about fung shui were noted. However, the revised EIA Report indicated that with the adoption of advanced technologies and the implementation of appropriate mitigation measures, the construction and operation of the proposed IWMF at SKC were environmentally acceptable and would not result in adverse impacts on the surrounding areas;

*Economic impact (R5, R7, R10 to R16, R19, R20, R25, R26, R28 to R33)*

- (xii) the IWMF would have an environmental education centre and recreational and leisure facilities for visitors, such as a viewing terrace, and ferry services between Cheung Chau and SKC for visitors. It was anticipated that the facilities could attract several hundred visitors a day, helping to boost the local tourism and the catering business;

*Public Engagement (R20, R21, R25, R26, R31 and R32)*

- (xiii) the EPD had undertaken extensive public engagement on the proposed IWMF. Since the announcement of the EIA report for the IWMF under the EIAO on 17.2.2011, the EPD had undertaken further consultation with various stakeholders. The EIA report was made available online for public inspection;

*Inconsistent with Other Government Plans (R2, R22, R23, R25 to R27 and R33)*

- (xiv) both the SWNT Development Strategy Review (2001) and the Lantau Concept Plan were strategic studies to provide broad planning framework for SWNT and Lantau respectively. According to the Recommended Development Strategy (RDS) for the SWNT Sub-region promulgated in July 2001, a 'Conservation and Area-by-area Approach Development' was proposed for the outlying islands within which SKC had been recommended for conservation purpose. Owing to its relative remoteness and isolation, the sub-region provided opportunities for accommodating land-extensive and special GIC uses which were of regional/territorial significance but could not suitably be located near the populated urban areas. However, development of new uses had to be subject to

comprehensive impact assessments to ensure that any adverse impacts would be adequately mitigated. The Lantau Concept Plan promulgated in 2007 emphasised the importance of nature conservation and environmentally sustainable recreational and visitor uses of South Lantau but SKC had not been included as part of its study area;

- (xv) although the proposed IWMF on an artificial island off SKC had not been featured in the SWNT Development Strategy Review and the Lantau Concept Plan, it should be noted that the current location was based on a detailed site search and the revised EIA Report completed in 2008 and 2011. The current location of the reclaimed artificial island was situated to the southwest of SKC, making use of SKC as a natural barrier to screen off the IWMF. Besides, a major part of SKC had been zoned as “CA” and “CPA” on the OZP to reflect the importance of conservation in the island. The OZP and the proposed IWMF were not considered inconsistent with the strategic planning studies;

PlanD’s responses to the proposals submitted by representers and commenters

- (n) PlanD’s responses to the proposals submitted by the representers and commenters as detailed in paragraph 6.3 of the Paper were summarized as follows:

*The preparation of a Development Permission Area (DPA) Plan (R1 to R3, R5, R6, R9, R17, R18, R23, R27, R29, R33 and C4)*

- (i) with regard to the proposal that the Government should prepare a DPA Plan to cover SKC and the reclamation area, it should be noted that the whole island was currently under a Government Land Licence and Short Term Tenancies. The IWMF would be governed by an Environmental Permit and under a Government Land Allocation with appropriate development restrictions. Besides the IWMF, no other major development was anticipated in the area. Development pressure within the Area was expected to be very low. It was considered that an OZP to cover both the island of SKC and the proposed reclamation area for the

proposed IWMF and the vessel anchorage would be sufficient to put the area under statutory planning control;

*The submission of a section 12A application*

- (ii) as regards the proposal that the project proponent should submit a section 12A application for the proposed IWMF for the consideration of the Board, it should be noted that the designation of “OU(IWMF)” on the SKC OZP was based on a detailed site search and the revised EIA Report completed in 2008 and 2011 respectively. Besides, the Board’s preparation of the SKC OZP was based on the directive given by the Secretary for Development under the power delegated by the Chief Executive. The publication of the SKC OZP for public inspection and the processing of representation and comments were carried out in accordance with the statutory provision of the Ordinance. Therefore, a section 12A application for the proposed IWMF was not applicable;

*The EIAO process should be completed first before undertaking the plan-making process*

- (iii) the plan-making process and EIAO process were carried out for different purposes as prescribed under the Ordinance and the EIAO respectively. These two statutory procedures could be carried out in parallel; and

*Designation of Country Park and Marine Park (R5, R9 and R30)*

- (iv) designation of country park and marine park was under the ambit of the Country and Marine Parks Board and fell outside the Board’s purview. The representers’ proposals would be relayed to concerned bureau(x) and department(s) for consideration.
- (o) PlanD’s View – PlanD noted the supportive views of R1(part), R5(part) to R7(part) and R19(part) but did not support the rest of the representations for the reasons as detailed in paragraph 8.2 of the Paper.

90. With the aid of some plans and photos, Mr. Elvis Au, AD (Nature Conservation & Infrastructure Planning), EPD, made the following main points:

- (a) on 25.2.2011, the Environment Bureau and the EPD presented a paper to the Board concerning the progress of the key initiatives in “the Policy Framework”. In the paper, the three-pronged waste management strategy, comprising (1) waste reduction and recycling at source; (2) use of modern waste treatment and disposal facilities; and (3) timely extension of landfills, was outlined and reviewed;
- (b) the development of the proposed IWMF was part and parcel of the waste management strategy. According to the experience of Germany which had achieved a very high recycling rate, about 32% of the waste was still required to be disposed of by incineration. Therefore, efforts on waste reduction and recycling and the development of the proposed IWMF were both required to tackle the waste problem;
- (c) when designing and operating the proposed IWMF, EPD would adopt the relevant standards used by the European Union (EU standards), which were the most stringent standards in the world and were widely trusted. This would minimize the impacts of the proposed IWMF on the environment and on the health of the residents;
- (d) the revised EIA report for the IWMF was recently endorsed by the ACE. It was proposed in the revised EIA report that modern incineration technology known as “3T” would be adopted. The technology would feature (a) a temperature of at least 850°C to decompose the organic matters completely; (b) high turbulent currents to achieve complete combustion; and (c) a residence time of at least two seconds at 850°C or above to achieve complete combustion;
- (e) a modern flue gas cleansing and control system would be adopted to ensure that the emission would comply with the EU standards. The flue gas cleansing and control system would include acidic gas scrubbers, powered activated carbon injection for dioxin removal, baghouse filters, and selective catalytic reduction for the removal of nitrogen oxides;

[Mr. Raymond Chan arrived to join the meeting at this point.]

- (f) the proposed IWMF would be built on a piece of reclaimed land instead of on the island of SKC, so that the ecology of the island would not be affected. The piece of reclaimed land would be separated from SKC by a water channel of about 10m to 40m in width. In addition, the total area to be reclaimed would be reduced by about 40% compared with the original proposal. It was proposed that cellular cofferdam, which was the latest technology in reclamation and was being used for the construction of HZMB, would be adopted to create the artificial island. The sediments to be dredged would be reduced from 2.3 million m<sup>3</sup> to 27,000m<sup>3</sup> as a result;
- (g) to compensate for the loss of marine habitat arising from the reclamation, it was proposed that a marine park of about 700 hectares would be designated in the nearby waters to help enhance the marine ecology;
- (h) as regards the possible adverse visual impacts, it should be noted that the distance between SKC and the nearby residential areas compared favourably with other plants in the world. The proposed IWMF would be about 3.5km away from Cheung Chau (roughly the distance between Admiralty and Aberdeen). Moreover, the proposed IWMF would be partially screened off by SKC when viewed from South Lantau. In addition, an innovative design would be adopted for the proposed IWMF so that the facilities would be blended in with the natural environment of SKC;
- (i) the site selection process for the proposed IWMF began in 2002 when the Advisory Group on Waste Management Facilities took up the role of advising the Government on site selection on the proposed IWMF. Based on its recommendation, 23 types of areas, including developed areas and conservation areas, were excluded from the preliminary site selection process. 21 sites were then selected for further analysis. In 2007-2008, two sites, namely SKC and TTAL, were shortlisted and EIAs were prepared with respect to these two sites. The EIA reports concluded that both SKC and

TTAL were acceptable for the development of the proposed IWMF;

[Mr. Laurence Li left the meeting at this point.]

- (j) SKC was selected over TTAL as the first IWMF for the following main reasons:
  - (i) the West New Territories Landfill was located right next to TTAL. In addition, a sludge treatment facility with a treatment capacity of 2,000 tonnes per day was being built at Tsang Tsui, Tuen Mun and would be operational in 2013. From a strategic perspective, it was considered that SKC was a better location as it would help to achieve a more balanced spatial distribution of waste management facilities throughout Hong Kong;
  - (ii) SKC was closer to the existing refuse transfer stations than TTAL. Currently, there were three refuse transfer stations in the urban areas. They included Island East Transfer Station, Island West Transfer Station and West Kowloon Transfer Station. The aggregate distance of the trips travelled by marine vessels to SKC would be shorter by about one fourth compared with that to TTAL. In terms of marine transport, it would be more environmentally friendly and cost effective to operate the proposed IWMF at SKC than at TTAL;
  - (iii) considering that there were other existing pollution sources in Tuen Mun and there was no other major development in SKC, the cumulative air quality impacts would be less if the proposed IWMF was located in SKC. Moreover, as the prevailing wind in Hong Kong was mainly north-easterly, the emissions generated from the proposed IWMF at SKC would be carried away from Hong Kong by the prevailing wind; and
  - (iv) the IWMF could generate positive economic synergy with nearby islands, particularly Cheung Chau, during the construction and operation stages of the IWMF, by way of an increase in employment opportunities, ferry service and other economic activities. In addition, the IWMF would

include an environmental education centre and would therefore have a positive impact on the local tourism industry.

91. The Chairman informed Members that a total of seven submissions that had been received prior to the meeting had been tabled for Members' reference. He then invited the representers and their representatives to elaborate on their representations and comments.

R2 – WWF (Hong Kong)

92. Ms. Sandra Chow, a representative of R2, made the following main points:

- (a) SKC was an island with a high ecological value. It was home to rare Bogadek's Burrowing Lizards and White-bellied Sea Eagles. The nearby waters were also an important habitat of Finless Porpoises. WWF was worried that the proposed IWMF would have adverse impacts on the natural habitats of SKC and the nearby waters;
- (b) the "OU(IWMF)" and "OU(Breakwater)" zonings were not appropriate and were not compatible with the natural environment of the island. The areas covered by these two zonings should be rezoned to "CA" for the reasons that:
  - (i) the SKC was identified for conservation purpose under the SWNT Development Strategy Review. The proposed IWMF was not in line with the recommendation of the Review; and
  - (ii) the waters near SKC were an important habitat for Finless Porpoises. A large number of Finless Porpoises could be found at the area. The proposed reclamation would lead to the permanent loss of their habitat. There were also coral communities in the nearby waters. Dredging of sediments for the reclamation works would affect water quality which in turn would adversely affect the coral communities.

R6 – Hong Kong Bird Watching Society



93. Mr. Cheng Nok Ming, a representative of R6, made the following main points:

- (a) the Hong Kong Bird Watching Society was seriously concerned about the “OU(IWMF)” and “OU(Breakwater)” zonings as they would lead to the permanent loss of the habitat for a pair of White-bellied Sea Eagles on SKC. The EIA report had not provided detailed analysis of the location of the feeding and nesting habitats of the White-bellied Sea Eagles, and therefore the mitigation measures proposed in the EIA report would not be effective. It was also conceded in the EIA report that even if all the mitigation measures were implemented, there was also a possibility that the White-bellied Sea Eagles would leave the island once the proposed IWMF was built. It was therefore considered that the impacts of the proposed IWMF on the White-bellied Sea Eagles were unacceptable; and
- (b) it was considered that the “OU(IWMF)” and “OU(Breakwater)” zonings were incompatible with the adjacent “CA” and “CPA” zonings on the SKC OZP. The “OU(IWMF)” and “OU(Breakwater)” zonings should therefore be shelved by the Board.

R7 – Cheung Chau Rural Committee in association with various parties

94. Mr. Hung Hin Lai, a representative of R7, made the following main points:

- (a) the Cheung Chau residents were very concerned and worried about the proposed IWMF at the SKC site. As the prevailing wind during the summer time was south-westerly, the emissions from the proposed IWMF including toxins such as dioxin would be carried over to Cheung Chau by the prevailing wind. It had been reported in the news that there were about 3,000 premature deaths in 2011 that were caused by the poor air quality in Hong Kong. The health of the 30,000 Cheung Chau residents would be seriously affected by the proposed IWMF;
- (b) there were about 600 fishing boats plying the waters near Cheung Chau. According to the fishermen, no matter how advanced the method used for

reclamation was, the water quality would still be adversely affected, causing damages to the fishing activities in the nearby waters; and

- (c) a lot of tourists visited Cheung Chau during both weekdays and public holidays. The good air quality and the low price of seafood were the two major reasons drawing tourists to Cheung Chau. Without the clean air and the seafood, the tourism industry in Cheung Chau would be seriously affected.

R11 – Kwong Sai Loi (Cheung Chau Rural Committee Residents' Representative)

95. Ms. Lam Lai Ying, a representative of R11, said that her health had improved after moving to Cheung Chau about two years ago as there were plenty of opportunities for her to hike and swim in Cheung Chau. She considered that, for the sake of the next generations of Cheung Chau residents, the proposed IWMF should not be built at SKC.

R12 – Mr. Chan Kam Hon

96. Mr. Chan Kam Hon made the following main points:

- (a) he represented 港九水上漁民福利促進會長洲分會主席 and 漁業聯盟. The proposed reclamation at SKC would adversely affect the livelihood of the local fishermen, who would also be affected by the proposed third runway at the Hong Kong International Airport and the dredging near the Brothers (大小磨刀). The number of fishing boats had been decreasing. There were currently less than 600 fishing boats plying the waters near Cheung Chau; and
- (b) he supported the development of an IWMF, but he considered that the proposed IWMF at SKC would affect the fung shui of the whole of Hong Kong. There had been previous instances in Hung Hom and Tuen Mun where the fung shui was affected by developments proposed by the Government. SKC was one of the most important fung shui features in Hong Kong and should therefore be protected.

R14 – Mr. Hui Fai Ching

97. Ms. Louise Preston, a representative of R14, made the following main points:

- (a) the site selection process as detailed in the paper submitted to the Legislative Council Panel on Environmental Affairs (LegCo Paper) found at Annex IV of the Paper was inconsistent and lacked transparency. It appeared that the site had been selected well before the LegCo Paper was prepared, and the purpose of the Paper was only to justify the site selected;
- (b) in paragraph 6.2.5 of the Paper, it was stated that “the emissions from the IWMF (which would be diluted after travelling a distance of a few kilometres) would unlikely be blown towards Cheung Chau or South Lantau for most of the time... The cumulative impact on the air quality would be relatively small.” The use of the words such as “diluted”, “a few”, “unlikely”, “most of the time” and “relatively small” was deliberately ambiguous and was an attempt to disguise the health risks posed by the proposed IWMF. Moreover, this statement was factually incorrect as according to the Hong Kong Observatory, wind would be blown towards South Lantau for three months of the year. Therefore, the air quality impacts arising from the proposed IWMF were considered unacceptable;
- (c) the “OU(IWMF)” zoning was only separated from the “CPA” by a water channel 10m in width. The “CPA” zoning should also include the waters adjacent to the coastlines. No justification had been provided by the Government for siting the reclamation area so close to the “CPA” which would adversely affect the sensitive coastal natural environment. It would set an undesirable precedent for other “CPA” in Hong Kong;
- (d) in paragraph 6.2.16 of the Paper, it was stated that “the cancer risk... is not unacceptable.” However, the Paper did not state that what standard was used to gauge the acceptability of the cancer risk. The residents of South Lantau and Cheung Chau had never been consulted on the cancer risk;

- (e) EPD said that the proposed IWMF at SKC would also provide recreational and leisure facilities for visitors. It was suggested that as Cheung Chau and South Lantau already had an established tourism industry, the recreational and leisure facilities along with the IWMF should be developed at TTAL so as to boost the tourism industry in Tuen Mun. It should also be noted that the decline in the number of visitors to South Lantau and Cheung Chau as a result of the proposed IWMF could be greater than the several hundred visitors that would be attracted by the proposed IWMF;
- (f) paragraph 6.2.24 of the Paper stated that according to the Recommended Development Strategy of the SWNT Development Strategy Review, SKC was recommended for conservation purpose. It also pointed out that SWNT also provided opportunities for accommodating special GIC uses which were of regional/territorial significance but could not be located near the populated urban areas. The Paper appeared to imply that the proposed IWMF was a territorial GIC facility that could not be located near the populated urban areas. The EPD should be questioned why the IWMF could not be located near the populated urban areas;
- (g) it was noted that SKC had not been included in the study area of the Lantau Concept Plan. As SKC had a global ecological significance, it should have been included in the study area under the Lantau Concept Plan;
- (h) the photomontage in Plan H-7 showing that only part of the proposed IWMF would be visible from Cheung Sha was misleading as the photo was taken from the extreme eastern end of Cheung Sha Beach. The proposed IWMF would be visible from other popular tourist destinations on Lantau Island, including parts of the Lantau Trail, Lantau Peak, Sunset Peak and South Lantau Country Trail, as well as from the ferries to and from Macau, which carried millions of international tourists each year. The view of the proposed IWMF would create a negative impression on these tourists;
- (i) in paragraph 6.2.25 of the Paper, it was stated that the impacts of the

proposed IWMF on the landscape and visual resources on South Lantau and SKC was considered within acceptable level. It should be questioned why EPD made the assessment without consulting the residents of South Lantau;

- (j) PlanD considered that it was not necessary to prepare a DPA Plan as no other major development was anticipated for the area. However, it ignored the recent proposal by the Civil and Engineering Development Department to develop artificial islands near Cheung Chau and Hei Ling Chau;
- (k) in paragraph 6.3.1 of the Paper, it was stated that the representers' proposal on the designation of Country and Marine Parks would be relayed to the concerned bureaux and departments. The representers should be informed of the progress in this regard. It was also noted that the Agriculture, Fisheries and Conservation Department (AFCD) did not regard the concerned area as a priority site for Marine Park designation. One of the concerns of AFCD was the difficulties in cross-boundary law enforcement, which was a concern that the local residents did not share;
- (l) it was noted that the Commissioner of Police and the Director of Fire Services (DFS) had no comment on the representations and comments. However, the DFS should have emergency plans in place before the proposed IWMF and the education centre came into operation;
- (m) according to paragraph 6.2.21 of the Paper, the EPD was required to set up community liaison groups comprising representatives of concerned and affected parties, including the fisheries sector, to facilitate discussions on environmental issues. However, it appeared that no progress had been made;
- (n) 268 public comments had been presented to the ACE before its endorsement of the revised EIA report of the IWMF. It was not known if the public comments had been sent to other government departments or the Board for reference or published for public inspection. Although it was claimed by the Government that extensive public consultation had been undertaken, no

consensus had been reached by the local residents and members of the public on the location of the IWMP. It was therefore premature to consider the OZP at this stage;

- (o) as shown in Annex VIII of the Paper, none of the public consultation meetings organized by the EPD were held in South Lantau or Cheung Chau. The two listed public forums were held at Admiralty and the Hong Kong Baptist University, and the residents at South Lantau or Cheung Chau were not informed of these public forums. The meeting with Living Islands Movement (LIM) was only held at the request of LIM. The meeting should not be regarded as a public consultation as only three members of LIM attended the meeting. A second meeting was subsequently held but a request for the third meeting was declined by EPD. The consultation exercise conducted by EPD should not be regarded as extensive; and
- (p) it was noted that on 21.3.2011, the TAFEHC of IsDC rejected a consultation paper on the OZP on the grounds of adverse health impacts, the possibility of ground settlement, the possible unsuitability of reclamation works near SKC, the impacts on marine resources and marine habitats. The rejection of the TAFEHC was ignored. The Chairlady of TAFEHC hoped that the EPD would relieve residents of their worries and PlanD would take into consideration TAFEHC' objection to the draft OZP. However, it appeared that the concerns of TAFEHC had not been taken into account.

[Mr. Eric Hui arrived to join the meeting at this point.]

R15 – Ms. Kwong Wai Kuen

98. Ms. Ho Pui Ha, a representative of R15, made the following main points:

- (a) the objective to achieve a balanced spatial distribution of waste management facilities as proposed by EPD was illogical. To achieve this objective, it would mean those sites that were pristine and unspoiled would be selected as a priority for the development of waste management facilities and the natural

environment throughout Hong Kong would be adversely affected as a result;

- (b) when the Hong Kong Disneyland was proposed at Penny's Bay, mitigation measures to protect the White-bellied Sea Eagles in the area were proposed. However, the mitigation measures were not successful and the White-bellied Sea Eagles could no longer be found at Penny's Bay. In a similar vein, the mitigation measures proposed by EPD in relation to the proposed IWMF might not be sufficient to protect the habitat of White-bellied Sea Eagles on SKC;
- (c) there were currently only about 110 Finless Porpoises in the waters near Hong Kong and the population was decreasing. They would be vulnerable to the adverse impacts caused by the dredging of sediments during reclamation and the vessels travelling to and from SKC when the proposed IWMF was in operation. These adverse impacts would be unavoidable even if the proposed mitigation measures were in place. The most effective mitigation measure to protect these endangered species was to refrain from having major developments such as the IWMF at these sensitive natural habitats;
- (d) the proposed reclamation would lead to a permanent loss of about 31 hectares of one of the most productive waters for the local fisheries industry. Although the Government had promised that it would use the latest technologies in dredging, sediments could still disperse in the open water if a ship passed by the area or if the area was hit by waves. A large amount of fish could die as a result, causing irreparable damage to the local fisheries industry;
- (e) the Government should realize that the proposed education centre at SKC would not be the main reason why tourists visited Cheung Chau. Tourists were attracted to Cheung Chau because of its natural beauty. The Government should preserve the natural environment of Cheung Chau rather than reclaim an artificial island near SKC;

- (f) although the Government claimed that the dioxin generated from the IWMF would be completely removed from the flue gas, it should be noted that no technology could completely remove the dioxin that existed in the bottom ash. If the proposed IWMF was operational before the ground settlement of the reclaimed area had completed, it was possible that the toxins could contaminate the soil and the sea. No solution had been proposed by the Government to tackle this problem;
- (g) to help assess the impacts of the proposed IWMF, the Government should provide data on the local winds rather than simply providing data on the prevailing wind for the whole of Hong Kong; and
- (h) more justifications and more accurate data from the Government were required to explain to the public the urgent need for a massive IWMF at SKC. More consultations should also be conducted by the Government to allow the government officials to respond to the queries of the local residents and members of the public.

R27 – Mr. Martin Williams

99. Mr. Yip Chi Chung, a representative of R27, made the following main points:

- (a) representatives from the EPD had never consulted the residents of the Sea Ranch on Lantau Island even though it was closer to SKC than Cheung Chau; and
- (b) the further development of South Lantau would be affected if the proposed IWMF was built. For the sake of the future generations, officials from the EPD should conduct more site visits to South Lantau to examine the adverse impacts of the proposed IWMF on South Lantau.

R15 – Ms. Kwong Wai Kuen

100. Mr. Tse Sai Kit, a representative of R15, made the following main points:



- (a) he was a member of 屯門基建民間監察 and he considered that it was important to make a presentation to the Board as the beautiful scenery of SKC was of territorial importance. As the Government had not provided detailed justifications for the proposed IWMF, the Board should reject the Government's proposal;
- (b) the Government needed to build a IWMF only because the waste management strategy had failed. Considering that the artificial island needed to accommodate the IWMF would lead to irreparable damage to the natural environment, and that the lifespan of the proposed IWMF was only less than 20 years, the development of the proposed IWMF was not regarded as a sustainable way to tackle the waste problem;
- (c) the EPD had not provided accurate data for consultation with the public and did not appear to have the intention to conduct a genuine consultation exercise. For example, the EPD had not provided information on the proposed emergency plan to contain the pollution that would be caused by an accident during the transportation of refuse or bottom ash by sea; and
- (d) the proposed IWMF would cost a lot of public money but it was ineffective to solve the waste problem in Hong Kong. The Government needed to discuss with the public on the way forward on the waste management strategy.

R15 – Ms. Kwong Wai Kuen

101. Ms. Kwong Wai Kuen made the following main points:

- (a) the information in paragraph 3.1.3.8 of the Executive Summary of the EIA report was incorrect as Ha Mei Wan was located to the west of Lamma Island and could not be seen from Southern District of Hong Kong Island;
- (b) paragraph 3.1.3.9 of the same document concerned the cumulative air quality

impact on the residents in Cheung Chau. As the relevant consultants who prepared the EIA report were employed by EPD and had not lived in Cheung Chau, it was not right for them to make any conclusion regarding the impacts on the residents of Cheung Chau;

- (c) paragraph 3.1.1.6 of the same document stated that Sai Kung was not suitable for the development of an IWMF because the area was a popular location for recreational activities. As Tung Wan of Cheung Chau was also a popular destination for such activities, the IWMF should not be built at the SKC site;
- (d) paragraph 4.3.6.2 of the same document regarding the impacts of fisheries was incorrect as nearly all the fish caught by the fishermen of Cheung Chau was from the SKC area. The proposed IWMF at the SKC site would affect the fisheries industry in Cheung Chau. Paragraph 4.2.7.2 of the same report was also factually incorrect as the fish consumed in Cheung Chan was caught locally and was not imported;
- (e) the aggregate distances travelled by the marine vessels delivering waste to the SKC site and the TTAL site were about 69,000 km/year and 94,000 km/year respectively. However, as the residual ash from the proposed IWMF had to be delivered to Tuen Mun by sea for disposal, the total distance travelled by the marine vessels was actually greater for the SKC site than for the TTAL site;
- (f) the proposed IWMF would pollute the water at Shek Pik Reservoir; and
- (g) no information had been provided in the EIA report on the emergency plan to cope with any accident that might happen to the marine vessels carrying waste.

R16 – Ms. Chau Wai Lin

102. Mr. Kwong Kwok Wai, a representative of R16, made the following main points:

- (a) the SKC area was one of the most tranquil areas in Hong Kong and the proposed IWMF would have impacts on the environment of the area as well as on the health of the local residents; and
- (b) the proposed IWMF would not be an economically efficient facility as the cost of transportation, emergency support and maintenance would be high.

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

R16 – Ms. Chau Wai Lin

103. Mr. Kwok Man Cheong, a representative of R16, made the following main points:

- (a) he used to have a lot of fresh seafood on Cheung Chau but the environment had deteriorated and fresh seafood was no longer available. He hoped that the environment of Cheung Chau would not deteriorate further. He was particularly concerned that the water channel near Cheung Chau was prone to accidents, causing pollution to the nearby waters; and
- (b) the EPD had not conducted enough public consultation with the local residents. The public consultation conducted by EPD did not appear to be genuine.

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

[Mr. B.W. Chan left the meeting at this point.]

R16 – Ms. Chau Wai Lin

104. Mr. Wu Kwok Cheung, a representative of R16, made the following main points:

- (a) the construction cost of the proposed IWMF would be very high as there were no existing supporting facilities on SKC. The reason that the Government wanted to build an IWMF at the SKC site was that it wanted to

avoid areas with a high population;

- (b) according to the Policy Framework in 2005, it was stated that a charging scheme for municipal solid waste should be implemented before building an IWMF. The development of IWMF should therefore be a last resort in the entire waste management strategy;
- (c) he had no objection to the development of an IWMF but he considered that more advanced technology should be used and there was no urgency to build an IWMF. The technology on gasification of waste was becoming more popular but the EPD said that the technology was not mature enough;
- (d) the proposed IWMF was actually an incinerator rather than an integrated waste management facility and therefore it was not effective enough to tackle the waste problem; and
- (e) the EPD had made a decision and signed a contract with the consultants before consulting the public. The public consultation conducted by EPD was not genuine.

R17 – Mr. Andrew Merrick

105. Mr. Andrew Merrick made the following main points:

- (a) he was a commercial airline pilot. He witnessed how polluted the air was during the descent of his aircraft. The residual chemicals that were left after the incineration process would further aggravate the pollution problem in Hong Kong;
- (b) the proposed IWMF would have adverse impacts on the health of his family. Moreover, the proposed IWMF would lead to environmental degradation and would affect the fisheries industry. The risk of pollution would be very high considering the long distance that would be travelled by the marine vessels carrying waste and residual ash every day;

- (c) although the Government considered that incineration was a mature technology, it could still have an adverse impact on the health of the people. There was an incinerator operating in Detroit, Michigan that was similar to the one proposed at the SKC site. It was found that the incidence of asthma was three times higher in Detroit than in the state of Michigan; and
- (d) the current recycling rate of 52% seemed exaggerated. More effort should be spent on waste reduction and recycling to reduce Hong Kong's environmental footprint before an IWMF was developed. He did not want the people of Hong Kong to suffer from the pollution arising from the proposed IWMF. He would consider leaving Hong Kong if the proposed IWMF was approved.

R18 – Ms. Kelly Merrick

106. With the aid of a plan, Ms. Kelly Merrick made the following main points:

- (a) the incineration process created toxic waste and heavy metals during combustion. The distance of 3.5 km between Cheung Chau and SKC was not far enough to protect the residents of Cheung Chau from the effects of dioxin generated from the incineration process. Any accident at the proposed IWMF would lead to an environmental disaster affecting human beings, animals and the environment;
- (b) Hong Kong was a world-class city and deserved a world-class waste management solution. It did not need a waste management technology that was outdated;
- (c) the proposed IWMF would affect the air and water quality of Chi Ma Wan Peninsula and South Lantau, which was a popular tourist destination for the people of Hong Kong and around the world. During the summer months, the prevailing wind would blow towards South Lantau and the all local residents and tourists would be affected by the emissions from the proposed

IWMF;

- (d) the proposed IWMF would also affect Shek Pik Reservoir which provided drinking water to the residents of South Lantau. The toxins and carcinogenic substances absorbed by the human body could pass onto infants through breast feeding, and therefore the next generation could also be affected; and
- (e) according to the culture of her father who was a Native American, any decisions should be made for the benefit of the next seven generations. The Government should also think forward for the benefit of the next seven generations.

R28 – Ms. Lee Kwai Chun

107. Ms. Lee Kwai Chun made the following main points:

- (a) if the Government had spent more effort on waste reduction and recycling at source, there would not be any need for an IWMF;
- (b) in 2008 and 2011, the IsDC unanimously objected to the proposed IWMF. The Government should listen to the view of the local residents and should not continue its plan to build the proposed IWMF at the SKC site;
- (c) if the objective of the Government was to have a balanced spatial distribution of waste management facilities, then waste management facilities should be built in every district of Hong Kong. If this was the case, then a large-scale IWMF at the SKC site would not be needed. Problems such as transportation of waste and ash could be avoided and risks of pollution could be minimized;
- (d) the proposed IWMF would affect the local fisheries industry. The livelihood of the fishermen and their children would be severely affected;

- (e) according to a recent study, Hong Kong ranked as the eighth worst city among 586 cities in the world in terms of air quality. The proposed IWMF would exacerbate the air pollution problem; and
- (f) the proposed IWMF would adversely affect the drinking water in Shek Pik Reservoir, the natural environment in South Lantau and the nearby waters.

R19 – Green Lantau Association

108. Mr. Clive Noffke made the following main points:

- (a) the proposed IWMF was an unsightly industrial undertaking. It appeared that the Government intended to hide the massive plant at the remote location of SKC;
- (b) according to the SWNT Development Strategy Review completed in 2001, the South Lantau coast and the nearby islands should be designated as a conservation and recreational area. In 2002, the PlanD produced a booklet entitled “Planning with Vision for the Islands” which reiterated the intention to conserve South Lantau. The proposed IWMF would compromise the planning intention for South Lantau and the islands; and
- (c) PlanD had supported the EPD’s proposal without regard that planning should be holistic and principle-led. The Board was requested to reject the IWMF proposal.

R23 – Mr. Merrin Pearse

109. Mr. John Schofield, a representative of R23, made the following main points:

- (a) according to the SWNT Development Strategy Review completed in 2001, Cheung Chau and Shek Kwu Chau were part of the South Lantau area that was designated for conservation purposes. According to the Lantau Concept Plan prepared in 2007, South Lantau was also designated for

conservation purposes. In view of the strategic planning intention for the region, it was considered that the proposed IWMF was totally unacceptable;

- (b) the wording of the EIA was ambiguous. In addition, the new concept of balanced spatial distribution of waste management facilities adopted by EPD was illogical as Sai Kung Country Park or Hong Kong Island could be the next region to have a waste management facility. This concept should not override the strategic planning intention adopted by the Government;
- (c) Japan had a much more advanced recycling programme and the incinerators were mainly located within the urban areas. Similarly, the incinerators in Singapore were also within industrial districts. There was no need to put an incinerator in the countryside; and
- (d) the transportation of highly toxic residual ash to the landfill in Western New Territories would lead to environmental problem; and
- (e) if an incinerator was built at the SKC site, then it would much easier for the Government to put more waste management facilities in the region in the future. The Board was requested to reject the IWMF proposal.

#### R26 – Humanistic Association of Hong Kong

110. Mr. Mark Parlett, a representative of R26, said that the proposed IWMF at the SKC site was only Phase 1 of the entire project. The EPD had not provided definite answer as to where Phase 2 of the project would be located. It was possible that SKC could be the location for Phase 2 of the project, and therefore the “OU(IWMF)” zone might eventually need to accommodate two incinerators with a total capacity of 6,000 tonnes per day. As there was uncertainty in the future development of the project, the Board should not allow the proposed IWMF to go ahead.

#### R32 – Mr. Siu Ka Man

111. Mr. Siu Ka Man made the following main points:



- (a) Pak Tai Temple was located at the best fung shui location on Cheung Chau. SKC was also an important fung shui location, as was indicated by a stone carving at Pak Tai Temple which had a history of more than 200 years. Pak Tai Temple and SKC had a close relationship from a fung shui point of view. If an artificial island was built off SKC and an IWMF was developed there, Pak Tai Temple and the residents of Hong Kong might be adversely affected;
- (b) as waste would not be sorted before going into the proposed IWMF, the emissions from the proposed IWMF might be toxic. It should be noted that the residential settlement at Sai Wan on Cheung Chau was only 1 km away from SKC. The residents there could be affected by the proposed IWMF;
- (c) the waters near Cheung Chau and SKC were very foggy during the time between Spring and Summer, causing accidents at sea. However, the EPD had not provided any information on emergency plan to the local residents; and
- (d) a large-scale project might not always bring in economic benefits. The desalination plant in the 1970s was considered a waste of public money. The construction of Disneyland only benefited the foreign workers. It was therefore misleading to claim that the proposed IWMF would bring about benefits to the local economy.

R32 – Mr. Siu Ka Man

112. Mr. Lai Siu Keung, a representative of R32, made the following main points:

- (a) the Government had not consulted the local residents at SKC who were associated with the Society for the Aid and Rehabilitation of Drug Abusers as well as the residents at the Sea Ranch;
- (b) the marine traffic routes near Cheung Chau were very busy. Accidents could happen to the marine vessels carrying waste. However, the

Government did not have any emergency plan or compensation plan; and

- (c) the Lamma Island Power Station had already polluted the area. The proposed IWMF could add to the pollution level of Cheung Chau.

R7 – Cheung Chau Rural Committee in association with various parties

113. Mr. Yoshino Takahiko, a representative of R7, made the following main points:

- (a) he was a scientist and he considered that the Lamma Island Power Station had affected the air quality of the area. As the residential settlements on Cheung Chau were very close to the sea level, they would be susceptible to air pollution coming from the sea;
- (b) Cheung Chau was often very misty during winter. The Government should take into account the special conditions of Cheung Chau as well as the heavy marine traffic in the area when considering whether to proceed with the proposed IWMF; and
- (c) the forward planning of the Government was not clear. The Government should change its mentality. The proposed IWMF was not good for Hong Kong.

R33 – Range Educational Centre Environmental Concern Group

114. Mr. Lau Tat Keung, a representative of R33, said that the proposed IWMF was too close to Cheung Chau. The Chairman and Members were requested to consider the matter from the perspective of Cheung Chau residents. The proposed IWMF was considered too large in scale. He agreed to the views of all the other representers.

R33 – Range Educational Centre Environmental Concern Group

115. Mr. Chan Chi Ping, a representative of R33, made the following main points:

- (a) as the proposed IWMF would only be about 10 to 40m away from SKC, the animals at SKC would be affected by the proposed IWMF;
- (b) the EPD had blindly believed in quantitative data. The information presented by the EPD was not the whole truth;
- (c) the EPD had not spent enough effort on waste reduction and recycling; and
- (d) there had to be a reason why a lot of educated people had objected to the proposed IWMF.

R33 – Range Educational Centre Environmental Concern Group

116. Mr. Hui Fai Ching made the following main points:

- (a) the current rate of waste recovery in Hong Kong appeared quite high because industrial waste had been included in the calculation. He estimated that the rate of waste recovery for domestic waste was actually very low. The Government had not spent enough effort on waste separation at source and waste recovery and therefore it needed to build a large-scale IWMF. Japan had demonstrated that if there was a good recycling programme in place, there would be no need for large-scale incinerators;
- (b) the emissions from the proposed IWMF would be more toxic than those from a power plant. The Government should follow the standards of the World Health Organization which were more stringent than those of the EU;
- (c) the proposed IWMF would affect the business of the recycling industry;
- (d) there would be lot of carbon dioxide emission from the proposed IWMF, which would add to global warming and the pollution problem in Hong Kong;
- (e) he had collected statistics on the direction of the prevailing wind for the past

two years in Hong Kong. He found out that only slightly more than 50% of the prevailing wind in Hong Kong was north-easterly. Therefore, it was misleading for EPD to claim that the dominant prevailing wind in Hong Kong was north-easterly;

- (f) newest technology such as plasma arc gasification which could achieve a temperature of 1,800°C was already available in the market. The technology of the proposed IWMF was not much different than that of the old incinerator in Kwai Chung which was closed in the mid-1990s;
- (g) there were only less than 10 super-incinerators in the world. Hong Kong did not have the experience to operate such a large-scale IWMF;
- (h) the assessment on health in the EIA report was conducted by engineers rather than medical professionals. The EPD should invite medical experts to conduct health assessments to address the concerns of the local residents; and
- (i) the proposed IWMF would affect the fung shui of Cheung Chau. The Cheung Chau Bun Festival, which was a cultural heritage of Cheung Chau, would also be affected.

117. As the representers and their representatives had completed their presentations, the Chairman then invited questions from Members.

118. A Member asked about the width of the water channel between SKC and the artificial island to be formed by reclamation. By referring to a powerpoint presentation, Mr. Ivan Chung said that as stated in the Explanatory Statement of the OZP, the water channel was about 10 to 40m in width.

119. The same Member asked whether the residents from South Lantau had been consulted by the Government. Mr. Ivan Chung said that on 25.2.2011, the Board gave preliminary consideration to the draft SKC OZP No. S/I-SKC/E and agreed that the draft OZP, its Notes and Explanatory Statement were suitable for submission to IsDC for consultation. On 21.3.2011, the TAFEHC of IsDC was consulted on the draft OZP. The views of the

TAFEHC were then reported back to the Board on 8.4.2011. In addition, the EPD had also consulted the local residents in relation to the proposed IWMF. Mr. Elvis Au said that EPD had consulted the local residents, including the IsDC, Cheung Chau Rural Committee, Mui Wo Rural Committee, South Lantau Rural Committee, the residents of Cheung Chau and the Hong Kong Fishery Alliance. The list of stakeholders consulted by the EPD could be found in Annex VIII of the Paper.

120. The same Member asked where Pak Tai Temple on Cheung Chau was located and how far it was in relation to the proposed IWMF. By referring to the Cheung Chau OZP, Mr. Ivan Chung said that Pak Tai Temple fell within an area zoned “G/IC(4)” which was located roughly in the middle of Cheung Chau. The distance between Pak Tai Temple and the proposed IWMF was more than 3 km.

121. The Vice-Chairman noted that the artificial island would be located to the southwest of SKC. He asked whether the location of the artificial island would have any advantage in terms of reducing the adverse visual impacts of the proposed IWMF. Mr. Elvis Au said that the location of the artificial island was chosen after careful consideration. One of the advantages of the proposed location of the artificial island was that SKC, with hills with a maximum height above 155m, could serve as a natural barrier to screen off the proposed IWMF. The proposed IWMF building would not be visible when viewed from the Cheung Chau Ferry Pier and would only be partially visible when viewed from Pui O.

122. The Vice-Chairman then asked whether it was the intention of the EPD to avoid the narrow water channel between Chi Ma Wan Peninsula on Lantau Island and Cheung Chau when choosing the proposed marine traffic route between the refuse transfer stations in the urban area and the proposed IWMF. Mr. Elvis Au said that the marine traffic route was deliberately chosen to avoid the busy channel between Chi Ma Wan Peninsula and Cheung Chau.

123. The Vice-Chairman said that some of the representers did not consider the mitigation measures proposed by the EPD in addressing the adverse ecological and health impacts arising from the proposed IWMF satisfactory. It was also concluded in paragraph 4.3.7.1 of the Executive Summary of the EIA report that “the impact on health from small additional air pollutants is likely to be very small and unlikely to be quantifiable.” He invited

representatives from EPD to elaborate on the proposed mitigation measures and the statement quoted above and asked the representers to point out why those mitigation measures were not acceptable.

124. Mr. Elvis Au said that from an ecological point of view, areas of high ecological importance such as the Soko Islands and the areas south of Lamma Island were deliberately excluded during the site selection process. The waters near SKC were not an area of high ecological importance as it did not fall within a Marine Park, a potential Marine Park or a Site of Special Scientific Interest. Although Finless Porpoises could be found near SKC, the habitat of Finless Porpoises actually covered a large area and was not just limited to the waters near SKC. The water channel separating the artificial island and SKC and the latest method in reclamation would help avoid disturbing the coral communities. The output of fisheries in the waters near SKC amounted to about 100-200 kg per hectare, which was not particularly high when compared with other nearby areas. The area of reclamation had already been reduced by about 40% to lessen the adverse impacts on fisheries. The proposed designation of the Marine Park would also enhance the ecological value of the nearby waters and benefit the fisheries industry.

125. Mr. Elvis Au continued and said that to protect the health of the residents, the EU standards, which were the most stringent in the world, had been adopted in relation to the treatment of dioxin generated from the incineration process. The EU standards were designed with the goal to protect the health of the people. To further safeguard the health of the residents, the proposed IWMPF would be separated from the nearest residential area by a distance of 3.5 km and the chimney would be built to a height of 150 m. Mathematical modelling, wind tunnel modelling and health risk analysis had also been conducted to ensure that the health of the Cheung Chau residents would not be affected. As for paragraph 4.3.7.1 of the Executive Summary of the EIA report, it should be noted that the conclusion was made with respect to the screening level of  $1 \times 10^{-5}$  adopted by Environmental Protection Agency of the United States.

126. The Chairman asked whether the White-bellied Sea Eagles would be affected by the proposed IWMPF. Mr. Elvis Au said that as the proposed IWMPF would be built on an artificial island, the ecology of SKC would not be affected. In addition, the lighting and the noise generated during the construction process would be controlled to minimize the impacts to

the White-bellied Sea Eagles which were susceptible to light and noise.

127. A Member said that the capacity of the proposed IWMF was about 3,000 tonnes per day, which was not enough to handle all the waste generated in Hong Kong. The Member asked how the remaining waste would be handled. Mr. Elvis Au said that currently there was about 9,000 tonnes of municipal solid waste disposed of at the landfills each day in Hong Kong. With the introduction of the two organic waste treatment facilities with a total daily capacity of 500 tonnes and the development of the proposed IWMF, and with greater efforts to further increase the recycling rate to recover an additional 1,000 tonnes of municipal solid waste each day, there would still be about 4,500 tonnes of municipal solid waste that would need to be processed each day. It was the responsibility of every citizen to reduce the generation of waste, especially food waste. It should also be noted that the option to build another IWMF had not been excluded.

128. The same Member noted that the incineration plant would consist of six incinerator units, each with a design capacity of 600 tonnes per day. The Member asked whether there was room for further expansion of the proposed IWMF at the SKC site. Mr. Elvis Au said that only five of the incinerator units would be operational at a time, with the remaining one on standby. Therefore, the capacity of the proposed IWMF would be 3,000 tonnes per day. Because of the site constraints, there was no plan to expand the proposed IWMF at the SKC site.

129. A Member asked whether there was any standard in the distance between the proposed IWMF and the residential areas. Mr. Elvis Au said that there was no international standard for the distance between an incinerator and the residential areas. Instead, the EU standards were concerned about the emissions coming out from the chimney. Mathematical modelling and wind tunnel modelling were required to test whether an incinerator at a particular location would be able to meet the air quality standards. Nevertheless, the distance between the proposed IWMF and the nearest residential area, which was 3.5 km, compared favourably with other similar facilities in Europe and Singapore.

130. The same Member asked whether there was any measure to resolve the problems associated with the ground settlement of the reclaimed area, and whether the residual ash generated from the proposed IWMF would contaminate the artificial island and the sea if the

reclaimed area continued to settle after the proposed IWMF became operational. Mr. Elvis Au said that bottom ash and fly ash were two types of residual ash. Bottom ash would no longer be toxic after the waste was incinerated at a temperature of 850°C. Bottom ash could be used as construction materials. EPD would conduct leachate test on the bottom ash before it could be disposed of. Fly ash, on the other hand, would require stabilization and solidification before disposal. Tests would also be carried out to ensure that it could be safely disposed of.

131. Mr. David Lui of AECOM Co. Ltd. said that settlement of reclamation sites was common in Hong Kong. For the proposed IWMF, piles would be driven to the rock layer to ensure that there would be no settlement of the building structure. However, the other areas on the artificial island might experience some degree of settlement. The process of settlement would be under control and would not affect the operation of the IWMF.

132. In response to the invitation from the Chairman to give a brief account of his professional background, Mr. David Lui said that he represented AECOM Co. Ltd. and was responsible for the IWMF project. He graduated from the University of Hong Kong with a bachelor's degree in civil engineering in 1980 and with a master's degree in environmental engineering in 1998. He had worked in the engineering profession for more than 30 years.

133. A Member asked whether the EU standards controlled the characteristics of waste and whether it was possible to ensure full compliance with the EU standards. Mr. Elvis Au said that the EU waste incinerator standards controlled the limits of emissions but not the characteristics of waste. To ensure full compliance with the EU standards, the "3T" technology would have to be adopted in the design of the proposed IWMF. A modern flue gas cleansing and control system would also be used. There were about 900 similar incineration plants throughout the world, and therefore the technology had already proven and was considered effective in meeting the stringent EU standards. In response to a further question from the same Member, Mr. Elvis Au said that the proposed IWMF was designed to fully comply with the EU standards.

134. The same Member asked about the frequency of the marine vessels. Mr. Elvis Au said that three vessels would travel from the three refuse transfer stations in the urban areas to the proposed IWMF every day. In addition, one vessel carrying residues would travel from



the proposed IWMF to Tuen Mun. By referring to a photo of a marine vessel, Mr. Elvis Au added that municipal solid waste had been delivered in sealed containers by marine vessels for more than a decade. In response to the further questions from the same Member, Mr. Elvis Au said that marine vessels would operate from 8am to 8pm. It was also technically feasible to build a chimney over 150 m in height that could withstand strong winds and typhoons.

135. The same Member asked whether there would be any emergency measures if accidents happened to the marine vessels. Mr. Lui Ping Hon, PEPO (Infrastructure Planning), EPD, said that the operators of the marine vessels were required to submit an emergency plan to the relevant government departments for approval. It should be noted that no major accidents involving the vessels had ever happened. If the proposed IWMF was built at the SKC site, a new emergency plan specifically designed for the new marine traffic route would be required for the approval of relevant government departments.

136. The same Member continued and asked about the design of the proposed IWMF. Mr. Elvis Au said that the EPD paid great attention to the design of the IWMF. According to the experience in Europe and Japan, the IWMF could be designed in such a way that it was possible for the IWMF to blend in with the local community and be architecturally pleasing at the same time. By referring to a photo, Mr. Elvis Au said that there was already a preliminary design for the proposed IWMF, with a heavy emphasis on greenery on the outside of the building. The future contractor for the proposed IWMF would be required to prepare a detailed design for the facility. Discussion would be carried out with professionals and the local community to ensure that the design would be of high quality.

137. A Member said that there was concern on the possibility of pollution during the construction of the proposed IWMF and the breakwater. As dredging of about one metre of sediments would be required, the nearby waters would likely become murky. Besides, the artificial island would likely experience settlement considering that there was still a thick layer of sediments on the seabed. Mr. Elvis Au said that a vertical cellular cofferdam approach would be adopted to minimize the sediment dredging works. A double silt curtain system would also be used to minimize the impact on water quality. A detailed mathematical model had confirmed that any impacts on water quality would be insignificant and temporary and the coral community would not be adversely affected. As for the issue of settlement, Mr. Elvis Au said that the process of settlement would be strictly monitored.

138. A Member asked whether it was possible to extend the width of the water channel separating the artificial island and SKC. Mr. Elvis Au said that any extension of the water channel would affect the existing marine traffic route.

139. The Chairman asked the following questions:

- (a) whether Shek Pik Reservoir would be affected by the proposed IWMF?
- (b) whether the Environmental Permit under the EIAO had been issued?
- (c) whether there was any urgency to build the proposed IWMF?
- (d) whether a liaison group would be formed and whether any technical information on the construction and operation of the IWMF would be shared in the liaison group?

140. Mr. Elvis Au responded to the questions as follows:

- (a) as Shek Pik Reservoir was very far away from the proposed IWMF, the water quality of the reservoir would not be affected;
- (b) the EIA report had already been approved by the authority under the EIAO;
- (c) there was a great urgency to develop the proposed IWMF, as the three existing landfills would be exhausted in 2014, 2016 and 2018. Although the Government would continue to encourage reduction and recycling of waste, the proposed IWMF was still necessary to drastically reduce the volume of waste so that the lifespan of the landfills could be extended; and
- (d) the liaison group would be formed and relevant information would be shared with the liaison group. The EPD was in the process of communicating with the concerned residents.

141. A Member noted the comments of a representer and asked whether there was a mistake in paragraph 3.1.3.8 of the Executive Summary of the EIA Report. Mr. David Lui said that paragraph 3.1.3.8 was concerned about the Ha Mei Wan, Lamma Island (“S3”). As Wah Fu, Aberdeen, Ap Lei Chau and Wong Chuk Hang were located on hillsides, the IWMF would be visible if it was built at the Ha Mei Wan site or the Ex-Lamma Quarry site. Therefore, there was no factual mistake in this paragraph.

142. Ms. Kwong Wai Kuen said that Mr. David Lui’s explanation was not convincing.

143. Mr. Hui Ching Fai made the following comments:

- (a) the government officials had not responded to the representers’ questions in relation to Pak Tai Temple and the Sea Ranch;
- (b) it was widely known that the waters near SKC was the most important habitat for the Finless Porpoises, which might find it hard to adapt to a new environment if they were forced to leave the SKC area;
- (c) there was no guarantee that the EU standards would be fully complied with. Why had the standards of the World Health Organization (WHO standards) not been adopted?
- (d) was it because of the failure to comply with the EU standards that the Government selected the sparsely populated area of SKC for the development of a IWMF?

144. Mr. Chan Chi Ping had the following comments:

- (a) the Government only started to promote the reduction of waste about a week ago;
- (b) the Government had blindly followed the EU standards; and
- (c) the operation of the proposed IWMF would affect the White-bellied Sea

Eagles.

145. Mr. Clive Noffke said that the Board had been easy on the EPD in this hearing. SKC and TTAL were both suitable for the development of an IWMF. If there was such an urgency to build an IWMF, then it should be located at TTAL instead of SKC, as there was no need for reclamation at TTAL. An IWMF at TTAL could come into operation two years earlier at a quarter of the cost. Members should put this question to the EPD.

146. Mr. Lai Siu Keung said that if the proposed IWMF was so technologically advanced and architecturally innovative, then the IWMF should be built on Green Island for the enjoyment of the nearby residents. There was no reason that the IWMF should be built at the remote SKC.

147. Ms. Louise Preston made the following comments:

- (a) Annex VIII of the Paper stated that the EPD had held three meetings with the representatives of the residents of South Lantau, including the South Lantau Rural Committee on 13.5.2011, and the Mui Wo Rural Committee and the LIM on 11.8.2011. The reason why the EPD met with the South Lantau Rural Committee three months after the EIA was published for public comment was not known. It should also be noted that the meetings with the South Lantau Rural Committee and Mui Wo Rural Committee were not public consultations. The meeting with LIM was only held at the repeated request of LIM and was not considered a public consultation as only three members of LIM attended the meeting. In 25 November 2011, a meeting was held by the Planning Department in Pui O in relation to the proposed dredging at SKC. Only those people who had made a submission were invited to the meeting. Subsequently, LIM publicized the meeting to ensure that the residents of South Lantau were well represented at the meeting. That was also not a genuine public consultation;
- (b) the proposed IWMF was directly facing South Lantau although Mr. Elvis Au claimed that it was not. The proposed IWMF would be visible from the entire South Lantau coast and the popular tourist destinations in South

Lantau;

- (c) did the Government intend to increase the capacity of the IWMF at the SKC site to 6,000 tonnes per day?
- (d) there was a reservoir in Chi Ma Wan which was much closer to SKC than Shek Pik.

148. Mr. Tom Hope made the following comments:

- (a) he owned a restaurant at the beach at Cheung Sha. The chimney would be visible if viewed from the terrace of his restaurant. The chimney would also be visible from the giant Buddha statue at Ngong Ping as well as along the South Lantau coast;
- (b) Mr. Elvis Au and his colleagues acknowledged at an ACE meeting that there was no known way to continuously measure the emission of dioxin. The EPD had only promised to gauge the emission of dioxin every three months in the first year of the operation of the proposed IWMF. After the first year, the EPD would only gauge the emission of dioxin every six months, although the EPD was considering doing it more regularly. It did not seem that EPD would monitor the emission levels successfully and transparently;
- (c) he started his restaurant in South Lantau because he believed that the area would be preserved for conservation as stated in the SWNT Development Strategy Review completed in 2001. If the IWMF was built at SKC, then the business of his restaurant, the water sports facilities, the hostels and the ecotourism industry at South Lantau would be devastated; and
- (d) the concept of balanced spatial distribution of waste management facilities should not override the SWNT Development Strategy Review which had designated the South Lantau area as an area to be preserved for conservation.

149. The Chairman asked the following questions:

- (a) if the IWMF was able to meet the EU standards, why should the IWMF not be built in urban areas;
- (b) whether the proposed IWMF would lead to adverse visual impacts when viewed from Sunset Peak or other parts of South Lantau;
- (c) did 100% compliance of the EU standards mean that the EU standards were complied continuously during the operation of the IWMF. If only a snapshot was taken every three months with regard to the monitoring of the emission of dioxin, then how the other pollutants would be monitored by EPD?

150. Mr. Elvis Au said that a balanced spatial distribution of all different strategic waste management facilities was an important consideration during the site selection process for the proposed IWMF. Two sites, namely SKC and TTAL in Tuen Mun, had been identified during the site selection process. As there were already other strategic waste management facilities such as the West New Territories (WENT) Landfill and the Sludge Treatment Facility in Tuen Mun, it was considered that the selection of the SKC site would help to achieve a more balanced spatial distribution of waste management facilities. Studies had also indicated that the overall impacts on air quality arising from the proposed IWMF on nearby areas would be minor. Moreover, as the SKC site was closer to the refuse transfer stations in the urban areas compared with TTAL, the trips of the marine vessels needed to deliver waste to the IWMF would be shorter.

151. With the aid of some photomontages, Mr. David Lui said that the visual impacts from three different locations along the South Lantau coast, i.e. Cheung Sha, Pui O and Tong Fuk, representing three key points along the entire stretch of the South Lantau coast, had been examined in the EIA report. He said that the proposed IWMF was partially screened off by the local landscape when viewed from Cheung Sha and Pui O, but was clearly visible from Tong Fuk. Ms. Louise Preston pointed out that the photos showing the view from Cheung Sha were taken at the extreme eastern end of Cheung Sha Beach.

152. Ms. Kelly Merrick said that the EU had found out that containers containing the ash

from incinerators could leach to the ground, contaminating both the soil and the ground water. If the ash was used in concrete manufacturing, the whole of Hong Kong could be contaminated. In Newcastle, UK, local allotments and footpaths had to be removed as they were contaminated by high levels of heavy metals and dioxin. In the United States and Europe, high levels of dioxin had also been found in food. These examples illustrated the fact that even though the emission from the proposed IWMF would be able to meet the current EU standards, it did not mean that it was safe. There was no acceptable level when it came to the risks that would be posed to human health. In Hong Kong, people wanted to be involved in waste reduction programme, but had no interest in subscribing to outdated technologies which would threaten people's health and exacerbate the pollution problem in Hong Kong.

153. Mr. Tom Hope made the following comments:

- (a) compared with the proposed incineration technology, there were other technologies that were less polluting and did not generate residues; and
- (b) the photomontages presented by Mr. David Lui did not represent the real situation, and Mr. David Lai did not present the visual impacts if the proposed IWMF was viewed from a height on Lantau Island. The Board was invited to visit South Lantau to have a feel of what the proposed IWMF at the SKC site would actually look like.

154. Mr. Chan Chi Ping made the following comments:

- (a) the issue under discussion in this hearing was actually the proposed reclamation rather than the proposed IWMF;
- (b) according to Mr. Elvis Au, the artificial island could not be formed further away from SKC as it would affect the existing navigation channels. This indicated that the damages caused to SKC would be unavoidable;
- (c) the photomontages presented by Mr. David Lui did not reflect the reality.

155. Mr. Wu Kwok Cheung made the following comments:

- (a) Professor Anthony Hedley of the Department of Community Medicine at the University of Hong Kong was sceptical about the proposed IWMF and he could produce a lot of evidence to prove that the proposed IWMF would lead to adverse health impacts;
- (b) there were exemptions in the EU standards with regard to the moments when the incinerator was either turned on or off, suggesting that the emissions could not be controlled during these periods; and
- (c) the chimney seemed like a symbol encouraging people to smoke.

156. Mr. Hui Fai Chung said that the EPD had not addressed their concerns regarding cultural heritage and medical assessment.

157. Mr. Lai Siu Keung said that there had been a greater incidence of cancer due to pollution in Hong Kong. The risks of carrying refuse by sea, the adverse visual impacts and the lack of waste separation at source should also be addressed by the EPD.

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

159. The meeting was adjourned for a five-minute break and resumed at 7:45 p.m.

#### Deliberation Session

160. Members noted that the relevant EIA report had already been approved by the EIA Authority, which was an update to the TPB Paper.

161. A Member said that as the proposed IWMF was an essential waste management



facility, a suitable site had to be found. The location was considered suitable. However, the Member considered that the preliminary design of the proposed IWMF looked like a traditional factory. The design of the facility, including the chimney, could be significantly improved so that it could blend in with the surrounding natural environment.

162. A Member said although the cost of building the proposed IWMF at the SKC site was higher compared with that at TTAL, the SKC site was more suitable than TTAL as there were more residents in the Tuen Mun area. The Board should make reference to the decision of the EIA Authority who had approved the EIA report, which meant that the environmental impacts of the proposed IWMF were within acceptable limits. However, he considered that there was room for improvement in the presentation in the EIA report. Ambiguous terms such as “not unacceptable” and “relatively small” had been used in the report. The presentation in EIA reports could be strengthened by adding more quantitative data and by explaining the proposed mitigation measures in greater details.

163. The Secretary said that regarding the concern of a representer that ambiguous terms had been used in the EIA report, it should be clarified that those terms were actually the responses of the EPD as stated in the Town Planning Board Paper. There were plenty of quantitative data in the EIA report to support its conclusion, and the entire EIA report had been uploaded to the Internet for public inspection.

164. A Member said that the EPD had already provided a lot of useful data for the reference of the Board and the Member agreed that the SKC site was more suitable for the development of the proposed IWMF. The Board should make reference to the decision of the EIA Authority who had already approved the EIA report. However, the Member noted that a lot of the representers had voiced out the concern that the EPD had not consulted the local residents in Cheung Chau and South Lantau. It was suggested that the EPD should conduct more extensive consultations with the local residents for similar projects.

165. A Member said that although it was understandable that there were concerns from the representers on the proposed IWMF, there was a need to build an IWMF and the SKC site was a suitable location for such a facility. The Member suggested that the presentation of the Executive Summary of the EIA report could have been improved to avoid misunderstanding. The mitigation measures proposed by the EPD could also have been more specific. As many

representers were eager to participate in the liaison meetings, the EPD should hold regular liaison meetings with the local residents so that they could be involved in the development and monitoring of the proposed IWMF. The Member also suggested that a more innovative and attractive design was needed for the proposed IWMF, especially for the chimney.

166. A Member said that a waste management facility would face opposition from the local residents, no matter where it was located. After considering the information presented by the EPD and the presentations by the representers, it was considered that the SKC site was suitable for the development of an IWMF. The Member considered that a better design for the proposed IWMF would help to address the adverse visual impacts of the facility when viewed from South Lantau.

167. A Member said that the SKC site was suitable for the development of an IWMF. However, some level of disturbance to the environment seemed unavoidable during reclamation and the construction of the proposed IWMF. Therefore, there should be close monitoring of the situation and remedial action should be taken as soon as possible. The Member also noted that the representatives from EPD had not replied fully to the Chairman's query on the frequency of the monitoring of the emissions from the IWMF. The Member suggested that more frequent monitoring of the emissions should be required and the relevant data should be made public.

168. A Member said that it should be made clear that the purpose of this hearing was not to compare the pros and cons between the SKC site and the TTAL site for the development of the proposed IWMF, but to consider the representations in relation to the SKC OZP. The Member also noted that there were a lot of quantitative data in the EIA report, but they were explained qualitatively in the Executive Summary. The representers should therefore refer to the full EIA report if they wanted to know the quantitative data. The Member continued and said that it was impractical to expect that the proposed IWMF would have absolutely no impacts on the environment. Rather, the most important consideration was to reduce the impacts on the environment and the local residents to a level that would be scientifically acceptable. The Member also considered that there should be more frequent monitoring of the emissions from the proposed IWMF, especially during the initial period of the operation of the facility, so as to address the concerns of the representers and members of the public. In addition, a liaison group with the local residents should be established as soon as possible.

169. The Secretary said that in accordance with the directive given by the Secretary of Development under the power delegated by the Chief Executive, the Board was required to prepare an OZP for SKC. The purpose of the Board in this hearing was not to determine the best waste disposal strategy nor to select the most suitable site for the development of an IWMF, but to consider whether the land use zonings on the SKC OZP were appropriate in view of the submissions and presentations made by government officials and the representers.

170. The Chairman said that the proposed IWMF was an important initiative in the waste management strategy and the Board should consider the overall interest of all residents of Hong Kong. Although there were concerns from the representers, it should be accepted that the approved EIA for the proposed IWMF had demonstrated that the environmental impacts from the proposed facility would be acceptable. The representers had not provided strong justifications for the Board to challenge the propriety of the EIA process. It should also be noted that the Government had promoted waste reduction and recycling for many years. It was not correct for a representer to claim that the Government had started the campaign on waste reduction only a week ago.

171. After further deliberation, the Chairman concluded the discussion by saying that Members generally agreed to note the supporting representations and not to uphold the opposing representations. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 8.2 of the Paper and considered that they were appropriate.

R1(part), R5(part) to R7(part) and R19(part)

172. The supportive views of R1(part), R5(part) to R7(part) and R19(part) on the extension of statutory planning to SKC and the “CA”, “CPA” and “G/IC” zones on the OZP were noted by the Board.

R1(part), R2 to R4, R5(part) to R7(part), R8 to R18, R19(part) and R20 to R33

173. After further deliberation, the Board decided not to uphold the representations for the following reasons:

- (a) the whole island of SKC was currently under a Government Land Licence under which the Government had control over development on the island.

The preparation of a DPA plan to enable statutory planning enforcement control on the area was therefore considered not necessary. An OZP to cover both the island of SKC, the proposed reclamation area for the proposed IWMF and the vessel anchorage was prepared to put the area under statutory control. The proposed zoning of “OU(IWMF)” was appropriate as the area was for the provision of an IWMF (R1 to R3, R5, R6, R9, R17, R18, R23, R27, R29 and R33);

- (b) the IWMF was part of the overall waste management strategy announced by the Government. Introduction of modern facilities for waste treatment was an integral part of the implementation plan of the overall strategy (R5, R11 to R16 and R33);
- (c) the proposed site for the IWMF was the result of a detailed site selection exercise under the study ‘Site Search for Integrated Waste Management Facilities in Hong Kong for MSW’ completed in 2008. Taking into account a range of criteria including environmental, ecological, planning, transport, technology/engineering, economic and social considerations, the artificial island near SKC was considered a suitable potential site for the proposed IWMF. The revised EIA Report completed in November 2011 had further confirmed that the proposed IWMF at SKC would not result in insurmountable environmental and health problems (R9 to R19, R24 to R26, R29 to R33);
- (d) the revised EIA Report was approved by the authority under the EIAO on 17 January 2012. As stated in the revised EIA Report, the impact of the IWMF on the terrestrial and marine environment would be kept to the minimum and acceptable level with the adoption of advanced technologies and the implementation of appropriate mitigation measures (R1, R5, R6, R8, R21, R23, R25 to R27 and R31 to R33);
- (e) according to the revised EIA Report, the construction and operation of modern incineration facilities at SKC were environmentally acceptable. There would be no unacceptable adverse impacts on ecology, fisheries, air

and health aspects; etc. As regards the economic impact, the IWMF would have an environmental education centre and might also provide recreational and leisure facilities for visitors, such as a viewing terrace, and ferry services between Cheung Chau and SKC for visitors. It was anticipated that the facilities could attract several hundred visitors a day, helping to boost the local tourism and catering business (R2 to R33);

- (f) extensive public engagement on the proposed IWMF had been undertaken from February to May 2008. The public and stakeholders were further consulted on the EIA Report and the revised EIA Report in February 2011 and November 2011 respectively. To enable the public to have all the information of IWMF and the latest development, all the relevant information (e.g. explanatory booklets, pamphlets, presentation slides, public engagement workshops and seminars, site selection paper, DC papers, LegCo papers, IWMF EIA Report, etc.) were posted on the EPD's website (R20, R21, R25, R26, R31 and R32);
- (g) both the SWNT Development Strategy Review and the Lantau Concept Plan were strategic studies to provide broad planning framework for the SWNT and Lantau respectively. According to the detailed site search and the revised EIA report completed in 2008 and 2011, the proposed reclamation off SKC was considered as a suitable site for the development of IWMF without creating adverse environmental impacts. The buildings/structures of the IWMF would be partially blocked by the SKC island when viewed from South Lantau and Cheung Chau. With the implementation of mitigation measures, the impact of the proposed IWMF on the landscape and visual resources on South Lantau and SKC was considered within acceptable level. It was not inconsistent with the strategic planning studies (R2, R22, R23, R25 to R27 and R33); and
- (h) designation of country park and marine park was under the ambit of the Country and Marine Parks Board and fell outside the Board's purview. The representers' proposals would be relayed to concerned bureau(x) and department(s) for consideration (R5, R9 and R30).

174. The Board also agreed to advise the EPD on the followings:

- (a) the proposed liaison group should be set up as soon as possible so that the concerned residents and members of the public could be involved in working out the design of the proposed IWMF, the details of the proposed mitigation measures, and the mechanism for monitoring the impacts arising from the proposed IWMF during the construction and operation stages of the proposed facility;
- (b) a more innovative design should be adopted for the proposed IWMF to minimize the adverse visual impacts; and
- (c) there should be more frequent monitoring of the emissions from the proposed IWMF. All relevant data should be released to the public as soon as possible.

#### **Agenda Item 5**

##### Any Other Business

[The meeting was conducted in Cantonese.]

175. There being no other business, the meeting closed at 7:50pm.