

**Minutes of 1062nd Meeting of the
Town Planning Board held on 4.7.2014**

Present

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

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Professor S.C. Wong

Mr Roger K.H. Luk

Professor P.P. Ho

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Dr W.K. Yau

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H. T. Lau

Mr Stephen H.B. Yau

Dr Eugene K.K. Chan

Mr Francis T.K. Ip

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Deputy Director of Environmental Protection
Mr C.W. Tse

Chief Engineer, Home Affairs Department
Mr Frankie W.P. Chou

Director of Lands
Ms Bernadette H.H. Linn

Director of Planning
Mr K.K. Ling

Deputy Director of Planning/District
Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Professor Eddie C.M. Hui

Dr C.P. Lau

Mr Lincoln L.H. Huang

Ms Christina M. Lee

Mr H. F. Leung

Mr F.C. Chan

Principal Assistant Secretary for Transport and Housing
Miss Winnie M.W. Wong

In Attendance

Assistant Director of Planning/Board
Ms Fiona S.Y. Lung

Chief Town Planner/Town Planning Board
Mr Louis K.H. Kau (am.)
Ms Lily Y.M. Yam (pm.)

Senior Town Planner/Town Planning Board
Ms Johanna W.Y. Cheng (am.)
Mr Jerry J. Austin (pm.)

1. The Chairman and Members congratulated Professor K.C. Chau for having been awarded the Bronze Bauhinia Star, and Mr Laurence L.J. Li for having been appointed as Justice of Peace on 1.7.2014.

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1061st Meeting held on 20.6.2014

[The meeting was conducted in Cantonese]

2. The minutes of the 1061st Meeting held on 20.6.2014 were confirmed without amendments.

Agenda Item 2

[The meeting was conducted in Cantonese]

Matters Arising

- (i) Town Planning Appeal Received
Town Planning Appeal No. 4 of 2014
Proposed Hotel in “Residential (Group A)” Zone, 48 Caine Road, Mid-levels,
Hong Kong
(Application No. A/H11/104)
[Open Meeting]

3. The Secretary reported that a Notice of Appeal dated 30.6.2014 against the decision of the Town Planning Board (TPB) on 11.4.2014 to reject on review the Application No. A/H11/104 for the proposed hotel in “Residential (Group A)” (“R(A)”) zone on the Mid-Levels West Outline Zoning Plan (OZP) was received by the Appeal Board Panel (Town Planning). The application was rejected by the Board for the following reasons:

- (a) Caine Road was a dual two-lane road with a width of about 6m, and its

westbound section was subject to traffic management measures during the daytime on weekdays and 7 am to 1 pm on Saturday. Therefore, the application site was not conducive to hotel development due to the narrowness of Caine Road and the special traffic management measure implemented;

- (b) there was insufficient planning merit to justify the hotel development;
- (c) the application site was located in an area intended for high-density residential development. Given the current shortfall in housing supply, the site should be developed for its zoned use. The proposed hotel development would result in reduction of sites for residential developments and affect the supply of housing land in meeting the pressing demand in the territory; and
- (d) the approval of the application would set an undesirable precedent for similar applications in the area and the cumulative effect of which would aggravate the shortfall in the supply of housing land.

4. Members noted that the hearing date of the appeal had yet to be fixed and agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

Appeal Statistics

5. The Secretary reported that as at 4.7.2014, 15 cases were yet to be heard by Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	31
Dismissed	:	131
Abandoned/Withdrawn/Invalid	:	179
Yet to be Heard	:	15
Decision Outstanding	:	2

Total : 358

- (ii) Matters Arising (ii)
[Closed Meeting]

6. This item was recorded under confidential cover.

[Mr Dominic K.K. Lam, Mr Wilton W.T. Fok, Mr Frankie W.C. Yeung, Mr Clarence W.C. Leung and Dr Eugene K.K. Chan arrived to join during discussion of the MA (ii) item.]

Kowloon District

Agenda Item 3

[Closed Meeting]

Consideration of Representations and Comments to the Draft South West Kowloon Outline Zoning Plan No. S/K20/29 (Deliberation Session)

[The meeting was conducted in Cantonese]

7. As the representations were concerned with proposed Home Ownership Scheme (HOS) and public rental housing (PRH) developments by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA), the following Members had declared interests in this item:

Mr Stanley Y.F. Wong	-	being a member of the HKHA and Chairman of the Subsidised Housing Committee of HKHA
Professor P.P. Ho	-	being a member of the Building Committee of HKHA
Ms Julia M.K. Lau	-	being a member of the Commercial Properties Committee and Tender Committee of HKHA
Ms Janice W.M. Lai]	

Mr Dominic K.K. Lam]	having current business dealings with
Mr H.F. Leung]	HKHA
Mr Patrick H.T. Lau]	
Mr K.K. Ling (as Director of Planning)	-	being a member of the Strategic Planning Committee and Building Committee of HKHA
Ms Bernadette H.H. Linn (as Director of Lands)	-	being a member of HKHA
Mr. Frankie W.P. Chou (Chief Engineer (Works), Home Affairs Department)	-	being an alternative member for the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA
Miss Winnie M.W. Wong (as Principal Assistant Secretary (Transport), Transport and Housing Bureau)	-	being the representative of the Secretary for Transport and Housing who was a member of the Strategic Planning Committee of HKHA

8. As the interests of the above Members were direct and substantial, they should withdraw from the meeting. Members noted that Mr Stanley Y.F. Wong, Ms Julia M.K. Lau, Ms Janice W.M. Lai, Ms Bernadette H.H. Linn had not yet arrived to join the meeting; and Mr H.F. Leung and Ms Winnie M.W. Wong had tendered apologies for not attending the meeting.

[Professor P.P. Ho, Mr Dominic K.K. Lam and Mr K.K. Ling left the meeting temporarily and Mr Patrick H. T. Lau and Mr Frankie W.P. Chou left the meeting at this point.]

9. The Chairman said that on 20.6.2014, the Board held the presentation and question sessions of the hearing to consider the representations and comments in respect of the draft South West Kowloon Outline Zoning Plan. As the presentation and question sessions of the hearing had run beyond schedule and the attendees for the other agenda items had waited for a long time, Members agreed that the deliberation session should be

deferred to this meeting. The minutes of the representation hearing were confirmed by Members under Agenda Item 1 today. A gist of the main points as recorded in the confirmed minutes was tabled for Members' easy reference. The gist did not contain any new information. The video recordings of the meeting held on 20.6.2014 had been provided to Members for reference prior to the deliberation session. The Chairman asked Members to consider the representations taking into account the written representations and the oral submissions made on 20.6.2014.

Group 1

(Representation Nos. R1 (Part), R2 to R687, R689 to R2920 (Part), R2921 to R3002, R3004 to R3006 (Part), R3007 to R3068 and R3070 to R3100 and Comment Nos. C2 to C4, C15 to C23, C25, C26, C28 (Part), C 29, C31 to C35)

10. The Group 1 representations were related to the rezoning of the Fat Tseung Street West site (the Site) from "Government, Institution or Community" ("G/IC"), "Open Space" ("O") and area shown as 'Road' to "Residential (Group A)11" ("R(A)11") for an HOS development. The Site was adjacent to the St. Margaret's Co-educational English Secondary & Primary School (the School).

11. Members noted that a letter dated 27.6.2014 from the Principal of the School and the Board's reply dated 3.7.2014; a letter dated from 2.7.2014 from the Supervisor of the School; a letter dated 2.7.2014 from the Chairpersons of the parent-teacher association (PTA) of the School and the PTA of Ying Wa Primary School; and a letter dated 2.7.2014 from the students' association of the School were tabled. The Chairman said that the Secretariat had replied to the letter dated 27.6.2014 informing the School that their request to attend the deliberation session could not be acceded to. The Secretary would reply to the other tabled letters accordingly. Members were reminded that the tabled letters were submitted after the completion of representation hearing, and the Board could not take them into account in the deliberation.

Planning Intention

12. The Chairman said that the representers indicated that the Site had been planned for an open space, a soccer pitch and a municipal building. These community

facilities were considered beneficial to the community and the Site should not be zoned for residential use. The Site should be retained for Government, institution or community (GIC) or open space uses.

13. Members noted the responses of relevant government departments given at the hearing and/or recorded in the Paper that the Site was one of the 36 “G/IC” and Government sites that were identified to be suitable for residential use after review to meet the pressing demand for housing land; and the existing open space (including the soccer field) and originally planned Government complex on the Site would be reprovisioned by HD at North West Kowloon Reclamation Area (NWKR) Site 6.

14. Members had no question to raise on the above grounds and responses.

Land Use Compatibility

15. The Chairman said that some representers considered that the proposed residential development on the Site would be incompatible with the adjacent school uses. In particular, it was indicated that:

- (a) future residents might complain about noise generated from the School’s daily operations (including the school bells, student activities and assemblies on the playground) while the noise generated by the future residents would also affect the students;
- (b) the School would be a noise nuisance to future residents which would give rise to conflicts and increase the likelihood of residents throwing objects into the School or shooting at students with air pistols; and
- (c) the privacy of both the proposed residential development and the School would be affected due to their close proximity to one another and there would be serious effect on the staff and students of the neighbouring schools as well as their school activities;

16. Members noted the responses of relevant government departments given at the

hearing and/or recorded in the Paper that residential use and school use were not incompatible from land use planning perspective and it was common to have schools located adjacent to residential uses; the development intensity of the proposed HOS development with domestic plot ratio (PR) of 6.5 and non-domestic PR of 1.5 was in line with the developments in the vicinity; and that HD had refined the scheme in response to the comments of the School by changing the 2-block scheme to a 1-block scheme and increasing the building separation between the proposed HOS block and the School.

17. A Member said that the representers were too idealistic, because it was inevitable that a relatively higher level of nuisance and noise impacts from neighbouring uses had to be tolerated within an urban setting. In fact, instead of finding the school use to be a nuisance, some people might find it desirable to live next to a school that had lower development density. The Chairman said that the concerns on falling objects and shooting with air pistols would be regulated by relevant legislation.

18. With regard to the representers' proposal to develop the Site for another school, a Member disagreed as it would induce an increase in school-related traffic which might affect the safety of students. On the contrary, if the Site was to be developed for residential use, the traffic pattern would be different and the traffic flow would be staggered.

19. Another Member said that the zoning of the Site for the HOS use was supported. Nevertheless, the efforts of the students and parents in preparing for the representation hearing was much appreciated and the Board had carefully listened to their concerns. The representers should be clearly informed about the rationale of the Board's decision and why the points they raised were not accepted. In this regard, the Chairman said that the confirmed minutes of the deliberation session, reflecting the Board's consideration of the grounds and proposals in the representations, would be sent to all representers.

20. Another Member said that the grounds raised by the representers claiming that school and HOS were incompatible land uses were very weak. It was very common for schools to be located adjacent to residential developments or within housing estates.

Safety Concerns

21. The Chairman said that some representers had concerns on safety aspects, such as risk of falling objects and shooting by air pistols. Members noted the responses of relevant government departments given at the hearing and/or recorded in the Paper that there was a separation of not less than 33m between the School and the nearest wing of the HOS block; the windows would not face the School directly and would be screened by architectural fins installed at appropriate locations to prevent objects being thrown from these windows onto the School's playground; and that HD had appropriate estate management and security measures in place to address the safety concerns.

22. Members had no question to raise on the above grounds and responses.

Air Ventilation Aspect

23. The Chairman said that the representers had raised concerns that the proposed HOS development on the Site would adversely impact on the air ventilation in the area and affect the School's environment.

24. Members noted the responses of relevant government departments given at the hearing and/or recorded in the Paper that a quantitative air ventilation assessment (AVA) had been conducted by HD. The AVA demonstrated that the overall air ventilation performance in the area would be similar under both the baseline scheme and the 'with development' scenarios and there would be no significant air ventilation impacts. In addition, HD had advised that their latest preliminary layout of the proposed HOS development had been revised from 2 blocks to 1 block, the distance between the proposed HOS development and the School had been maximized, and the space in-between would be utilized as local open space for the HOS development that would provide good breathing space.

25. A Member said that the representers/commenters were concerned that the AVA had not included assessment of air quality impacts. Members noted that air quality impact was a matter that had to be addressed at a territorial scale, nonetheless, good air ventilation would facilitate a better dispersion of pollutants. In this regard, the AVA had

demonstrated that the proposed development on the Site would not have significant impact on air ventilation in the locality.

26. Another Member said that the representers had not provided any concrete data or evidence to support their claims that the proposed HOS development on the Site would create adverse air ventilation impacts.

Traffic Impact

27. The Chairman said that the representers had raised concerns on potential traffic impact that would be created by the HOS development (including traffic from refuse collection vehicles) and road safety for students caused by increased traffic.

28. Members noted the responses of relevant government departments given at the hearing and/or recorded in the Paper that HD had conducted a Traffic Impact Assessment (TIA) which concluded that the proposed HOS development would have negligible impact on the traffic situation in Sham Shui Po and no insurmountable traffic problem at the Site was envisaged; HD had advised that there would only be one trip per day for the refuse collection vehicle to collect refuse from the proposed HOS development; and road safety in the area would be enhanced by the proposed footbridge connecting the Site and NWKR Site 6 as well as the proposed footbridge which would link up MTR Nam Cheong Station with the existing and planned residential developments (at the Site and NWKR Site 6).

29. A Member said that the representers' claim that adverse traffic impact would be generated by the proposed HOS development on the school cluster was not supported by any concrete assessments. In addition, the representers had not put forth any data to refute the assessments and findings in the TIA.

[Ms Anita W.T Ma and Dr W.K. Yau left the meeting at this point.]

Environmental Impacts

30. The Chairman said that the representers had raised concerns on environmental impacts caused by construction works as well as exhaust from the basement car park of the

proposed HOS development. Members noted the responses of relevant government departments given at the hearing and/or recorded in the Paper that there were relevant environmental legislations to govern impacts from construction works; the Environmental Protection Department (EPD) advised that no insurmountable environmental problem was anticipated from the rezoning of the Site; and HD was conducting an Environmental Assessment Study (EAS) and mitigation measures would be implemented for any potential impacts to the satisfaction of EPD.

31. The Chairman said that in response to his question about the anticipated difference in environmental impacts during the construction stage between the proposed HOS development and the municipal building, the Principal of the School admitted that the impacts would be similar but the School would benefit from the facilities within the municipal building.

32. Members had no question to raise on the above grounds and responses.

Visual Impacts

33. The Chairman said that one of the grounds for objection was that the rezoning of the Site for high-rise residential development would generate adverse visual impact on the community and block the views of many residents and students. Members agreed that there would inevitably be some visual impacts from the proposed HOS development, but the main concern was whether the visual impact was unacceptable.

34. Members noted the responses of relevant government departments given at the hearing and/or recorded in the Paper that HD had changed the development scheme from a 2-block design to a 1-block design; visual impact assessment (VIA) had been prepared by HD which demonstrated that the proposed HOS development would have insignificant visual impact; and that with the adoption of a 1-block design, more natural light could penetrate the Site and a large open area/visual corridor could be provided to enhance visual permeability at the Site.

35. Members had no question to raise on the above grounds and responses.

Insufficient Supporting Facilities

36. The Chairman said that some representers indicated that the rezoning of the Site for residential use would reduce recreation facilities and open space to serve the local community. Members noted the responses of relevant government departments given at the hearing and/or recorded in the Paper that the 5-a-side soccer pitch and planned district library/indoor sports centre affected by the proposal would be reprovisioned within NWKR Site 6; and HD was considering the most appropriate location for the soccer pitch and had committed that the existing soccer pitch would not be demolished until late in the construction stage so that the interruption to public enjoyment of the soccer pitch would be minimized.

37. The Chairman said that some representers had pointed out that there was a shortfall of primary school classrooms in Sham Shui Po which was projected to worsen with the increase in population. Therefore, the representers considered that it was inappropriate for the Government to use “G/IC” sites for housing development.

38. Members noted the responses of relevant government departments given at the hearing and/or recorded in the Paper that EDB had advised that only one primary school was required in the area and a site had already been reserved near the waterfront for primary school development.

39. Members had no question to raise on the above grounds and responses.

Lack of Technical Assessments

40. The Chairman said that some representers had indicated that the claim that there should be “no insurmountable problems on traffic, environmental and infrastructure aspects” arising from the rezoning of the Site was not convincing as no concrete evidence had been provided.

41. Members noted the responses of relevant government departments given at the hearing and/or recorded in the Paper that concerned government departments had advised that there would be no insurmountable technical problem for the rezoning of the Site.

Various technical assessments including TIA, AVA and VIA conducted by HD had demonstrated that the proposed HOS development would not create any adverse impacts on the surrounding area. An EAS was being conducted by HD and any environmental issues identified would be properly addressed and practicable environmental mitigation measures would be proposed.

42. Members had no question to raise on the above grounds and responses.

Public Consultation

43. The Chairman said that some representers had raised doubts that the public consultation process was not undertaken in a transparent manner and the stakeholders' views had not been accepted. Members noted the responses of relevant government departments given at the hearing and/or recorded in the Paper that HD had amended the development scheme to address the views of the public; the Sham Shui Po District Council was consulted on the amendments to the OZP; and public consultation on the amendments to the OZP was carried out in accordance with the statutory procedures.

44. Members had no question to raise on the grounds and responses regarding public consultation.

Site Swapping Proposal

45. The Chairman said that the representers had proposed swapping the proposed HOS development on the Site with: (a) the proposed primary school site at Lin Cheung Road Site; (b) the site reserved for a social welfare facilities block at Lin Cheung Road and (c) the site reserved for the proposed multi-purpose community hall/indoor games centre at NWKR Site 6. The representers indicated that consideration should be given to accommodating the 700 flats in other housing sites in the vicinity such as in NWKR Site 6.

46. Members noted the responses of relevant government departments given at the hearing and/or recorded in the Paper about the above site swapping proposals:

- (a) there were non-building areas (NBA) designated within the primary

school site at Lin Cheung Road that would result in an actual developable area of only about 0.32 ha. The net usable site area would be further reduced by the environmental buffer zone along the north eastern portion of the Lin Cheung Road site due to traffic noise impact from the West Kowloon Highway. With these constraints, the proposed primary school site was too small to produce a comparable number of flats. In addition, the primary school site at Lin Cheung Road was very close to the existing Cheung Sha Wan Wholesale Food Market (CSWWFM) which operated during mid-night. The operation noise would have little impact on the proposed school, but would adversely affect the future residents if an HOS was developed at the Site;

- (b) the site for the social welfare facilities block at Lin Cheung Road was near the shipyards with noise impacts, residential development on the site would create industrial/residential interface problems. The proposed social welfare facilities block was to act as a noise buffer between the proposed residential use in the eastern portion of the site and the nearby shipyards in the west; and
- (c) the proposed development scheme in NWKR Site 6 had already been designed to the maximum permitted PR and it was not possible to further increase the development intensity on that Site.

47. In response to a Member's question, the Secretary said that there was a planned public rental housing development in NWKR Site 6, according to HD's current scheme, there would be four residential blocks and a community facility block. HD had advised at the hearing that the proposed scheme was planned up to the maximum domestic PR of 6.5 under the OZP and there was no room to further increase the development intensity of the site. HD had consulted the locals, including the stakeholders in the existing residential developments in the inland to the north, before coming up with the current development scheme for NWKR Site 6.

Overall approach to identification of housing sites

48. Four Members indicated that the grounds of objections put forth in the representations were not substantiated and the adverse representations should not be upheld but they expressed the following views on the overall approach of rezoning sites to meet the housing demand.

49. A Member said that if seen in a wider planning context, the Site was located within a street block where other schools were located. As such, developing the Site for another school might also be compatible within the urban fabric and there might be positive air ventilation impacts for the inland areas. It was necessary to take a broader view when considering the zonings for individual sites, for example, there were other planned developments in the “Comprehensive Development Area” (“CDA”) sites in the vicinity and consideration should be given to whether the existing Fat Cheung Street West had the capacity to cope with all those planned developments. The zoning amendments for increasing housing land supply should have due regard to other matters, such as impact on the overall urban form, air ventilation etc.

50. Another Member said that as a general observation, the amendments to the OZPs for increasing housing land supply, especially in an ‘in-fill’ manner, had created much public concerns. While it was understood that there was a government policy to increase housing land supply, there might be a need to adopt more stringent standards when assessing whether individual sites were suitable for rezoning for residential use. This might reduce any adverse impacts on the urban environment and potential public objections.

51. Another Member also opined that some zoning amendments recently approved by the Board for residential use might have compromised some town planning principles and had impacts on the urban fabric. These rezonings were not only for public housing, but also for private housing. The hardship of those living in sub-standard accommodations might not be alleviated by zoning more housing land, their imminent needs might better be addressed by say the Social Welfare Department. The Member also indicated that it might be necessary to adopt more stringent standards when assessing whether individual sites were suitable for rezoning for residential use.

52. A Member said that developing HOS on the Site might not be the most ideal

land use but it was acceptable given the housing demand. It was observed that the Board had been approving many applications on a temporary basis and some of the land was governed by short-term leases. The Government could review the sites held under short-term leases as another source of housing land supply.

53. The Chairman said that the issue at stake was to find more housing land to address the acute shortage of housing land supply in the territory. There was planned land supply in the new development areas in the very long term (say at least in year 2023), however, in the short and medium term, there was a need to identify more housing sites in the urban area to meet the imminent housing needs. The choice might be between having some in-fill developments that might slightly worsen the environment versus the imminent need to improve extremely harsh and dangerous living conditions of those living in 'sub-divided' units and in industrial buildings. With regard to the cumulative impacts of developments, it should be noted that the project proponents were required to submit their schemes to the Board with support of technical assessments for its consideration. The Government had also been reviewing government land held under short term leases to identify if there were any potential housing sites. Some temporary applications submitted to the Board were on private land and the mode and timing for development was outside Government's control. The views from the Members were noted. The Government was well aware that any rezoning should not result in insurmountable impacts and technical assessments were prepared to assess the potential impacts before taking forward the rezonings.

54. As requested by the Chairman, the Secretary recapped the planning concept for the area as explained by representatives of government departments at the hearing. Referring to Plan H-9 of the Paper No. 9664 which showed the preliminary layout for the Site, the NWKR Site 6 to the immediate south of the Site and the Lin Cheung Street site at the waterfront, he said that four residential blocks and a community facilities block were proposed in NWKR Site 6. In planning the developments on NWKR Site 6 and the Lin Cheung Street site at the waterfront, three air paths had been designated for the area. In addition, comprehensive pedestrian connections were planned to improve pedestrian accessibility in that locality. The location of the community facilities block in NWKR Site 6 was desirable from an overall layout perspective as it would be in a more central location more accessible to the existing and planned population in the area.

55. A Member said that the proposed rezoning of the Site was not really an ‘in-fill’ type of development and it was supported by technical assessments. It was inevitable that there would be some impacts on the surrounding neighbours but the Board had a duty to balance the interests of the public and the local stakeholders. Given the shortage of housing land supply, it was necessary to consider whether each piece of land had been fully utilised. Nevertheless, the Board considered each proposed amendment on a case-by-case basis and would not blindly support the Government’s proposal. One example was a housing site in Ma On Shan, after considering the representations, the Board considered that the zoning was inappropriate and had requested PlanD to liaise with the district council to find alternative housing sites.

56. Another Member agreed and said that the Board would consider the proposed amendments on a case-by-case basis. Given the severe housing shortage problem, it was necessary to strike a reasonable balance between public and private interests. For the present case, the proposed HOS development would not create insurmountable problems and the adverse representations should not be upheld. Based on personal experience, schools would not create major nuisance and impacts on surrounding residences.

57. After deliberation, Members decided to note the support of representation Nos. R78, R671, R837, R842, R1204, R1445, R1720 and R2283 and the views of representation Nos. R1574 and R2065.

58. After deliberation, Members decided not to uphold the adverse representations of Nos. R1(Part), R2 to R77, R79 to R670, R672 to R687, R689 to R836, R838 to R841, R843 to R1203, R1205 to R1444, R1446 to R1573, R1575 to R1719, R1721 to R2064, R2066 to R2282, R2284 to R2920(Part), R2921 to R3002, R3004, R3005, R3006(Part), R3007 to R3052, R3053, R3054 to R3068, R3070 and R3071 to R3100, and considered that the Plan should not be amended. Members then went through the reasons for not upholding the representations in paragraph 7.2 of the Paper and considered that they were appropriate. The reasons were:

- “ (a) land suitable for housing development in Hong Kong is scarce

and there is a need for optimizing the use of land available to meet the pressing demand for housing land. The Site is considered suitable for residential use to meet the pressing demand for housing land;

- (b) in rezoning the Site from “Government, Institution or Community” (“G/IC”), “Open Space” (“O”) and an area shown as ‘Road’ to “Residential (Group A)11” (“R(A)11”) with building height restriction, the Board had thoroughly considered all relevant factors including the planning intention of the “R(A)” zone, site constraints, the surrounding land uses, compatibility with the surrounding developments as well as visual, air ventilation and traffic considerations;
- (c) the affected open space and Government, institution or community facilities will be reprovisioned at the North West Kowloon Reclamation Area Site 6 near the Site;
- (d) enhancement and preventive measures, including maximization of building separation between the adjoining school and the proposed Home Ownership Scheme (HOS) block and installation of architectural fins at the proposed HOS block, will be implemented by Housing Department to address the concern on falling objects onto the adjoining school premises;
- (e) there is no planning justification for retaining the “O” zone or the existing use of the Site. Reduction of the building height restriction would frustrate the planning intention of using the Site for residential use;
- (f) in view of the industrial/residential interface problem, adverse air ventilation and visual impacts as well as site constraints of the alternative sites, the site swapping proposals suggested by

some representers and commenters are considered not feasible;

- (g) there is no planning justification for developing the proposed HOS in other locations or compensate the deletion of the Site by increasing plot ratios of other housing sites; and
- (h) the two-month statutory exhibition period and the provision for representations and comments form part of the public consultation process. It is in accordance with the provision under the Town Planning Ordinance.”

Group 2

(Representation Nos. 1(Part), R2920(Part), R3003, R3006(Part) and R3069 and Comment Nos. C5 to C14, C24, C27, C28(Part) and C30)

59. The Chairman said that the Group 2 representations were related to rezoning of the Lin Cheung Road site (the Site) at the waterfront from “Other Specified Uses” (“OU”) annotated “Cargo Working Area, Wholesale Market and Industrial-Office”, “OU” annotated “Wholesale Market”, “OU” annotated “Pier” and area shown as ‘Road’ to “Residential (Group A)12” (“R(A)12”), “Comprehensive Development Area” (“CDA”), “CDA(2)”, “Government, Institution or Community” (“G/IC”), “Open Space” (“O”) and an area shown as ‘Road’.

60. The Chairman went through the gist of grounds of representations as tabled for Members’ consideration:

- (a) planning intention – the rezoning would lead to further delay in the originally planned relocation of the Cheung Sha Wan Temporary Wholesale Poultry Market, the Cheung Sha Wan Wholesale Vegetable Market (CSWWFM) and the Yau Ma Tei Wholesale Fruit Market. These facilities would continue to create noise, light and traffic pollution/problems to the residents nearby and would affect public interest;

- (b) land use compatibility – the Site was ideal for commercial, logistics and industrial uses which were dependent on water access;
- (c) air ventilation – there were concerns that the proposed development on the Site at the waterfront would have adverse air ventilation impacts on the district. Rezoning of the Site for high-density developments was in conflict with the recommendations of the Urban Climatic Map (UC Map);
- (d) environmental impact - the shipyards, bus depots, refuse transfer station, sewage treatment works, CSWWFM, and highways and railways near the Site would adversely affect the proposed residential developments in terms of environment, air quality and noise, etc.;
- (e) visual impact – high-rise developments with building height (BH) of 100mPD to 120mPD extruding from the Site would impose adverse visual impact on public views from the sea. The building height of the development on the Site should be lowered;
- (f) Government, institution or community (GIC) facilities - there were proposals for a public transport interchange (PTI) and a standard soccer pitch on the Site; and
- (g) Waterfront promenade and pedestrian walkway – there were proposals to reduce the width of the waterfront promenade and pedestrian walkways to make way for a bigger open space in the western part of the Site to serve as wind corridor of 220m wide connecting Hing Wah Street West.

61. Members noted the responses of relevant government departments given at the hearing and/or recorded in the Paper as follows:

- (a) planning intention – the Site was originally reserved for accommodating the CSWWFM Phase 2 development and related industrial and cargo handling uses. The CSWWFM Phase 2 development was no longer

required at the Site. Without the planned wholesale market, there was no need to retain the related industrial, cargo handling and logistics uses. Given its prime waterfront location, good accessibility by various public transportation modes and compatibility with the local character of the surrounding area, the Site was considered suitable for residential development, waterfront promenade and GIC uses;

- (b) land use compatibility – with the change in the planned use of the Site, the land originally reserved for wholesale market related uses including cargo handling use were no longer compatible with the existing/planned residential developments in the vicinity;
- (c) air ventilation – HD had conducted an air ventilation assessment in 2013 which showed that the overall ventilation performance of the baseline scheme (a low-rise wholesale market structure) and the indicative scheme of the proposed developments at the Site were similar. Three wind corridors aligning with Hing Wah Street West, Fat Tseung Street West and Tonkin Street West were designated as NBAs to allow wind penetration to the inland area of Cheung Sha Wan. The UC Map was for broad-brush assessment of urban climatic characteristics of different parts of Hong Kong and aimed to formulate holistic planning actions and design measures to improve urban climate rather than for determining development parameters for individual sites;
- (d) environmental impact – planning briefs (with requirements for relevant technical assessments) would be prepared to guide the proposed public housing developments in the northern portion of the Site. HD had carried out a preliminary environmental assessment study which demonstrated that no insurmountable environmental problem was envisaged for the proposed public housing developments in the northern portion of the Site. For the “CDA” sites in the southern portion of the Site for private housing developments, the future project proponents were required to prepare and submit a master layout plan together with relevant technical assessments for the Board’s approval;

- (e) visual impact – the BH restrictions of 120mPD and 100mPD for the Site had observed a BH profile for the district descending towards the waterfront. The development would be visually compatible with the nearby developments which were generally high-rise buildings with BH ranging from 120mPD to 181.7mPD;
- (f) GIC facilities - the Hoi Lai Estate PTI and Sham Shui Po (Tonkin Street West) Bus Terminus were in the vicinity of the Site with the latter to be upgraded to a PTI within NWKR Site 6. The Transport Department advised that the proposal to provide a new PTI at the Site was unjustified. The affected GIC facilities and 5-a-side soccer pitch at the Fat Tseung Street West site would be reprovisioned within the proposed public rental housing development at NWKR Site 6. HD had indicated that the soccer pitch would not be located on the roof top due to public accessibility concerns; and
- (g) promenade and pedestrian walkway – the proposed reduction in width of the waterfront promenade would reduce the amount of open space for enjoyment by the public and residents in Sham Shui Po, and constrain its design and integration with the surrounding developments. The pedestrian walkway under Amendment Item H was one of the two major pedestrian accesses from other parts of Sham Shui Po to the Site and the proposal of reducing its width would hinder connectivity.

62. A Member opined that the Site was a large piece of waterfront land, instead of developing luxury flat at the waterfront, the Site might be used for developments that would generate more economic benefits for Sham Shui Po, West Kowloon or the whole of Hong Kong. While not agreeing to use the Site for logistics industry, Grade A offices and hotels might be suitable alternative land uses. Using the Site for such uses would overcome the problem of nuisance from the wholesale food markets, refuse transfer station and sewage treatment works that would have adverse impacts on residential uses as proposed on the Site. Another Member agreed with the above view. The Member said that some valid points were raised in the oral submission by R3006 at the hearing and there

appeared to be some merits in R3006's proposal to relocate the residential uses to the southeast to allow for creation of a larger open space in the northwestern part of the Site.

63. The Chairman said that the northern portion of the Site was reserved for public rental housing and the southern portion was intended for private housing development. The pedestrian connections from the inland to the waterfront promenade were shown in Plan H-8 in TPB Paper No. 9665. The government representatives had explained at the hearing that R3006's proposals was impractical as it would necessitate relocation of housing development to the central portion of the Site that was a drainage reserve and could not be built over.

64. In response to a Members' question, the Secretary said that the detailed facilities to be provided within the social welfare facilities block were yet to be finalised. The Member opined that the site was not very accessible, especially for the elderly. The Chairman said that the relevant government departments would take into account pedestrian accessibility of the Site when deciding on the facilities to be provided thereat.

65. After deliberation, Members decided to note the views of representation No. R3003.

66. After deliberation, Members decided not to uphold the adverse representation Nos. 1(Part), R2920(Part), R3006(Part) and R3069 and considered that the Plan should not be amended to meet the representations. Members then went through the reasons for not upholding the representations in paragraph 7.2 of the Paper and considered that they were appropriate. The reasons were:

- “ (a) land suitable for development in Hong Kong is scarce and there is a need for optimizing the use of land available to meet the pressing demand for housing land. Located within an area with a number of public and private housing developments, Government, Institution or community (GIC) facilities and with good accessibility, rezoning of the Site for residential, commercial and GIC uses as well as for the provision of open

space and waterfront promenade is appropriate. Planning briefs will be prepared to guide the proposed public housing developments and the development in the “Comprehensive Development Area” sites (R1(Part) and R2920(Part));

- (b) the proposed developments at the Site would not have insurmountable problem in terms of traffic, environmental, air ventilation and visual aspects. The development intensities and building heights (BHs) of the proposed developments at the Site would not induce significant adverse impacts on the surrounding area (R2920(Part) and R3006(Part));
- (c) the imposition of BH restrictions of 100mPD and 120mPD for the Site, with BH descending towards the waterfront is considered appropriate as it is visually compatible with the nearby developments which are generally high-rise buildings. BH variation within the Site would also create interesting skyline for the harbourfront (R2920(Part));
- (d) upon receiving an application for minor relaxation of restrictions submitted under section 16 of the Town Planning Ordinance (the Ordinance), it will be made available for public inspection in accordance with the provision of the Ordinance (R2920(Part));
- (e) as the affected open space and GIC facilities under Item A will be reprovioned in North West Kowloon Reclamation Area Site 6 near the Fat Tseung Street West site and there are adequate GIC facilities and open space in the SSP District. The proposals of reprovioning the facilities affected by Item A within the Site and cancelling the rezoning of part of the Site under Items B to D for construction of low-rise GIC buildings are not justified R3006(Part)); and
- (f) as regards to other proposals including additional public transport

interchange, reduction of the width of the waterfront promenade/pedestrian walkway, provision of a 220m wide open space as wind corridor at the Site and retaining existing uses and/or broadening the use of the Site for industrial, cargo handling and logistics uses, there is no planning justification for the proposals (R3006(Part) and R3069).”

[The meeting took a 5-minute break at this point.]

[Professor P.P. Ho, Mr Dominic K.K. Lam and Mr K.K. Ling returned to join the meeting, Ms Janice W.M. Lai and Ms Bernadette H.H. Linn arrived to join the meeting and Mr H.W. Cheung left the meeting temporarily at this point.]

Sai Kung & Islands District

Agenda Item 4

[Open Meeting]

Further Consideration of the Draft Tai O Town Centre Outline Zoning Plan No. S/I-TOTC/F (TPB Paper No. 9659)

[The meeting was conducted in Cantonese]

67. Mr Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands, Planning Department (DPO/SKIs, PlanD) was invited to the meeting at this point. The Chairman extended a welcome and requested Mr Chung to brief Members on the Paper.

68. With the aid of a Powerpoint presentation, Mr Chung made the following main points as detailed in the Paper:

Background

- (a) on 24.1.2014, the Town Planning Board (the Board) gave preliminary consideration to the draft Tai O Town Centre Outline Zoning Plan (OZP) No. S/I-TOTC/E and agreed that the draft OZP was suitable for

submission to Islands District Council (IsDC) and Tai O Rural Committee (TORC) for consultation;

Local Consultation

- (b) TORC and IsDC were consulted on the draft OZP at their meetings on 20.2.2014 and 24.2.2014 respectively. Comments from an IsDC member, TORC, a concern group (namely, the Association for Tai O Environment and Development), local residents and individuals had also been received. Meetings with the concern group and some Tai O residents were also held on 25.2.2014, 3.3.2014 and 27.5.2014;
- (c) the major comments received were summarised in paragraph 3.3 of the Paper and highlighted as follows:

Objection to “Village Type Development”(“V”) zone

- (i) as private land in the “V” zone was covered by unrestricted lease, the designation of private land as “V” zone with a building height (BH) restriction of 3 storeys and restriction on commercial use on upper floors of village houses would deprive private property right of villagers and contravene Articles 5, 6 and 105 of the Basic Law;

“R(D)” zone

- (ii) the IsDC and TORC generally supported the planning intention of the “Residential (Group D)” (“R(D)”) zone to preserve the character of the domestic structures on stilts, in particular, allowing the upgrading of temporary structures to permanent buildings. The BH restriction was proposed to be relaxed from 15ft (4.6m) (including stilts) to 19ft (5.8m) excluding stilts. To uphold the planning intention for preservation, the Government should help to repair and protect the dilapidated structures and

resolve problems of sewage treatment, fire safety and garbage removal;

- (iii) the TORC proposed that the small area occupied by domestic structures on stilts at the western end of Tai O Wing On Street should be zoned from “V” to “R(D)”;
- (iv) the concern group and individuals objected to allowing redevelopment of existing temporary structures into permanent buildings and low-rise and low-density residential development as this would encourage demolition of the domestic structures on stilts that would be contrary to squatter policy and the planning intention and would also generate adverse impact on the river flow and the ecology of the wetland in the area;
- (v) Lands Department (LandsD) had adopted an effective procedure in handling redevelopment of domestic structures on stilts since the fire in 2000 and there was no need to incorporate the areas covered by the temporary structures on stilts under the OZP zoning;
- (vi) some individuals considered that the domestic structures on stilts were unique and should be put under a “Preservation/Protected Zone” or “Living Heritage Area”;

Objection to “Conservation Area” (“CA”) zone of the pond at Tai O Road

- (vii) some IsDC and TORC members requested that part of the existing pond along Tai O Road under the “CA” zone should be filled to resolve the hygiene problem caused by dead fish and to provide land for car park or recreational facilities. They also requested for a joint site visit with relevant government departments;

Inappropriate “Commercial” (“C”) zone

- (viii) it was inappropriate to designate the site with an unfinished structure at Shek Tsai Po as “C” zone, instead, it should be zoned for both commercial and residential uses. The 3-storey height restriction should be relaxed. Redevelopment of the site would involve substantial slope maintenance cost and the Government should resume the site and take up the responsibility for slope maintenance. The site could be developed for recreational use;

Others

- (ix) an IsDC member of the Lantau constituency was against the gazettal of the draft OZP under the influence of the environmental group and without consulting him;
- (x) funding was being sought from the Jockey Club to redevelop the TORC Historic and Cultural Showroom at Tai O Wing On Street. The BH restriction of the “Government, Institution or Community” (“G/IC”) zone covering the site should be relaxed to three-storeys to allow the proposed redevelopment;
- (xi) the foothill of Fu Shan should be used for building houses and farming, and should not be zoned “Green Belt” (“GB”);
- (xii) with an increasing number of tourists, measures should be adopted to improve the road, public transport and carparking provision in Tai O;
- (xiii) the mangrove area was piled with rubbish and mosquitoes. The Government should take action to restrict the growth of the mangrove and remove the rubbish;
- (xiv) a 4.5m-wide emergency vehicular access (EVA) between the row

of village houses along Tai O Wing On Street and the drainage channel next to Lung Hin Court should be reserved for building construction and fire fighting;

- (xv) the concern group and some public individuals indicated that as Yim Tin Pok Temporary Playground zoned “Open Space” (“O”) and the adjacent government land zoned “Recreation” (“REC”) were located close to residential area and conservation area, the sites were not suitable for holiday camp uses because of potential glare impact. Those two sites should be zoned “GB”. Some local residents considered that the site zoned “REC” should be used to provide community facilities for Tai O residents as well as the general public;
- (xvi) local residents expressed concerns about the possible redevelopment of Lung Tin Estate to the same height of Lung Hin Court (six storeys), as it would cause undesirable wall effect and block the view and ventilation of the village houses along Tai O Wing On Street and Tai O Tai Ping Street;
- (xvii) more community facilities serving the local residents should be provided. The disused water works sites next to Tin Lee House might be used for providing relevant recreational facilities;

[Mr H.W. Cheung returned to join the meeting at this point.]

- (d) PlanD’s responses to the above comments and concerns were detailed in paragraph 4.1 of the Paper and summarised below:

Objection to the “V” zone

- (i) some areas were zoned “V” to reflect the existing village developments. To avoid undesirable disturbance to the rural village character, new development or redevelopment of village

houses within the “V” zone should not exceed the general BH of three storeys. Redevelopment of buildings of six storeys or above was considered not compatible with the existing village character. Minor relaxation of the BH restriction might be permitted by the Board through planning applications. Any new development (other than NTEH) and other commercial, community and recreational uses might be submitted to the Board for consideration through the planning application mechanism; the “V” zone which was intended for the provision of land for the retention and expansion of the existing village did not contravene Articles 5, 6 and 105 of the Basic Law;

“R(D)” zone

- (ii) the planning intention of the “R(D)” zone on the draft OZP was primarily for preservation of the general character of the domestic structures on stilts. Redevelopment of an existing domestic structure on stilts within the “R(D)” zone was always permitted. The redeveloped domestic structure on stilts was restricted to a maximum BH of 4.6m (excluding stilts) which was in line with the general BH and character of the existing domestic structures on stilts in the area. Minor relaxation of the BH restrictions might be considered by the Board through planning application;
- (iii) in addition to the domestic structures on stilts, there were other temporary structures and village houses scattered within the “R(D)” zone. The planning intention of the “R(D)” zone also allowed upgrading and improvement of these existing temporary structures into permanent buildings subject to planning permission from the Board;
- (iv) in response to the comments of TORC, the small area occupied by domestic structures on stilts at the western end of Tai O Wing On Street was proposed to be zoned “R(D)” instead of “V”;

- (v) in response to the request for improvement of sewage treatment of the existing domestic structures on stilts, the Drainage Services Department was planning to provide and extend the land-based public sewer system as far as practicable for possible connection to the domestic structures on stilts;
- (vi) as to the proposal to put the domestic structures on stilts under a preservation/protected zone, the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department had been consulted. While recognizing the value of the domestic structures on stilts, which had been included as a new item pending grading assessment, AMO had no objection to the “R(D)” zone;

Objection to the “CA” zone of the Pond at Tai O Road

- (vii) a joint site visit with TORC and relevant government departments was conducted on 27.5.2014. According to the Director of Agriculture, Fisheries and Conservation (DAFC), there were no abnormalities observed in the pond concerned. In view of the hydrological linkage between the pond and other wetland habitats and wildlife use of the area, filling the pond would cause adverse ecological impacts. DAFC considered that it was appropriate to keep the “CA” zoning for the pond;

Inappropriate “C” zone

- (viii) the “C” zone reflected the permitted use of the site under lease. With the increasing number of visitors to Tai O, the site had the potential to be developed for commercial uses to serve the neighbourhood and cater for visitors’ need. Hotel use was also permitted under the “C” zone. Residential development might be permitted upon application to the Board. Land resumption of

the site for long-term management and maintenance by the Government as suggested by the public comments fell outside the purview of the Board;

- (ix) regarding the local residents' concern about the safety of the slope behind the "C" site, the concerned slope was a registered slope maintained by the lot owner;

Others

- (x) it was the government's policy to put those areas not covered by statutory plans under statutory planning control in the long-term. The draft OZP prepared by the Board was to provide a statutory planning framework to guide the long-term development of Tai O Town Centre. The general planning intention was to preserve the rural character and fishing village of Tai O and to enhance its appeal as a main tourist destination in the territory. The draft OZP was formulated based on the previous planning studies including the Study on Revitalization of Tai O, the Revised Concept Plan for Lantau and the Improvement Works for Tai O Facelift, for which public consultations had been conducted. The preparation of the draft OZP was in accordance with the provisions of the Town Planning Ordinance (the Ordinance). There would be a statutory consultation process following exhibition of the draft OZP;
- (xi) the BH restriction of the "G/IC" zone covering the site for the TORC Historic and Cultural Showroom was proposed to be relaxed to three storeys to facilitate the implementation of the proposal. The proposed 3-storey restriction was in line with the general BH in the vicinity. The Commissioner for Tourism welcomed the idea of allowing greater flexibility for the proposal and there was no adverse comment to relaxation of the BH restriction;

- (xii) the foothill of Fu Shan was a sloping ground generally covered with natural vegetation. Within the “GB” zone, agricultural use was always permitted and application for house development might be made to the Board under section 16 of the Ordinance;
- (xiii) the reprovisioning of a public transport terminus (PTT) had been proposed at the end of Tai O Road under the Improvement Works for Tai O Facelift. Adjoining the PTT was a proposed car park. Upon completion of these improvement works, more queuing space and car parking spaces could be provided;
- (xiv) the concerns on piling of rubbish was relayed to the relevant government departments for follow-up action;
- (xv) the provision of EVA was always permitted within the “V” zone. Its need and feasibility would be subject to further study by relevant government departments;
- (xvi) it was considered appropriate to zone Yim Tin Pok Temporary Playground as “O” to reflect the current use. The site to the east of Yim Tin Pok Temporary Playground zoned “REC”, was reserved for a possible campsite/holiday accommodation to promote Tai O as a tourism node. The “REC” zone was intended for recreational development for the use of the general public. As the site had been filled and was partly covered by grass with no particular landscape or ecological value, it was considered not justified to zone it as “GB”. However, the area surrounding the “REC” site being covered by natural vegetation was zoned “GB” on the draft OZP. This “GB” strip would also serve as a buffer between the development on the site zoned “REC” and the pond which was zoned “CA”;
- (xvii) according to Housing Department (HD), the proposed BH

restriction for the “Residential (Group A)1” (“R(A)1”) zone for the Lung Tin Estate site was to allow flexibility on design and comprehensive planning of the Estate when it was required to be redeveloped. Appropriate mitigation measures would be adopted to minimize any adverse impact on the surroundings upon redevelopment;

(xviii) the provision of recreational and community facilities in Tai O Town Centre area was in accordance with the Hong Kong Planning Standards and Guidelines. There were existing outdoor recreation and community facilities;

(xix) the Improvement Works for Tai O Facelift was now being carried out by Civil Engineering and Development Department (CEDD) in phases to enhance visitors’ experience and promote Tai O as a popular tourism node. These improvement works included the construction or improvement of entrance plaza, PTT, car park, an event space for community and cultural events, coach parking area and improvement to existing jetties. According to the Food and Environmental Hygiene Department, there were five public toilets in Tai O Town Centre and the provision of public toilets was considered sufficient;

Revisions to the Draft OZP

(e) taking into account the public comments received and the latest conditions of the area, the following amendments to the draft OZP were proposed:

(i) an area occupied by domestic structures on stilts at the western end of Tai O Wing On Street was proposed to be zoned “R(D)”;

(ii) the BH restriction of the “G/IC” zone for the TORC Historic and Cultural Showroom was proposed to be relaxed from one-storey to

three-storey;

- (iii) Tin Lee House of Lung Tin Estate had been converted for sale as Tin Lee Court under the Home Ownership Scheme. As proposed by HD, Tin Lee Court was carved out of Lung Tin Estate. It was proposed to be zoned “Residential (Group A)3” (“R(A)3”) on the draft OZP and subject to a domestic gross floor area (GFA) restriction of 5,300m², a non-domestic GFA restriction of 95m² and a BH restriction of 12 storeys. Those restrictions were in accordance with the executed lease;
- (iv) with the exclusion of Tin Lee Court, the boundary of the “R(A)1” zone covering Lung Tin Estate had to be adjusted accordingly. To allow flexibility upon redevelopment in future, the “R(A)1” zone was subject to a maximum plot ratio of 1 and maximum BH restrictions of one-storey, six-storey and 12-storey; and
- (v) CEDD had been carrying out Improvement Works for Tai O Facelift in phases. In preparing the detailed design of the proposed car park at the end of Tai O Road, CEDD had proposed to revise the layout to avoid affecting the existing trees/mangroves alongside the pond. Hence, an area covered with vegetation adjacent to the pond, which would not be used for the proposed car park, was rezoned from “G/IC” to “GB” to reflect its existing condition. To make up for the loss in parking area, the “G/IC” zone for the proposed car park was extended southwards to cover a vacant area partly covered by vegetation and originally shown as ‘Road’ adjoining the Yim Tin Pok Temporary Playground.

[Mr Frankie W.C. Yeung returned to join the meeting at this point.]

Preservation of Existing Character

69. The Chairman invited questions from Members. A Member asked whether the overall planning intention of the OZP was to preserve the existing character of Tai O or merely to control the intensities of the developments. The Member opined that under the “R(D)” zone, redevelopment of domestic structures on stilts was a Column 1 use with only control on BH, the appearance of the redevelopments might be different from the existing character of the area.

70. In response to the Member’s question, Mr Ivan M.K. Chung (DPO/SKIs) made the following main points:

- (a) the area zoned “R(D)” along Tai O Creek mainly covered the area with domestic structures on stilts. It was clearly stated in the Notes and Explanatory Statement (ES) that the planning intention of the “R(D)” zone was for preservation of the character of the domestic structures on stilts. Under the “R(D)” zone, only redevelopment of domestic structure on stilts is a Column 1 use and there was a BH restriction of 4.6m for such type of redevelopment; there was no provision for new domestic structures on stilts and other types of houses were Column 2 use that would require planning permission. This would provide adequate control to ensure that redevelopment in the “R(D)” zone would be in-keeping with the existing character of the area. The domestic structures on stilts were all on government land which were subject to a licensing system regulated by LandsD;
- (b) the “V” zone mainly covered the Tai O Wing On Street, Kat Hing Street and Kat Hing Back Street with village houses that were two to three storeys high. The BH restriction of 3 storeys (8.23m) mainly reflected the existing built form. There were suggestions to relax the BH restriction for the “V” zone, for example, TORC proposed to increase the BH restriction to six storeys. However, it was considered that relaxation of the BH restriction as proposed would result in buildings that would be incompatible with the existing character;
- (c) the development controls under the “R(A)” zone, covering Lung Tin

Estate and Lung Hin Court, were mainly to reflect the existing built-forms;

- (d) the only new development area was zoned “REC” and located adjacent to the Yim Tin Pok Temporary Playground. This site was on vacant government land and was intended for recreation use (such as holiday camp); and
- (e) the local improvement works co-ordinated by CEDD were mainly to enhance the tourist facilities, including additional car parking facilities and signage improvements in Tai O.

71. A Member said that the Antiquities Advisory Board (AAB) was considering whether the area with domestic structures on stilts in Tai O should be conserved and/or designated as some forms of heritage conservation area. It was understood that matters such as building material was not normally specified on the statutory planning control, but consideration might be given to including some remarks to that effect in the ES. PlanD was asked to advise whether there were sufficient planning controls under the “R(D)” zone to ensure that the existing character could be preserved.

72. In response, Mr Ivan M.K. Chung said that the AMO had advised that AAB had not yet decided whether the area covered by domestic structures on stilts should be designated for heritage preservation purpose and AMO had no objection to zoning the area as “R(D)” at this stage. It was clearly stated in the Notes and ES that the planning intention of the “R(D)” zone was for preservation of the character of the domestic structures on stilts. In addition, any redevelopment of domestic structures on stilts would be subject to the approval by LandsD and it was the LandsD’s policy that new applications for domestic structures on stilts should not be approved. Hence, matters such as built-form or building material could be controlled through the application under the purview of LandsD.

73. A Member said that many buildings in Tai O were very dilapidated and there was a need for upgrading. Instead of allowing piece-meal redevelopments, there should be an overall approach in the long-term to ensure that redevelopments or renovations,

especially in the commercial streets, would help to preserving the overall character of Tai O.

74. Another Member said that the living condition in the domestic structures on stilts was poor due to poor insulation of the temporary building material and lack of sewerage facilities etc. Such living conditions were not up to modern day standard and if there was too much control such that residents were not able to improve their living environment, it might force them to move away. A better balance needed to be struck between heritage preservation and the need to allow residents to improve their living environment. Consideration might be given to preserving some domestic structures on stilts whilst allowing others to be redeveloped.

75. The Chairman said that all the domestic structures on stilts were on government land and governed by government land licence, temporary materials would normally be used for buildings on such type of land. The residents could opt for rehousing if they wished. In fact, the existing domestic structures on stilts were very vibrant; some were equipped with air-conditioners and some were rented out. The Home Affairs Department had previously considered to improve the area by providing sewerage facilities to the domestic structures on stilts, however, it was found to be not technically feasible because of loading problem.

76. Ms Bernadette H.H. Linn (Director of Lands) supplemented that the domestic structures on stilts were either under Government land licence or with squatter registration. As such, the occupants only needed to pay an extremely low annual fee (of a few dollars to a few-ten dollars). The occupants understood that they were occupying a temporary structure at a very low annual fee. Normally they would not use permanent materials to redevelop the domestic structures on stilts as it would involve change in the licensing conditions that would have fee implications. In addition, there might be loading problems if permanent materials were to be used for structures on stilts.

77. A Member said that when the matter was discussed in AAB, it was difficult to consider whether the existing character should be 'frozen' and how it would impact on the living conditions of the occupants. It would be acceptable if built form/building material for redevelopment of the domestic structures on stilts could be controlled through existing

mechanisms regulated by LandsD. The Chairman said that if AAB came up with new policy regarding preservation of the domestic structures on stilts, the Board could then consider whether corresponding amendments to the OZP would be required.

78. A Member said that domestic structures on stilts with temporary building material could not be sustained in the longer term. The Government might need to consider mandatory clearance and relocation of the occupants so that the domestic structures on stilts could be comprehensively renovated by the Government. The Singaporean Government was very successful in comprehensive renovation of their heritage areas. In this regard, the Chairman said that mandatory clearance of all occupants in the domestic structures on stilts would have major implications.

79. Another Member said that there were conservation zonings in OZPs for nature conservation purpose, perhaps similar zonings could be adopted for conservation of areas with heritage value such that the Board could consider renovation/redevelopment proposals within these conservation areas to ensure preservation of the existing character. The Chairman said that as redevelopment of the domestic structures on stilts had to be approved by LandsD, there should be sufficient control given the fact that such applications would be circulated to relevant government departments for comments. The proposal for designating a conservation area might not be appropriate at this juncture, as AAB was still considering whether to designate the area occupied by the domestic structures on stilts as a conservation area.

80. A Member said that the domestic structures on stilts were the signature of Tai O. The Tai O community was currently vibrant and it was only necessary to utilise the existing mechanisms to better preserve the existing character of Tai O. It was opined that the Singaporean approach to comprehensively plan and renovate heritage buildings/areas into ‘artificial’ tourist attractions was not a good approach to be adopted in Tai O.

TORC Historic and Cultural Showroom

81. The Chairman said that the “G/IC” zone covering the site proposed for the TORC Historic and Cultural Showroom (the Showroom) was subject to a BH restriction of three storeys, he asked whether there were controls on the absolute height of the building.

Mr Ivan M.K. Chung said that in line with the general practice, the “G/IC” zone that was intended for a low-rise development was only subject to BH restriction in terms of number of storeys and there would no restriction on the absolute BH. In response to the Chairman’s further question, Mr Ivan Chung advised that the building for the Showroom would be subject to the approval by the Building Authority. Furthermore, as lease modification would be required for the proposed development on the site, there might be scope for incorporating some controls under the lease conditions, if needed.

82. A Member asked whether there could be some control on the design of the Showroom as the scheme shown in the Powerpoint presentation was too modern and very different from the existing building. Mr Chung said that the scheme shown in the Powerpoint was only a very preliminary schematic design submitted by TORC and was subject to detailed design at a later stage. PlanD would continue to liaise with the proponent on the design of the Showroom. Another Member also opined that if the Showroom was built according to the schematic design, it would be out of character in that locality.

83. The Chairman asked whether the existing building on that site needed to be preserved for its cultural or heritage value. Mr Chung said that according to AMO, the existing building was not graded and no indication was given that the building needed to be preserved.

Others

84. A Member, who was a volunteer for the Buddhist Fat Ho Memorial College (the Memorial College), opined that schools located in more remote locations from the urban areas such as the Memorial College should be provided with a larger site for provision of student quarters. Although some students in the Memorial College were already living in temporary quarters in Po Lin Monastery, but that arrangement was not satisfactory. If schools in more remote locations could provide more student quarters, it would provide an opportunity for students with poor living conditions at home to live in the school as well as to escape from the influence of bad peers. The Chairman said that this view would be conveyed to the Education Bureau.

85. After deliberation, Members agreed:

- (a) to note the comments from and responses to the IsDC, the TORC and others on the draft Tai O Town Centre OZP No. S/I-TOTC/E;
- (b) that the draft Tai O Town Centre OZP No. S/I-TOTC/F (to be renumbered as S/I-TOTC/1 upon gazetting) and its Notes (Annexes I and II of the Paper) were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (c) to adopt the ES (Annex III of the Paper) as an expression of the planning intention and objectives of the Board for various land use zonings of the draft Tai O Town Centre OZP No. S/I-TOTC/F; and
- (d) that the ES was suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

86. As the attendees had arrived, the Chairman suggested and Members agreed to proceed with agenda item 9 first.

Agenda Item 9

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-TT/316

Religious Institution (Temple) with Ancillary Staff Quarters in “Agriculture” zone, Lot 1446 in D.D. 116, Shek Tong Tsuen, Yuen Long
(TPB Paper No. 9635)

[The meeting was conducted in Cantonese]

87. Mr W.S. Lau, District Planning Officer/Tuen Mun & Yuen Long West, Planning Department (DPO/TM&YLW, PlanD) and the following persons were invited to the meeting at this point:

Ms Sik Po Jont	-	Applicant
Mr Wong Sun Wo]	
Ms Mok Kam Tai]	Applicant's representatives
Ms Yeung Pik Han]	
Ms Yu Kam Ying]	

88. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr W.S. Lau to brief Members on the review.

89. With the aid of a Powerpoint presentation, Mr W.S. Lau (DPO/TM&YLW) presented the application and covered the following main points as detailed in the Paper:

Background

- (a) on 20.8.2013, the applicant sought planning permission for a religious institution (temple) with ancillary staff quarters at the application site (the Site). The Site fell within an area zoned "Agriculture" ("AGR") on the approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16 at the time of application and currently in force;
- (b) the Site, about 824m², was currently occupied for the applied use without valid planning permission and was not subject of any previous planning application. The religious institution use currently found at the Site was subject to investigation for unauthorized development of religious institution use;
- (c) the subject temple with staff quarters comprised seven structures/blocks designated for staff accommodation, toilet, worship hall, storeroom, meeting room, kitchen and indoor hydroponics farm uses. The proposed development had a plot ratio of 0.74, site coverage of 73.8%, and total gross floor area (GFA) of 608.5m² (domestic and non-domestic GFA of 102.3m² and 506.2m² respectively). The structures were all 1-storey (ranging from 3m to 5.3m) in height. No car parking or loading/unloading space was proposed;

- (d) the surrounding areas of the Site were rural in character and pre-dominated by cultivated and fallow agricultural land with scattered residential structures and unused/vacant land. Cultivated and fallow agricultural land were found in the immediate surroundings of the Site;
- (e) on 17.1.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application for the following reasons:
 - (i) the proposed development was not in line with the planning intention of the “AGR” zoning for the area which was primarily intended to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification provided in the submission to justify a departure from the planning intention;
 - (ii) the applicant failed to demonstrate that the proposed development would not pose adverse vehicular and pedestrian traffic impacts and cause environmental nuisance to residents in the surrounding areas; and
 - (iii) the approval of the application would set an undesirable precedent for other similar applications within the subject “AGR” zone. The cumulative impacts of approving such similar applications would result in a general degradation to the environment of the area;

Application for Review

- (f) on 24.2.2014, the applicant applied, under s. 17(1) of the Town Planning Ordinance (the Ordinance), for a review of the RNTPC’s decision to reject the application;

- (g) on 4.4.2014, the applicant submitted a letter providing written representations together with traffic survey data in support of the review application. The main justifications put forth by the applicant in support of the review were highlighted below:
- (i) the applicant had conducted a 7-day traffic count on the access track leading to the Site to address the comments from the Transport Department (TD) on the application. In addition, the applicant proposed to cancel all the group tours previously proposed;
 - (ii) there were no industrial uses near Shek Tong Tsuen and the nearby hills were mainly burial grounds for ancestors. There were no large-scale farms at Shek Kong Tsuen, except for some small-scale farming activities operated by local villagers nearby;
 - (iii) the subject temple was not a new development and most of the structures were in fact farm structures which had been in existence for over 20 years. The structures within the Site had not been converted for residential use and only one of them had been converted as hydroponics farm. The open area outside the Site, which had been vacant for many years and overgrown with weed, was infested with insects and would affect environmental hygiene. In view of the above and given there was very little incentive for agricultural rehabilitation, sympathetic consideration should be given to the application;
 - (iv) the tablets found in one of the worship halls within the Site were not ancestral/spirit tablets. They were mainly to honour the deceased in hopes for rebirth, and were not for worshipping purpose;
 - (v) there would be no columbarium use within the Site. As such, the pedestrian traffic generated during Ching Ming Festival and Chung

Yeung Festival would be minimal; and

- (vi) the Board could also give consideration to approve the subject application for a period of 1 year so as to monitor the situation of the Site. Thereafter, the Board could refuse to grant further approval and request the Site to be reinstated;

Departmental Comments

- (h) comments from the relevant government departments were detailed in section 5 of the Paper and highlighted below:

- (i) the comments from the Commissioner for Transport (C for T) were as follows:

- the local village track leading from Yau Shin Street to the Site was narrow (2.5m to 4.5m) and could not accommodate vehicular and pedestrian traffic generated/attracted by the subject development, in particular during festival days. Adequate parking and loading/unloading spaces should be provided within the Site;
- the applicant was required to provide traffic assessment, in particular the estimated average and peak trip generation/attraction traffic of the Site to demonstrate that vehicles generated from the development would not queue back to Yau Shin Street and that Yau Shin Street would be able to cater for additional vehicular and pedestrian traffic arising from the Site;
- the submitted traffic survey only reflected the existing average traffic flow during normal days and did not reflect the potential traffic impact during special occasions and festival days such as Buddha's Birthday or Kwun Yam Festival; and

- given the operation of the subject temple and regardless whether the tablets stored within the Site were for worshipping purposes, it was expected that the traffic, in terms of number of visitors and vehicular trips together with the additional trips that might be generated from visits on festival days, would be significant, and the resulting cumulative adverse traffic impact could be substantial. The applicant failed to demonstrate that the development would not generate adverse traffic impacts on the surrounding areas;
- (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) maintained his previous views of not supporting the application from agricultural point of view as the agricultural activities in the vicinity were very active and the Site was considered to have high potential for agricultural rehabilitation and was suitable for indoor cultivation such as organic greenhouse plant and hydroponics. Although the applicant claimed that they would establish an hydroponics farm on the Site, DAFC considered that the existing structure at the Site was not suitable for the such use;
- (iii) the Chief Town Planning/Urban Design and Landscape, PlanD (CTP/UD&L) maintained her view of having reservation on the application from landscape planning point of view in that the development was not compatible with the surrounding agricultural environment and approval of the application would set an undesirable precedent for similar applications in the “AGR” zone which would further deteriorate the landscape quality; and
- (iv) the other government departments consulted had no adverse comment/no comment on the review application;

Public Comments on the Review Application

- (i) there were three public comments received at the s.17 review stage raising objection to the application mainly on the grounds that the proposed development was not in line with the planning intention of the "AGR" zone and would generate traffic and environmental nuisances as well as psychological impacts on the nearby residents;
- (j) there were 14 comments received at the s.16 stage all objecting to the application on grounds that the proposed development was incompatible with the surrounding areas and would affect the rural character of the area and would generate adverse environmental and traffic impacts;

Previous Application

- (k) the Site was not related to any previous application;

Similar Application

- (l) there was one similar application (No. A/YL-TT/278) for religious institution use (Taoism retreat house) in the same "AGR" zone on the OZP. That application site, about 640m to the west of the Site and at the fringe of the "AGR" zone, was approved with conditions by RNTPC on temporary basis for a period of 5 years on 17.6.2011;
- (m) the main considerations for approving that application was that the use was considered not incompatible with the surrounding land uses; temporary approval (instead of permanent approval) sought could be given to monitor the site situations and this would not frustrate the long-term planning intention of the "AGR" zone; the development was considered minor in scale and form and significant adverse landscape impact was not anticipated; and other departments concerned had either no comment on or no objection to the application. There was no hydroponics farm and no tablets proposed in that approved application. That planning permission was subsequently revoked on 17.12.2011 due to non-compliance with approval conditions related to landscaping,

drainage and fire safety aspects;

Planning Considerations and Assessment

- (n) PlanD's view - PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:

Traffic Count and Ancestral Tablets

- (i) on the arguments put forth by the applicant regarding the traffic count and the ancestral tablets, access to the Site relied on travelling through a long haul of narrow local village track of about 600m long (with a width of about 2.5m to 4.5m) leading from Yau Shin Street to the northeast. This access track was a common access shared by the Site as well as the nearby residential settlements of Shek Tong Tsuen;
- (ii) according to the applicant's submission at the s.16 application stage, the temple would hold various religious/worshipping events with about 80 to 100 visitors/worshippers on a weekly basis. Even though the applicant claimed in the s.17 review stage that the two group tours arranged for visiting the temple and indoor hydroponics farm each month would be cancelled, it was difficult to enforce the number of visitors/worshippers going to the temple under the current development control mechanism;

Planning Intention

- (iii) the applicant claimed that most of the structures at the Site had been in existence for over 20 years and one of them was being used for hydroponics farm, sympathetic consideration should be given since there was very little incentive for agricultural rehabilitation. The Site was situated on a rural inland plain at a remote location of a

large “AGR” zone of which the planning intention was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes as well as to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes;

- (iv) the proposed temple with ancillary staff quarters for religious and mediation purposes as well as holding educational events was not in line with the planning intention of the “AGR” zone;
- (v) as highlighted above, C for T had raised comments on the application that had not yet been resolved, DAFC did not support the application and CTP/UD&L had reservation on the application;
- (vi) there was no exceptional circumstances or strong planning justification given in the submission for a departure from the planning intention;

Environmental Nuisance

- (vii) possible noise nuisances generated by the visitors/worshippers to the surrounding residential developments were anticipated. While the Director of Environmental Protection had no objection to the application against the applicant’s upholding of the commitment of no joss paper burning at the Site, there were public comments objecting to the application on environmental nuisance grounds; and

Request for Temporary Approval

- (viii) despite the applicant's proposal for the Board to grant temporary approval of the subject application for a period of 1 year for monitoring the site situation, it was considered that the subject application did not warrant sympathetic consideration for a

departure from the RNTPC's previous decision.

90. The Chairman then invited the applicant and her representative to elaborate on the review application. He reminded them to focus their presentation on responses to RNTPC's reasons for rejecting the s.16 planning application, i.e. why a temple should be allowed on the Site in the "AGR" zone, potential traffic impact, and precedent effects.

91. Ms Sik Po Jont, founder of the temple, made the following main points:

- (a) one of the Buddhism traditions was to produce their own food by farming themselves. Although there was no soil-based farming within the Site, they were farming on a large piece of land outside the Site. Buddhism was to promote environmental protection and nature conservation;
- (b) according to the 7-day traffic count that they had conducted on the access track leading to the Site, there was only ten-odd cars accessing the village/temple every day. Hence, there would be no major traffic impact;
- (c) their temple was mainly for religious meditation and there were not many believers nor a lot of joss sticks burning. The hydroponics farm on the Site was only for promotion of a healthy way of growing food with no pesticides. They had never planned to provide any columbarium on the Site nor would they develop the Site to attract too many visitors; and
- (d) the temple was to provide a place for their believers to meditate and rejuvenate themselves. The Board was urged to approve the application.

92. Mr Wong Sun Wo, a volunteer of the temple, made the following main points:

- (a) in response to TD's comments, they had conducted a 7-day traffic count.

Regarding TD's concern about traffic impact during major festivals, it should be noted that the temple was a small-scale one and would not attract many visitors and the traffic would be similar on normal and festival days. They had informed their visitors that they should not drive to the temple, and all their visitors took mini-vans to Yau Shin Street and walk 5 to 10 minutes to the temple. As there was only one car for use by the temple and their believers would not drive, there was no practical need to provide loading/unloading spaces as suggested by TD;

- (b) the Agriculture, Fisheries and Conservation Department indicated that there were agricultural activities in the vicinity of the Site. It should be noted that there was only one piece of land farmed by Ms Sik Po Jont and volunteers of the temple and another very small piece of land farmed by an old couple;
- (c) some people had misunderstood that there would be columbarium on the Site and objected to their application. However, they had clarified many times that no columbarium would be provided on the Site; and
- (d) the temple was non-profit making. There were no employees but volunteers.

[Ms Julia M.K. Lau arrived to join the meeting at this point.]

Structures on the Site

93. The Chairman then invited questions from Members. The Chairman asked DPO/TM&YLW to advise whether the structures on the Site were governed by Government land licence or had they been approved by the Building Authority (BA). Mr W.S. Lau, DPO/TM&YLW, said that the Site was Old Schedule Agricultural Lot held under Block Government Lease under which no structures were allowed to be erected without prior approval from District Lands Office/Yuen Long (DLO/YL). According to the advice of DLO/YL, no approval had been given by their office for erection of the

structures on the Site. The Buildings Department (BD) also advised that there was no record of approval by the BA for the existing structures on the Site.

94. A Member asked why the applicant had built the existing structures without approval from relevant government departments. Mr Wong Sun Wo said that the structures already existed when Ms Sik Po Jont bought the Site. As recorded in aerial photos, those structures should have existed on the Site for over 20 years and the temple had not made any major changes to the structures. Ms Sik Po Jont re-affirmed that the structures already existed when they bought the Site in 2011.

95. A Member asked whether the applicant knew that the structures on the Site were unauthorised developments when they bought the Site. Mr Wong Sun Wo said that information about licensees of temporary structures were not readily available, hence it was not possible for them to check whether the structures had obtained a Government land licence before they acquired the Site. In fact, many licensed temporary structures were no longer occupied by the original licensee. The structures on the Site had been in existence for more than 20 years and the Lands Department (LandsD) had not taken any enforcement actions. In response to the Members' request for clarification of Mr Wong's response above, Mr W.S. Lau said that the Site was an agricultural lot and both LandsD and BD had not given approval for erection of the structures on the Site. The religious institution use on the Site was subject to investigation by the Planning Authority. Warning letters against the suspected unauthorised development were issued to the concerned parties. Collection of relevant information from concerned departments was underway. Should sufficient evidence be available to demonstrate that an unauthorised development under the Ordinance occurred on the Site, enforcement action would be taken.

Tablets in the Worship Hall (地藏殿)

96. The Chairman asked the applicant to provide more information about the tablets in a worship hall named 地藏殿. Mr Wong Sun Wo said that the tablets in 地藏殿 only included a name of the ancestors, and the purpose was for the ancestors to hear prayers and be blessed. It was mainly for memorial purpose and people would not normally come to worship the tablets. The Chairman asked whether the temple had set a

limit on the maximum number of tablets to be accommodated in 地藏殿. In response, Mr Wong Sun Wo said that they would accept any request to place a tablet in 地藏殿 upon voluntary donations to the temple. In response to the Chairman's further question, Mr Wong Sun Wo said that the temple was operated on a self-financed basis by voluntary donations from their believers, and the cost of producing the tablets were also paid from such donations. If in future there was no more space in the worship hall to accommodate tablets, then they would have to turn away such requests.

97. A Member asked how many believers the temple had, how many tablets were there and whether there were plans to increase the number of tablets. Ms Sik Po Jont said that she had not counted the number of tablets in details, but estimated that there might be around 200 odd tablets. The temple had 20 to 30 believers who had taken the Buddhist refuge but those believers would not visit the temple regularly.

98. Another Member said that from picture 10 in Plan R4C of the Paper, it appeared that there might be at least 400 existing tablets within 地藏殿. In response to the Member's question of why there were so many tablets when there were only 30 odd believers, Mr Wong Sun Wo said that each believer could put a number of tablets for different ancestors in the worship hall. In response to the Member's other question about the difference between these tablets and ancestral tablets commonly found in other temples, Ms Sik Po Jont said that only their believers would put tablets in 地藏殿 as memorial of their ancestors. As such, there would be limited demand for these tablets. The Member further said that it appeared that about 250 tablets could be accommodated on each of the three walls in 地藏殿, hence a total of some 750 tablets might be accommodated therein.

Others

99. The Member said that contrary to what Mr Wong said, from personal experience in other Buddhist temples, relatives would visit the temple to worship the tablets. Ms Sik Po Jont said that relatives who worship their ancestors would normally attend puja ceremonies (法會) rather than worshipping in Ching Ming Festival or Chung Yeung Festival. In response to the Members' further question, Ms Sik Po Jont said that even in the biggest puja ceremonies held on Buddhist's Birthday, there had only been a

few-tens of attendees or less than 100 attendees.

100. In response to the Chairman's question of who would be using the staff quarters on the Site, Mr Wong Sun Wo said that only Ms Sik Po Jont would stay on the Site regularly and use the staff quarters. The quarters might also be used by some attendees for short rest when there were major ceremonies held in the temple.

101. A Member said that it was mentioned in the presentation that the temple only used one car and their visitors would not drive. The Member asked whether TD had been informed about this. Mr Wong Sun Wo said that they had indicated that there would be no car park use on the Site in the application form. The car used by Ms Sik Po Jont was parked in a space adjacent to the Site with the consent of the owner of that site.

102. A Member said that the Site was too small for developing hydroponics farming, if the applicant really wanted to promote this way of farming, they should try to find a bigger site in another location. Ms Sik Po Jont said that they wanted to develop a hydroponics farm that was larger in scale, but they failed to acquire other sites, the farm on the Site could serve as a showcase.

103. In response to a Member's question, Mr Wong Sun Wo said that the applicant and visitors of the temple had maintained good relationship with local villagers. That Member said that there was a news report in October 2013 about a demonstration held by local villagers objecting to sudden closure of the private vehicle track that provided access to Shek Tong Tsuen and that local villagers were being threatened and were demanded to pay a fee for using the track. In the news report, it was mentioned that the responsible person of the subject temple had showed proof that they had paid a fee for uninterrupted access to the private road. The applicant was asked to explain the incident. Ms Sik Po Jont said that when they bought the Site in 2011, they had also been harassed and were demanded to pay a fee for using the road, the same person was behind the closure of the road in that incident reported in the news. The local villagers had asked her to assist them in that incident and she had allowed them to use the access in front of the temple for access to alleviate their concerns on emergency vehicular access.

104. As the applicant and her representative had no further comment to make and

Members had no further question, the Chairman informed them that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application in her absence and inform the applicant of the Board's decision in due course. The Chairman thanked DPO/TM&YLW, the applicant and her representatives for attending the meeting. They all left the meeting at this point.

Deliberation

105. The Chairman asked Members to deliberate on the review application, taking account of the written submission and presentation at the hearing.

106. A Member said that if the application was approved, it might be perceived as legitimising illegal structures and land use on the Site. The Chairman said that the matters about unauthorized structures could be separately dealt with by other relevant authorities. The Board should consider the application from land use perspective, including whether the potential traffic impacts were acceptable and the implications of having no limits on the tablets to be placed in the worship hall. A Member said that even though the applicant claimed that people would not worship the tablets in Ching Ming Festival and Chung Yeung Festival, there was no way to control visitors during the two festivals nor would it be possible to enforce that visitors of the temple would not drive. As such, the concerns about potential traffic impact had not been addressed. Members considered that there was no new justifications put forth by the applicant at the review that warranted changing RNTPC's decision and agreed that the application should be rejected.

107. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection of the review application as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- “ (a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zoning for the area which is primarily intended to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for

cultivation and other agricultural purposes. There is no strong planning justification provided in the submission to justify a departure from the planning intention;

- (b) the applicant fails to demonstrate that the proposed development would not pose adverse vehicular and pedestrian traffic impacts and cause environmental nuisances to residents in the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the subject “AGR” zone. The cumulative impacts of approving such similar applications would result in a general degradation to the environment of the area.”

[Professor P.P. Ho left the meeting at this point.]

Sai Kung and Islands & Sha Tin, Tai Po and North Districts

Agenda Item 5

[Open Meeting]

Proposed Amendment to the Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1 arising from the Consideration of Representations and Comments on Outline Zoning Plan No. S/SK-PL/1 (TPB Paper No. 9681)

Agenda Item 6

[Open Meeting]

Proposed Amendments to the Hoi Ha Outline Zoning Plan No. S/NE-HH/1 arising from the Consideration of Representations and Comments on Outline Zoning Plan No. S/NE-HH/1 (TPB Paper No. 9679)

Agenda Item 7

Proposed Amendment to the So Lo Pun Outline Zoning Plan No. S/NE-SLP/1 arising from

the Consideration of Representations and Comments on Outline Zoning Plan No. S/NE-SLP/1
(TPB Paper No. 9680)

[These items were conducted in Cantonese]

108. The Chairman said that the representations and comments for the Pak Lap, Hoi Ha and So Lo Pun Outline Zoning Plans (OZPs) were heard together in April and May 2014. On 4.6.2014, the Town Planning Board (the Board) decided to partially uphold some representations for the three OZPs and proposed some amendments to the three OZPs. Members had requested the Planning Department (PlanD) to submit the proposed amendments to the Board for agreement prior to exhibiting them under section 6C(2) of the Town Planning Ordinance (the Ordinance). The purpose of the meeting was for the Board to consider the proposed amendments to the three OZPs. Members noted the replacement pages for Annex I of both TPB Paper No. 9681 (Pak Lap OZP) and TPB Paper No. 9680 (So Lo Pun OZP).

109. Mr Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs) and Mr C.K. Soh, District Planning Officer/Shatin, Tai Po and North (DPO/STN) were invited to the meeting at this point.

110. The Chairman extended a welcome and asked Mr Ivan M.K. Chung and Mr C.K. Soh to brief Members on the Papers.

111. With the aid of a Powerpoint presentation, Mr Chung (DPO/SKIs) made the following main points:

Background

- (a) on 27.9.2013, the draft Pak Lap OZP No. S/SK-PL/1, draft Hoi Ha OZP No. S/NE-HH/1 and draft So Lo Pun OZP No. S/NE-SLP/1 were exhibited for public inspection under section 5 of the Ordinance. During the exhibition periods, 10,665 representations and 3,669 comments were received in respect of the Pak Lap OZP; 10,824 representations and 3,671 comments were received in respect of the Hoi

Ha OZP; and 10,748 representations and 3,673 comments were received in respect of the So Lo Pun OZP. The representations and comments for the three OZPs were heard together in April and May 2014. After consideration of the representations and comments, the Board decided to partially uphold some representations to the three OZPs. Members requested PlanD to submit the proposed amendments to the Board for agreement prior to gazetting of the proposed amendments under section 6C(2) of the Ordinance;

Proposed Amendment to the draft Pak Lap OZP No. S/SK-PL/1 (TPB Paper No. 9681)

- (b) on 4.6.2014, the Board decided to partially uphold some representations in respect of the draft Pak Lap OZP and proposed to revise the boundary of the “Village Type Development” (“V”) zone to exclude the eastern part of the “V” zone and to rezone it to “Agriculture” (“AGR”);

Proposed Amendment to Matter Shown on the OZP

- (c) the eastern part of the grassland (about 1.39 ha) currently zoned “V” was proposed to be rezoned “AGR” as shown in Annex I of the Paper;
- (d) compared with the draft OZP No. S/SK-PL/1, the area of the “V” zone would be reduced from 2.37 ha to 0.98 ha, with 0.41ha of land available for Small House development (18 Small Houses) meeting 23% of the Small House demand;

Proposed Amendments to the Explanatory Statement (ES) of the OZP

- (e) the ES of the draft Pak Lap OZP No. S/SK-PL/1 was proposed to be amended to reflect the above proposed amendment as detailed in Annex II of the Paper.

112. The Chairman then invited questions from Members. Members had no

question to raise.

113. After deliberation, Members decided to agree that:

- (a) the proposed amendment to draft Pak Lap OZP No. S/SK-PL/1 as shown in Annex I of the Paper was suitable for publication for public inspection in accordance with section 6C(2) of the Ordinance; and
- (b) the proposed revision to the ES of the draft Pak Lap OZP No. S/SK-PL/1 in relation to Amendment Plan No. R/S/SK-PL/1-A1 at Annex II of the Paper was suitable for publication together with the Plan.

Proposed Amendments to the draft Hoi Ha OZP No. S/NE-HH/1 (TPB Paper No. 9679)

114. With the aid of a Powerpoint presentation, Mr Soh (DPO/STN) made the following main points:

Background

- (a) on 4.6.2014, the Board decided to partially uphold some representations in respect of the draft Hoi Ha OZP and proposed to revise the boundary of the “V” zone to exclude the western part of the “V” zone and to rezone it and the adjacent “Green Belt” (“GB”) to “GB(1)”;

Proposed Amendments to Matter Shown on the OZP (Annex I of the Paper)

Revision to Boundary of “V” Zone

- (b) the relatively undisturbed woodland in the western part of land currently zoned “V” was proposed to be rezoned to “GB(1)” (about 0.65 ha);
- (c) compared with the draft OZP No. S/NE-HH/1, the area of the “V” zone would be reduced from 2.60 ha to 1.95 ha, with 1.02 ha of land available for Small House development (40 Small Houses) meeting about 43% of

the Small House demand;

More Stringent Planning Control for “GB(1)” zone

- (d) the western part of the Area (about 0.65 ha), currently zoned “GB”, was proposed to be rezoned “GB(1)” with more stringent planning control. Together with the proposed rezoning mentioned above, the new “GB(1)” zone would provide better protection of the existing habitat including the woodland, wetland and Hoi Ha Wan;
- (e) under the Notes for the “GB(1)” zone, “House (redevelopment only)” was a Column 2 use. Whilst redevelopment of existing New Territories Exempted House (NTEH) and domestic structures might be permitted through the planning application system, no new Small Houses were permitted in this zone;

Proposed Amendments to the Notes of the OZP

- (f) a new set of Notes for the “GB(1)” zone was proposed to be added and the Notes for the “GB” zone was proposed to be deleted as shown in Annex II of the Paper;

Proposed Amendment to the ES of the OZP

- (g) the ES of the draft Hoi Ha OZP No. S/NE-HH/1 was proposed to be revised to incorporate the above proposed amendments as shown in Annex III of the Paper.

115. The Chairman then invited questions from Members. In response to a Member’s question, Mr Soh said that in the representation paper (TPB Paper No. 9644), PlanD had previously proposed to rezone an area in the north eastern part of the planning scheme area from “Conservation Area” (“CA”) to “GB”. As Members considered that the proposed rezoning was inappropriate, that part was retained as “CA”.

116. After deliberation, Members decided to agree that:

- (a) the proposed amendment to draft Hoi Ha OZP No. S/NE-HH/1 and the proposed amendments to the Notes as shown in Annexes I and II of the Paper were suitable for publication for public inspection in accordance with section 6C(2) of the Ordinance; and
- (b) the proposed revision to the ES of the draft Hoi Ha OZP No. S/NE-HH/1 in relation to Amendment Plan No. R/S/NE-HH/1-A1 at Annex III of the Paper was suitable for publication together with the Plan.

Proposed Amendment to the draft So Lo Pun OZP No. S/NE-SLP/1 (TPB Paper No. 9680)

117. With the aid of a Powerpoint presentation, Mr Soh (DPO/STN) made the following main points:

Background

- (a) on 4.6.2014, the Board decided to partially uphold some representations in respect of the draft So Lo Pun OZP and proposed to rezone two pieces of land at the north-eastern end and south-western end of the “V” zone to “GB”;

Proposed Amendments to Matter Shown on the OZP

- (b) both the north-eastern end and the south-western end of land currently zoned “V” was proposed to be rezoned to “GB” (about 1.64 ha) as shown in Annex I of the Paper;
- (c) compared with the draft OZP No. S/NE-SLP/1, the area of the “V” zone would be reduced from 4.12 ha to 2.48 ha, with 1.72 ha of land available for Small House development (68 Small Houses) meeting about 25% of the Small House demand;

Proposed Amendment to the ES of the OZP

- (d) the ES of the draft So Lo Pun OZP No. S/NE-SLP/1 was proposed to be revised to incorporate the above proposed amendments as shown in Annex II of the Paper;

118. The Chairman then invited questions from Members. Members had no question to raise.

119. After deliberation, Members decided to agree that:

- (a) the proposed amendment to draft So Lo Pun OZP No S/NE-SLP/1 as shown in Annex I of the Paper was suitable for publication for public inspection in accordance with section 6C(2) of the Ordinance; and
- (b) the proposed revision to the ES of the draft So Lo Pun OZP No. S/NE-SLP/1 in relation to Amendment Plan No. R/S/NE-SLP/1-A1 at Annex II of the Paper was suitable for publication together with the Plan.

120. The Chairman thanked the representatives of PlanD and they left the meeting at this point.

Sha Tin, Tai Po and North District

Agenda Item 8

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TP/546

Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Lots 179 S.A ss.6 in D.D. 23, Wai Ha Village, Shuen Wan, Tai Po
(TPB Paper No. 9647)

[The meeting was conducted in Cantonese]

121. Mr C.K. Soh, District Planning Officer/Shatin, Tai Po and North, Planning Department (DPO/STN, PlanD) was invited to the meeting at this point.

122. The Chairman informed Members that the applicant had indicated that he would not attend the review hearing. The Chairman invited Mr C.K. Soh to brief Members on the background of the application.

123. With the aid of a Powerpoint presentation, Mr C.K. Soh presented the application and made the following main points as detailed in the Paper:

Background

- (a) on 21.1.2014, the applicant sought planning permission to build a house (New Territories Exempted House (NTEH) – Small House) on the application site (the Site). The Site fell within an area zoned “Green Belt” (“GB”) on both the approved Tai Po Outline Zoning Plan (OZP) No. S/TP/24 at the time of application and the draft Tai Po OZP No. S/TP/25 currently in force;
- (b) on 21.3.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
 - (i) the proposed development was not in line with the planning intention of the “GB” zone. There was a general presumption against development within this zone. There was no strong justification in the submission to justify a departure from this planning intention;
 - (ii) the proposed development did not comply with the Interim Criteria for consideration of application for NTEH/Small House in New Territories (Interim Criteria) in that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding areas;
 - (iii) the proposed development did not comply with the Town Planning

Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that the proposed development would adversely affect existing natural landscape in the area; and

- (iv) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area;
- (c) the surrounding areas of the Site were predominantly rural in character comprising fallow agricultural land with a vegetated area overgrown with groundcover and shrub. Woodland trees could be found in close proximity to the southwest of the Site. The village proper of Wai Ha Village was located about 50m to the northeast of the Site separated by Tung Tsz Road;

Application for Review

- (d) on 15.4.2014, the applicant applied for a review of the RNTPC’s decision to reject the application under s. 17(1) of the Town Planning Ordinance. The justifications put forth by the applicant in support of the review application were in paragraph 3 of the Paper as highlighted below:
 - (i) the applicant was eligible for developing a Small House on suitable land within his village under the Small House Policy. The Site was within the village ‘environs’ (‘VE’);
 - (ii) there was a shortage of land in the “Village Type Development” (“V”) zones in Wai Ha and Ting Kok. According to the District Lands Officer/Tai Po, Lands Department’s (DLO/TP) information, the outstanding Small House application and 10-year Small House demand forecast figures of Wai Ha were 40 and 48 respectively. It

was estimated that there were only 33 Small House sites within the “V” zone of Wai Ha which was not sufficient to meet the demand of 88 Small House sites;

- (iii) the Board had ignored the housing need of the villagers and deprived the rights of the applicant as an indigenous villager. The Site was an abandoned agricultural field and filled with weeds and pests which was not suitable for passive recreational purpose;
- (iv) the proposed development would not cause adverse impact on the surrounding landscape and land. If the application was approved, the applicant would employ Authorized Persons to carry out Nature Terrain Hazard Study (NTHS) and implement suitable mitigation measures;
- (v) the Site was some distance from the woodland trees and the proposed Small House would not affect the woodland area. Approval condition on landscape and tree preservation proposal could be imposed by the Board and the applicant would fulfill the condition to avoid adverse landscape impact; and
- (vi) eight Small House developments to the west of Tung Tsz Road had been approved. These applications were also situated in the “GB” zone and within the ‘VE’. It was unfair that the applicant’s subject application was rejected. According to the newspaper, the Board intended to rezone the “GB” zone to “V” for Small House development. The Board should clearly explain whether the “GB” zone to the west of Tung Tsz Road was suitable for Small House development and their rationale;

Departmental Comments

- (e) comments from the relevant government departments were detailed in section 5 of the Paper and highlighted below:

(i) the comments from the Chief Town Planning/Urban Design & Landscape, PlanD (CTP/UD&L) were as follows:

- she maintained her objection to the application as significant adverse landscape impact was anticipated;
- all village developments had been confined to the north of Tung Tsz Road. If the application was approved, it would likely set an undesirable precedent and encourage similar Small House developments to the south side of Tung Tsz Road, encroaching onto the “GB” zone and deteriorating the existing rural landscape quality; and
- there was no proper vehicular or pedestrian access to the Site. The proposed house would likely require a more permanent access to be formed between the Site and the nearest Tung Tze Road, that would have landscaping impacts.

(ii) the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) indicated that the proposed Small House was overlooked by steep natural hillside and met the Alert Criteria requiring a NTHS. H(GEO), CEDD maintained his view of tendering in-principle objection to the proposed development, unless the applicant was prepared to undertake a NTHS and to provide any suitable mitigation measures, if found necessary, as part of the development. The applicant was required to submit a Geotechnical Planning Review Report in support of this planning application and to assess the geotechnical feasibility of the proposed development; and

(iii) the other government departments consulted had no adverse comment/no comment on the review application.

Public Comments

- (f) four public comments were received on the review application from Kadoorie Farm & Botanic Garden (KFBG), Designing Hong Kong Limited (DHKL), a member of the public and Indigenous Inhabitant Representative (IIR) of Wai Ha. KFBG and DHKL objected to the application mainly on the grounds of adverse ecological, landscape, visual and sewerage impacts; incompatibility with the surrounding environment, the proposed development was not in line with the TPB PG-No. 10 and approval of the application might set an undesirable precedent for similar development in the vicinity. The member of the public objected to Small House development in general. The IIR of Wai Ha had initially submitted an objection to the application but subsequently submitted a letter dated 15.5.2014 withdrawing the objection and tendering his support to the proposed development.

Previous Application

- (g) part of the Site was the subject of a previous application (No. A/TP/196) for Small House development that was submitted before the first promulgation of the Interim Criteria on 24.11.2000. Application No. A/TP/196 was rejected by the Board on review on 27.3.1998 mainly on the grounds that the proposed development was not in line with the planning intention for the “GB” zone; there was no information to demonstrate that land was not available for Small House development in the “V” zones in Tai Po; and the approval of the application would set an undesirable precedent for similar developments within the “GB” zone in the area;

Similar Applications

- (h) there were three similar applications (No. A/TP/291, 506 and 535) for Small House development in the vicinity of the Site and within the same “GB” zone since the first promulgation of the Interim Criteria on

24.11.2000. They were all rejected by the Board for reasons similar to the subject review;

- (i) the applicant of planning application No. A/TP/291 filed an appeal (No. 5 of 2002) against the Board's decision. The appeal was dismissed by the Town Planning Appeal Board (TPAB) on 14.4.2003 as the TPAB was not satisfied that amongst others, there was any exceptional circumstance nor strong planning grounds with regard to the TPB PG-No. 10 that warrant its intervention as Tung Tsz Road and the natural stream course had consistently been applied as the limits of development and the proposed development would alter the natural topography of the surrounding areas.

Planning Considerations and Assessment

- (j) PlanD's view - PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:

Planning Intention

- (i) the Site fell entirely within the "GB" zone which was primarily intended to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. The proposed Small House development was not in line with the planning intention of "GB" zone;

Land for Small House Development

- (ii) the applicant was an indigenous villager of Ting Kok and this was an application related to cross-village Small House development within the same Heung. According to DLO/TP's records, the total

number of outstanding Small House applications for Wai Ha was 40 while the 10-year Small House demand forecast for the same village was 48. It was estimated that about 0.83ha (or equivalent to about 33 Small House sites) of land was available within the “V” zone for Wai Ha village. As such, there was insufficient land in the “V” zone to meet the demand of village houses (about 2.2ha or equivalent to about 88 Small House sites);

- (iii) the village proper of Wai Ha was on the north side of Tung Tsz Road to the northeast of the Site (about 50m). The surrounding areas mainly comprised fallow agricultural land covered with dense overgrown of shrubs. The Site and its surrounding areas were predominantly undisturbed by development. Woodland trees could be found at about 20m to the southwest of the Site;

Responses to the Applicant’s Justifications for the Review

- (iv) in response to the applicant’s claim that the proposed development was small in scale and would not cause adverse impact, it should be noted that the Site formed part of a larger “GB” zone and the proposed development, if permitted, would affect the function and integrity of the green belt. At present, all village developments in the area had been confined to the north of Tung Tsz Road. There had been no approved Small House applications within this part of “GB” to the south of Tung Tsz Road and approval of the application would set an undesirable precedent for similar applications;
- (v) regarding the applicant’s argument that the Board could impose suitable approval conditions, each planning application would be considered by the Board on individual merits and planning conditions would only be imposed onto the approved planning application if deemed appropriate;

- (vi) regarding the applicant's claim that eight similar Small House applications in the "GB" zone to the west of Tung Tsz Road had been approved by the Board, it should be noted that these applications (No. A/TP/417, 482, 491, 505, 511, 512, 514 and 522) were located in a different locality, adjacent to another "V" zone at Tung Tsz about 500m to the northwest of the Site. The sites of these approved applications in Tung Tsz were mainly vacant with little or no vegetation and used for car parking;
- (vii) subsequent to the approval of application No. A/TP/417 due to its special circumstances (with building status under modification of tenancy), a 'Green Belt Review' had been undertaken for the subject area in 2011 and the Board agreed that Small House development might be permitted subject to compliance with the Interim Criteria and TPB PG-No. 10. The other seven applications were subsequently approved mainly on sympathetic considerations in view of their general compliance with the Interim Criteria and TPB PG-No. 10;
- (viii) the current application under review did not warrant similar considerations as these eight approved cases were located in a different locality with different surrounding environment. A similar application No. A/TP/535, located about 15m to the west of the Site, was rejected on review by the Board on 6.12.2013 generally on the same grounds as the current application rejected at the s.16 stage;

Interim Criteria

- (k) despite there was a general shortage of land in meeting the Small House demand in the "V" zone of the concerned village, the application did not meet the Interim Criteria and TPB PG-No. 10 for development within "GB" zone in that the proposed development would frustrate the planning intention of the "GB" zone and have adverse impacts on the

existing natural landscape in the area;

- (l) as highlighted above, CTP/UD&L objected to the application from landscape planning perspective and H(GEO), CEDD had in-principle objection from geotechnical perspective unless the applicant could submit relevant assessment to support the application;
- (m) there had been no material change in planning circumstances for the Site and its surrounding areas since the rejection of the application which warranted a departure from the RNTPC's previous decision.

124. The Chairman then invited questions from Members. Members had no question to raise.

125. As Members had no further question, the Chairman thanked DPO/STN for attending the meeting. He left the meeting at this point.

Deliberation

126. The Chairman asked Members to deliberate on the review application, taking account of the written submission. Members considered that there were no strong justifications put forth in support of the review that warranted re-consideration of RNTPC's decision and agreed that the application should be rejected.

127. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection of the review application as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- “ (a) the proposed development is not in line with the planning intention of the “Green Belt” zone, which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this

zone. There is no strong justification in the submission to justify a departure from this planning intention;

- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding areas;
- (c) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would adversely affect existing natural landscape in the area; and
- (d) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.”

Agenda Item 10

[Open Meeting]

Request for Deferral for Review of Application No. A/YL-LTTY/263

Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development” zone, Lot 581 (Part) in D.D. 130, To Yuen Wai, Tuen Mun

(TPB Paper No. 9582)

[The meeting was conducted in Cantonese]

128. The Secretary said that on 27.6.2014, the applicant wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for two months so as to allow time for the applicant to address the comments of the Drainage Services Department (DSD). This was the first deferment requested by the applicant.

129. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needed more time to address the comments of the DSD, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

130. After deliberation, the Board agreed to defer consideration of the review application as requested by the applicant. The Board also agreed that the review application should be submitted for its consideration within three months upon receipt of further submission from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Board's consideration. The applicant should be advised that the Board had allowed two months for preparation of submission of further information and no further deferment would be granted unless under very special circumstances.

131. The meeting was adjourned for lunch break at 1:00 p.m.

132. The meeting was resumed at 2:25 p.m.

133. The following Members and the Secretary were present in the afternoon session:

Mr Thomas Chow	Chairman
Mr Stanley Y.F. Wong	Vice-Chairman
Mr Roger K.H. Luk	
Professor S.C. Wong	
Professor P.P. Ho	
Ms Julia M.K. Lau	
Mr H.W. Cheung	
Mr Ivan C.S. Fu	
Mr Sunny L.K. Ho	
Mr Dominic K.K. Lam	
Mr Francis T.K. Ip	
Mr David Y.T. Lui	
Mr Frankie W.C. Yeung	
Mr Peter K.T. Yuen	
Director of Lands	
Ms Bernadette H.H. Linn	
Director of Planning	
Mr K.K. Ling	

Agenda Item 11

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/K18/308

Renewal of Planning Approval for Temporary “School (Kindergarten and Child Care Centre)”
for a Period of 3 Years in “Residential (Group C)1” Zone, 14 Essex Crescent, Kowloon Tong
(TPB Paper No. 9639)

[The hearing was conducted in Cantonese and English.]

134. The following Members had declared interests in this item:

- | | | |
|------------------------|---|---|
| Mr Thomas T.M. Chow | - | owned a flat at Parc Oasis. |
| Mr H.W. Cheung | - | owned a flat at Parc Oasis. |
| Ms Janice W.M. Lai | - | owned a flat at Earl Street with spouse and
had current business dealings with
Masterplan Ltd., the applicant’s consultant. |
| Ms Christina M. Lee | - | owned properties at Durham Road. |
| Mr David Y.T. Lui | - | owned a flat in Yau Yat Chuen. |
| Ms Julia M.K. Lau | - | owned a share of a property near the junction
of Hereford Road and Waterloo Road. |
| Mr Clarence W.C. Leung | - | owned a property near the junction of
Durham Road and La Salle Road |
| Mr Ivan C.S. Fu | - | had current business dealing with Masterplan
Ltd., the applicant’s consultant |
| Mr Frankie W.C. Yeung | - | being acquainted with one of the applicant’s
representatives. |

135. Members agreed that as the properties owned by the Chairman, Mr H.W. Cheung, Ms Janice W.M. Lai, Ms Christina M. Lee, Mr David Y.T. Lui, Ms Julia M.K. Lau and Mr Clarence W.C. Leung were not in proximity to the application site, their interests were remote and they should be allowed to stay in the meeting. Members also agreed that as Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Mr Frankie W.C. Yeung were not directly involved with the application, their interests were indirect and they should be allowed to stay at the meeting. Members noted that Ms Christina M. Lee had tendered an apology for

not attending the meeting and Ms Janice W.M. Lai and Mr Clarence W.C. Leung had already left the meeting.

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

Mr Tom C.K. Yip	- District Planning Officer/Kowloon (DPO/K), Planning Department (PlanD)
Mr K.F. Chan	- Senior Inspector of Police/Road Management Office, Hong Kong Police Force (HKPF)
Mr W.C. Wu	- Inspector of Police/Patrol Sub-Unit Commander 3, HKPF
Mr Raymond T.C. Leung	- Engineer/Kowloon City, Transport Department (TD)
Mr Ian Brownlee)
Mr Gary Yiu)
Ms May Lam)
Ms Kira Brownlee)
Mr Edmund Kwok) Applicant's representatives
Hon Tommy Cheung)
Mrs Annie Wong)
Mrs Alice Chiu)
Mr Jonathan Louie)

137. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/K to brief Members on the review.

138. With the aid of a Powerpoint presentation, Mr Tom C.K. Yip (DPO/K) made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for renewal of the temporary planning approval granted under application No. A/K18/281, which was

valid until 18.3.2014, for 'School (kindergarten and child care centre)' use for a further period of 3 years at the application site which was zoned "Residential (Group C)1" ("R(C)1") on the draft Kowloon Tong Outline Zoning Plan (OZP) No. S/K18/18;

- (b) the subject kindergarten and child care centre was first approved with conditions by the Metro Planning Committee (MPC) on 9.5.2008 under application No. A/K18/250 for 3 years until 9.5.2011. The temporary planning permission was renewed under application No. A/K18/281 for 3 years until 18.3.2014. On 4.2.2014, the Board received the subject renewal application;
- (c) on 7.3.2014, MPC rejected the planning application for the following reasons:
 - (i) the Traffic Impact Assessment (TIA) submitted by the applicant was not acceptable. The application did not comply with Town Planning Board Guidelines No. 23A (TPB PG-23A) in that adverse traffic impacts were anticipated and no effective traffic mitigation measures were proposed to mitigate the impacts; and
 - (ii) the approval of the application without satisfactory and effective measures to address the possible traffic impact would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications would aggravate the traffic congestion problem of the area;
- (d) in considering the application, MPC noted that:
 - (i) the Commissioner for Transport (C for T) was not satisfied with the submitted TIA as the road and junction capacity reported had not accounted for the current rampant kerbside pick-up/set-down activities in the vicinity which had caused significant loss of road

capacity, and the applicant did not propose measures to ensure that all loading/unloading activities would be done within campus so as to minimise the traffic impact; and

- (ii) the Commissioner of Police (C of P) considered that the existing school network in the Kowloon Tong area had encountered tremendous traffic issue, especially during the school on/off hours. The applicant, being one of the stakeholders and one of the generators of the rampant loading/unloading activities, should bear the responsibility to implement mitigation measures to mitigate the adverse traffic situation;
- (e) in order to address the above concerns, MPC agreed that PlanD and C for T should liaise with the applicant on the revision of the TIA which could be considered by the Board at the section 17 review stage;
- (f) since the rejection of the application, the applicant had held discussions with C for T, C of P and PlanD to address the traffic concerns. In the review application, the applicant had put forward a number of traffic control measures as follows:
 - (i) the morning school hours would be changed from 9:00 a.m. to 12:00 noon to the time with the least traffic flow (i.e. from 8:15 a.m. to 11:45 a.m.) after having analysed the traffic flows at Essex Crescent and relevant junctions, while the afternoon school hours of 1:00 p.m. to 4:00 p.m. would be maintained. The revised school hours would become effective on 1.9.2014;
 - (ii) the school would immediately initiate measures to ensure that all picking-up/setting-down of students from school buses would take place within the application site. The school would work with the bus operators to rationalise the bus services and reduce the number of buses used, which would result in reduction of buses from the current

17 buses to about 7 to 10 buses;

(iii) priority would be given to buses entering the site to prevent kerbside blockages. The buses would be managed carefully by the school to ensure that students would be picked-up/set-down within the application site; and

(iv) the School Board had approved the school transportation requirements for all new students admitted from September 2014 to implement a 'school bus only' campus. Existing students would be encouraged to follow. It was envisaged that by September 2015 all students would be using school bus services which would significantly reduce the traffic in Essex Crescent;

(g) the justifications put forth by the applicant in support of the review were in paragraph 3 of the Paper and highlighted below:

(i) the junctions identified in the TIA had been re-assessed to show the effectiveness of the traffic control measures. The result showed that all the critical junctions would operate satisfactorily;

(ii) as of January 2014, the majority of the existing students attending the school were taking school buses. The school had already put in place measures which had reduced the current number of private vehicles dropping off outside the school. The school would continue to actively encourage parents and carers of non-school bus students to use school bus services to reduce the vehicle trips and hence the road traffic;

(iii) the approval conditions of application No. A/K18/281 requiring the submission and implementation of landscape proposal had been complied with. An application to the Lands Department (LandsD) for a temporary waiver to continue operation of the school had been

submitted;

- (iv) the kindergarten had been operating at the site for several years, providing a good service to parents and children. There had been no change in planning circumstances since its last approval by the Board;
 - (v) the measures proposed in the submission were considered adequate to address the concerns of Transport Department (TD) and the Police; and
 - (vi) the school would continue to enforce the 'school bus only' policy, manage the school bus operations within the site, conduct regular traffic monitoring and document progress and effectiveness of the traffic control measures;
- (h) public comments – during the statutory public inspection period of the section 16 application, 8 public comments were received raising objection to the application on the grounds that the number of kindergartens in the Kowloon Tong area had reached a saturation point; the traffic congestion situation would be aggravated; the TIA had failed to address the traffic issues generated by the application; and the increased traffic in the area would harm the health of students and residents. During the statutory public inspection period of the section 17 review application, 3,820 public comments were received with 3,817 supporting and three opposing comments on the application. The main grounds of the supporting comments were that the subject kindergarten had been in operation at the Site for several years and had good reputation; the closure of the school would affect more than 300 pupils who would lose the opportunity of obtaining school places within the Kowloon Tong area because of the general shortage of preschool vacancies in the area; and the traffic mitigation measures would help solve the traffic congestion problem in the area. The main grounds of the opposing comments were that kindergarten use was not compatible with the planning intention of the

area which was primarily a low density residential area; there was no guarantee that the mitigation measures would be implemented effectively; and the increased traffic would harm the health of the residents in the vicinity;

- (i) departmental comments – C for T advised that the traffic concern was the kerbside pick-up/drop-off activities of the school which reduced the effective capacity of the surrounding streets, rather than the amount of trips generated/attracted. With effective implementation of the three newly proposed traffic control measures, i.e. ‘staggering school hours’, ‘school-bus only’ policy and ‘in-campus pick-up/drop-off’, TD considered the traffic impact generated from the school operation would unlikely be that significant and the current traffic congestion at the start and end of the school period could be relieved. C for T suggested that planning conditions should be imposed on the implementation and monitoring of the traffic control measures proposed by the applicant. C of P considered that the existing school network in the Kowloon Tong area had created tremendous kerbside activities, drawing vast police resources in handling the related traffic complaints. Considering that the application was a renewal application with less serious proliferating effect on the strategic road network, C of P had relatively less reservation on the application;
- (j) PlanD’s views - PlanD had no objection to the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
 - (i) to address the concerns of MPC, the applicant had put forward three traffic control measures including ‘staggering school hours’, ‘school bus only’ policy and ‘in-campus pick-up/drop-off’;
 - (ii) C for T advised that with the effective implementation of the proposed traffic control measures, the traffic impact generated from

the school operation would unlikely be significant and the current traffic congestion at the start and end of the school period could be relieved. C for T suggested that planning conditions should be imposed on the implementation and monitoring of the traffic control measures proposed by the applicant;

- (iii) considering that the application was a renewal application with less serious proliferating effect on the strategic road network, C of P had relatively less reservation on the application;
- (iv) the subject kindergarten and child care centre use had a unique background in that it was the only application which obtained temporary planning permission before the promulgation of TPB PG-No. 23A, and was currently the only case involving renewal of temporary planning permission for kindergarten and child care centre use in the Kowloon Tong area;
- (v) as there was no other similar application with previous temporary planning permission for kindergarten and child care centre use in the Kowloon Tong area, approval of this application based on its individual merit should not be taken as a precedent for similar applications for kindergarten and child care centre use in the area; and
- (vi) regarding the public comments objecting to the application, the applicant had put forward traffic control measures and TD would monitor the traffic situation. Besides, relevant planning approval conditions were proposed and relevant conditions could also be imposed in the lease waiver by LandsD to ensure implementation of the proposed traffic control measures.

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

140. Mr Ian Brownlee, the applicant's planning consultant, made the following main points:

- (a) as the previous applications were approved by the Board before TPB PG-No. 23A came into effect and the kindergarten had been in operation under the requirements of the previous planning approvals, the applicant was not aware of the implications of the revised TPB Guidelines;
- (b) the rejection reasons and the concerns of the various government departments on the planning application had been addressed in the submissions for the section 17 review application. Measures proposed to be implemented by the school including the 'in-campus pick-up/drop-off' of students and the 'school bus only' policy were accepted by TD and the Police;
- (c) the new proposals would be implemented as soon as possible after taking into account the applicant's current contractual agreements with the school bus operators and its students' parents;
- (d) the applicant had no objection to the approval conditions proposed in paragraph 8.2 of the Paper; and
- (e) in order to comply with the approval conditions, a complete change in the current way in which students were brought to and taken away from the kindergarten was necessary. The school had already accepted the operational change required and a system for monitoring the implementation of the traffic management measures would be put in place.

141. Mr Edmund Kwok, the applicant's traffic consultant, made the following main points:

- (a) the three traffic control measures proposed were derived after taking into account the results of a traffic survey and a traffic impact assessment;
- (b) after studying the traffic flow during the morning peak and the school hours of other schools in the area, it was proposed that the starting time of the kindergarten be advanced from 9 a.m. to 8:15 a.m. so as to minimise the overlap in school-related traffic;
- (c) the school would also arrange with the school bus operators to rationalise the school bus services with a view to reducing the number of school buses bringing students to the kindergarten. Moreover, all school buses would be required to pick-up/drop-off their students inside the campus. The number of loading/unloading bays for school buses and their layout would be provided in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) and the approved building plans;
- (d) the 'school bus only' policy would be implemented to reduce the use of private cars and taxis as a mode of transport to and from the kindergarten; and
- (e) the combined effect of the 'school bus only' policy and the rationalisation of school bus services would significantly reduce the amount of traffic generated by the kindergarten.

142. Mrs Annie Wong, the Principal of Hong Kong Preschool (Kowloon Tong), made the following main points:

- (a) Hong Kong Preschool's Board of Directors, school management and the parents had all agreed that the current arrangements in which students were brought to and taken away from the kindergarten needed to be changed in order to reduce the adverse traffic impact caused;
- (b) the school had already implemented the policy requiring all students using

school buses to be picked-up/dropped-off within the campus;

- (c) a notice had been posted at the gate of the school reminding parents not to pick-up/drop-off their children at the kerb outside the school. The school would also appoint traffic wardens to direct traffic and ensure that the approval conditions pertaining to the planning permission would be complied with;
- (d) the school had already liaised with the school bus operators to rationalise the school bus routes with a view to reducing the number of school buses in the coming academic year to about 10 buses;
- (e) in three separate meetings with the parents and the Parents' Association, the school obtained the full support of parents on the implementation of the proposed traffic control measures;
- (f) the school had already issued a circular to parents of existing students and newly admitted students of the traffic arrangements proposed by the school. The school also planned to give all parents a copy of the approval conditions pertaining to the planning permission granted by the Board so that everyone was in the full picture of the requirements that needed to be complied with;
- (g) the school had already obtained the Education Bureau's approval of the change in school hours for the coming year, with the morning session starting at 8:15 a.m. and ending at 11:45 a.m.; and
- (h) the school would de-register any student who failed to comply with the requirements of the planning permission.

143. Mrs Alice Chiu, the Supervisor of Hong Kong Preschool (Kowloon Tong), made the following main points:

- (a) the school had communicated with the parents and had obtained their full support in the implementation of the traffic control measures; and
- (b) the school was confident that the traffic control measures would be implemented smoothly and that the traffic impact generated by the school would be significantly reduced.

144. As the applicant's representatives had finished their presentation, the Chairman invited questions from Members.

Similar Applications

145. A Member asked DPO/K to clarify the statement in paragraph 7.7 of the Paper that 'there is no other similar application with previous temporary planning permission....'. In response, Mr Tom C.K. Yip said that the application site was currently the only site with a valid temporary planning permission for 'School (Kindergarten and Child Care Centre)' use in the Kowloon Tong area as the temporary planning permission was granted before the promulgation of the revised TPB PG-No. 23A in March 2011. Although the Board had also granted a temporary planning permission for 18 months (application No. A/K18/288) for a kindergarten at 2 Essex Crescent on 4.11.2011 in view that the kindergarten needed a new campus urgently as it was forced to move out of its original premises, the temporary planning permission had already expired on 5.5.2013.

146. A Member enquired whether planning permission had been granted to other similar applications for school use. In response, Mr Tom C.K. Yip said that planning permission had been granted to similar applications for school use in the Kowloon Tong area prior to the promulgation of the revised TPB PG-No. 23A in March 2011. However, after the promulgation of the revised TPB Guidelines, 6 similar applications had been rejected and only one application (A/K18/288) for temporary permission was approved due to its unique circumstances and it had already expired.

147. In response to the same Member's further enquiry on whether similar traffic control measures had been proposed by the applications that had been rejected, Mr Tom

C.K. Yip said that the other similar applications had been rejected mainly due to the objection raised by the Police. For the subject application, after considering the revised TIA and the traffic control measures proposed by the applicant, the Police indicated that they had less reservation on the application while TD considered that the traffic congestion problem would be relieved. Mr Yip continued to say that as the current application was for the renewal of a temporary planning approval, the Town Planning Board Guidelines on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' (TPB PG-No. 34B) was applicable. The criteria for assessing renewal of planning approvals included *inter alia* whether there had been any material change in planning circumstances since the previous temporary approval was granted or a change in the land uses of the surrounding areas, and whether the planning conditions under the previous approval had been complied with. In this regard, there was no change in the land uses of the surrounding areas and the applicant had complied with the approval conditions stipulated for the previous temporary approval (A/K18/281) regarding the provision of water supplies for fire fighting and fire service installations and the submission and implementation of a landscape and tree preservation proposal. While the promulgation of TPB PG-No. 23A had given rise to a change in the planning circumstances, the applicant had, in accordance with the revised guidelines, submitted a TIA that was acceptable to TD and the Police. The Chairman supplemented that the recent applications that had been considered by the Board were either new proposals for school use or proposals for the expansion of existing school premises.

[Ms Bernadette H.H. Linn arrived to join the meeting at this point.]

Staggering School Hours

148. Noting that the school hours would be lengthened by half an hour from 3 hours (from 9 a.m. to 12 noon) to 3.5 hours (from 8:15 a.m. to 11:45 a.m.), the Vice-Chairman enquired about the 'staggering school hours' arrangement and when the school buses would arrive at the school. In response, Mrs Annie Wong said that the school buses would arrive at 8:15 a.m. and the school would make use of the additional half an hour by providing breakfast for the children and some additional activities such as gardening.

149. A Member requested the applicant to clarify whether all the school buses were expected to arrive before 8:15 a.m. or whether they would arrive intermittently between 8:15 a.m. to 9:00 a.m.. The Member also enquired whether the change in traffic pattern was reflected in the revised TIA. Mrs Annie Wong replied that all school buses were expected to arrive from 8:15 a.m. to 8:30 a.m. as school would start at 8:30 a.m.. Making reference to the existing traffic flow data for the morning peak hours provided in Annex E of the Paper, Mr Edmund Kwok said that the revised TIA had examined the existing traffic flow and the school hours of other schools in the vicinity (all schools started from 8:45 a.m. to 9:15 a.m.) and recommended that the school hours of the application site should not overlap with other schools in the vicinity. Hence, the applicant's suggestion of staggering school hours for the application site.

In-campus Pick-Up/Drop-Off

150. Noting that the 'in-campus pick-up/drop-off' proposal would require school buses to make a T-turn inside the school, a Member enquired about the size of the school buses and whether the manoeuvring of school buses would be a problem. In response, Mr Edmund Kwok said that the school buses were expected to be 20- to 24-seaters. Referring to Drawing R-1 of the Paper, he said that besides the provision of 5 parking spaces for school buses inside the school, an additional space near the entrance would be provided to allow the manoeuvring of school buses. Moreover, the 10 school buses serving the school would be so arranged to arrive at different times so that the manoeuvring of school buses within the campus was not expected to be a problem. Mrs Alice Chiu supplemented that the school buses were expected to arrive at the school from 8:15 a.m. onwards, at an interval of 10 to 15 minutes. In this regard, there should be adequate time for the school buses to move in and out without affecting other school buses.

151. In response to the Chairman's enquiry on the adequacy of manoeuvring space within the campus, Mr Raymond T.C. Leung (TD) said that according to the current layout, there was adequate space inside the school for the school buses to manoeuvre. The provision of 5 parking spaces for school buses was also considered acceptable.

152. A Member enquired whether the provision and layout of the parking spaces

were appropriate. Mr Raymond T.C. Leung said that the current provision of parking spaces, lay-bys for school buses and a lay-by for taxis as proposed by the school was in line with the requirements specified under the HKPSG. Nevertheless, with the implementation of the 'school bus only' policy, there might no longer be the need to provide a taxi lay-by for the school.

153. In response to a Member's enquiry, Mrs Annie Wong said that all picking-up/dropping-off activities used to be conducted at the kerbside outside the school. After the subject planning application was rejected by MPC in March 2014, the school required the 5 school buses operated by the school to pick-up/drop-off their students inside the campus while school buses that were not operated by the school continued to pick-up/drop-off their students at the kerb outside the school.

School Bus Only Policy

154. The Chairman enquired whether it was compulsory for all students to take the school bus, i.e. including students who lived nearby, and whether there were measures to prevent parents from breaking the rules. In response, Mrs Alice Chiu said that students who came to school on foot would certainly be allowed to continue doing so, while the school would require all other students to take the school bus. Traffic wardens would be posted outside the school to prevent parents from dropping-off their children at the kerbside outside the school.

155. A Member enquired how the school would deal with cases where the student missed the school bus. In response, Mrs Alice Chiu said that students who missed the school bus would need to take other means of transport but would not be allowed to drop-off at the kerbside outside the school. Mr Ian Brownlee said that there was adequate scrutiny by Government to ensure that the proposed traffic control measures such as the 'school bus only' policy would be implemented as required. PlanD had already proposed an approval condition requiring the submission of bi-monthly monitoring reports, the non-compliance of which would result in the revocation of the temporary planning approval. Besides, any approval granted was only temporary in nature and the applicant would need to seek the Board's approval again in 3 years' time.

156. In response to a Member's enquiry, Mrs Annie Wong said that some students attending the school currently lived on Hong Kong Island while some lived in Yuen Long, the farthest.

Implementation and Monitoring

157. In response to a Member's concern on whether parents would follow the instructions of the school, Mrs Alice Chiu said that the school would require all new students to take the school bus to school and any student who did not agree with the arrangement would not be admitted. In this regard, she was confident that the parents would comply with the school's instructions. Mr Ian Brownlee supplemented that there would be tight monitoring of the situation by the relevant government departments as one of the proposed approval conditions would require the submission of bi-monthly monitoring reports on the implementation of the proposed traffic mitigation measures. Mr Gary Yiu, a parent representative of the school, said that the majority of parents who attended the meeting with the school in April 2014 to discuss the traffic control measures agreed with and supported the proposed traffic control measures. Indeed, parents would pro-actively report anybody who failed to comply with the new traffic control measures. As most parents wanted the school to continue operating at the current site, they had responded positively to the traffic control measures and were willing to cooperate to ensure that the measures would work.

158. The Chairman enquired about the school's arrangements for the students should the planning permission be revoked. In response, Mrs Alice Chiu said that they had previous experience where the school had to cease operation due to the termination of the lease. In such circumstances, the school would inform the parents of the situation as soon as possible and would arrange with other schools to take in their students or find other premises to continue the school's operation.

159. A Member enquired whether there was a consensus between TD and the applicant on the information to be provided in the bi-monthly monitoring reports. In response, Mr Raymond T.C. Leung said that bi-monthly monitoring reports were required in

another application with temporary approval granted (A/K18/288) and the information required would be similar for the subject application.

160. Ms Bernadette H.H. Linn, Director of Lands, enquired whether the school would inform the parents that the planning permission, if granted, was only a temporary approval for 3 years and that the permission would be subject to certain conditions. In response, Mrs Annie Wong said that the school would inform all parents about the Board's decision on the application. The approval letter and approval conditions would be issued to all parents and would be uploaded to the school's website.

161. As the applicant's representatives had no further comment to make and Members had no further question to raise, the Chairman informed them that the hearing procedure for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant's representatives and the Government representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

162. The Chairman noted that the current application was different from other applications recently considered by the Board in that the application was for the renewal of a temporary planning approval previously granted by the Board. While the application was rejected by MPC mainly due to the inadequacies in the TIA, the Chairman noted that the revised TIA submitted by the applicant for the section 17 review application was considered acceptable by TD.

163. A Member supported the application as the revised TIA was accepted by TD. The Member also agreed with the proposed approval condition requiring the submission of bi-monthly monitoring reports and the revocation of the planning permission should the applicant fail to comply with the approval condition.

164. A Member considered that as the site was located in an area with fewer schools in the vicinity and the traffic was less heavy, the proposed kindergarten development would

cause less traffic problems than other schools. Noting that bi-monthly monitoring reports would be required as an approval condition, the school was an existing school and the application was not for the proposed expansion of the school, the Member supported the renewal of the temporary planning permission.

Length of Temporary Approval

165. A Member considered that it might be too disruptive for the school's operation if the planning permission could be revoked due to the bi-monthly monitoring reports being unsatisfactory. The Member suggested that a temporary planning permission for a shorter period of time, say two years, should be considered and that the planning permission should not be renewed at the end of the 2-year period if the bi-monthly monitoring reports were unsatisfactory.

166. Ms Bernadette H.H. Linn, Director of Lands, said that there should not be any relationship between a 3-year kindergarten course and the application for a temporary approval of 3 years as students would come and go on a yearly basis.

167. A Member considered that the proposed 'in-campus pick-up/drop-off' arrangement was not practicable as the manoeuvring of school buses inside the campus would be a safety hazard for children in the kindergarten. The Member considered that a temporary planning approval for one year only should be granted to better monitor the situation and to allow the Board to re-consider whether the site was indeed suitable for kindergarten use. However, Ms Bernadette H.H. Linn considered it impractical to grant a temporary planning approval of only one year as the school would be unable to plan ahead. She said that a temporary planning approval for 3 years should be acceptable subject to the condition that the traffic control measures proposed by the applicant were satisfactorily implemented.

168. A Member considered that granting a temporary approval of 1 year would be too short and was not justified. Even though there was the possibility that some parents might not comply with the 'school bus only' policy, the proposed implementation of such a policy would still help to alleviate the existing traffic congestion problem in the area.

While temporary planning approval had been granted to the school before the promulgation of TPB PG-No. 23A, the school had followed the latest requirements of the TPB Guidelines.

169. A Member considered that a temporary planning permission for a period of 3 years should be granted to allow better planning on the part of the applicant.

170. Ms Bernadette H.H. Linn considered it important that parents of students admitted to the school should be properly informed of the possibility that the planning permission could be revoked if the approval condition on the traffic control measures were not satisfactorily complied with.

171. The Chairman asked if an approval condition requiring the applicant to inform parents of the validity period and approval conditions of the planning permission could be imposed. In response, the Secretary said that such an approval condition would be difficult to enforce, and the Board might consider incorporating it as an advisory clause instead. This view was supported by a Member.

172. On the wording of the advisory clause, Ms Bernadette H.H. Linn suggested that the phrase 'as proposed by the applicant' should be added as the applicant did make a commitment to the Board to inform all parents of the validity period of the temporary planning approval and the approval conditions pertaining to the permission. Mr K.K. Ling, Director of Planning, suggested that the advisory clause should include two main points, i.e. to inform all parents of the validity period of the planning permission and that the planning permission could be revoked if the approval conditions were not complied with.

Conclusion

173. Concluding the discussion, the Chairman noted that Members generally agreed that a temporary planning permission for a period of 3 years should be granted and that an advisory clause should be added advising the applicant to fully inform the parents of the validity period of the temporary planning permission and that the planning permission could be revoked if the approval conditions were not complied with.

174. After deliberation, the Board decided to approve the application on review on a temporary basis for a period of 3 years until 4.7.2017, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- “(a) the school hours should be restricted from 8:15am to 11:45pm and 1:00pm to 4:00pm, Monday to Friday, as proposed by the applicant, during the school operation period;
- (b) the implementation of the traffic control measures including ‘school bus only’ campus and ‘in-campus pick-up/drop-off’, as proposed by the applicant, during the school operation period to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission of bi-monthly monitoring reports on the implementation of the proposed traffic control measures stated in conditions (a) and (b) above, during the school operation period to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (e) the maintenance of the landscape planting within the site boundary at all times during the planning approval period to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (f) if any of the above planning conditions (a), (b) or (c) is not complied with during the school operation period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

175. The Board also agreed to advise the applicant on the following:

- “(a) to apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver for the proposed school (kindergarten cum child care centre) under the lease. However, the applicant should note that there is no guarantee that such application will be approved by the government. Such application, if approved, will be subject to such terms and conditions (including but not limited to the payment of a waiver fee) as imposed by the Lands Department at its discretion;
- (b) the approval of the application does not imply any compliance with the Buildings Ordinance and Regulations. The applicant should appoint Authorized Person and Registered Structural Engineer to submit building plans to the Buildings Department for approval in accordance with the requirements of the Buildings Ordinance; and
- (c) to inform all parents of their students, as proposed by the applicant, of the validity period of the temporary planning permission and that the planning permission could be revoked if any of the above approval conditions (a), (b) or (c) were not complied with.”

Agenda Item 12

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comment to the Draft Ma Tso Lung and Hoo Hok Wai Outline Zoning Plan No. S/NE-MTL/2
(TPB Paper No. 9672)

[The meeting was conducted in Cantonese.]

176. The following Member had declared an interest in this item:

Ms Julia M.K. Lau	-	she had submitted a representation in relation to the Fanling North OZP.
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177. As the interests of Ms Julia M.K. Lau were direct, Members agreed that she should withdraw from the meeting.

[Ms Julia M.K. Lau left the meeting temporarily at this point.]

178. The Secretary briefly introduced the Paper. On 20.12.2013, amendments to the draft Ma Tso Lung and Hoo Hok Wai (MTL) Outline Zoning Plan (OZP) No. S/NE-MTL/1 were exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). The amendments were mainly to excise two pieces of land in the southern part of MTL from the OZP for inclusion into the Kwu Tung North (KTN) OZP No. S/KTN/1. They were not about the proposed land uses of the sites, which would be considered in the context of the KTN OZP.

179. During the two-month exhibition period, a total of three representations (R1 to R3) were received against the OZP amendments. R1 opposed the amendments as the representer opposed the development of KTN and Fanling North (FLN) New Development Areas (NDAs) which had failed to consider in full the ecological importance and agricultural concerns of the area. The representation of R1 also applied to KTN and FLN OZPs. R2 and R3 opposed the amendments because the NDAs would adversely affect the rural environment and destroy the agricultural land. Their representations were also applied to the KTN, FLN, Hung Lung Hang, and Fu Tei Au and Sha Ling OZPs.

180. On 15.4.2014, the representations were published for public comments and, in the first three weeks of the publication period, one comment (C1) was received. C1 was related to the designation of the MTL area as “Conservation Area (1)” (“CA (1)”) zone on the MTL OZP in general, which was not related to the subject amendments and the three representations.

181. Pursuant to section 6A(3)(b) of the Ordinance, as the issue raised by C1 was concerned with the designation of the MTL area as “CA (1)” zone which was not related to the amendments to the OZP, it should be considered as invalid and should be treated as not having been made.

182. As there were only three representations and one comment which should be considered as invalid, it was recommended that the representations should be considered by the full Board. The hearing of the representations could be accommodated in one of the Board's regular meetings and a separate hearing session would not be necessary. As the subject of the representations was of similar nature, it was suggested that the representations be considered collectively in one group. The hearing was tentatively scheduled to be held in end September/October 2014.

183. After deliberation, the Board agreed that comment C1 was invalid and should be treated as not having been made. The Board also agreed to the proposed hearing arrangement for the consideration of the representations as detailed in paragraph 2 of the Paper.

Agenda Item 13

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations to the Draft Fu Tei Au and Sha Ling Outline Zoning Plan No. S/NE-FTA/13

(TPB Paper No. 9673)

[The meeting was conducted in Cantonese.]

184. The following Member had declared an interest in this item:

Ms Julia M.K. Lau	-	she had submitted a representation in relation to the Fanling North OZP.
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185. Members agreed that the interests of Ms Julia M.K. Lau were direct and noted that she had not yet returned to the meeting.

186. The Secretary briefly introduced the Paper. On 20.12.2013, an amendment to the approved Fu Tei Au and Sha Ling (FTA) Outline Zoning Plan (OZP) No. S/NE-FTA/12

was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendment was mainly to excise the southern part of FTA from the OZP for incorporation into the Fanling North OZP No. S/FLN/1. It was not about the proposed land uses of the site, which would be considered in the context of the Fanling North OZP.

187. During the two-month exhibition period, a total of two representations (R1 and R2) were received against the OZP amendment. R1 and R2 opposed the amendment as the representers opposed the development of the Kwu Tung North and Fanling North New Development Areas (NDAs) which would adversely affect the rural environment and destroy the agricultural land. Their representations also applied to the Kwu Tung North, Fanling North, Ma Tso Lung and Hoo Hok Wai, and Hung Lung Hang OZPs. On 15.4.2014, the representations were published for public comments and, in the first three weeks of the publication period, no comment was received.

188. As there were only two representations, it was recommended that the representations should be considered by the full Board. The hearing of the representations could be accommodated in one of the Board's regular meetings and a separate hearing session would not be necessary. As the subject of the representations was of similar nature, it was suggested that the representations be considered collectively in one group. The hearing was tentatively scheduled to be held in end September/October 2014.

189. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of the representations as detailed in paragraph 2 of the Paper.

Agenda Item 14

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations to the Draft Hung Lung Hang Outline Zoning Plan No. S/NE-HLH/8

(TPB Paper No. 9674)

[The meeting was conducted in Cantonese.]

190. The following Member had declared an interest in this item:

Ms Julia M.K. Lau - she had submitted a representation in relation to the Fanling North OZP.

191. Members agreed that the interests of Ms Julia M.K. Lau were direct and noted that she had not yet returned to the meeting.

192. The Secretary briefly introduced the Paper. On 20.12.2013, an amendment to the approved Hung Lung Hang (HLH) Outline Zoning Plan (OZP) No. S/NE-HLH/7 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendment was mainly to excise a section of Ng Tung River (River Indus) and two pieces of land to the north and south of Ng Tung River (River Indus) from the OZP for incorporation into the Fanling North OZP No. S/FLN/1. It was not about the proposed land uses of the sites, which would be considered in the context of the Fanling North OZP.

193. During the two-month exhibition period, a total of two representations (R1 and R2) were received against the OZP amendment. R1 and R2 opposed the amendment as the representers opposed the development of Kwu Tung North and Fanling North New Development Areas (NDAs) which would adversely affect the rural environment and destroy the agricultural land. Their representations also applied to the Kwu Tung North, Fanling North, Ma Tso Lung and Hoo Hok Wai, and Fu Tei Au and Sha Ling OZPs. On 15.4.2014, the representations were published for public comments and, in the first three weeks of the publication period, no comment was received.

194. As there were only two representations, it was recommended that the representations should be considered by the full Board. The hearing of the representations could be accommodated in one of the Board's regular meetings and a separate hearing session would not be necessary. As the subject of the representations was of similar nature, it was suggested that the representations be considered collectively in one group. The hearing was tentatively scheduled to be held in end September/October 2014.

195. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of the representations as detailed in paragraph 2 of the Paper.

Agenda Item 15

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations to the Draft Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/19

(TPB Paper No. 9675)

[The meeting was conducted in Cantonese.]

196. The following Member had declared an interest in this item:

Ms Julia M.K. Lau - she had submitted a representation in relation to the Fanling North OZP.

197. Members agreed that the interests of Ms Julia M.K. Lau were direct and noted that she had not yet returned to the meeting.

198. The Secretary briefly introduced the Paper. On 20.12.2013, amendments to the approved Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/18 were exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments were mainly to excise five areas from the OZP for incorporation into the Fanling North (FLN) OZP No. S/FLN/1 and Kwu Tung North (KTN) OZP No. S/KTN/1. They were not about the proposed land uses of the sites, which would be considered in the context of the FLN OZP and the KTN OZP.

199. During the two-month exhibition period, a total of 6 valid representations were received. R1 supported all proposed amendments whereas the remaining five representations (R2 to R6) were against the OZP amendments. R2 to R6 opposed the amendment as the representers opposed the development of FLN and KTN New Development Areas (NDAs) which would adversely affect the rural environment and

destroy the agricultural land. R5 and R6 also opposed the KTN, FLN, Fu Tei Au and Sha Ling, Ma Tso Lung and Hoo Hok Wai, and Hung Lung Hang OZPs. On 15.4.2014, the representations were published for public comments and, in the first three weeks of the publication period, no comment was received.

200. As there were only six representations, it was recommended that the representations should be considered by the full Board. The hearing of the representations could be accommodated in one of the Board's regular meetings and a separate hearing session would not be necessary. As the subject of the representations was of similar nature, it was suggested that the representations be considered collectively in one group. The hearing was tentatively scheduled to be held in end September/October 2014.

201. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of the representations as detailed in paragraph 2 of the Paper.

Agenda Item 16

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Kwu Tung North Outline Zoning Plan No. S/KTN/1 and the Draft Fanling North Outline Zoning Plan No. S/FLN/1

(TPB Paper No. 9685)

[The meeting was conducted in Cantonese.]

202. The following Member had declared an interest in this item:

Ms Julia M.K. Lau - she had submitted a representation in relation to the Fanling North OZP.

203. Members agreed that the interests of Ms Julia M.K. Lau were direct and noted that she had not yet returned to the meeting.

204. The Secretary briefly introduced the Paper. On 20.12.2013, the draft Kwu Tung North Outline Zoning Plan (KTN OZP) No. S/KTN/1 and the draft Fanling North Outline Zoning Plan (FLN OZP) No. S/FLN/1 were exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). These two new draft OZPs were prepared for the KTN and FLN New Development Areas (NDAs). Development of the two NDAs was of territorial significance as they would be the main source of land supply to meet Hong Kong's medium to long-term development needs.

205. During the two-month exhibition period, 20,778 representations for KTN OZP and 21,228 representations for FLN OZP (a total of 42,006 representations) were received. On 15.4.2014, the representations were published for public comments and, in the first three weeks of the publication period, 5,598 comments on the representations to the KTN OZP and 6,010 comments on the representations to the FLN OZP (a total of 11,608 comments) were received.

206. Seven of the representations supported the two new draft OZPs while the remaining representations either objected to the OZPs or offered comments on different proposals of the OZPs. The nature of the representations could be generally categorised into four groups:

- (a) Group 1 comprised 22 representations (R11-R14, R24 of KTN and R10-14, R30-33, R41, R44-45, R53, R57, R78, R80, R88 of FLN) submitted by concern groups and individuals. They mainly submitted comments and proposals on rail, road infrastructure or traffic issues to the OZPs, such as the timely implementation of the Northern Link (NOL) to serve KTN NDA, proposed NOL extension to serve FLN NDA and various proposed alternate alignment of the planned road networks in NDAs;
- (b) Group 2 comprised 8 representations (R16-17, R93-94 of KTN and R16-17, R541-542 of FLN) submitted by various green groups. They mainly submitted comments and proposals related to specific conservation issues such as safeguarding the Long Valley and

preservation of the Ma Tso Lung Stream;

- (c) Group 3 comprised 464 representations (R5-10, R27, R31-32, R51, R73, R20728 of KTN and R4-9, R28, R35-38, R46, R79, R100-538 of FLN) submitted by various landowners/their representatives, organizations and individuals. They mainly submitted comments and proposals related to land use zonings or alternate land use proposals for the two NDAs; and
- (d) Group 4 comprised 41,512 representations submitted by various concern groups and individuals. Seven of them supported the two new draft OZPs (R1-4 of KTN and R1-3 of FLN) while the remaining (R15, R18-23, R25-26, R28-30, R33-50, R52-72, R74-92, R95-165, R167-20727, R20729-20779 of KTN and R15, R18-27, R29, R34, R39-40, R42-43, R47-52, R54-56, R58-77, R81-87, R89-99, R539-540, R543-612, R614-21229 of FLN) either objected to development of the NDAs or offered comments on different proposals of the OZPs.

207. Among the 11,608 comments received, 18 of them (C5550, C5597 of KTN and C5564-5565, C5622, C5975-5985, C6009-6010 of FLN) were comments on rail, road infrastructure or traffic issues related to the OZPs, 410 of them (C5595 of KTN and C5566-5621, C5623-5974, C5997 of FLN) were comments on land use zonings or alternate land use proposals in respect of the OZPs and the remaining 11,180 (C1-5549, C5551-5594, C5596, C5598 of KTN and C1-5563, C5986-5996, C5998-6008 of FLN) were comments in general in respect of the OZPs.

208. Since the two new draft OZPs for the KTN and FLN NDAs had attracted much public interest, it was recommended that the representations and comments should be considered by the full Board. Due to the large number of representations and comments received, the hearing could not be accommodated in the Board's regular meetings and separate hearing sessions would be necessary.

209. As the representations and the related comments categorised above were quite different in nature, it was suggested that the representations and comments be considered in

four groups:

- (a) Group 1 - collective hearing of 22 representations (R11-R14, R24 of KTN and R10-14, R30-33, R41, R44-45, R53, R57, R78, R80, R88 of FLN) and 18 comments (C5550, C5597 of KTN and C5564-5565, C5622, C5975-5985, C6009-6010 of FLN) related to proposals on rail, road infrastructure or traffic issues in respect of the OZPs;
- (b) Group 2 - collective hearing of 8 representations (R16-17, R93-94 of KTN and R16-17, R541-542 of FLN) regarding the comments and proposals related to specific conservation issues in respect of the OZPs;
- (c) Group 3 - collective hearing of 464 representations (R5-10, R27, R31-32, R51, R73 and R20728 of KTN and R4-9, R28, R35-38, R46, R79, R100-538 of FLN) and 410 comments (C5595 of KTN and C5566-5621, C5623-5974, C5997 of FLN) related to the comments and proposals in respect of land use zonings or alternate land use proposals to the OZPs; and
- (d) Group 4 - collective hearing of 41,512 representations (R1-4, R15, R18-23, R25-26, R28-30, R33-50, R52-72, R74-92, R95-165, R167-20727, R20729-20779 of KTN and R1-3, R15, R18-27, R29, R34, R39-40, R42-43, R47-52, R54-56, R58-77, R81-87, R89-99, R539-540, R543-612, R614-21229 of FLN) and 11,180 comments (C1-5549, C5551-5594, C5596, C5598 of KTN and C1-5563, C5986-5996, C5998-6008 of FLN) in respect of the comments and proposals in general related to the OZPs.

210. The hearing was tentatively scheduled to start in end September/October 2014.

211. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of the representations as detailed in paragraph 3 of the Paper.

[Mr Ivan C.S. Fu left the meeting at this point while Ms Julia M.K. Lau returned to join the meeting at this point.]

Agenda Item 17

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung Development Permission Area Plan No. DPA/NE-TT/1

(TPB Paper No. 9669)

[The meeting was conducted in Cantonese.]

212. The Secretary briefly introduced the Paper. On 8.11.2013, the draft Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung Development Permission Area (DPA) Plan No. DPA/NE-TT/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the 2-month exhibition period, 277 representations were received. On 7.2.2014, the representations were published for public comments and, in the first three weeks of the publication period, 2 comments were received.

213. The representations and comments could be categorised into 2 groups. The first group comprised 248 representations (R1 to R248) submitted by the Sai Kung North Rural Committee, village representatives (VRs) and related organisations and individuals. The second group comprised 29 representations (R249 to R277) submitted by the green groups/concern groups and individuals.

214. As the representations and comments were mainly related to the extent of the “Village Type Development” (“V”) zone, conservation of the natural environment and landscape of the area, it was recommended that the representations and comments should be considered by the full Board.

215. As the representations and the related comments from the villagers and green groups/concern groups were different, it was suggested that the Board should consider the representations and comments in two groups as follows:

- (a) Group 1 - collective hearing of the first group comprising 248 representations (R1 to R248) submitted by the VRs and related organisations mainly in relation to the inadequate “V” zone and the comprehensive zoning proposal to facilitate recreational developments; and
- (b) Group 2 - collective hearing of the second group comprising 29 representations (R249 to R277) and two comments (C1 and C2) submitted by the green groups/concern groups and individuals mainly in relation to the excessive “V” zone and the conservation proposals for the area.

216. The hearing was tentatively scheduled to be held in August 2014. Additional meeting dates might need to be scheduled for the Board’s consideration of the representations and comments.

217. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of the representations as detailed in paragraph 3 of the Paper.

Agenda Item 18

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Further Representations on Proposed Amendments to the Draft Kowloon Tong Outline Zoning Plan No. S/K18/18 arising from Consideration of Representations and Comments on Kowloon Tong Outline Zoning Plan No. S/K18/17

(TPB Paper No. 9684)

[The meeting was conducted in Cantonese.]

218. The following Members had declared interests in this item for owning properties in the Kowloon Tong area, having affiliation with the Hong Kong Baptist University (HKBU) and/or having current business dealings with HKBU, as HKBU had submitted a representation (R25) and a comment (C4) on the representation site at Renfrew Road (i.e. southern portion of the ex-Lee Wai Lee (LWL) site):

Mr Thomas T.M. Chow	- owned a flat at Parc Oasis.
Mr H.W. Cheung	- owned a flat at Parc Oasis.
Ms Janice W.M. Lai	- owned a flat at Earl Street with spouse.
Ms Christina M. Lee	- owned properties at Durham Road and being a part-time student of HKBU.
Mr David Y.T. Lui	- owned a flat in Yau Yat Chuen.
Ms Julia M.K. Lau	- owned a share of a property near the junction of Hereford Road and Waterloo Road.
Mr Clarence W.C. Leung	- owned a property near the junction of Durham Road and La Salle Road.
Mr Laurence L.J. Li	- being an ex-honorary member of the Court of HKBU and was once involved in the discussion in the Court regarding the use of the ex-LWL site.
Mr Stephen H.B. Yau	- being the Chairman of the Social Work Advisory Committee of the Department of Social Work in HKBU, a representer/commenter.
Mr Dominic K.K. Lam	- had previous business dealings with HKBU in 2006, a representer/commenter.
Mr H.F. Leung	- had current business dealings with HKBU, a representer/commenter.

219. Members agreed that the interests of Mr Laurence L.J. Li, Mr Stephen H.B. Yau , Ms Christina M. Lee, Mr Clarence W.C. Leung, Ms Julia M.K. Lau and Mr H.F. Leung were direct while the interests of the Chairman, Mr H.W. Cheung, Ms Janice W.M. Lai, Mr David Y.T. Lui and Mr Dominic K.K. Lam were indirect. As the item was a procedural matter, the meeting agreed that the above Members should be allowed to stay in the meeting. Members noted that Ms Christina M. Lee and Mr H.F. Leung had tendered apologies for not attending the meeting and Ms Janice W.M. Lai, Mr Clarence W.C. Leung, Mr Laurence L.J. Li and Mr Stephen H.B. Yau had already left the meeting.

220. The Secretary reported that a replacement page for page 2 of the Paper rectifying the tentatively scheduled date of the hearing was tabled at the meeting. He then briefly introduced the Paper. On 15.2.2013, the draft Kowloon Tong Outline Zoning Plan (OZP) No. S/K18/17 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The proposed amendments were mainly related to the rezoning of the southern portion of the former Lee Wai Lee (LWL) site from “Government, Institution or Community (9)” (“G/IC(9)”) to “Residential (Group B)” (“R(B)”), the rezoning of the western part of the Bethel Bible Seminary site from “G/IC(3)” to “R(C)9” and the rezoning of the eastern part of the Bethel Bible Seminary site from “G/IC(3)” to “G/IC(12)”.

221. During the two-month exhibition period, a total of 25,884 representations were received. On 21.5.2013, the representations were published for public comments and, in the first three weeks of the publication period, 2,980 valid comments were received. Of the 25,884 representations, 37 representations were subsequently confirmed to be invalid, withdrawn or duplicated. Thus, the total number of valid representations was 25,847. All valid representations and comments were related to the rezoning of the former LWL site.

222. Upon consideration of the representations and comments, the Town Planning Board (the Board) decided on 26.3.2014 to meet/partially meet the 25,834 opposing representations by amending the zoning of the Site from “R(B)” to “G/IC(9)”. The Board also noted the supportive views of 11 representations and the views of 2 representations offering comments on the concerned amendment.

223. On 23.5.2014, the proposed amendments to the draft Kowloon Tong OZP No. S/K18/18 to rezone the Site from “R(B)” to “G/IC(9)” and delete the Notes for “R(B)” zone were exhibited for public inspection under section 6C(2) of the Ordinance for further representations. In the first 3 weeks of the plan publication period, a total of 24 further representations were received, out of which 23 (F1 to F23) supported the proposed rezoning of the Site from “R(B)” to “G/IC(9)” while one further representation (F24) objected to the proposal.

224. Pursuant to section 6D(1) of the Ordinance, any person, other than that who had made any representation or comment after the consideration of which the proposed amendments were proposed, might make further representation to the Board in respect of the proposed amendments. As F23 was submitted by an original representer (R24845) and commenter (C1537) and the Board had proposed amendment to meet the representation, F23 should be considered as invalid.

225. As the representations and comments had been considered by the full Board, it was considered more appropriate for the full Board to hear the further representations without resorting to the appointment of a RHC. The hearing could be accommodated in one of the Board's regular meetings and a separate hearing session would not be necessary. The arrangement would not delay the completion of the representation consideration process. As all the further representations were related to the proposed rezoning of the former LWL site from "R(B)" to "G/IC(9)", it was suggested that the Board should consider the further representations collectively in one group.

226. The hearing was tentatively scheduled to be held on 1.8.2014. The 25,847 original representers, 2,980 related commenters and further representers F1 to F22 and F24 would be invited to the hearing.

227. After deliberation, the Board agreed that further representation (F23) was invalid and should be taken as not having been made. The Board also agreed to the proposed hearing arrangement for the consideration of the further representations as detailed in paragraph 3 of the Paper.

Agenda Item 19

[Open Meeting]

Submission of the Draft Mui Wo Fringe Outline Zoning Plan No. S/I-MWF/9A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance

(TPB Paper No. 9666)

[The meeting was conducted in Cantonese.]

228. As the item was concerned with a proposed Home Ownership Scheme (HOS) development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA), the following Members had declared interests in this item:

- | | | |
|--|---|--|
| Mr Stanley Y.F. Wong | - | being a member of HKHA and Chairman of the Subsidised Housing Committee of HKHA |
| Professor P.P. Ho | - | being a member of the Building Committee of HKHA |
| Ms Julia M.K. Lau | - | being a member of the Commercial Properties Committee and Tender Committee of HKHA |
| Ms Janice W.M. Lai |) | |
| Mr Dominic K.K. Lam |) | |
| Mr H.F. Leung |) | had current business dealings with HKHA |
| Mr Patrick H.T. Lau |) | |
| Mr K.K. Ling
(as Director of Planning) | - | being a member of the Strategic Planning Committee and Building Committee of HKHA |
| Ms Bernadette H.H. Linn
(as Director of Lands) | - | being a member of HKHA |
| Mr. Eric K.S. Hui
(as Assistant Director (2),
Home Affairs Department) | - | being an alternative member for the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA |
| Miss Winnie M.W. Wong
(as Principal Assistant | - | being the representative of the Secretary for Transport and Housing who was a member |

Secretary (Transport), of the Strategic Planning Committee of
Transport and Housing HKHA
Bureau)

229. The meeting noted that the interests of the above Members were direct. However, as this was a procedural item only, the above Members should be allowed to stay at the meeting but should refrain from participating in the discussion.

230. The Secretary briefly introduced the Paper. On 18.10.2013, the draft Mui Wo Fringe OZP No. S/I-MWF/9, incorporating amendments to rezone a site at the western end of Ngan Kwong Wan Road from “Government, Institution or Community” (“G/IC”) to “Residential (Group A)” (“R(A)”) to facilitate a proposed HOS development and a site to the west of Ngan Wan Estate from “G/IC” to “Undetermined” (“U”) was exhibited for the public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, 37 representations were received. On 17.1.2014, the representations were published for public comments and, in the first three weeks of the publication period, 21 comments were received.

231. On 6.6.2014, after giving consideration to the representations and comments, the Board decided not to propose amendments to the draft OZP to meet the representations. As the representation hearing process had been completed, the draft Mui Wo Fringe OZP was ready for submission to the CE in C for approval.

232. After deliberation, the Board agreed:

- “(a) that the draft Mui Wo Fringe OZP No. S/I-MWF/9A together with its Notes at Annex I and Annex II of the Paper are suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft Mui Wo Fringe OZP No. S/I-MWF/9A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for various land-use zones on the draft OZP and issued under the name of the Board; and

- (c) that the updated ES for the draft Mui Wo Fringe OZP No. S/I-MWF/9A is suitable for submission to CE in C together with the draft OZP.”

Agenda Item 20

[Open Meeting]

Submission of the Draft South Lantau Coast Outline Zoning Plan No. S/SLC/18A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance

(TPB Paper No. 9667)

[The meeting was conducted in Cantonese.]

233. The Secretary briefly introduced the Paper. On 29.11.2013, the draft South Lantau Coast Outline Zoning Plan (OZP) No. S/SLC/18 incorporating an amendment to rezone a site to the north of Cheung Sha Government Holiday Bungalows from “Residential (Group C)” (“R(C)”) to “Residential (Group C) 1” (“R(C)1”) and the related amendment to the Notes to incorporate the development restrictions of the “R(C)1” zone was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, 3 representations were received. On 14.2.2014, the representations were published for public comments and, in the first three weeks of the publication period, no comment was received. On 30.5.2014, one representation (R1) was withdrawn.

234. On 6.6.2014, after giving consideration to the representations, the Board decided not to uphold them. As the representation hearing process had been completed, the draft South Lantau Coast OZP was ready for submission to the CE in C for approval.

235. After deliberation, the Board agreed:

- “(a) that the draft South Lantau Coast OZP No. S/SLC/18A together with its Notes at Appendix I and Appendix II of the Paper are suitable for submission under section 8 of the Ordinance to the CE in C for approval;

- (b) to endorse the updated Explanatory Statement (ES) for the draft South Lantau Coast OZP No. S/SLC/18A at Appendix III of the Paper as an expression of the planning intention and objectives of the Board for the draft OZP and issued under the name of the Board; and
- (c) that the updated ES for the draft South Lantau Coast OZP No. S/SLC/18A is suitable for submission to CE in C together with the draft OZP.”

Agenda Item 21

[Open Meeting]

Submission of the Draft Chuen Lung and Ha Fa Shan Development Permission Area Plan No. DPA/TW-CLHFS/1A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance

(TPB Paper No. 9683)

[The meeting was conducted in Cantonese.]

236. The Secretary briefly introduced the Paper. On 20.12.2013, the draft Chuen Lung and Ha Fa Shan Development Permission Area (DPA) Plan No. DPA/TW-CLHFS/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, 19 representations were received. On 28.2.2014, the representations were published for public comments and, in the first three weeks of the publication period, 1 comment was received.

237. On 6.6.2014, after giving consideration to the representations and comment, the Board decided not to amend the DPA Plan to meet the representations. As the representation hearing process had been completed, the draft Chuen Lung and Ha Fa Shan DPA Plan was ready for submission to the CE in C for approval.

238. After deliberation, the Board agreed:

- “(a) that the draft Chuen Lung and Ha Fa Shan DPA Plan No. DPA/TW-CLHFS/1A together with its Notes at Annex I and Annex II of the Paper are suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (d) to endorse the updated Explanatory Statement (ES) for the draft Chuen Lung and Ha Fa Shan DPA Plan No. DPA/TW-CLHFS/1A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the draft DPA Plan and issued under the name of the Board; and
- (e) that the updated ES for the draft Chuen Lung and Ha Fa Shan DPA Plan No. DPA/TW-CLHFS/1A is suitable for submission to CE in C together with the draft OZP.”

Agenda Item 22

[Open Meeting]

Application to the Chief Executive under Section 8(2) of the Town Planning Ordinance for Extension of the Time Limit for Submission of the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1 to the Chief Executive in Council for Approval

(TPB Paper No. 9676)

[The meeting was conducted in Cantonese.]

239. The Secretary briefly introduced the Paper. On 27.9.2013, the draft Hoi Ha Outline Zoning Plan (OZP) No. S/NE-HH/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 10,824 representations and 3,671 comments were received.

240. After considering the representations and comments on 28.4.2014, 8.5.2014, 12.5.2014, 19.5.2014, 20.5.2014 and 4.6.2014, the Board decided to partially uphold some representations by revising the boundary of the “Village Type Development” (“V”) zone to exclude the western part of the “V” zone and to rezone it and the adjacent “Green Belt” to

“Green Belt (Group 1)”. Members also requested the Planning Department (PlanD) to submit the proposed amendment to the draft OZP to the Board for agreement prior to the gazetting of the proposed amendment under section 6C(2) of the Ordinance.

241. In line with the Board’s decision, PlanD had worked out the proposed amendment to the draft OZP which had been considered by the Board earlier in the meeting. The proposed amendment would be gazetted under section 6C(2) of the Ordinance for three weeks for public inspection and some more time would be required for the consideration of further representation received, if any.

242. Taking into account the time required for publication of the proposed amendment and processing of further representation, if any, it was unlikely that the plan-making process could be completed within the 9-month statutory time limit for submission of the draft OZP to the Chief Executive in Council (CE in C) for approval (i.e. on or before 27.8.2014).

243. In this regard, there was a need to apply to the Chief Executive (CE) for an extension of the statutory time limit for six months (i.e. from 27.8.2014 to 27.2.2015) to allow sufficient time to complete the plan-making process of the draft OZP prior to submission to the CE in C for approval.

244. After deliberation, Members agreed that the CE’s agreement should be sought under section 8(2) of the Ordinance to extend the time limit for submission of the draft Hoi Ha OZP No. S/NE-HH/1 to CE in C for a period of six months from 27.8.2014 to 27.2.2015.

Agenda Item 23

[Open Meeting]

Application to the Chief Executive under Section 8(2) of the Town Planning Ordinance for Extension of the Time Limit for Submission of the Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1 to the Chief Executive in Council for Approval

(TPB Paper No. 9677)

[The meeting was conducted in Cantonese.]

245. The Secretary reported that a replacement page for Annex I was tabled for at the meeting. He then briefly introduced the Paper. On 27.9.2013, the draft So Lo Pun Outline Zoning Plan (OZP) No. S/NE-SLP/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 10,748 representations and 3,673 comments were received.

246. After considering the representations and comments on 28.4.2014, 8.5.2014, 12.5.2014, 19.5.2014, 20.5.2014 and 4.6.2014, the Board decided to partially uphold some representations by rezoning the land at the north-eastern end and south-western end of the “Village Type Development” zone to “Green Belt”. Members also requested Planning Department (PlanD) to submit the proposed amendment to the draft OZP to the Board for agreement prior to the gazetting of the proposed amendment under section 6C(2) of the Ordinance.

247. In line with the Board’s decision, PlanD had worked out the proposed amendment to the draft OZP which had been considered by the Board earlier in the meeting. The proposed amendment would be gazetted under section 6C(2) of the Ordinance for three weeks for public inspection and some more time would be required for the consideration of further representation received, if any.

248. Taking into account the time required for publication of the proposed amendment and processing of further representation, if any, it was unlikely that the plan-making process could be completed within the 9-month statutory time limit for submission of the draft OZP to the Chief Executive in Council (CE in C) for approval (i.e. on or before 27.8.2014).

249. In this regard, there was a need to apply to the Chief Executive (CE) for an extension of the statutory time limit for six months (i.e. from 27.8.2014 to 27.2.2015) to allow sufficient time to complete the plan-making process of the draft OZP prior to submission to the CE in C for approval.

250. After deliberation, Members agreed that the CE's agreement should be sought under section 8(2) of the Ordinance to extend the time limit for submission of the draft So Lo Pun OZP No. S/NE-SLP/1 to CE in C for a period of six months from 27.8.2014 to 27.2.2015.

Agenda Item 24

[Open Meeting]

Application to the Chief Executive under Section 8(2) of the Town Planning Ordinance for Extension of the Time Limit for Submission of the Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1 to the Chief Executive in Council for Approval

(TPB Paper No. 9678)

[The meeting was conducted in Cantonese.]

251. The Secretary briefly introduced the Paper. On 27.9.2013, the draft Pak Lap Outline Zoning Plan (OZP) No. S/SK-PL/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 10,665 representations and 3,669 comments were received.

252. After considering the representations and comments on 28.4.2014, 8.5.2014, 12.5.2014, 19.5.2014, 20.5.2014 and 4.6.2014, the Town Planning Board (the Board) decided to partially uphold some representations by revising the boundary of the "Village Type Development" ("V") zone to exclude the eastern part of the "V" zone and to rezone it to "Agriculture". Members also requested Planning Department (PlanD) to submit the proposed amendment to the draft OZP to the Board for agreement prior to the gazetting of the proposed amendment under section 6C(2) of the Ordinance.

253. In line with the Board's decision, PlanD had worked out the proposed amendment to the draft OZP which had been considered by the Board earlier in the meeting. The proposed amendment would be gazetted under section 6C(2) of the Ordinance for three weeks for public inspection and some more time would be required for the consideration of

further representation received, if any.

254. Taking into account the time required for publication of the proposed amendment and processing of further representation, if any, it was unlikely that the plan-making process could be completed within the 9-month statutory time limit for submission of the draft OZP to the Chief Executive in Council (CE in C) for approval (i.e. on or before 27.8.2014).

255. In this regard, there was a need to apply to the Chief Executive (CE) for an extension of the statutory time limit for six months (i.e. from 27.8.2014 to 27.2.2015) to allow sufficient time to complete the plan-making process of the draft OZP prior to submission to the CE in C for approval.

256. After deliberation, Members agreed that the CE's agreement should be sought under section 8(2) of the Ordinance to extend the time limit for submission of the draft Pak Lap OZP No. S/SK-PL/1 to CE in C for a period of six months from 27.8.2014 to 27.2.2015.

Agenda Item 25

[Closed Meeting]

257. This item was recorded under confidential cover.

Agenda Item 26

[Closed Meeting]

258. This item was recorded under confidential cover.

Agenda Item 27

[Closed Meeting]

259. This item was recorded under confidential cover.

Agenda Item 28

[Open Meeting]

A.O.B.

[The meeting was conducted in Cantonese.]

260. There being no other business, the meeting closed at 4:00 p.m.