

**Minutes of 1214th Meeting of the
Town Planning Board held on 6.12.2019**

Present

Permanent Secretary for Development
(Planning and Lands)

Ms Bernadette H.H. Linn

Chairperson

Professor S.C. Wong

Vice-chairperson

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Stephen H.B. Yau

Dr F.C. Chan

Mr David Y.T. Lui

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Dr C.H. Hau

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Principal Assistant Secretary (Transport) 3,
Transport and Housing Bureau
Mr Andy S.H. Lam

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

Deputy Director of Environmental Protection (1)
Environmental Protection Department
Mr Elvis W.K. Au

Assistant Director (Regional 1), Lands Department
Mr Simon S.W. Wang

Director of Planning
Mr Raymond K.W. Lee

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

Secretary

Absent with Apologies

Mr Lincoln L.H. Huang

Mr Thomas O.S. Ho

Mr Stanley T.S. Choi

Mr K.W. Leung

In Attendance

Assistant Director of Planning/Board

Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board

Mr Kepler S.Y. Yuen (a.m.)

Ms April K.Y. Kun (p.m.)

Senior Town Planners/Town Planning Board

Ms W.H. Ho (a.m.)

Ms Carmen S.Y. Chan (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1213th Meeting held on 22.11.2019

[The item was conducted in Cantonese.]

1. The draft minutes of the 1213th meeting held on 22.11.2019 were sent to Members on 5.12.2019 and tabled at the meeting. Subject to any proposed amendments by Members on or before 9.12.2019, the minutes would be confirmed.

[Post-meeting Note: The minutes were confirmed on 9.12.2019 without amendments.]

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

2. The Secretary reported that there was no matter arising.

Tsuen Wan & West Kowloon District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Tsing Yi Outline Zoning Plan No. S/TY/29

(TPB Paper No. 10598)

[The item was conducted in Cantonese and English.]

3. The Secretary reported that the following Members had declared interests on the item for having affiliation with Ms Mary Mulvihill, who had submitted a representation and a comment (R2 and C1):

Mr Alex T.H. Lai] their firm hiring Ms Mary Mulvihill on a
Mr K.K. Cheung] contract basis from time to time.

4. As Mr Alex T.H. Lai and Mr K.K. Cheung had no involvement in matters related to the representation site (the Site), Members agreed that they could stay in the meeting.

Presentation and Question Sessions

5. The Chairperson said that notification had been given to the representers and commenter inviting them to attend the hearing, but other than R2/C1 who was present, R1 had made no reply. As reasonable notice had been given to R1, Members agreed to proceed with the hearing of the representations and comment in the absence of R1.

6. The following government representatives and representer/commenter were invited to the meeting:

Government Representatives

Planning Department (PlanD)

Mr Derek W.O. Cheung - District Planning Officer/Tsuen Wan
and West Kowloon (DPO/TWK)

Mr Stephen C.Y. Chan - Senior Town Planner/Kwai Tsin
(STP/KT)

Transport and Housing Bureau (THB)

Ms Louisa M.L. Yan - Principal Assistant Secretary
(Transport)10 (PAS(T)10)

Ms Carrie K.C. Chan - Senior Town Planner (Transport)
Port, Maritime & Logistics

Representer and Commenter

R2 / C1 - Mary Mulvihill

Ms Mary Mulvihill

- Representer and Commenter

7. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She said that PlanD's representative would be invited to brief Members on the representations and comment. The representer/commenter would then be invited to make oral submission. To ensure the efficient operation of the meeting, the representer/commenter would be allotted 20 minutes for making oral submission. There was a timer device to alert the representer/commenter two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after the representer/commenter had completed her oral submission. Members could direct their questions to government's representatives and the representer/commenter. After the Q&A session, government's representatives and the representer/commenter would be invited to leave the meeting; and the Town Planning Board (the Board) would deliberate on the representations and comment in their absence and inform the representers and commenter of the Board's decision in due course.

8. The Chairperson then invited PlanD's representative to brief Members on the representations and comment.

9. Mr Stephen C.Y. Chan, STP/KT, with the aid of a PowerPoint presentation, briefed Members on the representations and comment, including the background of the amendments, the grounds/views/proposals of the representers and commenter, planning assessments and PlanD's views on the representations and comment as detailed in the TPB Paper No. 10598 (the Paper).

[Mr Andy S.H. Lam, Miss Winnie W.M. Ng and Dr Jeanne C.Y. Ng arrived to join the meeting during STP/KT's presentation.]

10. The Chairperson then invited the representer/commenter to elaborate on her representation/comment.

R2 / C1 - Mary Mulvihill

11. Before making an oral submission for the representation/comment in relation to

the draft Tsing Yi Outline Zoning Plan No. S/TY/29 (the draft OZP), Ms Mary Mulvihill expressed her view on the role the Board played in political awakening of the young people in Hong Kong. She considered that many of them had been apolitical until they came to the Board to fight for the interest of their local communities. They had seen the way the Government exercised control over the work of the Board, and realized that the Government's proposals would never be rejected by the Board. Even if a proposal put forward by the Government was rejected, 'dirty tricks' would be used to revert the decision. As some of the young people had been elected as District Councilors, it was expected that they would have more involvement in the Board's business in future.

12. With the aid of the PowerPoint slides presented by PlanD's representative and the visualizer, Ms Mary Mulvihill made the following main points:

- (a) no alternative use had been proposed for the Site. In view of the development of incinerator facility in Shek Kwu Chau, the Site could be used as a staging post to sort waste and extract recyclables before transferring the residuals to Shek Kwu Chau by vessels;
- (b) as Mainland China had refused to import many types of recyclable waste, there was an urgent need to search for sites for waste recycling facilities as a solution to handle locally generated garbage. Having waste recycling facilities at the Site would be compatible with the adjoining chemical waste treatment facilities of the Environmental Protection Department (EPD);
- (c) there was also a need to reserve suitable sites for relocation of some obnoxious facilities to free up land in the urban areas to facilitate residential and commercial developments. Despite the Site could be considered as a solution space, there was little or no coordination and cooperation among government departments for such purpose;
- (d) while transshipment was important to Hong Kong's economy, it was subject to market pressure. Given the enactment of the Hong Kong Human Rights and Democracy Act by the United States (US) and the trade war between the US and Mainland China, the transshipment cargo coming

through Hong Kong would reduce. Besides, ports in Nansha and Shenzhen, which were offering incentives to traders and shippers to move their business there, were threats to Hong Kong's transshipment business;

- (e) as marine transportation would induce tremendous pollution, a decrease in marine transportation would help reduce discharges into the air, which was beneficial to the environment of both Hong Kong and Southern China; and
- (f) the marine basin including the Site had been zoned "Other Specified Uses" ("OU") annotated "Marine-related Uses" on the Tsing Yi OZP No. S/TY/9 since 1992, well before the incinerator plan in Shek Kwu Chau was conceived. No new thinking had been initiated throughout the years. Taking into account the problems currently faced by Hong Kong, in particular the environmental problems, the Board should adopt new thinking and do what was good for Hong Kong, Mainland China and the community at large.

[Mr Franklin Yu and Ms Sandy H.Y. Wong arrived to join the meeting during the presentation of the representer/commenter.]

13. As the presentation from government representative and representer/commenter had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions and the Chairperson would invite the government representatives or representer/commenter to answer. The Q&A session should not be taken as an occasion for the attendees to direct questions to the Board or for cross-examination between parties. The Chairperson then invited questions from Members.

Alternative Uses of the Site

14. Some Members raised the following questions to the government representatives:

- (a) the area of the Site;
- (b) whether the Site was suitable for use as waste recycling facilities;

- (c) the advantages of the Site for container related uses and how the Site could help enhance the efficiency of transshipment activities;
- (d) whether the Site was required to support the proposed waste treatment facilities in Shek Kwu Chau; and
- (e) whether there was sorting facilities for waste treatment in Shek Kwu Chau.

15. In response, Mr Derek W.O. Cheung, DPO/TWK, made the following main points with the aid of PowerPoint slides:

- (a) the area of the Site under Amendment Item A was about 1.88 ha;
- (b) the alternative proposal of waste recycling facilities at the Site was only raised by the representer/commenter in the current meeting. There was no opportunity to consult relevant government departments on the proposal before the meeting and there was insufficient information to consider the proposal;
- (c) in proposing container related uses for the Site, the following site characteristics and locational advantages had been taken into account:
 - (i) availability of sea frontage, which was important for uses requiring marine access such as barge berths and associated container-related uses;
 - (ii) being close to Container Terminal No. 9 (South) (CT9S) and predominantly surrounded by container-related and logistics uses including container terminal, logistics centres, cargo handling/container storage yards and temporary car parks mainly for container vehicles, the Site was considered suitable for container-related uses from land use compatibility point of view;
 - (iii) a vacant site zoned “OU(Container Related Uses)” to the immediate east of the Site would be used as an additional yard area for container

storage. There was synergy effect to fully integrate the Site and the adjoining yard into the operation of CT9S; and

- (iv) containers unloaded from the river transport could be transferred directly from the Site to CT9 via the adjoining yard, and vice versa, by internal container trailers without the need to go through the roads outside the Site. This could help reduce trips induced by container trucks and environmental pollution.

16. Ms Louisa M.L. Yan, PAS(T)10, supplemented that to meet the operational needs, port back-up land and barge berth should best be located adjacent to Kwai Tsing Container Terminals (KTCTs). The Site, being located next to the vacant yard and CT 9S, could enable efficient and direct transport of containers to/from CT 9S and enhance the cargo handling capacity and operational efficiency of Hong Kong Port (HKP). Besides, it was more cost effective and environmental friendly to transport containers by barges rather than by trucks as only one container could be carried by a container truck at a time while some one hundred containers could be carried by a barge.

17. Mr Elvis W.K. Au, the Deputy Director of Environmental Protection (1), Environmental Protection Department, made the following main points:

- (a) an Integrated Waste Management Facilities (IWMF) would be developed near Shek Kwu Chau to handle municipal solid waste (MSW). It would adopt advanced incineration technology with a treatment capacity of 3,000 tonnes each day. Sorting of MSW with a maximum capacity of 200 tonnes per day would be conducted by a mechanical sorting facility as part of the IWMF. The residuals of the IWMF would be properly managed. Given the IWMF near Shek Kwu Chau was an integrated facility, all related facilities including the sorting facilities would be provided in-situ and no additional land in the Kwai Tsing District was required; and
- (b) there was a blueprint for sustainable use of resources to map out a comprehensive strategy, targets, policies and action plans for management of MSW in Hong Kong. Regarding recycling facilities, they were mainly

provided in district levels such as Community Green Stations to assist local communities in the collection of various recyclables. An organic resources recovery centre had also been established to convert food waste into biogas. There were different waste management facilities in different levels and they were complementary to one another to achieve the waste management goal.

18. A Member asked the presenter/commenter the rationale for coming up with waste recycling facilities as an alternative use for the Site. In response, Ms Mary Mulvihill said that she doubted the need to increase land for container related uses given the cargo to be transhipped through Hong Kong was decreasing due to the trade war and competition from the nearby ports in the Pearl River Delta (PRD) region. Besides, the setting up of an alliance by the four terminal operators would not only increase operation efficiency, but also release some land for other uses as an ultimate goal. As such, there was no ground to reserve more land for the expansion of the port. While more transshipment activities were beneficial to Hong Kong's economy, it would create more environmental problems in the long run. Given the rapid deterioration of the environment and the rising awareness in environmental protection, the Board should consider various alternative uses. The proposed waste recycling facilities, which were compatible with EPD's use of the adjoining site, would create a synergy effect and was more suitable for the Site. As the land use zoning for the Site was formulated about 30 years ago, there was a need to move forward. Members of the Board should question the proposed land use zoning rather than rubber-stamping the government's recommendation so as to ensure that the decision made by the Board was for the best interest of the community and our future generation.

Demand of Land for Container-Related Uses

19. The Chairperson and some Members raised the following questions to the government representative:

- (a) what the competitive edge of HKP was;
- (b) how the HKP could cooperate with the ports in the PRD;
- (c) whether there was any study to support the reservation of the Site for container related uses and whether consultation had been conducted; and

- (d) whether the Site would be allocated to a single terminal operator and how a monopoly in terminal operation could be avoided.

20. In response, Ms Louisa M.L. Yan, PAS(T)10, made the following main points:

- (a) amid fierce competition from nearby ports in the PRD region, Hong Kong had transformed itself to a transshipment hub. The share of transshipment throughputs in the total container throughputs in HKP had become more significant and accounted for about 60% in 2018, which was much higher than that in the nearby ports in the PRD. There had also been a growing concentration of transshipment cargoes handled at the KTCTs;
- (b) it was noted that the core business of other major ports in the PRD such as Nansha was direct cargo-related. HKP had a major advantage in handling transshipment cargo, due to our wide coverage of destinations, high frequency of sailings and high efficiency. HKP was one of the world's leading "catch-up" ports where time lost on route could be made-up by going through our port. As efficient transshipment handling required sufficient port facilities, continuing to strengthen HKP's capacity and efficiency in handling transshipment cargo would be the optimal way forward;
- (c) THB had reviewed the use of port back-up land in Kwai Tsing with a view to identifying ways to optimise the land use efficiency to provide better support to container port operations. The recommendations of the review were released in June 2015 and relevant stakeholders including terminal operators, Kwai Tsing District Council and the Legislative Council Panel on Economic Development had been consulted. In view of the competition from the nearby ports in the PRD and the concentration of transshipment operation in KTCTs, there was a need to improve the infrastructural capacity of KTCTs including barge berths and associated container storage area to meet the terminals' operation needs and boost their competitiveness for handling river-borne container traffic; and

- (d) the Site was recommended to be allocated to CT 9S through a Private Treaty Grant. The KTCTs were operated by five operators and no monopoly of port facilities had been observed so far. It was noted that four terminal operators recently announced to set up an alliance to streamline operation. In view of the lack of barge berth in Tsing Yi, there was a need for rezoning the Site to enhance the cargo handling capacity and efficiency of KTCTs. As for the alliance to be set up, it was believed that the operators would ensure compliance with the Competition Ordinance.

21. A Member requested to put on record his strong dismay over Ms Mary Mulvihill's offensive and unfounded accusation of the Board's operation in the beginning of her presentation. The Chairperson added that as Ms Mulvihill had repeatedly made groundless accusation against the Board, the following salient points should be made clear and put on record:

- (a) the Board was a statutory body established under the Town Planning Ordinance (the Ordinance), and it was incumbent upon the Board to discharge its duties in a prudent manner. The arrangement on requesting the representers/commenters/further representers to provide their full name and the first four alphanumeric characters of their Hong Kong Identity Card was to make sure that the representers/commenters/further representers were not using fake identities, and the person entitled to attend the meeting and to be heard by the Board was the one submitting the representation/comment/further representation or his authorized representative. The accusation of manipulation by the Board in the processing of representations/comments/further representations was unfounded;
- (b) whether the Board had as a matter of course approved all proposals submitted by the Government could be traced against the past records of the Board's meetings. There was no need to have a debate on the issue;
- (c) the accusation that the Board would adopt 'dirty tricks' to safeguard government proposals was totally ungrounded. It should be noted that all meetings of the Board except on confidential items and the deliberation session, as well as minutes of the meetings were open to the public.

Where a representer/commenter/further representer was aggrieved by a decision of the Board, they might apply for judicial review should they consider it appropriate; and

- (d) the situation of not many representers/commenters/further representers attending a specific hearing did not mean that their rights to attend were deprived by the Board. Taking today's hearing as an example, only two representations and one comment were received, and Ms Mary Mulvihill, as one of the representers and a commenter, had attended the meeting.

22. Ms Mary Mulvihill said that she would then request the Board to publish its decisions for the last three years to show how often the Board would deviate from the recommendations of PlanD. In her memory, there was only one time i.e. the consideration of the Sha Tin OZP, that the Board went against PlanD's recommendation. However, dirty tricks were then used to bring in the Society for Community Organization (SoCO) with mothers and children in the further representation hearing with a view to manipulating the hearing process.

23. The Chairperson said that as Ms Mary Mulvihill had time and again alleged that SoCO's attendance at a hearing session in relation to the proposed amendment to the Sha Tin OZP in 2018 was the result of Government's manipulation, she had the responsibility to make a solemn clarification to avoid any misrepresentation. It should be noted that every person/organization had a right to make representation/comment/further representation under the Ordinance. It was unfair to say that SoCO or any other representer was manipulated by the Government just because they had expressed views favouring the Government's proposals. Likewise, it would be unfair to suggest that Ms Mary Mulvihill was manipulated by some other forces when she was just speaking against the Government's proposal out of her own volition.

24. A Member said that the Board should not be involved in political matters. It was regrettable that Ms Mary Mulvihill had raised her political views and made insulting remarks against the Board in the beginning of her presentation.

25. As Members did not have any further point to raise, the Chairperson thanked the government representatives as well as the representer/commenter for attending the meeting.

The Board would deliberate the representations/comment in closed meeting and would inform the representers/commenter of the Board's decision in due course. The government representatives as well as the representer/commenter left the meeting at this point.

[Dr Frankie W.C. Yeung arrived to join the meeting at this point. He was reminded to refrain from participating in the Deliberation Session.]

Deliberation Session

26. A Member said that while a site could have many alternative uses, the crux of consideration was whether a proposed use could bring in planning gain. For the proposed rezoning for container related uses at the Site, it could help address the shortage of barge berths and associated container storage area for transshipment activities, and integrate container related sites to improve cargo handling efficiency, which could in turn create synergy effect and increase the competitive edge of KTCTs. Regarding the concern of the representer/commenter on environmental pollution, it was noted that by integrating the Site, the adjoining yard and CT9, cargos could be transferred from barge berth to CT9 directly without passing through public roads, thus reducing the trips generated by container trucks and the associated environmental nuisances.

27. Another Member shared the view and said that the Site might not be suitable for waste recycling facilities due to the small site area. Besides, as waste recycling operation mainly relied on road transport, adverse traffic impact generated by the proposed waste recycling facilities was anticipated. This Member was of the view that transshipment was a viable direction for the further development of HKP amid the fierce competition from the nearby ports in the PRD. Given the need to provide more barge berths for transshipment operation, the Site should be used for container related uses rather than waste recycling facilities.

28. A Member said that the proposal for enhancing the use of port back-up land in Kwai Tsing had been discussed among the industry for quite some time, and the lack of port back-up land in the area had yet to be resolved. While HKP was experiencing a decrease in container throughputs, it was ranked the 7th in the world, which was still an achievement to be proud of. Hong Kong had a competitive edge over Shenzhen ports in transshipment as the port facilities were concentrated in Kwai Tsing. Besides, using river transport to

carry containers was much more cost effective and environmental friendly than container trucks. As such, a Site with sea frontage was important for port back-up use. This Member supported the proposal to rezone the Site for container related uses.

29. Members generally agreed that taking into account the site characteristics, land use compatibility and environmental considerations, it was appropriate to rezone the Site for container related uses to integrate with other container storage area to create a synergy effect and enhance operation efficiency of KTCTs. Given its important contribution to transshipment operation and competitiveness of the HKP, priority should be given to rezone the Site for container related uses rather than any other uses.

30. Members also agreed that there was no justification to amend the draft OZP to meet the adverse representation, and the major grounds and proposal of the representations and comment had been addressed by the departmental responses as detailed in the Paper and the presentations and responses made by the government representatives at the meeting.

31. After further deliberation, the Board noted the supportive views of R1, and decided not to uphold R2 and considered that the draft OZP should not be amended to meet the representation for the following reasons:

- “(a) the rezoning of the Site to “Other Specified Uses” annotated “Container Related Uses” (“OU(Container Related Uses)”) zone to facilitate permanent barge berthing use with supporting container storage and ancillary facilities is part of the integrated and strategic planning of port development in Hong Kong which aims to enhance the port capacity and its cargo handling efficiency through better use of port back-up land. There is a genuine need for optimising the use of available land to meet the port development need, and the rezoning of the Site is considered appropriate which can meet the policy objective to boost the efficiency and competitiveness of the Hong Kong Port; and
- (b) taking into account the characteristics of the Site, land use compatibility and environmental consideration, the rezoning of the Site to “OU(Container Related Uses)” zone is considered suitable and compatible with the surrounding areas predominantly intended for container-related and logistics uses.”

[Mr Ivan C.S. Fu arrived to join the meeting at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Central District Outline Zoning Plan No. S/H4/17
(TPB Paper No. 10599)

[The item was conducted in Cantonese and English.]

32. The Secretary reported that the following Members had declared interests on the item, for having affiliation/business dealings with Ms Mary Mulvihill (R29 and C4), the Foreign Correspondents' Club, Hong Kong (FCCHK) (R3), and Townland Consultants Limited (Townland), Philip Liao & Partners Limited (PLP) and Mr Yeung To Lai Omar (representers' representatives):

- Mr Alex T.H. Lai - his firm hiring Ms Mary Mulvihill on a contract basis from time to time, and having current business dealings with FCCHK and past business dealings with Townland and PLP;
- Mr K.K. Cheung - having past business dealings with PLP, his firm hiring Ms Mary Mulvihill on a contract basis from time to time and having current business dealings with FCCHK and past business dealings with Townland;
- Professor John C.Y. Ng - personally knowing Mr Yeung To Lai Omar;
and
- Mr Thomas O.S. Ho - his firm having past business dealings with Townland.

33. Dr Lawrence K.C. Li declared that his property had direct view of the representation site (the Site). As his interest was direct, Members agreed that he should be

invited to leave the meeting temporarily. Members also noted that Mr Thomas O.S. Ho had tendered apology for being unable to attend the meeting. As Mr Alex T.H. Lai, Mr K.K. Cheung and Professor John C.Y. Ng had no involvement in matters related to the Site, Members agreed that they could stay in the meeting.

[Dr Lawrence K.C. Li left the meeting at this point.]

Presentation and Question Sessions

34. The Chairperson said that notification had been given to the representers and commenters inviting them to attend the hearing, but other than those who were present or had indicated that they would attend the hearing, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representers and commenters, Members agreed to proceed with the hearing of the representations and comments in their absence.

35. The following government representatives, representers, commenters and their representatives were invited to the meeting:

Government Representatives

Planning Department (PlanD)

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

Mr Jerry J. Austin - Senior Town Planner/Hong Kong (STP/HK4)

Development Bureau (DEVB)

Mr José H.S. Yam - Commissioner for Heritage (C for H)

Ms Joey C.Y. Lee - Assistant Secretary (Heritage Conservation)³

Transport Department (TD)

Mr Ivan K.F. Cheung - Senior Engineer/Southern & Peak

Representers, Commenters and their Representatives

R1 - Government Hill Concern Group

R4/C2 - Chan Tanya

R5/C3 - Lee Cheuk Hei

C20 - Mak Hin Shing Ian

Mr Ian Brownlee	]	Representers' and Commenters'
Mr John Batten	]	representatives
Mr Charlton Cheung]	
Ms Cynthia Chan]	
Ms Law Ngar Ning Katty	-	Commenter and Representers' and Commenters' representative

R2 - Kei Yan Primary School Alumni Concern Group

R14 - Mak Hin Shing Ian

R15 - Sam Leung Tat Shun

R16 - Gary Law Wai Ho

C21 - Ricky Fong

Mr Mak Hin Shing Ian	]	Representers and Representers'
Mr Gary Law Wai Ho	]	and Commenter's representatives

R3 - The Foreign Correspondents' Club, Hong Kong

Mr Didier Gilbert Saugy	]	Representer's representatives
Ms Chung Wai Shan]	
Mr John Christopher Slaughter]	

R25/C17 - The Incorporated Owners of Glenealy Tower

C7 - Brewer, John Robert

C18 - Midgley, Jonathan Nicholas

Mr Midgley, Jonathan Nicholas	-	Commenter and Representer's and Commenters' representative
Mr Jon Resnick		Representer's and Commenters' representative

R27 – Bonnie Ng

C12 - John Douglas Moore

Ms Bonnie Ng - Representer and Commenter's representative

R28 – Cheng Lai King, Central and Western District Council Member

C11 - Wilhelmina Evelyn Moore

Ms Cheng Lai King - Representer and Commenter's representative

R29/C4 - Mary Mulvihill

C16 - TST Residents Concern Group

Ms Mary Mulvihill - Representer and Commenter and Commenter's representative

R31 - Hong Kong Sheng Kung Hui Foundation (HKSKH)

HKSKH -

Rev Koon Ho Ming Peter Douglas] Representer's representatives

Mr Kelvin Ng Tsz Ho]

Mr Hessler Lee]

Townland Consultant Ltd -

Ms Cindy Anne Lee Tsang]

Ms Ho Sin Ying]

Philip Liao & Partners Limited -

Mr Liao Yi Kang Philip]

Omar Yeung Architects & Associates Limited -

Mr Yeung To Lai Omar]

Mr Yeung Abdul-Salam]

R32 - Pao Ping Wing

Mr Pao Ping Wing - Representer

C5 - Law Ngar Ning Katty

Ms Law Ngar Ning Katty - Commenter

C10 - Genevieve James Moore

Mr 吳兆康 - Commenter's representative

C13 - Melanie Ann Moore

Mr Sam Yip - Commenter's representative

C14 - Roger Leslie Christian Emmerton

Ms Cherry Wong - Commenter's representative

C15 - Hui Chi Fung

Hon Hui Chi Fung - Commenter

C19 - Benny C.H. Chia

Mr Benny C.H. Chia - Commenter

36. The Chairperson said that two letters received from the representer/commenter (R4/C2) and some members/members-elect of the Central and Western District Council (C&WDC) were tabled at the meeting.

37. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She said that PlanD's representative would be invited to brief Members on the representations and comments. The representers, commenters or their representatives would then be invited to make oral submissions in turn. To ensure the efficient operation of the meeting, each representer, commenter or his or her representative would be allotted 10 minutes for making oral submission. There was a timer device to alert the representers, commenters or their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after all attending representers, commenters or their representatives had completed their oral submissions. Members could direct their questions to government's representatives, representers, commenters and their representatives. After the Q&A session, government's representatives, the representers, commenters or their representatives would be invited to leave the meeting; and the Town Planning Board (the Board) would deliberate on the representations and comments in their absence and inform the representers and commenters of the Board's decision in due course.

38. The Chairperson then invited PlanD's representatives to brief Members on the representations and comments.

39. Mr Jerry J. Austin, STP/HK4, with the aid of a PowerPoint presentation, briefed Members on the representations and comments, including the background of the amendments, the grounds/views/proposals of the representers and commenters, planning assessments and PlanD's views on the representations and comments as detailed in the TPB Paper No. 10599 (the Paper).

40. The Chairperson then invited the representers, commenters and their representatives to elaborate on their representations and comments.

R1 - Government Hill Concern Group

R4/C2 - Chan Tanya

R5/C3 - Lee Cheuk Hei

C20 - Mak Hin Shing Ian

41. With the aid of a PowerPoint presentation, Mr Ian Brownlee made the following main points:

- (a) the Government Hill Concern Group (the Concern Group) comprised various organizations to raise public awareness regarding the preservation of heritage sites including Tai Kwun, the Police Married Quarters (PMQ), Central Market and the former Central Government Offices. It had received international recognition in its work related to the preservation of the former Central Government Offices;
- (b) there were lots of expertise and knowledgeable persons in the civil society, and the District Council (DC) also represented consolidated views of the local community. However, their views were usually ignored by the administration and the Board. In view of recent conflicts in the society and the DC election results, the Chief Executive (CE) had committed to reform her administration's governing style and listen to the public. The Board, being one of the few organizations in Hong Kong which had legal status to communicate with the public, should take the lead to engage the

community in the decision-making process;

- (c) there was a long history for the preservation-cum-development proposal at the Site. HKSKH planned to relocate some of the existing uses and additional space requirements originally to be provided through redevelopment at the Central site (i.e. the Site) to the Mount Butler site. However, the proposed development at the Mount Butler site was opposed by the local residents. HKSKH then proposed to convert the medical centre originally proposed at the Central site to a private hospital, and according to HKSKH, a blessing from the then Chief Secretary (i.e. the CE now) had been obtained;
- (d) a s.12A application submitted by the Concern Group to strengthen preservation of the Site was not agreed by the Board in 2018. However, the Board requested PlanD to consider suitable amendment to the OZP to ensure that the urban design aspect of any redevelopment proposal on the Site would be given due consideration under the planning regime. Notwithstanding that, no effective control mechanism was proposed to the Board except two options of building height restrictions (BHRs), which appeared to be specifically designed for the proposed hospital development. It was noted that some Members of the Board had raised concern on the urban design aspect of the proposed hospital development;
- (e) the proposed hospital development was an excessively tall and out-of-context building, which was located in close proximity to the Government House and a number of historic buildings. Besides, high-rise development in “Government, Institution or Community” (“G/IC”) zone was contrary to the usual planning approach to leave “G/IC” sites as breathing space. The proposed development with 135mPD would not only devastate the character of the Site, but also cause significant adverse visual impact on the townscape of the area;
- (f) the BHR of 135mPD was not confined to the hospital site, but applicable to the whole area of the lower platform of the Site. As HKSKH intended to redevelop all non-graded buildings, there was the possibility that the whole

lower platform would be redeveloped up to 135mPD;

- (g) the redevelopment proposal would result in excessive tree felling and the green oasis at the Site would disappear. Besides, while traffic was a major issue to be considered, no traffic impact assessment (TIA) had been conducted. Due to the lack of technical assessments, it was premature to allow the hospital to proceed;
- (h) comments of the C&WDC on the proposed development, which were only included as an annex in the Paper, had been downplayed. The views among the C&WDC Members were diverse and the over-riding view was that they did not support the proposal. There was also no public comment in support for the proposal, except HKSKH itself and an individual;

[Mr David Y.T. Lui arrived to join the meeting at this point.]

- (i) the lease governing the Site was very restrictive. Any use other than those specified for individual buildings in the lease and any alteration/addition/demolition/redevelopment of any building or buildings would only be allowed subject to the approval of the CE. Lease modification was also required for the proposed hospital which would extend beyond the footprint of the former Hong Kong Central Hospital (HKCH). As such, the Board should not be under pressure to agree to the BHR of 135mPD to facilitate the proposed hospital development. A BHR of 80mPD would not adversely affect the private property rights;
- (j) HKSKH admitted that the proposed hospital was an aggressive scheme and there were great challenges for site formation and development of the hospital due to the physical and geotechnical conditions of the Site. As the proposed hospital was far from ready to commence development and there was a lack of technical assessments to ascertain its feasibility, it was premature for the Board to allow a BHR of 135mPD at the northern part of the Site; and
- (k) hospital development should not be the only option for the Site. Other government, institution or community (GIC) uses could better achieve the

objective of heritage conservation and meet the needs of the community.

42. With the aid of a PowerPoint presentation and the visualizer, Mr John Batten made the following main points:

- (a) the Central and Western Concern Group, which had been set up for 10 years, had been actively participating in heritage conservation in the district. It was appreciated that BHRs had been imposed for the preservation of important heritage sites such as Tai Kwun, PMQ and the Central Market. The s.12A application submitted by the Concern Group was aimed to introduce similar control on the Site;
- (b) while the existing historic buildings at the Site should be preserved as far as possible, it was agreed that flexibility should be provided for redevelopment subject to a BHR of 80mPD and the proposed development should be confined to the footprint of the former HKCH;
- (c) a visual analysis had been conducted by the Concern Group to demonstrate the visual impact of the proposed hospital development. According to the photomontages prepared from a number of view points around HKSKH's compound, the proposed development would be dwarfing the historic buildings and dominating the Government House which was just 50 meters away from the former HKCH. It would cause irreversible adverse visual impact on the Site and the surrounding areas. In particular, the spectacular view of the stepped BH profile in the Mid-levels area as viewed from the roof of the former Murray Building would be devastated;
- (d) the argument in the Paper that a more stringent BHR might necessitate HKSKH to revisit the design of its proposal and would further delay the implementation of the proposed hospital was unsound and irrelevant to the Board's decision. The Board's concern should focus on the proper use of the Site and the appropriate control to be imposed. The interest of the general public in Hong Kong should be accorded with higher priority; and
- (e) given the C&WDC Members were more familiar with the district and

represented the local residents, their views in town planning matters should be respected. It was noted that the proposed hospital development was opposed by the majority of the C&WDC Members and the local community. The Board was urged to listen to the views of the general public and reject the BHR of 135mPD for the northern part of the Site.

43. With the aid of a PowerPoint presentation, Ms Law Ngar Ning Katty made the following main points:

- (a) Bishop Hill, which comprised a number of built heritage, was a historically and culturally significant precinct in Hong Kong. Allowing a BHR of 135mPD to facilitate redevelopment at the northern part of the Site without adequate assessment on its implication was an irrational planning practice;
- (b) in the Board's meeting held on 10.5.2019, only two options of BHRs were provided for the Board's consideration. Despite no detailed development scheme was provided by HKSKH, the Board was urged to make a decision for reason that the proposed hospital development was in a very advanced stage. It should be noted that in July this year, the representative of HKSKH told C&WDC that no detailed development proposal was available. Besides, a proposal in an advanced stage did not justify its approval;
- (c) she doubted if the administration was under pressure to tailor-made a BHR to facilitate the proposed hospital development despite the objection from the C&WDC and the general public. In the "Conserving Central" initiated in 2010, HKSKH originally proposed a community service centre of about 10 storeys at the former HKCH site while some of the additional space requirements were proposed to be transferred to the Mount Butler site. It was noted that Rev Koon Ho Ming of HKSKH told the South China Morning Post in an interview last year that he was advised by the then Chief Secretary to explore hospital development at the Site in their personal discussion in 2013. Given the below average bed occupancy rate in the nearby Canossa Hospital, there was no imminent need for another new private hospital in the district;

- (d) HKSKH had explored the feasibility to redevelop two existing buildings within their compound near Caine Road for residential use in 2010. It also had an intention to redevelop the whole Site for more profitable use. That explained why the existing buildings, which could be used to serve the local community, had been vacated for about 10 years; and
- (e) 14 current and elected C&WDC Members had signed a petition letter and urged HKSKH and the Development Bureau (DEVB) to put on hold the proposed private hospital development. The Board should consider a more stringent BHR of 80mPD for the northern part of the Site, which would be more compatible with the historic ambience of the old city core in Central.

44. With the aid of a PowerPoint presentation, Mr Charlton Cheung made the following main points:

- (a) it was unreasonable to say that TIA was not necessary for the consideration of appropriate BHR on the basis that there was no change in the land use zoning of the Site. It should be noted that a BHR represented a certain intensity of development. Besides, as the BHR of 135mPD was imposed to maximize the development potential and land utilization at the Site, the development intensity induced by the BHR was obvious;
- (b) as compared with the former HKCH, the proposed hospital would provide more comprehensive medical services and the number of beds (a minimum of 274 beds under the Food and Health Bureau's requirement) would be triple that of the former HKCH (about 80 beds). As such, its traffic implication would be significant. According to the Town Planning Board (TPB) guidance notes for s.12A application, a TIA was required for application involving any use or development that might cause traffic impacts;
- (c) given visual impact analysis was subjective, TIA could provide a more objective and scientific assessment for the determination of an appropriate BHR at the Site. However, it was noted that the TIA was still being

conducted by HKSKH. There was insufficient information for the Board to decide on a specific BHR for the Site;

- (d) while technical assessment would be required in lease modification, it was inappropriate to merely rely on the Transport Department as the single authority to vet the TIA. Otherwise, no technical assessment would be required in all other applications if it was considered that the visual impact was not insurmountable;
- (e) given there was no scientific ground to help determine an appropriate BHR for the Site, the BHR of 135mPD was merely reflecting the proposal submitted by HKSKH and avoiding further delay in the implementation of the proposed development. There was doubt on whether the Board had performed its function as it had not provided any vision on the district's future development. The Board should also take into account the situation that if HKSKH changed the mind and not to proceed with the proposed hospital development;
- (f) as demonstrated by a bird's eye view photo of the Government House, the proposed hospital development with 135mPD would adversely affect the setting of the environment around the Government House;
- (g) there was severe traffic problems around the Site, including narrow footpaths, steep slopes and the lack of direct vehicular access. Besides, there was inadequate space within the Site for car manoeuvring and parking purposes; and
- (h) according to a paper of the Legislative Council (LegCo) Panel on Development in 2014, the original intention for the preservation-cum-development proposal was to facilitate the optimal preservation of four historic buildings at the Site. However, the proposed hospital development with a BHR of 135mPD was contradictory to that objective.

45. With the aid of a PowerPoint presentation, Ms Cynthia Chan made the following main points:

- (a) the need of extra hospital beds on Hong Kong Island (HKI) was in doubt. There was a surplus of 1,731 hospital beds on HKI under the requirement of the Hong Kong Planning Standards and Guidelines. According to the LegCo Examination of Estimates of Expenditure 2019-2020, the average bed occupancy rate of private hospitals in Hong Kong was 58.5% in 2017, meaning a surplus of 41.5%. The average bed occupancy rate for Canossa Hospital, the nearest hospital to the Site, was only 39% (a surplus of 61%). It should be noted that the surplus would even be higher after the Gleneagles Hong Kong Hospital in Wong Chuk Hang had commenced operation in 2018;
- (b) it was mentioned in the TPB Paper No. 10536 (main paper and Annex V) that there were about 60 hospital beds deficit in the Central District and the shortfall of hospital beds in the area could be catered for by surplus provision of hospital beds in the Southern District which was within the same hospital cluster;
- (c) if the proposed hospital with reduced scale was not viable, HKSKH could reconsider other smaller scale GIC uses as permitted under Column 1 of the “G/IC” zone, e.g. district health centre, district welfare facilities and elderly facilities. As those facilities could be accommodated in purpose-built premises, they could better suit the site context and meet the social needs;
- (d) there were two proposals for amendments to the OZP to meet the representations:
 - (i) Proposal 1: to rezone the Bishop Hill and Government Hill to “Other Specified Uses” annotated “Historical Site Preserved for Government and Religious Uses” and impose site specific BHRs;
 - (ii) Proposal 2: to apply a BHR of 80mPD for the whole Site; a site coverage (SC) to restrict the proposed development to the footprint of the former HKCH; and a separation of 10m from the historic buildings, or the existing separation distance, whichever was the less;

- (e) the proposed development control had given due respect to the private property rights by allowing certain flexibility for redevelopment. The BHR of 80mPD had allowed about 20 metres flexibility in redevelopment potential. The SC restriction was aimed to facilitate suitable building mass while preserving the landscape area; and
- (f) there was no need for the Board to rush for a decision as HKSKH's redevelopment proposal was far from ready to proceed. The Board should give due consideration to the views provided by the public and the C&WDC before making a decision.

R2 - Kei Yan Primary School Alumni Concern Group

R14 - Mak Hin Shing Ian

R15 - Sam Leung Tat Shun

R16 - Gary Law Wai Ho

C21 – Ricky Fong

46. With the aid of a PowerPoint presentation, Mr Mak Hin Shing, Ian made the following main points:

- (a) he was the speaker for Kei Yan Primary School Alumni Concern Group, which was established in July 2019 and had 60 members including alumni and teachers. He was born in the former HKCH, a graduate from the Kei Yan Primary School and the Architectural Conservation Program in the University of Hong Kong, as well as a town planner;
- (b) the crux of the discussion was not an appropriate BHR for the Site, but the legitimacy and rationality of the preservation-cum-development proposal, which did not respect the historic context and proposed to demolish a number of existing buildings at the Site;
- (c) should the proposed hospital with excessive building mass be developed, the Bishop House and St. Paul's Church would be dwarfed under the hospital, similar to the 'Red Brick House' (the former pumping station of Water

Supplies Department) hidden by the high-rise building at 8 Waterloo Road, which was highly unsatisfactory;

- (d) it was proposed to restrict the development area of the proposed hospital to the former HKCH site and reduce the BHR to the height of the existing Ming Hua Theological College. Besides, the Old SKH Kei Yan Primary School, Ming Hua Theological College and SKH Kindergarten could be converted into a SKH religious and cultural museum and a theological youth hostel to promote religious education and culture. The former HKCH could be converted to a district health center to serve the grassroots;
- (e) given the query on the integrity of the person-in-charge in HKSKH, HKSKH's claim that the proposed private hospital was non-profit-making and for the benefit of the society was in doubt. According to a comparison between private and public hospitals, the fees charged by the private hospital were much higher than that in the public hospital. Besides, it was noted that private hospitals had made huge profits which were not subject to taxation. There was reasonable ground to believe that HKSKH was trying to make huge profits from private hospital development;
- (f) previous cases had demonstrated that individual religious institutions were cooperating with property developers to convert "G/IC" sites for residential uses in order to make huge profits. Examples included residential development at the sites of the Union Church and the SKH St. Christopher's Home. Another recent case was the proposed redevelopment of the Hong Kong Bible Research and Education Centre of the Shatin Assembly of God Church for residential use which was rejected by the Board;
- (g) the conservation management plan (CMP) submitted by HKSKH was unprofessional and far from satisfactory as only the façades of the Old SKH Kei Yan Primary School, which was a Grade 2 historic building, would be preserved;
- (h) there were severe technical problems inherent in the proposed hospital development including geotechnical, environmental, traffic and visual

impacts, for which HKSKH had yet to submit feasible technical assessments to address the problems;

- (i) there was a lack of consultation for the proposed hospital development. One of the persons-in-charge of HKSKH had once told him that the parishioners would not be consulted as they were not stakeholders of the project. There was also no proper consultation for the C&WDC and the local residents;
- (j) contemporary heritage conservation would emphasize the preservation of buildings, ambience and the culture of the heritage site in a holistic manner. Examples included the preservation of Pok Fu Lam Village and the Blue House in Wan Chai. The former HKCH, which had adopted a Bauhaus built form similar to the Wan Chai and Central Markets, should be preserved. Besides, building with no grading did not mean that they had no preservation value. For example, the former Murray Building and the PMQ were worth of preserving. As such, preservation of the Bishop Hill should make reference to the preservation of the Government Hill in that the whole area should be preserved in a holistic manner. The Government should also consider resuming private land with significant heritage value for the sake of better preservation; and
- (k) there were 5 demands, namely (i) HKSKH to withdraw the private hospital proposal; (ii) establishing an Independent Commission of Inquiry to investigate cases related to the abuse of the town planning mechanism to convert “G/IC” sites to other uses for making enormous profits; (iii) returning the sites with heritage significance to the Hong Kong people; (iv) reforming the out-dated heritage conservation policy; and (v) applying for inclusion of the Bishop Hill and the Government Hill into the list of World Heritage Sites.

[Mr Sunny L.K. Ho left the meeting at this point.]

R3 - The Foreign Correspondents' Club, Hong Kong (FCC)

47. Mr John Christopher Slaughter made the following main points:

- (a) he spoke on behalf of the Board of Governors and members of FCC. Since 1982, FCC occupied part of the Old Dairy Farm Depot, which was a Grade 1 historic building at Lower Albert Road opposite to the Bishop Hill;
- (b) despite FCC was only a tenant of the building, it had put in tremendous resources to maintain the building. They had actively participated in the society by organizing frequent speaker's events and had a strong sense of belonging to the neighbourhood; and
- (c) the Board was urged not to allow the preservation-cum-development project at Bishop Hill as it would create a long-term and very negative impact on the heritage, character and environment of the surrounding areas.

R25/C17 - The Incorporated Owners of Glenealy Tower

C7 - Brewer, John Robert

C18 - Midgley, Jonathan Nicholas

48. With the aid of the visualizer, Mr Midgley, Jonathan Nicholas made the following main points:

- (a) he queried why a private hospital was proposed by the Church (i.e. HKSKH), a religious organization, and located at a site with historic value. It appeared that the Church was not aiming to do something for the benefit of the society, but instead to make huge profit from the private hospital development;
- (b) the Church had lots of properties and a land bank, and a long history of making enormous profit from property development. Its charitable status was in question and tax issues had become the subject of a Court of Final Appeal decision;
- (c) the need of a private hospital was in doubt, given there was Canossa Hospital which was only 900 metres away (9 minutes' walk) from the Site. Besides, the average bed occupancy rate of Canossa Hospital, which was only 39% in 2017, was decreasing. No supporting information on the need of a private hospital at the Site had been provided so far;

- (d) there was severe traffic congestion in the area and the additional traffic induced by the proposed hospital development would further aggravate the existing problems. Besides, the surrounding environment would be adversely affected during the long construction period;
- (e) while the proposed hospital development was objected to, the Church was welcome to revert to its original proposal by providing a clinic in the existing buildings; and
- (f) the Board was urged to refrain itself from any pressure to approve the proposed private hospital, to act bold and find a solution such that the historic important site would not be destroyed.

[Mr Stephen L.H. Liu left the meeting at this point.]

R27 – Bonnie Ng

C12 - John Douglas Moore

49. Ms Bonnie Ng made the following main points:

- (a) in a recent C&WDC meeting discussing HKSKH's preservation-cum-development proposal, all members opposed to the scheme on different aspects. For example, there was no TIA to substantiate that the proposed development would not cause adverse traffic impact on the area, and the visual impact from the proposed development was unacceptable;
- (b) there was increasing awareness among the local residents on conservation issues, which could be demonstrated by the request to preserve the Government Hill in a holistic manner. As the Central District, the earliest settlement and development area in Hong Kong, had a unique history and lots of heritage sites, it should be better preserved for our future generation;
- (c) in the new term of the C&WDC, there was a plan to propose preserving the whole district as a historic precinct, within which the Government Hill and

the Bishop Hill would be important elements. If the proposed hospital development was approved by the Board, there would be irreversible destruction to the historic precinct; and

- (d) the C&WDC was not opposing the provision of medical services in the district. Should HKSKH wish to pursue the idea, the preservation-cum-development proposal should be revised and the local residents should be adequately consulted.

R28 – Cheng Lai King, Central and Western District Council Member

C11 - Wilhelmina Evelyn Moore

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

- (a) she graduated from a primary school under HKSKH, and her child also graduated from SKH Kei Yan Primary School;
- (b) “Conserving Central” was a standing agenda item in the C&WDC meetings. During the terms of 2012-2015 and 2016-2019, while there were more than 20 meetings in each term, representatives from HKSKH only attended three meetings in total to brief members on the preservation-cum-development proposal at the Site. Besides, no detailed information including technical assessments was provided for the discussion and consideration of the C&WDC;
- (c) while it was mentioned in the Paper that C&WDC had been consulted, it should be noted that the proposed hospital had not been fully deliberated in and agreed by the C&WDC. 14 current and elected C&WDC members had submitted a petition letter requesting HKSKH and DEVB to put on hold the proposed hospital project. As the preservation-cum-development proposal would be discussed in the new term of the C&WDC, the Board should not approve the scheme at this juncture of time;
- (d) given the large scale of the proposed development and its proximity to the Government House, it was anticipated that the proposed development

would create dwarfing effect to the Government House upon its completion. This could be demonstrated by an example of the development of the Grand Panorama in Robinson Road which had hidden the Sacred Heart Chapel, Hong Kong;

- (e) according to her previous experience in the preservation of Kom Tong Hall for use as Dr Sun Yat-sen Museum, a bottom-up approach was important for the preservation of heritage sites. Given the importance of the built heritage in the Central District, she would strive to protect every single element as far as possible;
- (f) the area from Statue Square to the Hong Kong Zoological & Botanical Garden, and from Garden Road to Wyndham Street formed an intact old city core in Hong Kong which was worth preserving. The proposed hospital development, no matter in what built form, would have devastating effect to the old city core if a BHR of 135mPD was allowed; and
- (g) an optimal option was to preserve the former HKCH and convert it into a clinic to serve the local residents. Besides, the traversing tunnels underneath the Site should be better utilized to reduce trip generation to the Site.

51. The meeting was adjourned for lunch break at 12:50 p.m.

[Dr Lawrence W.C. Poon, Miss Winnie W.M. Ng, Mr Franklin Yu and Mr Andy S.H. Lam left the meeting at this point.]

52. The meeting was resumed at 2:00 p.m. on 6.12.2019.

53. The following Members and the Secretary were present at the resumed meeting:

Permanent Secretary for Development
(Planning and Lands)
Ms Bernadette H.H. Linn

Chairperson

Professor S.C. Wong

Vice-chairperson

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Stephen H.B. Yau

Dr F.C. Chan

Mr David Y.T. Lui

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Dr C.H. Hau

Mr Alex T.H. Lai

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

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

Deputy Director of Environmental Protection (1)
Environmental Protection Department
Mr. Elvis W.K. Au

Assistant Director (Regional 1)
Lands Department
Mr. Simon S.W. Wang

Director of Planning
Mr Raymond K.W. Lee

Agenda Item 4 (Continued)

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of Draft Central District Outline
Zoning Plan No. S/H4/17
(TPB Paper No. 10599)

[The item was conducted in English and Cantonese.]

Presentation and Question Sessions (Continued)

54. The following government representatives, representers, commenters and their representatives were invited to the meeting at this point:

Government Representatives

Planning Department (PlanD)

Mr Louis K.H. Kau

- District Planning Officer/Hong Kong
(DPO/HK)

Mr Jerry J. Austin - Senior Town Planner/Hong Kong 4
(STP/HK4)

Development Bureau (DEVB)

Mr José H.S. Yam - Commissioner for Heritage (C for H)

Ms Joey C.Y. Lee - Assistant Secretary (Heritage
Conservation)3

Transport Department (TD)

Mr Ivan K.F. Cheung - Senior Engineer/Southern & Peak (SE/
Southern & Peak)

Representers, Commenters and their Representatives

R1 - Government Hill Concern Group

R4/C2 - Chan Tanya

R5/C3 - Lee Chuek Hei

C20 - Mak Hin Shing Ian

Mr Ian Brownlee] Representers' and Commenters'
Ms Cynthia Chan] representatives
Ms Law Ngar Ning Katty - Commenter and Representers' and
Commenters' representative

R2 – Kei Yan Primary School Alumni Concern Group

R14 – Mak Hin Shing Ian

R15 – Sam Leung Tat Shun

R16 – Gary Law Wai Ho

C21 - Ricky Fong

Mr Mak Hin Shing Ian - Representer and Representers' and
Commenter's representative

R29/C4 – Mary Mulvihill

C16 – TST Residents Concern Group

Ms Mary Mulvihill - Representer and Commenter and
Commenter's representative

R31 – Hong Kong Sheng Kung Hui Foundation (HKSKH)

HKSKH -

Rev Koon Ho Ming Peter Douglas] Representer's representatives

Mr Kelvin Ng Tsz Ho]

Mr Hessler Lee]

Townland Consultant Ltd -

Ms Cindy Anne Lee Tsang]

Ms Ho Sin Ying]

Philip Liao & Partners Limited -

Mr Liao Yi Kang Philip]

Omar Yeung Architects & Associates Limited

Mr Yeung Abdul-Salam]

R32- Pao Ping Wing

Mr Pao Ping Wing - Representer

C5 - Law Ngar Ning Katty

C14 – Roger Leslie Christian Emmerton

Ms Law Ngar Ning Katty - Commenter and Commenter's
representative

C13 – Melanie Ann Moore

Mr Sam Yip Commenter's representative

C15 – Hui Chi Fung

Hon Hui Chi Fung Commenter

C19 – Benny C.H. Chia

Mr Benny C.H. Chia

Commenter

55. The Chairperson welcomed the representers and commenters to continue attending the hearing of representations and comments in respect of the draft Central District Outline Zoning Plan No. S/H4/17 (the draft OZP) and encouraged the representers and commenters to stay for the question session.

R29/C4 – Mary Mulvihill

C16 – TST Residents Concern Group

56. Ms Mary Mulvihill made the following main points with the aid of visualizer:

- (a) the shortfall of hospital beds as stated in the TPB paper No. 10536 for proposed amendments to the Approved Central District OZP No. S/H4/16 (TPB paper No. 10536) was 59.5 while the shortfall of hospital beds as stated in the TPB paper No. 10599 for consideration of representations and comments in respect of the draft Central District OZP No. S/H4/17 (the Paper) was 801 which was calculated based on the Central and Western (C&W) District. There was manipulation of figures to support HKSKH's hospital proposal;
- (b) the historic buildings within the representation site (the Site) were vacant for years. As it was the only "G/IC" site in Central which had scope to provide additional facilities, the Site should be used for providing community services not only to serve the residents but also the workers in Central. It appeared that the private hospital proposed by HKSKH was not for the general public;
- (c) HKSKH indicated that the private hospital would provide affordable beds to the general public. However, figures showed that the number of patient transferred from public hospital to private hospital in the 2018/19 winter surge was only 16. It was questionable whether the proposed private hospital would serve the community;

- (d) according to the GIC table appended to the Paper, there was a lack of elderly services provided in the C&W District. It was proposed to set up a district health center, similar to the one in Kwai Tsing, or a sanatorium for frail patients at the Site;
- (e) only 10% of the total population would use private hospital services. By calculation, the 175 beds provided by Canossa Hospital in the Central District could sufficiently serve the population in the area. Also, there was a surplus of 392 hospital beds for the planned population in the Central and Western, Wan Chai, Eastern and Southern Districts. There was therefore no justification to provide an additional private hospital in Central;
- (f) on the contrary, there was a lack of private hospitals in the New Territories. As the population in the New Territories was booming, new private hospital could be located there to serve the needs. Also, medical tourism could be promoted if there were new private hospitals located near the airport or the Hong Kong-Zhuhai-Macau Bridge. Those hospitals could generate employment opportunities for the residents in the New Territories and reduce the travelling trips; and
- (g) the Site was a landmark with a number of historic buildings, e.g. the Bishops House. If excavation works commenced, some buildings might collapse due to the unknown underground conditions. The tangible heritage value of the Site should be preserved with its surrounding environment.

R31 – HKSKH

57. With the aid of a PowerPoint presentation, Rev Koon Ho Ming Peter Douglas, Mr Liao Yi Kang Philip, Ms Cindy Anne Lee Tsang and Mr Yeung Abdul-Salam made the following main points:

- (a) HKSKH in the past 170 years had provided education, community services and medical services to the needy in Hong Kong. The former Hong Kong

Central Hospital (HKCH) provided affordable medical services for the grassroots. HKSKH treasured very much those on-site historic buildings. The Bishop's House, for example, was not opened to the public previously as the Bishop lived there, but the historic buildings under the proposal would be opened to the public after revitalisation;

- (b) the proposed development was a non-profit making hospital, with 1/3 of hospital beds to be reserved for patients under affordable package plans. The proposed hospital being located in Central, would facilitate the private doctors concentrated in the district to voluntarily provide consultation service in the hospital for those in need;
- (c) a foundation would be set up for the proposed private hospital. The profits, if any, to be generated from the hospital would support the preservation of the historic buildings on-site as well as providing primary health care services of the grassroots. Currently, HKSKH had made a proposal to the government for converting the former St. Christopher's Home building to home care center for the elderly. Although some representers had queried that HKSKH would make financial benefits through these redevelopment projects, HKSKH, as a religious and non-profit making organization, believed that the projects they proposed would bring social benefits to the community;
- (d) the proposed hospital project had been regularly discussed in the Central & Western District Council (C&WDC). HKSKH was willing to attend DC meetings upon receiving formal invitation. Relevant technical assessments for the project were under preparation. Upon confirmation of the development restrictions of the Site, those technical assessments would be finalised accordingly;
- (e) the Church Guest House was originally not a graded historic building but the church had voluntarily retained the building and finally it was listed as Grade I. The current project was not only for preserving historic buildings but also providing public space within the Site that would be accessible by the general public;

- (f) due to the physical constraints of the Site, the imposing of building height restriction (BHR) would pose a great challenge for the hospital development. The Marunouchi Building in Tokyo was a good example to demonstrate the integration of historic buildings with new high-rise buildings with the provision of public open space. Similarly, the proposed hospital would not ruin the ambience of the area and it could offer an opportunity for HKSKH to provide a top-rated place with historical preservation and public interface;
- (g) the proposed hospital building would be confined within a small footprint to achieve the minimum number of hospital beds and a cantilever design was adopted to enhance the efficiency. The floor-to-floor height of the hospital was comparable to other existing hospitals nowadays. Regarding the geotechnical issue of the provision of basement carpark, references had been made to some previous schemes while further geotechnical investigation would be needed to ascertain the details of the proposal;
- (h) HKSHK proposed to relax the BHR from 135mPD to 150mPD and 80mPD to 100mPD in the northern and southern portion of the HKSHK compound respectively to allow more flexibility in architectural design, especially if the excavation works could not allow a 3-storey basement in the northern portion together with the constraint of not allowing a larger footprint. There were two non-graded buildings located at the southern portion of the Site, namely Alford House and Ridley House at Upper Albert Road with no redevelopment programme at the current stage. Should the two buildings be redeveloped for day care center or elderly care home in future, a more lenient BHR of 100mPD could provide flexibility for the design to meet the modern building requirements; and
- (i) HKSKH had two main objectives for the project, i.e. heritage preservation and the provision of a hospital with a minimum of 274 beds for societal needs. It was hoped that the Board would treasure the efforts HKSKH had made and its mission to serve the community continuously at the Site.

R32 – Pao Ping Wing

58. Mr Pao Ping Wing made the following main points:

- (a) the Site was originally without any BHR. BHR should not be imposed on the Site as HKSKH intended to redevelop the Site for a non-profit making hospital instead of a residential or other profit-making developments. The proposal should be considered with reference to its appropriateness, social benefits and fulfilment of societal needs;
- (b) as the proposed private hospital was meant to be developed as a self-sustainable project, the scale and facilities of the development should meet certain threshold. If BHR was imposed on the Site, future expansion of the hospital to meet the community need would be limited;
- (c) some people objected to the proposed private hospital development but showed support for a public hospital at the Site. From the land use planning point of view, whether the hospital would be public or private should not be a matter of concern; and
- (d) as a non-profit making hospital, the profits to be generated from the project, if any, would be spent on other services provided by HKSKH.

C13 – Melanie Ann Moore

59. Mr. Sam Yip made the following main points:

- (a) he was a designated member of C&WDC and 2016-17 co-opted member of the C&WDC Traffic and Transport Committee;
- (b) he strongly objected to HKSKH's proposal. The item had been discussed for more than twenty times in the meetings of C&WDC. HKSKH had only attended two to three times and did not provide concrete information or data as requested by C&WDC. He believed that the Board should only make a

decision on a proposal when all the relevant information was available;

- (c) HKSKH claimed that the project was to provide a non-profit making hospital. However, it was questionable whether the profits generated would be spent in accordance with HKSKH's motto "Not to be served but to serve";
- (d) with reference to SCMP's report on 26.7.2018, it seemed that the BHR of 135mPD was tailor-made for HKSKH. The Site itself had historical value and the Board should value public voices gathered through various public consultations;
- (e) more than half of the hospital beds in the Southern District were not occupied due to the shortage of medical and health care staff. Also, more than six private hospitals were located on Hong Kong Island but far less private hospitals were located in the New Territories. It was questionable whether an additional private hospital should be located on Hong Kong Island and within Central; and
- (f) regarding the private hospital project proposed by HKSKH, it was not comparable to that in Marunouchi, Tokyo as presented by the representer's representations as no new development was built over the heritage buildings in Marunouchi. In addition, the concept of preservation-cum-development was outdated. Members should consider to preserve the historical area comprehensively rather than preserving individual building blocks.

C5 – Law Ngar Ning Katty

C14 – Roger Leslie Christian Emmerton

60. Ms Law Ngar Ning Katty made the following main points:

- (a) HKSKH's proposal of putting up a high-rise hospital on a landmark site was ridiculous. Taking the example of Tai Kwun, some historic buildings, e.g. Block 4, were damaged due to the construction of new buildings at the site. It was well-known that there was a geotechnical problem associated with the

sloping site including soil erosion and the existence of air raid tunnels under the site but no geotechnical assessment was conducted for the proposed use. Taking the Urban Renewal Authority Project at Wing Lee Street for a proposed 30-storey building as an example, the geotechnical assessment conducted for the project indicated that the excavation works might lead to land subsidence or problems of settlements. Taking into account, the geotechnical concern, together with the historical value of the 'Tong Lau' (唐樓) cluster in that area, the project proponent finally agreed to withdraw the proposal;

- (b) the Board should request HKSKH to prepare relevant reports, including geotechnical assessment report, to substantiate its proposal prior to making the decision for a BHR of 135mPD for the northern portion of the HKSKH compound;
- (c) 14 existing and designated C&WDC members signed a joint declaration to object to the proposed hospital project at the Site and requested HKSKH to withdraw the proposal; and
- (d) she urged the Board not to uphold HKSKH's representation asking for further relaxation of BHR. It would be more appropriate for the Board to uphold their representations to amend the BHR from 135mPD to 80mPD so as to preserve the historical area as a whole.

61. As the presentations of PlanD's representatives, the representers, commenters and their representatives had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions and the Chairperson would invite the representers, commenters, their representatives and/or the government representatives to answer. The Q&A session should not be taken as an occasion for the attendees to direct questions to the Board or for cross-examination between parties.

62. The Chairperson invited DPO/HK to elaborate on the amendments made to the OZP which should be the focus of discussion in the current hearing. She also asked

DPO/HK to explain whether the BHRs imposed on the Site should apply to all developments on the Site or just for the hospital development only.

63. Mr Louis K.H. Kau, DPO/HK, PlanD, responded that the draft Central District OZP exhibited on 24.5.2019 included two amendments, i.e. the incorporation of BHR of 135mPD and 80mPD for the northern and southern portion respectively of the HKSKH compound site. The zoning for the HKSKH compound site remained unchanged as “G/IC”. In other words, any new developments within the northern portion of the Site would be restricted to a maximum building height of 135mPD while that for new developments within the southern portion would be restricted to a maximum building height of 80mPD. He drew Members’ attention that ‘hospital’ was a Column 1 use under the “G/IC” zone which was always permitted.

64. The Chairperson thanked DPO/HK for the explanation and then invited Members for questions.

65. The Chairperson noted Hon. Hui Chi Fung (C15) and Mr Benny C.H. Chia (C19) arrived during the Q&A session. Noting that they were presented in the morning session and their oral representations had not yet been made, she invited them to give their oral representations which were summarised below.

C19 – Benny C.H. Chia

66. Mr Benny C.H. Chia made the following main points:

- (a) he was the Director and the Founder of the Fringe Club and had been working at the site opposite to the HKSKH compound for the past 30 years. He had used the service provided by the HKCH before and recalled that the hospital could not sustain its operation due to the lack of medical staff and high rental fee requested by HKSKH;
- (b) the wall effect from a hospital building with a building height up to 135mPD would create adverse visual and air ventilation impacts on the Fringe Club;

- (c) a legal case in relation to Club Lusitano was that a planned basement car park could not be developed at the end as prior geotechnical survey was not carried out. It was not practical to plan for a 25-storey building including a 3-storey basement in the HKSKH compound without conducting a geotechnical assessment before hand; and
- (d) it would be more appropriate to provide a clinic at the Site to serve the community rather than building a massive hospital.

C15 – Hui Chi Fung

67. Hon. Hui Chi Fung made the following main points:

- (a) the proposed hospital would not only serve the Central residents but all residents in Hong Kong and would add traffic load to the area. C&WDC had requested HKSKH to provide Traffic Impact Assessment (TIA) for the project but only a layout plan showing a 22-storey building above ground proposed at the Site was presented in the past C&WDC meetings;
- (b) it was not appropriate to build a private hospital in Central with lots of uncertainty and risks. The proposed development was not justified;
- (c) among the 15 C&WDC members elected in November 2019, 14 of them objected to HKSKH's proposal;
- (d) there was no explanation on the rationale for the two BHR options of 120mPD or 135mPD at the northern portion of the Site as recommended by PlanD for the Board's consideration in May 2019. It seemed that the BHR of 135mPD was tailor-made for the HKSKH project;
- (e) it appeared that HKSKH's proposed private hospital project with 293 beds was a deal for land premium concession; and

- (f) PlanD indicated that the proposed development would not generate adverse visual impact. However, the viewpoints selected, such as the Peak, were far from the subject site. An approval of the BHR of 135mPD was not justifiable.

68. The Q&A session resumed after the presentation of each of the two commenters.

Technical Assessments

69. Members raised the following questions:

- (a) whether it was a requirement to carry out technical assessments for determining amendments to OZP which involved imposition of BHR and whether any technical assessments had been conducted in association with the imposition of the 135mPD and 80mPD BHR for the Site;
- (b) whether the Board could request HKSKH to submit technical assessments for the proposed hospital development, especially on geotechnical, air ventilation and traffic aspects; and
- (c) whether HKSKH would submit technical assessments to the Board as it had indicated that some preliminary findings were in hand.

70. Mr Louis K.H. Kau, DPO/HK, said that the current amendments to the draft Central District OZP only involved imposition of BHR. Visual appraisal had been conducted to facilitate Members of the Board to visualize the three-dimensional relationship of the proposed development on the Site and with the surrounding context. Since the amendments did not involve changes to land use zoning, other technical assessments had not been conducted.

71. Mr José H.S. Yam, C for H, supplemented that HKSKH had to apply for lease modification from the Lands Department (LandsD) for hospital use. HKSKH would be required to submit various technical assessments, if any, to the satisfaction of the relevant government departments at that stage. Under such circumstances, a comprehensive TIA

report covering the proposed developments including the hospital and other religious institution uses should be furnished for review. HKSKH had also engaged a heritage consultant to draw up a Conservation Management Plan. The C&WDC would be further consulted during the lease modification stage when the findings of relevant technical assessments were available. The lease modification would be subject to the Chief Executive in Council (CE in C)'s approval.

72. Rev Koon Ho Ming Peter Douglas and Ms Cindy Anne Lee Tsang, representatives of R31, said that several preliminary technical assessments had commenced. However, all those assessments were still in progress and had not yet been completed since new development restrictions including BHR on OZP might be imposed on the Site. HKSKH was a non-profit making organisation and the proposed development was a hospital and not a property development. HKSKH did not have the resources to conduct technical assessments to cater for different development restrictions scenarios. Once the development restrictions imposed on the OZP for the Site had been confirmed, the relevant assessments would be finalised accordingly and HKSKH would submit the findings of the assessment to concerned government departments for consideration.

73. Regarding the submission requirement on technical assessments, Mr. Sam Yip, representative of C13, pointed out that various technical assessments including TIA and preliminary environmental review had been submitted in a s16 planning application for proposed minor relaxation of BHR for the Western Police Married Quarters. By the same token, HKSKH should submit technical assessments to the Board to substantiate the building height of its proposed hospital development.

74. The Chairperson followed with a question on whether the reference to a s16 application was relevant to the current amendments to the OZP. Mr. Raymond K.W. Lee, D of Plan (D of Plan), explained that the minor relaxation of BHR for the Western Police Married Quarters was a s16 planning application at a particular site which was considered on the individual merits based on a specific scheme. The current amendments involved imposition of BHR on OZP on the Site which previously had no BHR. The situations were different and involved different procedures under the provision of the Town Planning Ordinance (the Ordinance). The current amendments to the OZP did not involve changes in land use nor were they related to any specific development scheme.

Geotechnical Aspect

75. A Member asked whether geotechnical assessment had been conducted by HKSKH for the proposed hospital use on the Site.

76. Ms Cindy Tsang, representative of R31, responded that as a normal practice, geotechnical assessment would only be conducted at the detailed design stage. Rev Koon Ho Ming Peter Douglas, representative of R31, supplemented that some preliminary assessments on geotechnical aspect had been carried out. However, those findings had not yet been submitted pending a comprehensive geotechnical assessment to confirm the results. The comprehensive assessment would be conducted once the BHR at the Site was confirmed. If the preliminary assessment indicated that construction of a three-storey basement was questionable, HKSKH would sought a relaxation of BHR to 150mPD at the north portion of the Site.

Traffic Aspect

77. Regarding the traffic arrangement/ impact of the proposed hospital, Members raised the following questions:

- (a) whether the parking arrangement and loading/unloading bays provided on Site would be sufficient to avoid vehicles from queuing back to/from public road;
- (a) any potential traffic impact/problem in the area; and
- (b) the number of population, including staffs and patients, for estimating the traffic impact arising from the proposal.

78. Ms Cindy Tsang, representative of R31, supplemented that HKSKH had conducted a preliminary TIA. The assessment indicated that with the traffic measures introduced, the surrounding roads would have sufficient capacity to accommodate the proposed hospital development. There was at present double parking problem along the street outside the Site which could be tackled by enforcement.

79. Mr José H.S. Yam, C for H, with the aid of the visualizer, shared with Members a plan showing the arrangement of pick up/drop off for ambulances and other vehicles within the Site. He emphasised that the plan had been included in a paper submitted to C&WDC for discussion in March 2018 (which was in the public domain) and the same information was also presented to the Board in May 2019 for reference when the Board discussed the proposed amendments to the approved Central District OZP No. S/H4/16. The plan showed that a manoeuvring space would be provided for ramping down to the basement carpark near Lower Albert Road. There would be various loading/unloading bays, including three parking spaces for ambulances and two parking spaces for taxi/private cars, within the Site. For traffic measures, HKSKH proposed that only right turn was allowed for vehicles leaving the Site from Lower Albert Road to Garden Road. While vehicular ingress/egress would be located at the eastern boundary along Lower Albert Road, the main pedestrian access was proposed at Glenealy to separate the vehicle and pedestrian circulation.

80. Regarding the potential traffic impact/problem in the area, Mr Ivan K.F. Cheung, SE/Southern & Peak, responded that HKSKH had been liaising with TD and had provided some preliminary TIA findings to TD. The findings indicted that vehicles going to and from the proposed hospital would mainly make use of Lower Albert Road, Cotton Tree Drive and Garden Road. The road had sufficient capacities to absorb the traffic generated from the proposed hospital. Currently, the traffic congestions at Caine Road, Glenealy, Ice House Street and Wynham Street were result of illegal parking and TD were working closely with Police to resolve the issue. Yet, most of the traffic trips generated from the proposed hospital would not route through those congested roads.

81. In response to the question on the anticipated traffic generation of the hospital for the preliminary assessment, Mr Ivan K.F. Cheung, SE/Southern & Peak, said HKSKH had made reference to a similar private hospital development on the Hong Kong Island, with corresponding proportion of hospital beds and outpatient service provided. The estimated figures had already included the trips generated by the hospital staffs. The methodology was considered acceptable.

82. A Member asked if the plan shown by C for H on transport arrangement within the Site had been included in the Paper and queried if such information could be provided at the meeting. In response, Mr Louis K.H. Kau, DPO/HK, said that while the plan had not been included in relevant TPB papers, it had been included in the C&WDC paper as mentioned by C for H. Ms Mary Mulvihill (R29/C4 and representative of C16) questioned the capacity of DEVB's representative (C for H) in answering Members' question on traffic impact while Mr Ian Brownlee (representative of R1, R4, R5, C2, C3 and C20) objected to the new traffic information presented by the representatives from DEVB and TD in the meeting. Mr Brownlee said that it was unfair to the representers as it was the first time that HKSKH's preliminary TIA findings were presented. The Chairperson did not agree with the objections raised by the representers and explained that DEVB, through C for H and his team, was the coordinator of this preservation-cum-development project and government officials attending the meeting were providing the information in response to Members' questions. Also, both representers/commenters and government representatives were allowed to provide information on the case, elaborate on the assessment and respond to Members' questions. Members would have their own judgement on the information presented.

Visual Aspect

83. Some Members raised the following questions:

- (a) the reasons for not choosing viewing point from the north, northwest and northeast of the Site in conducting visual appraisal, and whether the selected viewing points and the assessment were based on the Town Planning Board Guidelines on submission of VIA for planning applications to the Town Planning Board (TPB PG-No. 41); and
- (b) whether the Fringe Club and Lan Kwai Fong should also be selected as viewing points as they were also popular tourist spots as claimed by some representers.

84. Mr Louis K.H. Kau, DPO/HK, had the following responses:

- (a) as explained in the TPB Paper No. 10536, eight viewing points had been selected based on the requirements stated in TPB PG-No. 41 for the preparation of photomontages to demonstrate the visual impact arising from the proposed development with BHR at different levels. They included two strategic viewing points, one from the Peak and one from the waterfront promenade of Kai Tak Development, and six local viewing points selected at key pedestrian nodes/popular areas/sitting-out area which were easily accessible by the public. No viewing point was selected to the north, northwest and northeast of the Site due to the presence of tall buildings in the area and the Site could not be seen when viewing from those directions; and

- (a) the Fringe Club was located in a Grade 1 historic building and could be a local viewing point for preparation of the photomontage. However, if the viewing point selected was too close to the proposed development, it might not be a representable location to evaluate the visual impact of the proposed development. Although Lan Kwai Fong was a prominent area for tourists, due to the lower street level as compared to the HKSKH compound, the proposed development could not be seen from Lan Kwai Fong.

Land Matter/ Development Rights

85. Members had the following questions:

- (a) whether there were any BHR and particular restrictions under the lease of the HKSKH compound; and

- (b) whether the imposition of BHR on the Site would deprive the development right of the owner.

86. Mr Louis K.H. Kau, DPO/HK, responded that the Site was held by the HKSKH Foundation under Government Lease. The lease contained several requirements including, among others, a user restriction clause; a design of exterior elevations, disposition and height

clause; a restriction on alteration, addition, demolition or redevelopment clause and a tree preservation clause. The lease provided that any use other than those specified for individual buildings in the lease and any alteration/addition/demolition/redevelopment of any building or buildings would be allowed subject to prior written consent of the Governor (now the CE). Such information was provided by the LandsD and had been incorporated in TPB paper No. 10536. The Chairperson supplemented that the disposition and height clause was a standard clause under the older generation of leases and it was different from the statutory BHR imposed on the OZP. While the disposition and height clause enabled the Government to consider matters relating to aspects of disposition and height, it did not prescribe height limit or other parameters. Permission from CE in C for lease modification was an administrative measure which was different from the BHR imposed on the OZP which was a statutory requirement.

87. Rev Koon Ho Ming Peter Douglas, representative of R31, said that basically there were no specific development restrictions under the lease apart from a plan indicating the then building blocks and their uses on-site.

88. Regarding the concern on development rights, Mr Louis K.H. Kau, DPO/HK, explained that the court judgment of the Hysan case (i.e. *Hysan Development & Ors v Town Planning Board* (FACV 21/2015)) considered that the Board could impose planning related restrictions with reasonable grounds and planning justifications on privately owned properties. In case of challenge, it would be up to the court to consider whether the restrictions imposed were proportionate. Mr Kau further said the Board did thoroughly consider the case before imposing BHR on the Site. The Site was subject to a previous rezoning application submitted by the Government Hill Concern Group. Having noted that HKSKH had a proposal to redevelop the Site, the Board requested PlanD to consider suitable amendment to the OZP to ensure that the urban design aspect of any redevelopment proposal on the Site would be given due consideration under the planning regime. In response to the Board's request, PlanD had prepared two BHR options for the Site taking into account the building height profile of the Site, the surrounding site context, the BHRs that were currently in force in the surrounding area, HKSKH's preservation-cum-development proposal for a non-profit-making private hospital, the heritage conservation implications and visual impact of the BHRs, and Members' concern on the urban design aspect of the redevelopment proposal on the Site. The two options included stipulating a BHR of 135mPD and 80mPD

(Option 1) and a BHR of 120mPD and 80mPD (Option 2) for the northern and southern portion of the Site respectively. The BHR of 135mPD in Option 1 would enable the HKSKH's preservation-cum-development proposal to proceed as planned, while the BHR of 120mPD would be an extension of the existing BHR covering the area along Wyndham Street to the west of Glenealy. On 10.5.2019, the Board considered the two BHR options presented in TPB Paper No. 10536. After deliberation, the Board decided that Option 1 should be adopted as the basis for amending the Central District OZP and agreed that the proposed amendments were suitable for public inspection under section 5 of the Ordinance. On 24.5.2019, the draft Central District OZP No. S/H4/17 was exhibited under section 5 of the Ordinance. The proposed BHR could meet the requirement, in terms of building height, of HKSKH's proposed redevelopment proposal. Hence, the proposed BHR was considered reasonable and it complied with the court judgment of the Hysan case.

Conservation Issues

89. On conservation issues, Members raised the following questions:
- (a) whether the proposed development complied with the overall conservation strategy in the Central area;
 - (b) how to define and preserve the historical ambience of the HKSKH compound site;
 - (c) how to retain the historical significance of the Old SKH Kei Yan Primary School; and
 - (d) whether the government would provide subsidy to preserve the historic buildings within the HKSKH compound.
90. Mr José H.S. Yam, C for H, made the following responses:
- (a) in 2009, the Government announced the 'Conserving Central' initiative, which comprised eight innovative projects to preserve the important

cultural, historical and architectural features in Central including Former Police Married Quarters on Hollywood Road (now PMQ), the Central Police Station Compound (Tai Kwun), Former Central Government Offices Complex, Central Market, New Central Harbourfront, Former French Mission Building, Murray Building as well as the HKSKH compound;

- (b) in view of the different characteristics and conditions of the buildings within the HKSKH compound, it might not be practical to preserve all buildings, be they historic buildings or not, and precluded any new developments, for the sole purpose of stay-putting the historical ambience of the compound. Taking Tai Kwun as an example, it comprised 16 historic buildings and two new buildings, which were preserved collectively as a compound. According to HKSKH's proposal, among the 11 buildings within the HKSKH compound, all of the four graded historic buildings would be preserved in-situ while some other existing buildings would be replaced by new ones to provide the needed space for HKSKH's religious and community services as well as a private hospital. To preserve the ambience, new developments should take into account the historic buildings therein;
- (c) the Old SKH Kei Yan Primary School, being a Grade 2 historic building, would be preserved with all façades retained. Only slight alterations would be carried out in its interior on a need basis. It should also be noted that a major alteration to the interior of the building had been undertaken in 2007; and
- (d) owners of privately-owned graded historic buildings and declared monuments were primarily responsible for their maintenance. The Antiquities and Monuments Office and the Commissioner for Heritage's Office would provide technical advice to the owners in respect of heritage conservation.

91. Rev Koon Ho Ming Peter Douglas, representative of R31, supplemented that the footprint for the proposed hospital development would be constrained by the requirement to

preserve the four historic buildings and further setback of the new development would be difficult to achieve.

92. Responding to a representer's/commenter's reference to Block 4 of Tai Kwun, Mr José H.S. Yam, C for H, said that it was built with grey bricks and Chinese-style tiled roof of which the construction style/method was different from the existing buildings in HKSKH compound. The collapse of Block 4 was not due to the excavation works of its nearby new buildings but might be due to the inappropriate action taken on its own preservation works. Mr Yam also said that DEVB had been attending the C&WDC's meeting every two months to report the progress of 'Conserving Central' projects. DEVB would continue to update the C&WDC on the 'Conserving Central' projects including the HKSKH compound.

Preservation-cum-Development Proposal

93. Members raised the following questions:

- (a) whether Ridley House and Alford House were for residential use; and
- (b) the reason why HKSKH only allowing the public to visit those historic buildings upon the completion of the redevelopment project.

94. In response, Rev Koon Ho Ming Peter Douglas, representative of R31, made the following main points:

- (a) Ridley House and Alford House were residential blocks in the old days. HKSKH intended to redevelop or revitalise the two building blocks for the same residential use; and
- (b) the Bishop's House was previously the Bishop's residence and was not open to the public. If the preservation-cum-development project was successfully implemented, the Bishops House would be open for public appreciation. The St. Paul's Church was already open as it was a church that the public could attend.

Building Height

95. Members had the following queries:

- (a) how the BHR would affect the future development proposed by HKSKH and HKSKH's rationale for seeking relaxation of BHR to 150mPD and 100mPD for the northern and southern portion of the Site respectively; and
- (b) the rationale for some representers' request to tighten BHR to 80mPD for the whole Site.

96. Rev Koon Ho Ming Peter Douglas, representative of R31, replied that HKSKH's suggestion to relax BHR at the northern portion to 150mPD was to allow design flexibility for the current proposed hospital with a total building height of 25 storeys including a 3-storey basement. If excavation works were not feasible at the Site, the proposed floor spaces at the basement levels would have to be built above-ground. Hence, a higher building height would be needed to accommodate the proposed 25-storey hospital. With the same rationale, the BHR of 100mPD for the southern portion could allow a flexible design for the possible redevelopment of Ridley House and Alford House to comply with the up-to-date building requirements for residential use.

97. Mr Ian Brownlee (representative of R1, R4, R5, C2, C3 and C20) explained that by referencing the BHR of the southern portion of 80mPD and the BH of existing buildings within the Site (ranging from 51mPD to 78.2mPD), applying the same BHR of 80mPD to the northern portion was considered appropriate. This would allow an additional 20m for redevelopment of the existing non-historic buildings which should provide sufficient design flexibility for all permitted uses within the "G/IC" site. Ms Law Ngar Ning Katty (C5) supplemented that the building height of all 'Conserving Central' projects did not exceed 80mPD. It would be more appropriate to keep the same BHR in the area to preserve the historical environment and the proposed BHR should be compatible with the surroundings.

Hospital Beds and Policy Support Issues

98. Members raised the following questions:

- (a) the reason for presenting two sets of figures on hospital beds based on OZP boundary and C&WDC boundary;
- (b) the methodology to determine the demand for hospital beds;
- (c) the occupancy rate of hospital bed in private hospitals in the C&W District;
- (d) the basis of the Food and Health Bureau (FHB)'s policy support for HKSKH's private hospital project; and
- (e) in view of the local objections, whether HKSKH would plan for a hospital on another site and/or provide other facilities for public goods instead of a private hospital on the Site.

99. Mr Louis K.H. Kau, DPO/HK, responded as follows:

- (a) the figures as shown in the GIC table in TPB Paper No. 10536 were based on the existing hospital beds within the area covered by the OZP and the planned population of the area. In response to some representers' concern on GIC facilities in the C&W District as a whole, the GIC table as shown in the Paper was based on the C&W District. The two sets of figures could give Members a clearer picture on the GIC provision in the area;
- (b) the Hospital Authority (HA) provided public health services to Hong Kong people on the basis of the hospital clusters. The hospital clusters for Hong Kong Island included the Hong Kong East Cluster and the Hong Kong West Cluster. The data from HA only indicated the number of hospital beds available for each cluster. There was no information on the number of beds required to serve the population in the cluster. The Hong Kong Planning Standards and Guidelines set out the standard of provision as 5.5 hospital beds per 1,000 persons. As compared to the existing

hospital beds provided in the C&W District, there was a deficit of about 800 beds. When combining the provision and demand of hospital beds in the C&W District and the Southern District, there would be a surplus of about 1,000 beds. However, it was noted from FHB that private hospital was to serve all people in Hong Kong and the provision was not bounded by its geographic location;

- (c) regarding the occupancy rate of hospital beds in private hospitals in the C&W District, the latest available information was from 2016 to 2017 provided by FHB which was the same as shown by some representers (i.e. about 60%); and
- (d) facing the challenges of an ageing population, public demand for healthcare services would increase in the future. To alleviate the burden of the public healthcare system in the long run, the Government's policy was to facilitate the development of private hospitals to serve the Hong Kong community, so as to promote the healthy development of a dual-track healthcare system in Hong Kong. In line with the policy, FHB's would encourage private hospitals to make effective use of their sites and provide more beds to meet the rising demand for healthcare services. The current minimum number of beds of the proposed hospital (i.e. 274 beds) was part of the minimum requirements agreed between HKSKH and FHB in 2013. FHB confirmed its policy support for the HKSKH hospital development based on the agreed minimum requirements.

100. Rev Koon Ho Ming Peter Douglas, representative of R31, made the following responses:

- (a) there was no other site suitable for hospital development in HKSKH's land reserve. While hospital might be seen as a 'not in my back yard' use, there could be objections at any location. The Site, where the former HKCH was located, should be a suitable site for continuous provision of hospital service. The location was prominent and within walking

distance from the Central MTR station and doctors now concentrated in Central and Tsim Sha Tsui could reach the proposed hospital easily; and

- (b) HKSKH had been liaising with the Government on the revitalisation of the HKSKH compound for years. Originally, HKSKH proposed a smaller scale development with various community facilities at the Site but subsequently the project was not pursued for various reasons. The current proposal aimed to provide affordable medical services to the community, as well as preserving the historic buildings on-site for public appreciation. The project would bring benefits to the community.

101. Rev Koon Ho Ming Peter Douglas, representative of R31, responded to a representer's accusation on HKSKH forcing HKCH to close down. He clarified that Hong Kong Central Hospital had carried out abortion operation loosely which had violated the church's religious belief. He also pointed out that another representer's assertion that the provision of 293 beds was a deal for land premium concession was not true. HKSKH had all along been pursuing a non-profit making and self-financing private hospital development. There was no relationship between the number of hospital beds and the land premium.

Local Consultations

102. A Member noted in R1's presentation that the TPB paper had downplayed the comments provided by C&WDC and would like to seek clarification on the matter. Mr Louis K.H. Kau, DPO/HK, responded that it had been set out in paragraph 3 of the Paper that the proposed amendments to the OZP were presented to C&WDC on 4.7.2019 and the minutes of the meeting were in Annex IV of the Paper. C&WDC Members had diverse views on the proposed amendments and there was no conclusion on whether C&WDC agreed with or objected to the OZP amendments. Also, paragraph 4.3 of the Paper stated the fact that C&WDC had submitted the minutes of its meeting held on 4.7.2019 as a representation.

103. Some representers expressed that HKSKH had not attended or only attended a few times the C&WDC meetings to present their hospital proposal. Rev Koon Ho Ming Peter Douglas, representative of R31, clarified that he would definitely attend the DC

meetings if formal invitation from C&WDC was received.

Procedural Matter

104. A Member asked about the way forward if the Board considered that the proposed BHR of 135mPD was not suitable for the HKSKH compound. Mr Louis K.H. Kau, DPO/HK, responded that if the Board considered that a BHR other than 135mPD would be more appropriate to be imposed on the Site, it could propose amendments to the OZP accordingly. The further amendments to the OZP would be published for 3 weeks for further representations. Hearing of further representations, if received, would be arranged for the Board's consideration accordingly. Once the final decision from the Board was made, the draft OZP would be submitted to the Chief Executive in Council (CE in C) for approval.

105. As Members did not have any further questions, the Chairperson said that the Q&A session was completed. She thanked the government representatives as well as the representers, commenters and their representatives for attending the meeting. The Board would deliberate the representations and comments in closed meeting and would inform the representers and commenters of the Board's decision in due course. The government representatives as well as the representers, commenters and their representatives left the meeting at this point.

[Messrs Paul Y.K. Au and Philip S.L. Kan and Dr F.C. Chan left the meeting during the Q&A session.]

Deliberation Session

106. Members recalled that the proposal for imposing BHRs for the Site were first raised in the s.12A application submitted by the Government Hill Concern Group. While the application was rejected, the Board requested PlanD to consider suitable amendment to the OZP to ensure that the urban design aspect of any redevelopment proposal on the Site would be given due consideration under the planning regime. Subsequently, PlanD prepared two BHR options for the Site, which included stipulating a BHR of 135mPD and 80mPD (Option 1) and a BHR of 120mPD and 80mPD (Option 2) for the northern and

southern portion of the Site respectively. The BHR of 135mPD in Option 1 was comparable with the BHRs of the surrounding areas and would enable the HKSKH's preservation-cum-development proposal to proceed as planned, while the BHR of 120mPD would be an extension of the existing BHR covering the area along Wyndham Street to the west of Glenealy. On 10.5.2019, the Board considered the two BHR options and decided that Option 1 should be adopted as the basis for amending the Central District OZP and inviting public views, and agreed that the proposed amendments were suitable for public inspection under section 5 of the Ordinance.

107. The Chairperson said that the focus of the Board's discussion should not be on the proposed use at the Site as the proposed amendments had nothing to do with land use, with the "G/IC" zoning and uses permitted therein remaining unchanged. Rather, it should focus on whether the BHR of 135mPD and 80mPD for the northern and southern parts of the Site respectively were appropriate. With regard to the BH figures having been discussed in relation to the Site, apart from those set out in the proposed amendments, Members noted that:

- (a) while there was generally no BHR on the draft OZP, the BHRs to the west of the Site across Glenealy on the Sai Ying Pun and Sheung Wan OZP were 120mPD and 150mPD;
- (b) the lease modification for a proposed preservation-cum-development project at the Site approved by the CE in C in 2011 had BHs of 103mPD and 108mPD for new buildings;
- (c) the BHR of 80mPD for the southern portion of the Site was to reflect the maximum BH of the existing buildings at the Site (i.e. Ridley House at 78.2mPD); and
- (d) the existing BH for the former HKCH was 60.3mPD.

Building Height Restrictions and Development Control Mechanism

108. The Chairperson said that two Members who left the Meeting during the Q&A

session had asked the Secretary to relay their views to the Meeting. The Secretary said that one Member supported the previous decision of the Board for imposing BHRs of 135mPD and 80mPD for the northern and southern parts of the Site for reasons that there was no new information and views provided by the representers/commenters to warrant a departure from the previous decision, and there was a need to uphold the independence of the Board and to strike a balance between private property right and public interest. Mr Raymond K.W. Lee, D of Plan, also relayed the support from another Member for the BHR of 135mPD and 80mPD for the northern and southern parts of the Site.

109. The Chairperson then invited Members to express their views on the amendment items.

110. Members generally considered that the proposed BHR of 135mPD for the northern part of the representation site should be revisited for the following reasons:

- (a) the BHRs for the Site were only proposed to form a basis for amending the OZP and for inviting views, which were published for public inspection as part of the statutory consultation process under the Ordinance. It was legitimate for Members to reconsider the appropriate BHRs for the Site taking into account the views provided by the representers/commenters;
- (b) many representers/commenters had raised concern that the proposed development would cause adverse visual and traffic impacts on the surrounding areas. However, HKSKH had not provided sufficient information including design scheme and technical assessments to ascertain that the proposed development was visually compatible with the surrounding environment and technically feasible, not to mention their proposal of relaxing the BHR to 150mPD and 100mPD for the northern and southern portions of the Site respectively. It was premature to allow a BHR of 135mPD for the northern part of the Site without the submission of a detailed development scheme by HKSKH;
- (c) as the BHR was imposed for a particular site rather than for various land uses zones in a wider district, a specific design scheme taking into account the site

context as well as its interface with the surrounding area was essential for the determination of appropriate BHR for the site. Besides, the visual and air ventilation impacts of the proposed development would depend on a number of factors such as block layout, built form, open and green settings and wind corridors. As such, a design scheme would not only help to determine an optimal BHR for the Site, but also address the concerns of the community to achieve a win-win situation;

- (d) the Site was located at a prime location and formed part of a historical and culturally important precinct in the Central District. Giving due weight to the strong public sentiments attached to the preservation of the historical ambience of the area, the development bulk as permitted under the BHR of 135mPD would be regarded as incompatible with the historic setting at the Site and the surrounding areas. Given the unique history and character of the Site, development control by BHR alone might not be adequate to address urban design concerns such as blocking and massing of the proposed development, as well as its implication on the historical and cultural ambience in the area. In particular, any adverse impacts on the Government House, which was located in the close proximity to the Site, should be avoided as far as possible;
- (e) for sites with specific concern or might cause adverse impacts on the surrounding area, it was the Board's established practice to request the project proponent to submit detailed development scheme for the Board's scrutiny through the planning application mechanism. There would be a case to apply the same practice to the proposed development at the Site. To facilitate better planning control on new development and redevelopment proposal at the Site so as to minimize any adverse impact it might have on the historic buildings in the surrounding area, HKSKH should be requested to submit a development scheme through the planning application mechanism to ensure that the proposed development would be scrutinized by the Board;
- (f) a BHR of 135mPD for the northern part of the Site was mainly proposed to maximize development potential and land utilization by facilitating the

development of a hospital while preserving the graded historic buildings at the Site. However, there was doubt on the need of the hospital due to high vacancy rate in the nearby hospital and the technical feasibility of the proposed development due to geotechnical problems at the Site;

- (g) the proposed hospital with a large development bulk might not be a use at the right place. Putting visual impact aside, the technical feasibility of the proposed hospital including the geotechnical and traffic issues, as well as the demand for hospital beds in the C&W District were in doubt. For a site in GIC zoning permitting different uses, hospital use should not be the only option for the preservation-cum-development proposal. Other options such as clinic for autism children or low-rise commercial uses which could serve the community at large could also be explored. It was premature to bundle the BHR of the Site with the proposed hospital development; and
- (h) support from the local community for the preservation-cum-development proposal through public engagement was essential for the success of the project. However, it seemed that the project had yet to obtain support from C&WDC. HKSKH was urged to actively engage the local community and solicit their support in the formulation of the preservation-cum-development proposal.

111. The Chairperson said that while considering the requirement for the project proponent to submit its development scheme to the Board for consideration, it was difficult for HKSKH to formulate a scheme without any indication from the Board on the allowable BH at the Site. To facilitate building design, the Board might consider imposing an appropriate BHR as a baseline while providing sufficient flexibility for relaxing the restriction should an innovative preservation-cum-development proposal be put forward.

112. A Member considered that a BHR of 103mPD to 108mPD was appropriate as it respected the allowable BH previously approved by the CE in C. Another Member, however, opined that the ground for imposing BHR of 103mPD to 108mPD for the Site was not clear. A Member suggested not to impose any BHR but the Board noted that it would mean no building height control at all and decided not to pursue it further. Some Members

considered that a BHR of 80mPD, notwithstanding that it might not be an optimum restriction in the absence of a development scheme, would be acceptable for the northern portion of the Site (Amendment Item A1) as it had made reference to the maximum BH of the existing buildings at the Site.

113. Given that the optimum development intensity would depend on a development scheme to be submitted by HKSKH, the Chairperson asked whether flexibility should be provided on the OZP to cater for design merits of developments at the Site. In response, Mr Raymond K.W. Lee, D of Plan, said that in general, land use zones with development restrictions would go with a ‘minor relaxation’ clause allowing application for minor relaxation of the plot ratio/BHR under section 16 of the Ordinance. The Board would consider such application based on the individual merits of a development or redevelopment proposal. While what constituted a minor relaxation would be considered based on the fact and degree of a proposal, an increase of about 20% was considered acceptable by the Board in handling previous similar cases. If greater flexibility was to be provided, a ‘relaxation’ clause instead of a ‘minor relaxation’ clause might be considered such as the “Comprehensive Development Area (1)” zone on the South West Kowloon OZP and the “Residential (Group C)7” zone on the Mid-levels West OZP.

114. While some Members considered that flexibility could be provided to relax the BHR subject to the submission of a detailed development scheme with design merits or planning gain, they were of the view that a “minor relaxation” clause, which was a standard clause for most land use zones with development restrictions, would be adequate to provide certain flexibility for new development or redevelopment proposal at the Site. A Member, however, opined that even the standard “minor relaxation” clause should not be provided for the Site.

Preservation-cum-Development Proposal

115. A Member queried why the preservation-cum-development proposal seemed to have put much emphasis on the redevelopment option for which some existing buildings would be demolished and the new buildings might not be compatible with other existing historic buildings at the Site. As the building cluster at the Bishop Hill together with other historic buildings in the surrounding area formed the last intact old city core in the Central

District, the whole area was worth preserving in a holistic manner, making reference to the medieval village in England. Redevelopment at the Site should only be allowed if the proposed development was compatible with the historic ambience of the whole area.

116. Some Members shared the view regarding the historic importance of the Bishop Hill and the surrounding area, as well as the need to avoid adverse impacts caused by the redevelopment proposal on the Government House. They opined that development control through the planning regime per se might not be the best mechanism for heritage conservation. As HKSKH also appreciated the historic value of the Bishop Hill, the Government should consider more viable measures for the preservation of the Bishop Hill, such as allocating more funding resources as well as exploring more options on preservation proposals.

117. The Chairperson concluded that Members generally considered that as the Site was located in a prime location and formed part of a historic and culturally important precinct, the imposition of a BHR of 80mPD for the whole site with a standard “minor relaxation” clause were appropriate. In order to preserve the historic ambience of the Site and its surrounding, Members agreed that HKSKH should be required to submit a development scheme for any new development or redevelopment of existing building(s) through the planning application mechanism for the Board’s consideration to ensure that the proposed development would be commensurate with the historic ambience of the Site and would not cause adverse impacts on the surrounding area.

118. Members generally considered that other grounds and proposals of the representations and comments had been addressed by the departmental responses as detailed in the Paper and the presentations and responses made by the government representatives at the meeting.

119. After deliberation, the Board noted the views of Representation No. R33.

120. The Board also decided to partially uphold Representations No. R1 to R30 and considered that the Plan should be amended to partially meet the representations by amending the BHR of the northern part of the Site from 135mPD to 80mPD, and amending the Notes of the “G/IC(1)” zone for reasons set out in paragraph 110 above. The following

paragraph was proposed to be added to the Remarks of the Notes for the “G/IC(1)” zone:

“On land designated “Government, Institution or Community (1)”, any new development or redevelopment of existing building(s) requires planning permission from the Town Planning Board under section 16 of the Town Planning Ordinance.”

121. The Board also agreed that the Explanatory Statement of the Plan with respect to the “G/IC(1)” zone should be revised to set out that any new development or redevelopment of existing building(s) at the Site required planning permission from the Board under section 16 of the Ordinance to ensure that any new development and/or redevelopment at the Site would be compatible, in urban design term, with historic buildings within the Site and the surrounding areas. The amended OZP would be published for further representation under section 6C(2) of the Ordinance for three weeks and the Board would consider the further representations, if any, in accordance with the provisions of the Ordinance.

122. Other than the decision mentioned in paragraphs 120 and 121 above, the Board decided not to uphold R31 and R32 and the remaining parts of Representations No. R1 to R30, and considered that the Plan should not be amended to meet the representations for the following reasons :

- “(a) the proposed building height restriction (BHR) of 80mPD for the representation site is considered appropriate as it has taken into account all relevant considerations including the existing building height profile of the site, the surrounding site context, the BHRs currently in force in the surrounding areas, heritage conservation implication and visual impact of the BHR;
- (b) given all four historic buildings within the representation site will be properly preserved and the religious use of the site will be maintained, the historical connection of the site and its surrounding area in a wider context has been kept. The proposed BHR of 80mPD for the site has struck a proper balance between the need for heritage conservation and

respect for private property rights, as well as between preservation and development;

- (c) planning application would be required for the Town Planning Board's approval for any new development or redevelopment of existing building(s), together with the submission of all necessary technical assessments including traffic impact assessment in support of its preservation-cum-development proposal;

Representers' proposals

- (d) the proposals of revising the BHR of the representation site to the height of the existing building or Ming Hua Theological College, or restricting the development area of the proposed hospital are not supported as it is not in line with the Government's heritage conservation policy and would not be conducive to the preservation of privately-owned historic buildings through the preservation-cum-development approach (**R1, R2, R4, R6 to R24, R26 & R28**);
- (e) there is no strong planning justification for either deleting the current BHRs of the representation site (**R31 & R32**) or revising the BHRs of 135mPD and 80mPD to 150mPD and 100mPD for the northern and southern portion of the representation site respectively (**R31**); and
- (f) the current "G/IC" zoning of the representation site and other nearby heritage sites is appropriate to reflect their existing and planned uses (**R1, R4, R6 to R24, & R28**)."

[Messrs Ivan C.S. Fu, Stephen H.B. Yau, David Y.T. Lui, K.K. Cheung, Wilson Y.W. Fung, Alex T.H. Lai, L.T. Kwok, Ricky W.Y. Yu and Elvis W.K. Au, Dr Frankie W.C. Yeung, Dr C.H. Hau, Dr Jeanne C.Y. Ng, Professor T.S. Liu, Ms Sandy H.Y. Wong and Professor John C.Y. Ng left the meeting at this point.]

Fanling, Sheung Shui & Yuen Long East District

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/FLN/19

Proposed Minor Relaxation of Maximum Plot Ratio and Building Height Restriction for Permitted Residential Development in “Residential (Group B)” Zone, Fanling Sheung Shui Town Lot 262, Ma Sik Road, Fanling
(TPB Paper No. 10602)

[The item was conducted in English and Cantonese.]

123. The Secretary reported that the application was submitted by Best Galaxy Limited which was a subsidiary of Henderson Land Development Company Limited (HLD).

The following Members had declared interests on the item:

Professor S.C. Wong (Vice-chairperson)	]	being an employee of the University of Hong Kong which had received donation
Dr C.H. Hau	]	from a family member of the Chairman of HLD before
Mr Ivan C.S. Fu	-	having current business dealings with HLD
Mr Peter K.T. Yuen	-	being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from an Executive Director of HLD before
Mr K.K. Cheung	]	their firm having current business
Mr Alex T.H. Lai	]	dealings with HLD and the Hong Kong and China Gas (which was a subsidiary of HLD)

- | | | |
|---------------------|---|---|
| Dr Lawrence K.C. Li | - | being the deputy chairman of the Council of the Hong Kong Polytechnic University which had obtained sponsorship from HLD before |
| Mr Stephen L.H. Liu |] | having past business dealings with HLD |
| Mr. Franklin Yu |] | |

124. Members noted that Messrs Ivan C.S. Fu, K.K. Cheung, Alex T.H. Lai, Stephen L.H. Liu and Franklin Yu, Dr Lawrence K.C. Li and Dr C.H. Hau had left the meeting, and agreed that as Professor S.C. Wong had no involvement in the application and the interest of Mr Peter K.T. Yuen was considered indirect, they could stay in the meeting.

Presentation and Question Sessions

125. The following representatives of the Planning Department (PlanD) and the applicant's representatives were invited to the meeting:

Government Representative

- | | | |
|----------------------|---|---|
| Miss Winnie B.Y. Lau | - | District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FS&YLE), PlanD |
| Mr Patrick M.Y. Fung | - | Senior Town Planner/Fanling and Sheung Shui (STP/FS1), PlanD |

Applicant's Representatives

Pro Plan Asia Ltd

- | | | |
|-----------------|---|-----------------------------|
| Mr Phil Black |] | Applicant's Representatives |
| Mr Kenneth Chan |] | |

126. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited PlanD's representative to brief Members on the review application.

127. With the aid of a PowerPoint presentation, Mr Patrick M.Y. Fung, STP/FS1, PlanD, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments for the applications as detailed in TPB Paper No. 10602 (the Paper).

128. The Chairperson then invited the applicant's representatives to elaborate on the review application.

129. With the aid of a PowerPoint presentation, Mr Phil Black, the applicant's representative, made the following main points in support of the review application:

- (a) the application was rejected by the RNTPC for the reason that the applicant had failed to demonstrate planning and design merits for the proposed minor relaxation of the building height restriction (BHR) for the proposed residential development;
- (b) the proposed 3.15m floor-to-floor height was common in modern new residential developments. Higher ceilings offered environmental benefits and spaciousness to home owners of smaller flats. The floor height was of no concern to government departments including the Buildings Department, the Lands Department and PlanD;
- (c) there was no visual impact resulted from an increase in the building height of the building block at the eastern portion by not more than 2.75m and that at the western portion by not more than 3.5m. The stepped building height profile would be maintained;
- (d) the Board was required to consider the proposed minor relaxation of BHR based on individual merits according to the statutory Notes of the "Residential (Group B)" zone under the subject Outline Zoning Plan (OZP) which was slightly different from the consideration of providing incentive

for the residential development with planning and design merits as stated in the non-statutory Explanatory Statement (ES) concerned. The statutory obligation of considering individual merits should take the place of the non-statutory planning and design merits;

- (e) individual merits included the intrinsic qualities of the Site and the application and covered a wider number of factors. The internal qualities rather than external qualities should also be considered;
- (f) as for what constituted individual merits, there were no statutory definition under the Town Planning Ordinance, guidelines nor planning criteria published in the ES. In the absence of those, to determine whether planning and design merits were demonstrated in the application, reference should be made to other planning applications for minor relaxation of BHR of residential developments in the New Territories;
- (g) application No. A/TM/547 seeking minor relaxation of BHR for 3m to incorporate various design requirements and optimal flat mix for an additional 30 units of public housing was approved by the RNTPC on 1.11.2019. Though the extent of building height relaxation sought and the merits of the Tuen Mun case and the subject application were similar, the RNTPC was inconsistent in considering the planning and design merits and made different decisions;
- (h) in the deliberation of the subject application, RNTPC Members were of the view that planning gain offering positive contribution to the public at large should be demonstrated. However, the Board should note that the offering of planning gain should be proportional to the extent of departure from the BHR applied for. For the subject application, the relaxation sought was only 2.75m and 3.5m;
- (i) the Site was at an advanced stage of construction in that foundation works and piling works were completed and superstructure works were about to commence. The on-going construction on the Site led to practical

constraints for additional works that might contribute to the public at large. Similar construction constraints was presented in the RNTPC Paper on application No. A/TM/547 while the RNTPC were not appraised of similar construction constraints in considering the subject application;

- (j) the tight implementation programme was another constraint not well taken into account by the RNTPC in considering the subject application. A building covenant under the lease required flats to be suitable for occupation by end of 2023;
- (k) there were planning and design merits in the approved general building plans (GBP) of the residential development at the Site which included opening up the central area fronting Ma Sik Road for better streetscape for the public. That would eradicate the wall-effect of the indicative block layout for the Site under the study of the Fanling North New Development Area (FLN NDA) conducted by the Civil Engineering and Development Department. Secondly, the environmental benefits of the proposed floor-to-floor height adjustment would directly benefit about 4,450 future residents. Thirdly, more housing units would be provided than that estimated under the study of the FLN NDA;
- (l) the provision of the elevated public walkway was a positive contribution to the public at large as it would form a critical link in the future strategic pedestrian network in FLN NDA. The elevated walkway was a merit offered at the initiative of the applicant in the land exchange process in 2014 and incorporated as a requirement under the lease; and
- (m) in conclusion, the individual site circumstances contributing to the design, structural and programming constraints affecting the potential for incorporating additional planning and design merits were not fully appreciated by the RNTPC. Secondly, the planning and design merits accorded in approving similar minor relaxation applications were not referenced in the subject application. Thirdly, there were environmental and home ownership benefits resulted from the application. Lastly, the

public elevated walkway to be provided by the applicant which would benefit the public at large was largely ignored by the RNTPC.

130. As the presentations of PlanD's representative and the applicant's representatives had been completed, the Chairperson invited questions from Members.

Individual Merits and Planning Gains

131. The Chairperson raised the following questions:

- (a) noting from paragraph 6.1 of the Paper, whether PlanD's assessment that the proposal would not generate significant adverse visual impact and being not incompatible with the surroundings could be regarded as favourable consideration for the application, and what kind of planning gain was required in considering applications for minor relaxation of BHR; and
- (b) whether there were any previous approved applications for similar scale of minor relaxation in BHR with planning gain.

132. In response, Miss Winnie B.Y. Lau, DPO/FS&YLE said that based on the previous planning approvals granted for minor relaxation of BHR in recent years, favourable consideration were generally given taking account of the public gains demonstrated in the development scheme. The public gains included increasing housing supply, adjustment in building disposition for visual or air ventilation improvement, set-back from nearby developments for better at-grade level environment, provision of community facilities and/or other public facilities such as public vehicle parks, etc. Sympathetic consideration was also given to those applications for minor relaxation of BHR to address site constraints for achieving the permitted development intensity. The Tuen Mun case (Application No. A/TM/547) as quoted by the applicant's representative was an example of similar approved application. It applied for minor relaxation of BHR from 140mPD to 143mPD (increase in about 2%) which would provide additional 30 units of public housing flat. Technical assessments were submitted to justify the proposal. Both public gain in respect of increasing public housing supply and site constraints including provision of non-building area and drainage reserve were factors considered by the RNTPC.

133. Mr Phil Black, the applicant's representative, reiterated that the factors of site and design constraints considered in the Tuen Mun case should also be one of the consideration by the Board in the current application. Individual merits in the subject application such as insubstantial increase in building height, no significant adverse visual impact and no adverse comments from government departments should also be taken into account.

The Elevated Walkway

134. The Chairperson and a Member had the following questions:

- (a) whether the provision of the covered elevated walkway was a requirement imposed under the lease or an initiative proposed by the project proponent after land sale; and
- (b) the relevance of the elevated walkway to the proposed increase in the floor-to-floor height under the application.

135. In response, Miss Winnie B.Y. Lau, DPO/FS&YLE, made the following main points:

- (a) the provision of the elevated walkway was required under the lease of the development without any specification of a cover. The cover was subsequently requested by the relevant government departments. Since only 2m out of 6m in width of the covered walkway would be exempted from the calculation of gross floor area under the Buildings Ordinance (BO), the applicant submitted an application (No. A/FLN/17) for minor relaxation of plot ratio (PR) restriction which was approved by the RNTPC on 17.5.2019. No minor relaxation of BHR was included in that application; and
- (b) the provision of the elevated walkway was not related to the request for relaxation of BHR to cater for proposed increase in the floor-to-floor height under the current application.

Others

136. In response to a Member's question, Mr Phil Black, the applicant's representative, said that since the construction works were about to commence, the applicant would implement the scheme with the floor-to-floor height of 2.975m approved under the GBP if the subject application was rejected by the Board. He further pointed out that one residential floor in each block would have to be deleted, which would result in the loss of 100 units, if the proposed floor-to-floor height of 3.15m was adopted without the approval of minor relaxation of BHR.

137. As Members had no further question to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application and inform the applicant of the Board's decision in due course. The Chairperson thanked PlanD's and the applicant's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

138. The Chairperson said it was noted from the planning assessment that the proposal had no adverse impact and the subject of concern was whether public gain was a prerequisite for granting minor relaxation of BHR. At the invitation of the Chairperson, Mr Raymond K.W. Lee, D of Plan, pointed out that reference could be made to the recent assessment of applications for minor relaxation of PR restriction and/or BHR under the policy initiative of revitalisation of industrial buildings constructed before 1987. For those applications with the development proposal compatible with the surroundings and technically justified, the Board generally agreed that the minor relaxation of PR could be supported while the applicants would be requested to justify the minor relaxation of BHR by providing the planning and design merits or public gains of the development proposals. Relevant criteria for consideration of minor relaxation applications, as set out in the ES of some OZPs, included amalgamating smaller sites for achieving better urban design and local area improvements; accommodating the bonus plot ratio granted under the BO; providing better streetscape/good quality street level public urban space; providing separation between buildings to enhance air ventilation and visual permeability; accommodating building design to address specific site constraints; tree preservation; and innovative building design.

139. Members noted that each application for minor relaxation of BHR should be considered on its own merits. They generally were of view that minor relaxation of BHR should not be granted unless the proposal was justified. The design merit of the covered public walkway had already been considered under the application for minor relaxation of PR which was approved. The planning and design merits or public gains of the minor relaxation of BHR under the current application had not been demonstrated by the applicant. The increase in the floor-to-floor height was not a planning gain to the public at large. There was no ground to warrant a departure from the established practice that the applicant should demonstrate the planning and design merits of the proposed minor relaxation of BHR, taking account of other considerations including no adverse impact from the proposal.

140. After deliberation, the Board decided to reject the application on review for the following reason:

“the applicant fails to demonstrate planning and design merits for the proposed minor relaxation of building height restriction for the proposed residential development”.

Sha Tin, Tai Po & North District

Agenda Items 6 and 7

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-TT/9

Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Government land in D.D. 289, Ko Tong, Tai Po

Review of Application No. A/NE-TT/10

Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Government land in D.D. 289, Ko Tong, Tai Po

(TPB Paper No. 10607)

[The items were conducted in Cantonese.]

Presentation and Question Sessions

141. Members noted that the two applications were represented by the same representative for the same use with similar nature, the application sites were located adjacent to each other and agreed that they could be considered together.

142. The following representative of the Planning Department (PlanD) was invited to the meeting at this point:

Ms Jessica H.F. Chu - District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD

143. The Chairperson extended a welcome and informed Members that the applicants had indicated not to attend the meeting. She then invited PlanD's representative to brief Members on the review application.

144. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, PlanD briefed Members on the background of the review applications including the consideration of the applications by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in the TPB Paper No. 10607 (the Paper).

145. As the presentation from DPO/STN, PlanD had been completed, the Chairperson invited questions from Members.

146. As Members had no question to raise, the Chairperson said that the hearing procedure for the review applications had been completed. The Board would further deliberate on the review applications. The Chairperson thanked DPO/STN, PlanD for attending the meeting. Ms Jessica H.F. Chu, DPO/STN, PlanD, left the meeting at this point.

Deliberation Session

147. Members noted that there was no major change in the planning circumstances since the consideration of the applications by the RNTPC. Members generally considered that there was no reason to overturn the decision of RNTPC and the review applications should be rejected for the same reasons.

148. After deliberation, the Board decided to reject the two applications on review for the following reasons:

- “(a) the proposed developments are not in line with the planning intention of “Green Belt” (“GB”) zone, which is primarily for defining 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 planning justification in the submissions for a departure from the planning intention of the “GB” zone;
- (b) the proposed developments do not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed developments would cause adverse landscape impact on the surrounding area;
- (c) the proposed developments do 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’ in that the proposed developments would affect the existing natural landscape; and
- (d) the approval of the applications would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications would result in adverse impacts on the natural environment and landscape character of the area.”

Agenda Item 8

[Open Meeting]

Request for Deferment of Review of Application No. A/H6/87 (2nd Deferment)

Proposed ‘Flat’ use (access road for residential development and pedestrian link) in “Green Belt”, “Residential (Group A) 1” and “Residential (Group B)” Zones and an area shown as ‘Road’, 4-4C Tai Hang Road (Part) and Adjoining Government Land, Tai Hang Road, Hong Kong

(TPB Paper No. 10601)

[The item was conducted in Cantonese.]

149. The Secretary reported that the following Members had declared interests on the item for owning properties in Causeway Bay area; and/or having business dealings with Kenneth To & Associates Limited (KTA), which was the applicant’s consultant:

- | | | |
|---------------------|---|--|
| Dr Lawrence K.C. Li | - | co-owning with spouse a flat at Tai Hang Road |
| Ms Sandy H.Y. Wong | - | self-occupying a flat at Tai Hang Road |
| Mr Daniel K.S. Lau | - | being an ex-employee of the Hong Kong Housing Society which had current business dealings with KTA |

150. Members noted that Dr Lawrence K.C. Li and Ms Sandy H.Y. Wong had already left the meeting. As the interest of Mr Daniel K.S. Lau was indirect, Members agreed Mr Lau should be allowed to stay at the meeting

151. The Secretary briefed Members that on 14.11.2019, the applicant’s representative wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for two months to allow more time for the applicant to prepare further information (FI) to address comments from government departments. It was the second time that the applicant requested deferment of the application. Since the

last deferment, the applicant had submitted FI including revised drawings to address comments from government departments.

152. PlanD, in accordance to the Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No.33), had no objection to defer the application. The Secretary supplemented that the same applicant had submitted similar applications involving the same site twice in 2016 and 2017. The first application was deferred twice while the second application was deferred four times. Both applications were subsequently withdrawn. The applicant sought planning permission for the current application in June 2018. During the s.16 stage of the application, the applicant applied for deferment once and submitted FI seven times to address departmental comments. Over 9,200 public comments were received. For the s.17 review stage, it was the second time that the applicant requested deferment and the applicant had made three FI submissions. Over 2,200 public comments were received so far.

153. Members noted the justifications for deferment met the criteria for deferment as set out in the TPB PG-No. 33 in that the applicant needed more time to prepare further information in response to departmental comments, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties. Nevertheless, having noted that substantiated amount of time had been given to the applicant to address departmental comments in the past, and the large number of public comments received on the application, Members considered that any further deferment of consideration of the application would not be entertained.

154. After deliberation, the Board agreed to defer a decision on the review application, the application would be submitted to the Board for consideration within three months upon receipt of further submission from the applicant. The Board also agreed that 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. Noting the background of the application, the Board agreed to advise the applicant that the Board had allowed a total of four months for preparation of submission of further information, it was the last deferment and no further deferment would be granted.

Procedural Matters

Agenda Item 9

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Wong Nai Chung Outline Zoning Plan No. S/H7/20 (TPB Paper No. 10606)

[The item was conducted in Cantonese.]

155. The Secretary reported that the proposed amendments involved sites in Wong Nai Chung and AECOM Asia Company Ltd. (AECOM) was the consultant for the proposed amendments. The following Members had declared interests on the items for owning properties in Wong Nai Chung area; and/or having affiliation/ business dealings with AECOM and/or Ms Mary Mulvihill who had submitted representation and comment (R34/C105):

Ms Bernadette Linn (Chairperson)	-	co-owning with spouse a flat and car parking space at Broadwood Road in Happy Valley
Professor S.C. Wong (Vice-chairperson)	-	personally having current business dealings with AECOM and being the traffic consultant/ engineering consultant of AECOM
Mr Ivan C.S. Fu	]	having current business dealings with
Dr C.H. Hau	]	AECOM
Mr Thomas O.S. Ho]	
Mr. K.K. Cheung	-	his firm having past business dealings with AECOM and hiring Ms Mary Mulvihill on a contract basis from time

to time and co-owning with spouse a flat
at The Leighton Hill in Causeway Bay

Mr Franklin Yu - having past business dealings with
AECOM

Ms Lilian S.K. Law - co-owning with spouse a flat on Ventris
Road in Happy Valley

156. As the item was procedural in nature, Members agreed that the above Members who had declared interests could stay in the meeting. Members noted that Messrs Ivan C.S. Fu, Thomas O.S. Ho, K.K. Cheung and Franklin Yu and Dr C.H. Hau had already left the meeting.

157. The Secretary briefly introduced the TPB Paper No. 10601. On 14.6.2019, the draft Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/20 was exhibited for public inspection under section 5 of the Town Planning Ordinance. The amendments mainly involved the rezoning of the northern and eastern part of the Caroline Hill Road (CHR) site fronting Leighton Road from “Other Specific Uses” annotated “Sports and Recreation Club” and “Government, Institution or Community” (“G/IC”) to “Commercial(2)” with revision to the maximum building height (BH) from 2 storeys and 3 storeys to 135mPD and rezoning of the southern part of the Site from “G/IC” to “G/IC(2)” with revision of BH from 3 storeys to 135mPD.

158. During the two-month exhibition period, a total of 930 representations were received of which 321 had their identity information missing or incomplete. Considering that it was the first batch of amended OZPs subject to revised submission requirements under Town Planning Board Guidelines No. 29B (TPB PG-No. 29B), the Town Planning Board (the Board) agreed to allow the representers with the identity information in doubt or missing in their submissions a further opportunity to submit the required information and that if such representers failed or refused to provide such identity proof, the representations would be treated as not having been made. On 6.8.2019, the Secretariat sent out letters to the 321

concerned parties but only 25 representers submitted the required information. As no response was received from the remaining 296 submissions with identity information in doubt or missing, they should be considered as invalid and treated as not having been made pursuant to sections 6(2)(b) and 6(3)(b) of the Ordinance. Subsequently, five representations (i.e. R402, R407, R425, R426 and R482) were found to be duplicated. As a result, there were in total 629 valid representations.

159. On 6.9.2019, the valid representations were published for three weeks for public comments, and in the first three weeks of the publication period, 118 comments on representations were received. Amongst them, four were found to be duplicated, 105 comments were made in accordance with the revised TPB PG-No. 29B and the remaining nine submissions were made with identity information missing/incomplete. On 2.10.2019, the Secretariat sent out letters to the nine concerned parties but no response was received. As such, they should be considered as invalid pursuant to sections 6A(2) and 6A(3)(b) of the Ordinance. Hence, there were in total 105 valid comments.

160. In view of the similar nature of the representations and comments, the hearing of the representations and comments was recommended to be considered collectively in one group by the Board.

161. To ensure efficiency of the hearing, a maximum of 10 minutes presentation time would be allotted to each representer and commenter in the hearing session. Consideration of the representations and comments by the full Board was tentatively scheduled for February 2020.

162. After deliberation, the Board noted that the 296 representations and nine comments with the required identity information missing/incomplete should be treated as invalid and agreed that:

- (a) the valid representations/comments should be considered collectively in one group by the Board itself; and
- (b) a 10-minute presentation time would be allotted to each representer/commenter.

Agenda Item 10

[Open Meeting]

Any Other Business

163. There being no other business, the meeting was closed at 9:20 pm.