

**Minutes of 1241<sup>st</sup> Meeting of the  
Town Planning Board held on 19.3.2021**

**Present**

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

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Dr C.H. Hau

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Mr C.H. Tse

Dr Conrad T.C. Wong

Mr Y.S. Wong

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

Chief Engineer (Works), Home Affairs Department  
Mr Gavin C.T. Tse

Assistant Director (Environmental Assessment),  
Environmental Protection Department  
Mr. Terence S.W. Tsang

Director of Lands  
Mr Andrew C.W. Lai

Director of Planning  
Mr Ivan M.K. Chung

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

Secretary

**Absent with Apologies**

Mr L.T. Kwok

Mr Daniel K.S. Lau

Mr Ricky W.Y. Yu

**In Attendance**

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

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

Senior Town Planner/Town Planning Board  
Mr W.C. Lui

## **Opening Remarks**

1. The Chairperson said that the meeting would be conducted with video conferencing arrangement.

## **Agenda Item 1**

[Open Meeting]

### **Confirmation of Minutes of the 1240<sup>th</sup> Meeting held on 5.3.2021**

[The item was conducted in Cantonese.]

2. The draft minutes of the 1240<sup>th</sup> meeting held on 5.3.2021 were sent to Members before the meeting. Subject to any proposed amendments by Members on or before 22.3.2021, the minutes would be confirmed.

[Post-meeting Note: The minutes were confirmed on 22.3.2021 without amendments.]

## **Agenda Item 2**

[Open Meeting]

### **Matters Arising**

[The item was conducted in Cantonese.]

#### (i) **Abandonment of Town Planning Appeal**

Town Planning Appeal No. 7 of 2020

Proposed Redevelopment of House (New Territories Exempted House) in

“Conservation Area” zone, Lot 110 in D.D. 219, Kei Pik Shan, Tai Chung Hau, Sai

Kung

(Application No. A/SK-PK/254)

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3. The Secretary reported that an appeal had been abandoned by the appellant of his

own accord. Town Planning Appeal No. 7/2020 was received by the Appeal Board Panel (Town Planning) on 1.12.2020 against the decision of the Town Planning Board on 16.10.2020 to reject on review an application for proposed redevelopment of a house (New Territories Exempted House) at a site zoned “Conservation Area” on the approved Pak Kong and Sha Kok Mei Outline Zoning Plan No. S/SK-PK/11.

4. The appeal was abandoned by the appellant on 25.2.2021. The Appeal Board Panel (Town Planning) formally confirmed on 2.3.2021 that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations of the Town Planning Ordinance.

5. Members noted the abandonment of the appeal.

(ii) Appeal Statistics

6. The Secretary reported that as at 16.3.2021, a total of 10 cases were yet to be heard by the Appeal Board Panel (Town Planning) and five decisions were outstanding. Details of the appeal statistics were as follows:

Allowed	36
Dismissed	166
Abandoned/Withdrawn/invalid	205
Yet to be heard	10
Decision Outstanding	5
<hr/> Total	<hr/> 422

[Mr Y.S. Wong joined the meeting at this point.]

**Hong Kong District**

**Agenda Item 3**

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/H6/90

Proposed Shop and Services in “Residential (Group B)” Zone, Shop B3, G/F., 16 Tai Hang Road, Hong Kong

(TPB Paper No. 10723)

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[The item was conducted in Cantonese.]

**Presentation and Question Sessions**

7. The Secretary reported that the application premises (the Premises) was located at Tai Hang Road. The following Members had declared interests on the item:

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

8. Members noted that the interests of Dr Lawrence K.C. Li and Ms Sandy H.Y. Wong were direct. Members also noted that Dr Li had not yet joined the meeting and agreed that Ms Wong should be invited to leave the meeting during the deliberation session.

9. The following representatives of the Planning Department (PlanD) and the applicant were invited to the meeting at this point:

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

Ms Floria Y.T. Tsang - Senior Town Planner/Hong Kong (STP/HK)

Mr William W.L. Chu - Applicant

10. 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.

11. With the aid of a PowerPoint presentation, Ms Floria Y.T. Tsang, STP/HK, briefed Members on the background of the review application including the consideration of the application by the Metro Planning Committee (MPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in the TPB Paper No. 10723 (the Paper).

[Mr Conrad T.C. Wong joined the meeting at this point.]

12. The Chairperson then invited the applicant to elaborate on the review application.

13. With the aid of some photos, Mr William W.L. Chu, the applicant, made the following main points mainly responding to matters raised in the public comments:

- (a) the trash problem in the adjacent staircases was not associated with his shop which had not yet commenced operation. From the surveillance camera he installed, it was observed that the trash was dumped by other passers-by. After he reported the problem to the Food and Environmental Hygiene Department (FEHD), FEHD had put up a notice to remind people not to dump rubbish near the Premises and the condition had improved;
- (b) it was observed that pedestrians usually jaywalked across Tai Hang Road near the Premises rather than crossing at the pedestrian facility further up the road. He had contacted the relevant District Council member to follow up with relevant departments regarding the jaywalking issue, and would remind his future customers to abide by the rule;
- (c) the building was built in the 1950s with individual carports accessing directly from/onto Tai Hang Road. If the Premises was converted back to a carport, a driver would need to occupy road spaces on both directions of Tai Hang Road when parking into/driving out of the carport. That

would cause traffic blockage and was not safe as vehicles were travelling downhill on Tai Hang Road at high speed;

- (d) renovation works of the Premises were completed in June 2020 but he would not commence operation without a food business licence. He had been paying rent since then and it was a financial burden on him;
- (e) from dialogues with some neighbours, he believed that his fast food shop would provide convenience to the locals and serve the basic needs of the community; and
- (f) while the subject application was for a permanent permission, if the Board considered it necessary to monitor the future operation of the proposed fast food shop lest it should create nuisance to the neighbourhood, he would accept a temporary permission, say for five years or less. He sincerely hoped the Board would give sympathetic consideration to the application.

[Mr H.P. Wong, the applicant's representative arrived to join the meeting during the applicant's presentation.]

14. As the presentations from the representatives of PlanD and the applicant had been completed, the Chairperson invited questions from Members.

*Current Uses and Procedures to conform to Relevant Legislation*

15. The Chairperson and some Members raised the following questions:

- (a) whether the adjoining shops were also previously used as carports and, if so, when the Premises and adjoining carports were converted to shop uses;
- (b) whether the shop uses in the adjoining premises had obtained planning permission or had contravened any other government regulations and ordinances;



- (c) whether FEHD would consult relevant departments when processing a food business licence application and whether planning permission was a pre-requisite for issuance of food business licence at the Premises; and
- (d) what other procedures were required to effect the fast food shop use if planning permission for such was granted.

16. In response, Mr Louis K.H. Kau, DPO/HK, made the following main points:

- (a) as indicated on the approved general building plans (GBP), the Premises and the adjoining premises on the ground floor of the same building were indicated as carports, however, all those carports had been converted for shop uses over time. A photo taken in 2011 showed that the Premises and the adjoining carports were used as real estate agencies then;
- (b) the building in which the Premises and the adjoining premises were located fell within an area zoned “Residential (Group B)” (“R(B)”) and ‘Shop and Services’ use required planning permission from the Board. No planning permission had been granted for the uses currently existing on the ground floor of the subject building. Under the building regime, amendments to the approved GBP for changing the original carports of the building to shop uses were required, but no such submission had been received by the Buildings Department (BD). Regarding the lease aspect, the Lands Department (LandsD) advised that the proposed fast food shop would not breach the lease conditions;
- (c) under the prevailing practices on food business licence processing, FEHD would seek comments from PlanD and LandsD but not BD. In the subject case, PlanD had advised FEHD that planning permission was required for the ‘Shop and Services’ use at the Premises, and the applicant subsequently submitted the subject planning application for the Board’s consideration; and

- (d) even if the subject application was approved by the Board, the applicant would still need to amend the GBP and apply for a food business licence.

17. The Chairperson supplemented that whilst the Planning Authority had no enforcement power against uses not in compliance with Outline Zoning Plans (OZPs) in the urban area / new town, and the proposed fast food shop did not contravene the lease conditions, the conversion of carports to shop use without GBP approval would be subject to investigation and enforcement by the BD according to their priorities for enforcement work. For the subject application, if planning permission was not granted by the Board, FEHD and BD would not approve the application for food business licence and GBP amendment submission respectively.

18. Mr William W.L. Chu, the applicant, supplemented that as advised by the owner of the Premises, there were six carports on the ground floor of the building, and some of the current shops were converted from two carports. There was currently a total of four shops on the ground floor and the Premises had previously been occupied by a real estate agency (for more than 10 years), grocery store, laundry shop and interior design firm.

*Planning Related Matters*

19. The Chairperson and some Members raised the following questions:
- (a) the main factors that the Board should take into account in considering the application;
  - (b) whether there were buildings in the vicinity zoned “R(B)” and had similar carport design; and whether approving the application would set a precedent;
  - (c) should the subject application be approved by the Board, whether the planning permission would be granted to the applicant or granted for the use of the Premises by any person as shop;

- (d) should the Board reject the application, whether enforcement action would be undertaken by the relevant authority to convert the Premises back to a carport;
- (e) clarification on the proposed use under the application; and
- (f) whether the Board had the authority to grant a temporary approval though the application was seeking permission on a permanent basis.

20. In response, Mr Louis K.H. Kau, DPO/HK, made the following main points:

- (a) in considering the application, the Board might consider whether there were planning justifications to provide a shop and services use in the locality, which was a residential neighbourhood. If Members were concerned about the potential nuisance that might be generated from the operation of the fast food shop, the Board could consider granting an approval on a temporary basis, as proposed by the applicant at the meeting, so as to monitor the situation;
- (b) as indicated on Plan R-1 of the Paper, various areas along Tai Hang Road were zoned "R(B)". The adjoining ground floor premises within the same building of the Premises were originally designed for carports, while a building at 4C Tang Hang Road, which had similar carports, would be redeveloped. Other developments within the "R(B)" zones did not have ground floor carports. Should the application be approved by the Board, it might encourage owners of the adjoining premises to seek planning permission from the Board for 'Shop and Services' uses to regularize uses currently existing thereon. As the planning consideration of the current application would be similar to that of future similar applications, a precedent would be set;
- (c) planning permission granted by the Board would be on the use of the Premises and such permission would not be tied to a particular applicant;

- (d) if the Board rejected the application, BD would undertake enforcement action against the illegal conversion works at the Premises as appropriate taking into account its enforcement priorities;
- (e) the subject application was for 'Shop and Services' use. According to the 'Definition of Terms' adopted by the Board, various uses were subsumed under the broad use term of 'Shop and Services'. In other words, if the application was approved, all other subsumed uses would be allowed. 'Fast Food Shop' use meant any premises used for the selling of quick meals including drinks mainly for takeaway purpose and with no seats for dining in; and
- (f) after consideration of all relevant factors, the Board could grant planning permission on a temporary basis even though the application was seeking permission on a permanent basis.

*Shop and Services in the Area and the Proposed Fast Food Shop*

21. In response to a Member's question, Mr Louis K.H. Kau, DPO/HK advised that the closest locations for selling food were at Lai Tak Tsuen (about 300m away from the Premises and required some uphill walking along Tai Hang Road); and at Wun Sha Street (about 300m away downhill) where there was a supermarket and could be accessed via a staircase with about 10m level difference.

22. Some Members raised the following questions to the applicant:

- (a) the justifications for proposing a fast food shop in a locality which was primarily for residential use;
- (b) details on the business operation; and
- (c) whether the fast food shop had commenced operation.

23. In response, Mr William W.L. Chu, the applicant, made the following main points:

- (a) he learnt from the owner that the Premises and the adjoining premises had been used for shop and services use for many years. It was difficult for the elderly living in the area to visit shops at Wun Sha Street as they had to walk down the staircase that had more than a hundred steps. The residents in the locality might visit Lai Tak Tsuen but they needed to walk uphill. Since there was inadequate shop and services use in the locality, he considered that the Premises was a good location for a fast food shop to serve the neighbourhood;
- (b) the fast food shop would mainly provide takeaway of local food/snacks and beverages. He would apply to FEHD for a food factory licence, which would not permit dining-in. He had no plan to employ any worker as the business situation was unclear. The targeted customers would be the nearby residents and students in a nearby school; and
- (c) the fast food shop at the Premises had not yet commenced operation as he had not yet obtained a food business licence, although renovation had been completed in June 2020. He had signed a rental agreement and was paying rent without operating the business. If he had known that fast food shop was not allowed at the Premises, he might not have rented it.

#### *Carport Use*

24. Some Members raised the following questions:

- (a) whether there were railings outside the Premises and, if so, whether they would affect the use of the Premises as carport;
- (b) from the planning perspective, whether the change of use from carport to fast food shop at the Premises would be considered as a planning merit to enhance pedestrian and road safety; and whether there would be adverse impact if the Premises was converted back to a carport; and

- (c) whether losing the carports at the Premises/subject building would have any implication on the neighbourhood.

25. In response, Mr Louis K.H. Kau, DPO/HK, made the following main points:

- (a) as shown on a photo taken on 8.2.2021, only bollards were erected outside the Premises, which would not block vehicular access to the Premises if it was to be converted back to carports. It was likely that the bollards were erected by the Highways Department to prevent cars from parking on the pavement;
- (b) the major planning consideration was whether the applied fast food shop was suitable to be located at the Premises. As the Premises was originally designed for carport use, the proposed change of use might not be considered as a planning merit. The carports of the subject building were designed to have direct access onto the carriageway of Tai Hang Road. Vehicular movement into and out of any carport of the building would inflict inconvenience on road users on Tai Hang Road. However, as the building had only about six carports, even if the current uses were converted back as carports, no significant impact on traffic flow on Tai Hang Road was anticipated; and
- (c) since the ground floor premises of the building had not been used as carports for quite some time, losing the carports would unlikely have implications on residents of the building.

26. Mr William W.L. Chu, the applicant, supplemented that the space between the bollards was too narrow and it would be difficult to park a vehicle into the Premises.

*Owner's Corporation, Deed of Mutual Covenant and Rental Agreement*

27. The Chairperson and some Members raised the following questions:

- (a) implication on the deed of mutual covenant (DMC) if the application was approved;
- (b) views of the owner's corporation (OC) on the conversion of the other carports in the subject building; and
- (c) whether BD had issued any statutory orders to the OC or undertaken other enforcement actions on illegal conversion of the carports of the subject building.

28. In response, Mr Louis K.H. Kau, DPO/HK, made the following main points:

- (a) LandsD advised that the applicant might need to take into consideration any possible contravention of the relevant DMC and that other owners' consent should be obtained for the proposed change of use of the Premises. The applicant would need to separately seek agreement from the OC for the applied use which was one of the concerns raised in the public comments;
- (b) since no planning application relating to the other ground floor premises of the building have been received, PlanD had no information on the OC's view on the conversion of other carports of the building; and
- (c) BD was aware of illegal conversion of carports at the Premises and adjoining premises and would undertake enforcement action as appropriate.

29. The Chairperson and Members raised the following questions to the applicant:

- (a) OC's views on the applied use;
- (b) whether the Premises was owned by a single owner, whether the owner had assisted the applicant in resolving the issue with the OC, and what the

management fee issue mentioned by the applicant between the OC and the owners of the building was; and

- (c) whether there was any clause in the rental agreement specifying that the Premises needed to comply with relevant ordinances and regulations, whether there was any particular use specified in the rental agreement, and whether the rental agreement could be cancelled.

30. In response, Mr William W.L. Chu, the applicant, made the following main points:

- (a) the OC and the management company had no objection to and gave consent for his earlier application to the power company for installation of three-phase electrical power for the fast food shop operation. The OC had not raised objection or comments during renovation of the Premises. If they had raised objection at the stage when he applied for installation of electrical power, he would not have entered into the rental agreement. The renovation was completed in June 2020 and objection was received from the OC during the public inspection period of the s16 planning application in around October 2020. He had made an effort to liaise with the OC but in vain. As advised by the owner of the Premises, the OC's objection might be due to the management fee issue;
- (b) the Premises was owned by an individual owner, who had assisted him to contact and resolve the conflict between the OC and other owners of the building. However, no response was received from the OC. The owner of the Premises was responsible for paying the management fee under the rental agreement, thus he had no detailed information on the management fee issue between the OC and other owners of the building. He had also sought assistance from the Home Affairs Department (HAD), but the OC/management office had also made no response; and
- (c) the rental agreement was signed in June 2020 for a period of 3 years, and the address of the Premises was indicated as Shop B3. There was no user clause in the agreement. He was not aware of any clause stating that the



Premises needed to comply with other ordinances and regulations. The rental agreement could not be cancelled although the owner had slightly reduced the rent.

*Other Aspects*

31. Two Members enquired whether there was information on property's rates and tax assessment for the Premises/adjoining premises and why the Premises, being a carport, had a 'Shop 3' address. In response, Mr Louis K.H. Kau, DPO/HK, said that there was no information on the property rates and tax assessment for the Premises/adjoining shops at hand; and the address was provided by the applicant in the application form. Mr William W.L. Chu, the applicant, supplemented that the address of 'Shop B3' was assigned by the government for the Premises and he understood from the owner that the rates for the Premises was assessed based on a shop/business.

32. The Chairperson and Mr Andrew C.W. Lai, Director of Lands, supplemented that the rating assessment conducted by the Rating and Valuation Department (RVD) was based on the current use of a property, rather than its approved use. Mr Andrew C.W. Lai further said that for the subject case, the shop use would likely be used by RVD to determine its rateable value since the carport use as approved on the GBP had ceased for many years. Rating valuation was not an indication of the legality of a use, for example, people occupying roof-top structures with no legal status might still be charged with rates. The purpose of the postal address was for communication rather than an indication of an authorized use by the Government.

33. 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 in the absence of the applicant and his representative and inform the applicant of the Board's decision in due course. The Chairperson thanked the applicant, his representative and PlanD's representatives for attending the meeting. They left the meeting at this point.

[Ms Sandy H.Y. Wong left the meeting temporarily at this point.]

### Deliberation Session

34. The Chairperson recapitulated the background and key issues raised in the presentation and Q&A sessions to facilitate Members' consideration of the review application. On the one hand, PlanD considered that there was no strong planning justification for the proposed fast food shop at the Premises, which was located within a purely residential neighbourhood and the application should not be approved. On the other hand, sympathetic consideration might be given to the application noting that the original carport had already been converted for shop uses for many years, that reverting the Premises to carport use might not be desirable considering the traffic conditions on Tai Hang Road and that the precedent effect of approving this application might be limited given the small number of similar carports in this particular neighborhood. The Chairperson also reminded Members that the Board should focus on planning considerations rather than DMC-related issues as the latter were something which the applicant had to resolve with the OC separately if planning permission was granted for the applied use.

35. A few Members did not support the application on the following considerations:
- (a) the Premises was originally designed for carport use but the owner converted it for commercial uses without obtaining approvals from the relevant authorities. There were many similar carports in other parts of Hong Kong, including Kowloon City, that had been converted to commercial uses and induced on-street parking demand. Approval of the application might send a wrong message that such conversion was acceptable in planning terms, which might lead to many similar applications or similar conversions (without applications) in other areas. This might affect the undertaking of enforcement actions by the relevant authorities;
  - (b) it was the responsibility of the applicant to check all relevant regulations before entering into rental agreements for the applied use; and
  - (c) no additional justifications had been provided at the s.17 review as compared with that of the s.16 stage.

36. The majority of Members considered that sympathetic consideration could be given to the application. They were of the view that the carport use was outdated and no longer suitable at the Premises taking account of safety issues due to heavy traffic on Tai Hang Road. The fast food shop use was also not entirely incompatible with the surrounding area. The consideration of the application was based on the special circumstances of the Premises, including the location and its neighbourhood with only a small number of similar carports as well as the specific use proposed, and should not be taken as generally applicable to all other ground floor carports across the territory. Should the application be approved, such approval should not be taken as a precedent, and other similar applications would be considered on their individual merits. In addition, an approval of the application might set an example to the rest of the owners/users of other ground floor premises in the same building to regularise the shop uses through planning application.

37. Those Members who were in support of the application considered that planning permission on a temporary basis could be granted to monitor any possible nuisance that might be generated to the neighbourhood during operation of the shop, as raised in some public comments. An approval period, say of three years, would be in line with the contract period of the Premises as advised by the applicant.

38. A few Members raised concerns on the illegal conversion of other carports within the same building to other shop uses and considered that the relevant authority should be requested to issue warning letters/take enforcement action against the unauthorized works. Other Members concurred.

39. In response to a Member's and the Chairperson's questions, Mr Ivan M.K. Chung, Director of Planning, advised that the applied use was 'Shop and Services', which covered a range of subsumed uses as explained by DPO/HK. The Secretary added that all subsumed uses under the term would be deemed to have obtained planning permission if the application was approved. In some cases, the applicant would apply for a specific subsumed use within the 'Shop and Services' use only. Noting that the planning considerations discussed at the meeting were specific to the fast food shop use as proposed by the applicant, Members might consider imposing a planning condition to restrict the planning permission for 'fast food shop' use only.

40. The Chairperson summed up Members' views that the majority of Members were agreeable to the approval of the applied 'Fast Food Shop' use at the Premises on a temporary basis of 3 years. A temporary approval with the incorporation of appropriate approval conditions would help address the public comments concerning potential nuisance. The approval was based on the special circumstances of the Premises and should not be taken as generally applicable to all other carports. The conditions should be suitably revised to reflect the temporary approval for fast food shop use for a period of three years. The Secretariat would also convey Members' views to the BD to urge them to give priority to undertake enforcement actions on the other shop premises existing for a long time within the same building.

41. After deliberation, the Board decided to approve the application on review on a temporary basis for a period of 3 years until 19.3.2024 and subject to the following conditions:

- “(a) only 'Fast Food Shop' is allowed on the premises during the planning approval period;
- (b) the submission and implementation of a proposal for fire service installations and water supplies for firefighting before operation of the proposed use to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (c) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (d) if the above planning condition (b) was not complied with before the operation of the proposed use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

42. The Board also agreed to advise the applicant to note the advisory clauses as set out at Annex F of the Paper.

[Ms Sandy H.Y. Wong returned to join and Dr. Lawrence K.C. Li joined the meeting at this point.  
Mr Alex T.H. Lai left the meeting at this point.]

**Fanling, Sheung Shui and Yuen Long East District**

**Agenda Item 4**

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-NTM/405

Proposed Public Utility Installation (Solar Energy System) in “Green Belt” Zone, Lots 2161  
and 2163 (Part) in D.D. 102, Ngau Tam Mei, Yuen Long  
(TPB Paper No. 10724)

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[The item was conducted in Cantonese.]

**Presentation and Question Sessions**

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

Mr Anthony K.O. Luk - District Planning Officer/Fanling, Sheung  
Shui & Yuen Long East (DPO/FS & YLE)

*Miracle (HK) Group Limited*

Mr Santos Chan ] Applicant's Representatives

Mr Jackie Choi ]

44. 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.

45. With the aid of a PowerPoint presentation, Mr Anthony K.O. Luk, DPO/FS & YLE, 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 as detailed in TPB Paper No. 10724 (the Paper).

46. The Chairperson then invited the applicant's representative to elaborate on the review application.

47. Mr Santos Chan, the applicant's representative, made the following main points:

- (a) the application was in line with the Government's policy to encourage the development of renewable energy (RE) through the Feed-in Tariff (FiT) Scheme, which provided incentives for individuals and non-Government bodies to invest in RE, including solar photovoltaic (SPV) system. It was unreasonable for the RNTPC to reject the application on the ground that the proposed development would affect the existing natural landscape and cause adverse visual impact on the surrounding environment; and
- (b) the applicant had revised the scheme to address RNTPC's concern by reducing the number of solar panels from 338 to 243 and the covered area from 50% to 35% of the application site (the Site), as well as planting more trees in the remaining area (the revised scheme). The Site, including the area under the solar panels, would also be rehabilitated for agricultural purpose. As the proposed greening measures were in compliance with the criteria for development within the "Green Belt" ("GB") zone, the Board was urged to approve the application.

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

#### *Consideration of SPV System in "GB" Zone*

49. A Member asked whether 'Agricultural Use' and solar panels in metal stands erected above 'Agricultural Use' in "GB" zone required planning permission from the Board. In response, Mr Anthony K.O. Luk, DPO/FS & YLE, said that 'Agricultural Use' and 'On-Farm Domestic Structure' were Column 1 uses and were always permitted in the "GB" zone. If the installation of SPV system was incidental to, directly related and ancillary to and commensurate

in scale with the permitted uses within the “GB” zone, it would be regarded as an ancillary use for supplementing power supply to the permitted use/development and no planning permission from the Board was required. The proposed solar energy system in the subject application, which was large in scale with 243 solar panels and mainly developed for participation in the FiT Scheme of the CLP Power Hong Kong Limited (CLP), could not be considered as ancillary to the permitted ‘Agricultural Use’. According to the Assessment Criteria for Considering Applications for SPV System made under section 16 of the Town Planning Ordinance (the Assessment Criteria), the proposed development was regarded as ‘Public Utility Installation’ (PUI) in “GB” zone and planning permission was required from the Board.

50. Another Member asked whether joining the FiT Scheme was one of the criteria for determining if the proposed solar energy system was an ancillary use or not. In response, Mr Anthony K.O. Luk, DPO/FS &YLE, said that the nature of a proposed SPV system would be considered based on individual circumstances taking into account the scale of the proposed development. As 243 solar panels were proposed in the solar energy system at the Site, the scale of solar panels was regarded as a PUI rather than an ancillary use to ‘Agricultural Use’. The Secretary supplemented that in the formulation of the Assessment Criteria, Members noted that whether a SPV system would be considered as an ancillary use depended on a host of factors and merely joining the FiT Scheme would not render it a PUI.

51. In response to the Chairperson’s question, Mr Anthony K.O. Luk, DPO/FS &YLE, said that the Board had not granted planning permission for PUI of SPV System in “GB” zone after promulgation of the Assessment Criteria.

#### *The Proposed Solar Energy System*

52. The Chairperson and some Members raised the following questions:

- (a) whether the solar panels and the supporting structures would create glare and cause adverse visual impact on the surrounding area;
- (b) whether there was any photo showing the solar panels with anti-reflective coating material;

- (c) whether there was sufficient sunlight in areas under the solar panels for agricultural rehabilitation; and
- (d) whether the main purpose of the proposed development was for installation of solar energy system or agricultural rehabilitation.

53. In response, Mr Santos Chan, the applicant's representative, made the following main points:

- (a) solar panels had to absorb sun rays for electricity generation and the panel design would minimize sun rays being reflected away. By using anti-reflective coating material for the solar panels and dark coloured and non-reflective coating for the supporting structures, the glare impact would be minimized and no adverse impact on the surrounding area was anticipated;
- (b) while no photo showing the solar panels with anti-reflective coating material was at hand, the anti-reflective coating material was commonly used for solar energy systems and relevant photos were available on the internet;
- (c) the solar panels would be grouped in sets (each comprising three panels) and arranged in rows such that gaps of about 20-30cm and 1-1.5m would be provided between the sets and rows respectively. Besides, LED grow lights would be installed under the solar panels to enhance plant growth; and
- (d) the proposed development was aimed for both installation of solar energy system and agricultural rehabilitation. The economic return of using the whole site for agricultural rehabilitation was not satisfactory. A combined development with solar energy system and agricultural rehabilitation could achieve a win-win situation.

54. A Member asked whether a comparison of carbon reduction resulting from the installation of solar energy system and plantation at the Site had been conducted. In response,



Mr Santos Chan, the applicant's representative, said that according to the statistics on similar solar energy systems operated by the applicant at other sites, the monthly carbon reduction of the solar energy system at the Site was equivalent to planting of about 1,000 trees. They proposed to plant 80 odd fruit trees which would further improve the carbon reduction capacity as compared to the existing grass/scrubs. As such, the proposed solar energy system would have greater contribution to carbon reduction as compared with the existing condition of the Site. In response to two Member's follow-up questions, Mr Santos Chan said that the data on carbon reduction was generated by a software developed by the applicant's company and there were no details at hand on whether the 2019 carbon emissions intensity was adopted in the software. Besides, the estimated carbon reduction had not taken into account the carbon footprint for the production of solar panels.

55. In response to another Member's question regarding the tree planting proposal, Mr Santos Chan, the applicant's representative, said the proposed planting of more trees was in response to RNTPC's concern regarding landscape and visual impacts of the proposed development on the surrounding areas within the "GB" zone.

#### *Agricultural Use at the Site*

56. Some Members raised the following questions:

- (a) how agricultural rehabilitation at the Site would be implemented; and
- (b) the type of plants that would be grown under the solar panels and whether consideration had been given to providing greenhouse instead.

57. In response, Mr Santos Chan, the applicant's representative, made the following main points:

- (a) the applicant planned to co-operate with the local organic farming organizations by offering a relatively low rent to facilitate agricultural rehabilitation at the Site. The applicant had already contacted some farming organizations with expressed interest in the project; and

- (b) as advised by the farming organizations, plants which required less sunlight such as vegetable, strawberry and radish could be planted under the solar panels. They would also install LED grow lights so that more plant species could be grown under the solar panels. As for greenhouse, the plant species that could be grown within was more limited. The current proposal with solar panels in supporting frames and agricultural use underneath was an optimum design. Besides, permission from relevant government departments was required for the construction of green house.

#### *Vegetation Clearance at the Site*

58. Two Members enquired the Site condition since 2016 and whether there was any unauthorized development at the Site. In response, Mr Santos Chan, the applicant's representative, said that their company had only formed the Site between 2016 and 2020 but had not undertaken any other developments. With the aid of aerial photos of the Site in 2016 and 2020, Mr Anthony K.O. Luk, DPO/FS & YLE, said that according to the freezing survey conducted for the publication of the first Development Permission Area Plan for Ngau Tam Mei in 1992, the Site was vacant with two structures near the site boundary. According to a recent site visit and some aerial photos, the Site remained vacant with two structures since 2016. No enforcement action against unauthorized development at the Site had been undertaken.

59. In response to a Member's question, Mr Santos Chan, the applicant's representative, said that the Site was owned by the applicant.

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

[Mr Stanley T.S. Choi left the meeting at this point.]

### Deliberation Session

61. The Chairperson remarked that taking into account the Assessment Criteria, the proposed solar energy system, which involved the installation of 243 solar panels covering 35% of the Site mainly for electricity generation for the FiT Scheme, was regarded as a PUI rather than an ancillary use to the agricultural use. PUI use on the Site that was zoned “GB” required planning permission from the Board. Assessment criteria (j) of the Assessment Criteria also stated that as there was a general presumption against development in the “GB” zone, planning application for solar energy system within the “GB” zone was normally not supported unless with strong justifications. Compared with the time when RNTPC considered the application, the applicant had now obtained CLP’s confirmation on the technical feasibility of the scheme.

62. A Member indicated that the subject application could be supported as it was the Government’s policy to encourage RE; large scale solar energy system would inevitably have landscape and visual impacts but it had to be balanced against its RE benefit; and the applicant had reduced the scale of the scheme and proposed to plant more trees to address RNTPC’s concern on landscape and visual impacts; and there was no information on whether the applicant had cleared the vegetation on the Site. A balance should be struck between preserving the landscape character and providing incentive for the private sector to develop solar energy systems. Should the application be approved, consideration could be given to imposing an approval condition on the implementation of agricultural rehabilitation so that the application could be revoked if such condition was not fulfilled.

63. Another Member considered that the application could be approved as the Site was not located in an ecologically sensitive area, was currently vacant and covered with weeds, and the proposed development would facilitate agricultural rehabilitation and planting of about 80 trees to improve the existing natural landscape. Another Member also indicated that the application might be approved on a temporary basis as the Site was located in a less environmentally sensitive area and a condition for preparation of energy audit might be imposed so as to gauge the effectiveness of the claimed carbon reduction capacity, which might shed light on the consideration of similar applications in future.

64. The majority of Members, however, considered that the application should not be supported based on the following considerations:

- (a) the Site was zoned “GB” within which there was a general presumption against development and according to the Assessment Criteria, planning application for solar energy system was normally not supported unless with strong justifications. The applicant had not provided strong justifications for a departure from the planning intention of the “GB” zone, and the Assessment Criteria;
- (b) the proposed solar energy system was a predominant PUI use rather than an ancillary use to ‘Agricultural Use’ at the Site. The applicant failed to demonstrate to the satisfaction of the relevant government departments that the proposed solar energy system would not adversely affect the landscape character of the “GB” zone and would not cause adverse visual impact;
- (c) it was noted that vegetation had been cleared and the Site had been paved since 2016. While private sector’s participation in the development of SPV system was encouraged, the Board should avoid sending a wrong public message that clearing the vegetation and destroying the environment in a “GB” zone for installing SPV would be justified. The ecological value and carbon reduction efficiency of the replanted trees might not be comparable to the original trees at the Site; and
- (d) approval of the application would set an undesirable precedent and encourage similar applications, the cumulative impact of which would result in more vegetation clearance within the “GB” zone.

65. The Vice-Chairperson reiterated that the Assessment Criteria had provided a guidance for the consideration of applications for SPV System. The applicant had yet to provide strong justifications for a favourable consideration of the proposed solar energy system within the “GB” zone.

66. Some Members asked if suitable sites, such as brownfield sites and areas along the highways, could be identified by the Government for the installation of SPV systems to further promote RE. In response, Mr Terence S.W. Tsang, Assistant Director (Environmental Assessment) of Environmental Protection Department, said that it was the Environment Bureau (ENB)'s policy to promote RE for carbon reduction and in combating climate change. Apart from encouraging private sector initiatives such as the launch of the FiT Scheme, ENB had also identified suitable sites such as landfill sites and reservoirs for the development of RE systems. For the subject application, it was noted that some Members had concern on vegetation clearance and paving of the Site since 2016 and the applicant's representative had mentioned in the presentation that the applicant had formed the Site. If vegetation clearance was carried out for the purpose of the proposed solar energy system, it might not be a good example for the promotion of RE system. Regarding the visual impact, he added that apart from the visual intrusion caused by the proposed development, consideration should also be given to the number of visually sensitive receivers affected. The applicant had explained that the glare generated by the solar panels was relatively low due to the use of anti-reflective coating material and the number of people that would be affected by the adverse visual impact of the proposed solar energy system with low-rise structures would be relatively small in that location.

67. In response to a Member's question, the Secretary supplemented that according to the Notes of the Ngau Tam Mei Outline Zoning Plan, 'PUI' was a Column 1 use in "Government, Institution or Community", "Industrial (Group D)" and "Open Storage" zones, within which SPV system was always permitted. Besides, if installation of SPV system was incidental to, directly related and ancillary to and commensurate in scale with a permitted use/development within the same zone or at the rooftop of village houses or private buildings, it was regarded as an ancillary use for supplementing power supply to the use/development, household or building, and no planning permission from the Board was required.

68. The Chairperson concluded that majority of Members did not support the application as the applicant failed to provide strong justifications in their submission for a departure from the planning intention of the "GB" zone and the Assessment Criteria, and had not demonstrated that the proposed system would not generate adverse landscape and visual impacts on the surrounding environment.

69. After deliberation, the Board decided to reject the application on review for the following reasons:

- “(a) the development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the development is not in line with the Town Planning Board Guidelines for ‘Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance’ in that the design and layout of the proposed development is incompatible with the surrounding area, and causes adverse visual impact on the surrounding environment; and
- (c) the proposed use is not in line with the Assessment Criteria for Considering Applications for Solar Photovoltaic System in that there are adverse comments from relevant departments on visual aspect, and the applicant has failed to demonstrate that the proposed use would not adversely affect the landscape character of the “GB” zone and jeopardise the integrity of the zone as a buffer.”

[Messrs Andy S.H. Lam, K.K. Cheung, Thomas O.S. Ho and Dr Roger C.K. Chan left the meeting during the deliberation.]

[The meeting was adjourned for a 10-minute break and Mr Ivan M.K. Chung left the meeting temporarily. Messrs Andrew C.W. Lai, Lincoln L.H. Huang, Wilson Y.W. Fung, Dr Lawrence W.C. Poon and Dr Frankie W.C. Yeung left the meeting at this point.]

**Tsuen Wan and West Kowloon District**

**Agenda Item 5**

[Open meeting (Presentation and Question Sessions only)]

Submission of the Draft Urban Renewal Authority Shantung Street/Thistle Street Development Scheme Plan No. S/K3/URA4/A Prepared Under Section 25 of the Urban Renewal Authority Ordinance and Proposed Amendments to the Approved Mong Kok Outline Zoning Plan No. S/K3/32  
(TPB Paper No. 10727)

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[The item was conducted in Cantonese.]

70. The Secretary reported that the draft Development Scheme Plan (DSP) was located in Mong Kok (K3) and submitted by the Urban Renewal Authority (URA). AECOM Asia Co. Ltd. (AECOM), Atkins China Limited (Atkins) and Cinotech Consultants Limited (Cinotech) were the consultants of URA. The following Members had declared interests on the item for having affiliation/business dealings with URA or its consultants and/or owning properties in the Mong Kok area:

- |                           |   |   |
|---------------------------|---|---|
| Mr Ivan M.K. Chung        | ] |   |
| (as Director of Planning) | ] | being a non-executive director of the URA Board                                 |
|                           | ] | and a member of its Committee;  |
| Mr Andrew C.W. Lai        | ] |   |
| (as Director of Lands)    | ] |   |
| Mr Lincoln L.H. Huang     | - | being the deputy chairman of Appeal Board Panel of URA;                         |
| Mr Y.S. Wong              | - | being a non-executive director of the URA Board and a member of its Committees; |
| Mr Thomas O.S. Ho         | - | having current business dealings with URA and AECOM;                            |

- Dr Conrad T.C. Wong - his company having current business dealings with URA and his spouse owning a flat at Prince Edward Road West;
- Mr K.K. Cheung - his firm having current business dealings with URA and AECOM;
- Mr Alex T.H. Lai - his former firm having current business dealings with URA and AECOM;
- Mr Ricky W.Y. Yu - being a director of the Board of Urban Renewal Fund, and a director and chief executive officer of Light Be (Social Realty) Co. Ltd. which was a licensed user of a few URA's residential units in Sheung Wan;
- Mr Stephen L.H. Liu - co-owning with spouse a flat and his company owning another flat at Sham Mong Road, Tai Kok Tsui;
- Mr Stanley T.S. Choi - his spouse being a director of a company which owned a property at Nathan Road;
- Mr C.H. Tse - owning a flat at Canton Road;
- Mr Wilson Y.W. Fung - being a former director of the Board of the Urban Renewal Fund of URA;
- Ms Lilian S.K. Law - being a former director of the Board of the Urban Renewal Fund of URA;



- Dr Lawrence W.C. Poon - being a former non-executive director of the URA Board and its Committees' former chairman/member, and a former director of the Board of the Urban Renewal Fund;
- Mr Daniel K.S. Lau - being an ex-employee of Hong Kong Housing Society which was currently in discussion with URA on housing development issues;
- Mr L.T. Kwok - the institution he was serving had received sponsorship from URA; and
- Dr C.H. Hau - had past business dealing with AECOM.

71. Members noted that Messrs Daniel K.S. Lau, L.T. Kwok and Ricky W.Y. Yu had tendered apologies for not being able to attend the meeting. The interests of Messrs Ivan M.K. Chung, Andrew C.W. Lai, Lincoln L.H. Huang, Y.S. Wong, Thomas O.S. Ho and Dr Conrad T.C. Wong were direct, and they had already left the meeting, or were invited to leave the meeting during the deliberation session.

72. Members agreed that as the interests of Ms Lilian S.K. Law and Dr C.H. Hau were indirect, Messrs K.K. Cheung and Alex T.H. Lai had no involvement in the DSP, and the property of Messrs Stephen L.H. Liu, Stanley T.S. Choi and C.H. Tse had no direct view of the development scheme area, Members agreed that they could stay in the meeting.

#### Presentation and Question Sessions

73. The following representatives from the Planning Department (PlanD) and URA were invited to the meeting at this point:

- Mr Derek P.K. Tse - District Planning Officer/Tsuen Wan & West Kowloon (DPO/TWK)

Mr Clement Miu	- Senior Town Planner/Yau Tsim Mong (STP/YTM)
Mr Wilfred C.H. Au	- Director, URA
Mr Mike Y.F. Kwan	- General Manager, URA
Ms Mable M.P. Kwan	- Senior Manager, URA

74. The Chairperson extended a welcome and explained the procedure of the meeting. She then invited representatives of PlanD and URA to brief Members on the TPB Paper No. 10727 (the Paper).

*Draft Development Scheme Plan*

75. As the request of the Chairperson, Mr Derek P.K. Tse, DPO/TWK, explained that URA submitted the draft Shantung Street/Thistle Street DSP No. S/K3/URA4/A to the Board for consideration in accordance with section 25(5) of the Urban Renewal Authority Ordinance (URAO). If agreed by the Board, the DSP would be exhibited for public inspection in accordance with the provision under section 5 of the Town Planning Ordinance (the Ordinance).

76. With the aid of a PowerPoint presentation, Mr Derek P.K. Tse, DPO/TWK, then briefed Members on the DSP as detailed in Paper, including the background, the proposed development parameters of the DSP and the notional scheme prepared by URA.

77. With the aid of a PowerPoint presentation, Mr Mike Y.F. Kwan, URA made the following main points:

- (a) in accordance with the Urban Renewal Strategy, the DSP aimed to restructure and rationalize the land uses in the concerned area by redeveloping the dilapidated buildings and providing more open space and community/welfare facilities, and enhancing the townscape;

- (b) the notional scheme proposed a 34-storey residential tower (including a 4-storey non-domestic podium and 2 storeys of basement floors), an 8-storey retail-cum-government, institution or community (GIC) block, a re-provisioned public open space (POS) and a sunken plaza. The proposed domestic and non-domestic plot ratios (PRs) were 7.5 and 1.5 respectively and the gross floor area (GFA) of about 2,850m<sup>2</sup> for GIC facilities was proposed to be exempted from PR calculation. The area covering the re-provisioned POS of about 780m<sup>2</sup> would be included in the “Residential (Group A)” (“R(A)”) zone but it would not be included in the net site area for PR calculation;
- (c) Thistle Street Rest Garden (TSRG) was currently not easy to access and the loading/unloading (L/U) activities along Thistle Street rendered the pedestrian environment unpleasant. URA would relocate part of the TSRG to the street corner at Thistle Street/Shantung Street (re-provisioned POS) to improve its accessibility and visibility. URA would carry out separate revitalization works in the remaining portion of TSRG to achieve a coherent design theme for the entire TSRG. An additional sunken plaza with shops would be provided at Thistle Street to connect with the re-provisioned POS to add vibrancy to the public space;
- (d) the redevelopment would provide about 2,850m<sup>2</sup> of non-domestic GFA for GIC uses including a 100-place Child Care Centre, one team of Home Care Services for Frail Elderly Persons and a Neighbourhood Elderly Centre (NEC) sub-base to meet the community needs;
- (e) the building height restriction (BHR) was proposed to be relaxed from 100mPD to 120mPD to allow better urban design, allow more open areas at ground level and optimize floor space for GIC facilities. A BHR of 120mPD was similar to that of new developments in the surrounding areas and the building height (BH) of the low-block was similar to that of the existing old buildings in the street block. Besides, the relaxed BHR would allow fresh air intake for the residential portion to be provided at 34m above the ground level to meet the Air Quality Objectives (AQOs);

- (f) ground floor setbacks were proposed at the corner of Nelson Street/Thistle Street to improve the existing crowded and unpleasant pedestrian environment. URA would separately liaise with relevant departments on ways to minimize nuisance caused by the roadside L/U activities which were mainly associated with the recycling shops within the development scheme area and the existing Nelson Street wet market operations; and
- (g) eight public comments were received on the draft DSP (including the Stage 1 Social Impact Assessment (SIA) Report) and no comment was received on the Stage 2 SIA Report. URA had held six briefing sessions to answer queries of those affected by the DSP and would continue to provide assistance in accordance with their existing practice.

78. With the aid of a PowerPoint presentation, Mr Derek P.K. Tse, DPO/TWK, continued to brief Members on the planning assessments of the draft DSP as detailed in paragraph 11 of the Paper, that PlanD had no objection to the draft DSP including the proposed PR, BHR, exemption of floor space for GIC facilities required by the Government; the re-provisioning of a portion of TSRG; and to permit commercial use 'in the purpose-designed non-residential portion of a building connecting to a sunken plaza' in the Notes of the DSP to allow design flexibility. Regarding the public comments received during the inspection periods, the planning assessments and departmental comments in the Paper were relevant and other matters relating to acquisition, compensation and re-housing would be dealt with by URA according to the established policies.

*Proposed Amendments to the Draft OZP*

79. Mr Derek P.K. Tse, DPO/TWK, continued to brief Members on the proposed amendments to the approved Mong Kok OZP No. S/K3/32 as detailed in paragraph 12 of the Paper. The amendments were for incorporating the areas covered by three URA's Development Schemes into the OZP to reflect the completed developments thereon, as well as technical amendments including the latest Master Schedule of Notes endorsed by the Board on 28.12.2018 regarding the subsuming of 'Market' use under 'Shop and Services' use.

[Dr Conrad T.C. Wong left the meeting at this point.]

80. As the presentations of the representatives of PlanD and URA had been completed, the Chairperson said that the current submission was to invite Members to consider whether the draft DSP was acceptable for exhibition under the Ordinance, and then would be subject to the statutory planning process. She remarked that the Board was not to consider a detailed design proposal; the indicative scheme provided by URA was background information to facilitate the Board to consider the DSP; and URA would further work out details of the proposed scheme in later stage. She also indicated that the other proposed amendments to the draft OZP were mainly technical. She then invited questions from Members.

*L/U at Thistle Street*

81. In response to a Member's question on the L/U facilities at Thistle Street, Mr Derek P.K. Tse, DPO/TWK, advised that the future redevelopment would provide L/U facilities in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) and to the satisfaction of the Transport Department (TD). Mr Wilfred C.H. Au, URA, supplemented that for the L/U facilities outside the development scheme area but adjoining the re-provisioned POS, URA would separately liaise with TD and consult the Yau Tsim Mong District Council to explore the possibility to relocate those L/U facilities, which were necessary for the wet market operations, to the opposite side of Thistle Street. He pointed out that with the exception of a small portion, the wet market at Nelson Street was mainly outside the development scheme area.

82. A Member remarked that the shops for recycling scrap metal should be relocated from the neighbourhood. Mr Wilfred C.H. Au, URA, clarified that the scrap metal recycling operations currently located within the development scheme area would be discontinued.

*Public Open Spaces, Sunken Plaza and the Streetscape*

83. Some Members raised the following questions:

- (a) how the sunken plaza could be accessed and whether it would be connected to the re-provisioned POS, and its opening hours;

- (b) whether the re-provisioned POS would be under the management of the Leisure and Cultural Services Department (LCSD) and whether it would be fenced off;
- (c) measures for enhancing the streetscape and pedestrian environment; and
- (d) noting the proposed increase in BH, whether there would be increase in open space at ground floor level.

84. In response, Mr Wilfred C.H. Au, URA, made the following main points:

- (a) there would be direct connection from the sunken plaza to the re-provisioned POS, which might be in the form of stairs that visitors could sit on. There would be shops selling light snacks at the sunken plaza for the convenience of the public and the open space users. URA would further liaise with LCSD to ensure a cohesive design between the development scheme project and the surrounding public space. The opening hours of the sunken plaza would tally with those of the TSRG;
- (b) the re-provisioned POS would be handed over to and managed by LCSD. The TSRG would unlikely be fenced off but there might be some planters to set out the boundary and enhance management of the TSRG. In addition, more access points would be provided to the TSRG through the development scheme area;
- (c) setbacks would be provided along Thistle Street and at the corner of Nelson Street/Thistle Street to allow more spacious pavements. There was also room to enhance pedestrian access near the corner of Ferry Street/Shantung Street. However, there would be constraint at Shantung Street for further streetscape enhancement due to the vehicular ingress/egress of the proposed development; and
- (d) the higher BH would allow a slimmer building and more ground floor space. Other than the re-provisioned POS of 780m<sup>2</sup>, additional ground

floor space would include the sunken plaza and the setbacks along the streets. There was also room to provide landscaping within these areas.

*Local Character and Community Support*

85. Some Members raised the following questions:

- (a) whether some shops with local characters could be retained and allowed to move back to the future redevelopment site. As the Nelson Street wet market was currently very vibrant, whether some wet market shops could be allowed in the redevelopment;
- (b) any experience learnt from the Lee Tung Avenue project, which was also close to a wet market;
- (c) some locals, including the homeless and workers at the market, might need some bathing facilities. Whether the public toilet with additional bathing facilities could be re-provided within the low block rather than as a separate facility in TSRG; and
- (d) noting that there were relatively few objecting comments received on the draft DSP and SIA reports, how URA would assist business operators affected by the development scheme.

86. In response, Mr Wilfred C.H. Au, URA, made the following main points:

- (a) the lower block could allow GIC facilities as well as shops, which could be used for wet market shops similar to that at the Graham Street project. If there were local shops with special character, such as the Thai-culture related shops at the Sa Po Road/Kai Tak Road project, there was an existing mechanism to facilitate them to move back to the development scheme if they desired. Furthermore, there would be vacant shops in the adjoining streets that might be suitable for business operators to relocate;

- (b) URA had gained more experience in handling project sites with existing wet markets in their Lee Tung Avenue and Graham Street projects. A ‘flea market’ type of arrangement with indoor shops and street stalls seemed to work well. The development scheme would minimize impact on the wet market at Nelson Street during construction. The setback at the corner of Nelson Street/Thistle Street would provide more pedestrian spaces to facilitate any street activities in future, including display of goods for sale;
- (c) the existing public toilet would be re-provisioned in the TSRG. URA had initially suggested to re-provide the public toilet, which would be managed and maintained by LCSD, at the low block but the proposal was not acceptable to LCSD from the management perspective. URA noted the Board’s view and would further liaise with LCSD; and
- (d) URA noted that a relatively small number of objecting public comments had been received on the draft DSP and SIA reports. URA would continue to address the worries and concerns of affected business operators and residents. URA would also provide information on vacant shops to facilitate affected business operators to re-locate within the area. Compensation would be provided by URA under their prevailing policy.

### *Building Height Restriction*

87. A Member enquired whether the BHR could be kept at 100mPD as the buildings in the immediate surroundings were relatively low and it would be less imposing on the TSRG and the re-provisioned POS. Mr Wilfred C.H. Au, URA, explained that under the current “Residential (Group A)” (“R(A)”) zoning on the OZP, the redevelopment could take the form of two blocks at 100mPD, which would surround the TSRG. Under the DSP, URA proposed to re-structure the land uses by proposing one high-rise tower block in the south at 120mPD, one low-rise block in the north as well as a re-provisioned POS at a more open street corner at Shantung Street/Thistle Street. With the aid of a photomontage, he indicated that there would be minimal difference between a development at 100mPD or 120mPD when viewed at the pedestrian level. Relaxation of the BHR would allow a smaller footprint for the high-rise tower



and more ground floor area for setbacks, the sunken plaza and the re-provisioned POS. In addition, as the domestic portions had to be located at above 34m from ground level to meet the AQOs, only 20 odd domestic storeys could be accommodated at the high-rise block even with the relaxed BHR.

### *GIC Facilities*

88. A Member enquired whether there would be a synergy effect if all GIC facilities were accommodated in the same block rather than separately within the low-rise block and the podium of the high-rise block. Mr Wilfred C.H. Au, URA, advised that Social Welfare Department (SWD) generally agreed with the indicative locations of GIC facilities but URA would further liaise with SWD on the most suitable locations for GIC facilities taking into account the operational and service needs. There would be flexibility on the allocation of the GIC facilities if spaces were available.

89. The Chairperson noted from the Explanatory Statement (ES) of the draft DSP that 'not more than 2,850m<sup>2</sup> non-domestic GFA would be proposed for GIC use within the non-domestic portion', and asked whether the statement could be amended to read as 'not less than 2,850m<sup>2</sup>' to tally with similar wordings of other DSPs. Mr Wilfred C.H. Au, URA, confirmed that the amendment was acceptable.

### *Air Quality*

90. A Member asked URA to clarify the AQOs requirement for the development scheme, the air ventilation information for the area, and whether there would be health risk for the open space users. Mr Wilfred C.H. Au, URA, explained that according to the Environmental Protection Department (EPD), the AQO requirement for locating residential use at the development scheme area above 34m from ground level was applicable to new developments. Mr Derek P.K. Tse, DPO/TWK, supplemented that the Urban Design and Landscape Section of PlanD had advised that air ventilation assessment was not required for the proposed DSP. Mr Terence S.W. Tsang, Assistant Director (Environmental Assessment) (AD(EA)), EPD advised that as the DSP was a new development located close to major roads, a study on air quality was required to ensure that the future units would meet the AQOs. The Government was currently introducing various environmental measures, including the promotion of electric vehicles, to

reduce pollutant emissions and improve the air quality in Hong Kong in the longer term. As the AQOs for the pollutant of concern, i.e. nitrogen dioxide, had a comparatively long averaging time (daily average and annual average), there would unlikely be adverse impact on the short term users of the open space.

*Other Aspects*

91. A Member asked about the connectivity between the development scheme area and the GIC facilities and open space to the west across West Kowloon Corridor. With the aid of a site plan, Mr Derek P.K. Tse, DPO/TWK, pointed out that there were three footbridge systems at Cherry Street, Dundas Street and Waterloo Road to provide pedestrian crossings to connect the larger area covering the development scheme area and the area to its west.

92. In response to a Member's question, Mr Wilfred C.H. Au, URA, explained that the net site area that would be used for PR calculation had excluded the re-provisioned POS and pavement areas from the gross site area. The GFA for GIC facilities (about PR of 1.7) was proposed to be exempted from PR calculation under the planning regime.

93. In response to a Member's enquiry, Mr Derek P.K. Tse, DPO/TWK, advised that the ex-Mong Kok Ferry Pier was previously located to the west of Shantung Street and the historic coastline would be roughly at Reclamation Street/Canton Road.

*Proposed Amendments to the draft OZP*

94. Members had no question to raise on the proposed amendments to the OZP which were to reflect the three completed URA Development Schemes and amendments to the Master Schedule of Notes endorsed by the Board.

[Ms Sandy H.Y. Wong and Professor Jonathan W.C. Wong left the meeting during the presentation and question session.]

95. As Members had no further questions to raise, the Chairperson thanked the representatives of PlanD and URA for attending the meeting. They left the meeting at this point.

[Dr Lawrence K.C. Li and Mr Y.S. Wong left the meeting before deliberation.]

96. The deliberation session was recorded under confidential cover.

[Ms Lilian S.K. Law left the meeting after deliberation, and Mr Ivan M.K. Chung returned to join the meeting at this point.]

### **Procedural Matters**

#### **Agenda Item 6**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Further Representations Arising from the Consideration on Representations and Comments on the Draft Pak Lap Outline Zoning Plan No. S/SK-PL/3  
(TPB Paper No. 10726)

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[The item was conducted in Cantonese.]

97. The Secretary reported that the representations, comments and/or further representations had been submitted by Ms Mary Mulvihill (R1/C59), the Hong Kong Countryside Foundation Ltd (HKCF) (R2), Kadoorie Farm and Botanic Garden Corporation (KFBG) (R3), the Conservancy Association (CA) (R4/C54), Hong Kong Bird Watching Society (HKBWS) (R5/C55) and Master Mind Development Limited (Master Mind Development) represented by Townland Consultants Limited (Townland) (F1). The following Members had declared interests on the item:

Mr K.K. Cheung	- his firm having current business dealings with Townland (representative of F1) and KFBG (R3) and past business dealings with CA (R4/C54), and hiring Ms Mary Mulvihill (R1/C59) on a contract basis from time to time;
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- Mr Alex H.T. Lai - his former firm having current business dealings with Townland (representative of F1) and KFBG (R3) and past business dealings with CA (R4/C54), and hiring Ms Mary Mulvihill (R1/C59) on a contract basis from time to time;
- Dr C.H. Hau - being a member of HKBWS (R5/C55) and a life member of CA (R4/C54), and his spouse being the Vice Chairman of the Board of Directors of CA;
- Prof John C.Y. Ng - being a director of the Board of HKCF (R2); and
- Mr K.W. Leung - being a member of the executive committee of HKBWS (R5/C55) and the Chairman of a committee of HKBWS.

98. Members noted that Mr K.K. Cheung had tendered apologies for being unable to attend the meeting and Mr Alex H.T. Lai had already left the meeting. Members agreed that as the item was procedural in nature, all other Members who had declared interests could stay in the meeting.

99. The Secretary briefly introduced TPB Paper No. 10726 (the Paper). On 11.12.2020, the Town Planning Board (the Board) considered and agreed that the proposed amendment to the Draft Pak Lap Outline Zoning Plan (the OZP) which involved rezoning a piece of land to the east of the existing village cluster (the Further Representation Site) from “Village Type Development” (“V”) to “Agriculture” (“AGR”) zone was suitable for publication for further representation (FR) under section 6C(2) of the Town Planning Ordinance (the Ordinance). On 22.1.2021, the proposed amendment was exhibited for public inspection. Upon expiry of the first three-week exhibition period on 16.2.2021, a total of 86 FRs were received. Among the 86 FRs, two FRs supported, 81 FRs opposed and three FRs provided views on the proposed amendment. Among the opposing FRs, 79 FRs were made in the form of three types of standard letters.

100. As the representations and comments were considered by the full Board, it was considered more appropriate for the full Board to hear the FRs itself without resorting to the appointment of Representation Hearing Committee. In view of the similar nature of the FRs, it was recommended to consider the FRs collectively by the Board. In accordance with section 6F(3) of the Ordinance, the original representers/commenters after consideration of which the proposed amendment had been made and the FRs would be invited to the meeting. The hearing could be accommodated in the Board's regular meeting and a separate hearing session might be arranged if necessary. To ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each representer/commenter/FR in the hearing session. Consideration of the FRs by the full Board under section 6F of the Ordinance was tentatively scheduled for April/May 2021.

101. After deliberation, the Board agreed that:

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

### **Agenda Item 7**

[Open Meeting]

### **Any Other Business**

[The item was conducted in Cantonese.]

102. There being no other business, the meeting was closed at 2:50 p.m.