

**Minutes of 1243rd Meeting of the
Town Planning Board held on 9.4.2021**

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

Mr L.T. Kwok

Mr Daniel K.S. Lau

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 Apology

Mr Ricky W.Y. Yu

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Caroline T.Y. Tang

Senior Town Planner/Town Planning Board
Ms W.H. Ho

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 1241st Meeting held on 19.3.2021

[The item was conducted in Cantonese.]

2. The draft minutes of the 1241st meeting held on 19.3.2021 were sent to Members on 9.4.2021. Subject to any proposed amendments by Members on or before 12.4.2021, the minutes would be confirmed.

[Post-meeting Note: The minutes were confirmed on 12.4.2021 without amendments.]

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

- (i) Further Consideration of Proposed Amendments to the Draft Kennedy Town & Mount Davis Outline Zoning Plan No. S/H1/20

3. The Secretary reported that one of the proposed amendments to the draft Kennedy Town & Mount Davis Outline Zoning Plan (OZP) No. S/H1/20 involved the University of Hong Kong (HKU) Residences at Pokfield Road. The following Members had declared interests on the item for owning property in the Kennedy Town & Mount Davis area or having affiliation/business dealings with HKU:

- Mr Wilson Y.W. Fung - being the Chairman of the Accounting Advisory Board of School of Business, HKU;
- Dr C.H. Hau - being an Honorary Associate Professor and Principal Lecturer of HKU, and his spouse being a Principal Lecturer of HKU;
- Mr K.K. Cheung - his firm having current business dealings with HKU;
- Mr Alex T.H. Lai - his former firm having current business dealings with HKU;
- Ms Lilian S.K. Law - being the Adjunct Associate Professor of HKU;
- Professor John C.Y. Ng] being the Adjunct Professors of HKU;
Dr Conrad T.C. Wong]
- Dr Roger C.K. Chan - being the Associate Professor of HKU; and
- Dr Jeanne C.Y. Ng - owning a property in Kennedy Town.

4. Members noted that the outstanding issue to be discussed at the meeting was related to the amendment sites at Mount Davis Road and Dr Conrad T.C. Wong and Dr C.H. Hau had not yet joined the meeting. As the property owned by Dr Jeanne C.Y. Ng had no direct view of the amendments sites, and the interests of the other Members in relation to HKU were considered indirect, Members agreed that they could participate in the discussion of the item.

5. The following representatives from the Planning Department (PlanD) were invited to the meeting:

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

Mr Mann M.H. Chow - Senior Town Planner/Hong Kong (STP/HK)

6. With the aid of a PowerPoint presentation, Mr Mann M.H. Chow, STP/HK, made the following main points:

The Board's Decision on 5.3.2021

- (a) when the proposed amendments to the draft Kennedy Town & Mount Davis OZP No. S/H1/20 were considered by the Town Planning Board (the Board) on 5.3.2021, some Members raised concern that the proposed rezoning of 2 and 6-10 Mount Davis Road, i.e. the two concerned sites (the Sites), under Amendment Item E, would result in visual obstruction to part of the ridgeline of Mount Davis, and asked if there might be scope for adjusting the building height restriction (BHR) of the Sites. At the said meeting, the Board agreed to the proposed amendments under Items A to D, F1 and F2 but decided to defer a decision on Amendment Item E pending further review by PlanD on the appropriate development restrictions for the Sites for the Board's further consideration;
- (b) as presented at the meeting on 5.3.3021, the Sites under Amendment Item E were proposed to be rezoned from "Residential (Group C)2" ("R(C)2") with a maximum plot ratio (PR) of 0.75, site coverage (SC) of 25% and building height (BH) of 3 storeys to "Residential (Group B)1" ("R(B)1") with a maximum PR of 3 and BH of 160mPD;

Background of the Sites under Amendment Item E

- (c) the Sites and the adjoining site (i.e. 2A and 4 Mount Davis Road) were previously zoned "R(B)" with no development restriction imposed on the OZP No. S/H1/1 gazetted in 1986 and the zoning remained unchanged on the OZP No. S/H1/17;
- (d) in 2011, upon completion of the BH review, the Sites were rezoned to "R(C)2" with imposition of a maximum PR of 0.75, SC of 25% and BH of 3 storeys, while the adjoining site at 2A and 4 Mount Davis Road was

rezoned to “R(B)1” with imposition of a maximum PR of 3 and BH of 160mPD on the draft OZP No. S/H1/18. During the publication of the representations in 2011, all of the 12 comments received indicated support to representation R2 submitted by the Real Estate Developers Association of Hong Kong (which generally opposed all amendments incorporated in the OZP in respect of the imposition of BH and building gap restrictions) and opposed the rezoning of the Sites from “R(B)” to “R(C)2” mainly on the ground that it was illogical and inequitable to have different PR and BH restrictions for the Sites and the adjoining site given their similar locations and characteristics. After giving consideration to all the representations and comments on 25.11.2011, the Board decided not to uphold the representations including R2;

- (e) in 2012, the Incorporated Owners of 6 & 10 Mount Davis Road and the owner of 2 Mount Davis Road lodged two Judicial Review (JR) applications against the Board’s decision in 2011 not to uphold the representation R2. They were also the commenters who submitted comments (C11 and C12) on representation R2 in respect of the draft OZP No. S/H1/18;
- (f) in March 2020, the Court of First Instance allowed the JRs quashing the Board’s decision on R2 with a direction that the representation R2, together with the comments thereon (including C11 and C12), be remitted to the Board for reconsideration;

Urban Design Guidelines (UDG) in Chapter 11 of the Hong Kong Planning Standards and Guidelines (HKPSG)

- (g) according to the UDG of the HKPSG, in order to preserve views to ridgelines/peaks and mountain backdrop with recognised importance around the Victoria Harbour, a 20% building free zone below the selected sections of ridgelines would need to be maintained when viewing from strategic vantage points (SVPs). Eight SVPs were selected around the Victoria Harbour for preservation of views to the selected sections of ridgelines. The Kennedy Town and Mount Davis Area, including the Sites, did not fall within the “view fan” of the two nearest SVPs, i.e. SVP1

West Kowloon Cultural District and SVP7 The Peak. In fact, the Mount Davis ridgeline was not the selected ridgeline to be preserved;

Visual Impact Assessment (VIA): Original and Alternative Proposals

- (h) to assess the possible visual impacts of the proposed amendments to the extant draft OZP No. S/H1/20, five local viewing points (LVPs) were selected according to the Town Planning Board Guidelines No. 41 on “Submission of Visual Impact Assessment for Planning Applications to the Town Planning Board” (TPB PG-No. 41) taking into account the accessibility and popularity to the public. Among the selected LVPs, only LVP5, which was located at a footbridge in Pok Fu Lam Road to the west of Queen Mary Hospital, could capture the Sites. As shown in a zoom-in view of LVP5, the BHR of 160mPD on the OZP under the “R(B)1” zone for 2A Mount Davis Road had already protruded the Mount Davis ridgeline and the existing building at 2 Mount Davis Road (3 storeys/132mPD) was also touching the lower part of the Mount Davis ridgeline;

- (i) under the original proposal of rezoning the Sites from “R(C)2” to “R(B)1” with a maximum PR of 3 and BH of 160mPD (the Original Proposal), it was considered that the future redevelopment would be commensurate with the neighbouring existing developments including the student hostels of HKU. A Visual Appraisal was conducted for the proposed amendments to the draft OZP. According to TPB PG-No. 41, the visual impact of the proposed development restrictions of the Sites was assessed in three aspects, i.e. visual composition, visual obstruction and effects on public viewers. According to the conclusion of the Visual Appraisal, the proposed development restrictions of the Sites were not incompatible in scale with the current OZP restrictions of the adjacent “R(B)1” zone (i.e. maximum PR 3 and BH 160mPD) for medium-rise residential development. For 6-10 Mount Davis Road with proposed BHR of 160mPD, majority of the mountain backdrop could still be retained. While the proposed BHR of 160mPD for 2 Mount Davis Road would obstruct the lower part of the ridgeline, the magnitude of adverse change to LVP5 was considered small. The proposed rezoning with maximum PR 3 and BH 160mPD did not

appear to be out of context. Also, as LVP5 had already been obstructed by some existing developments (with BH ranging from 145mPD to 175mPD), the visual impact arising from the proposed rezoning was considered insignificant;

- (j) noting that Members had expressed concerns on the visual impact of the Original Proposal at the meeting on 5.3.2021, two alternative proposals were also presented for consideration, i.e. Alternative Proposal 1 was to retain 2 Mount Davis Road as “R(C)2” and rezone 6-10 Mount Davis Road from “R(C)2” to “R(B)1”, and Alternative Proposal 2 was to retain both 2 and 6-10 Mount Davis Road as “R(C)2”; and

Recommendation

- (k) as the previous “R(C)2” zoning with PR of 0.75, SC of 25% and BH of 3 storeys for the Sites was successfully challenged in the JRs, there should be justifiable basis in keeping the zoning and development restrictions for the Sites upon re-consideration. The characteristics of the Sites and the adjoining “R(B)1” site (2A & 4 Mount Davis Road) were similar and mainly fell within Residential Density Zone III (ranging from PR of 0.75 for developments of 3 storeys to PR of 3 for developments with 17 storeys and over) under the residential density guidelines of the HKPSG. The proposed development intensity of the Sites was still in line with the Residential Density Zone III in the HKPSG. The Visual Appraisal had concluded that the visual impact of the Original Proposal was insignificant. Based on the above consideration, the Original Proposal was preferred as it was not incompatible with the surroundings.

[Dr Conrad T.C. Wong joined the meeting during PlanD’s presentation.]

7. The Chairperson said that the plan-making process would commence upon the Board’s consideration of Amendment Item E. At the meeting on 5.3.2021, Members’ concern was mainly on the visual impact arising from the future redevelopment at 2 Mount Davis Road. As explained by PlanD, the concerned ridgeline was not the selected ridgeline to be preserved under the UDG. Making reference to TPB PG-No. 41, the selected LVP5

was taken at a footbridge connecting to Queen Mary Hospital, which was unlikely to be a location for public appreciation of the Mount Davis ridgeline. The Visual Appraisal had concluded that while the proposed BHR of 160mPD for 2 Mount Davis Road would obstruct the lower part of the ridgeline, the magnitude of adverse change would be small. She remarked that the re-consideration of the BHR for the Sites should be on a justifiable basis noting that the previous development restrictions were successfully challenged in the JRs.

8. The Chairperson then invited questions from Members.

9. A Member enquired how the eight SVPs were selected. In response, Mr Louis K.H. Kau, DPO/HK, said that developments in the north shore of Hong Kong Island should respect the dominance of Victoria Peak and other Hong Kong ridgelines/peaks when viewing from Kowloon side, in particular from three SVPs including the West Kowloon Cultural District, Cultural Complex at Tsim Sha Tsui and the waterfront promenade at Kai Tak Development. Views to Kowloon Peak and major Kowloon ridgelines should be preserved from the four SVPs at Hong Kong Convention and Exhibition Centre at Wan Chai, Central Pier No.7, Sun Yat Sen Memorial Park in Sai Ying Pun and Quarry Bay Park. The SVP from The Peak was to preserve the views towards Victoria Harbour. The Chairperson supplemented that the designation of the eight SVPs was to preserve the selected sections of ridgelines along the Victoria Harbour, which did not include the part of the Mount Davis ridgeline that would be affected by the future redevelopment at 2 Mount Davis Road.

10. Some Members raised the following questions on the selection of the LVPs.

- (a) whether the number of people accessing a particular location should be taken into account when selecting a LVP;
- (b) whether the viewpoints of passengers of public transport and patients in the wards of Queen Mary Hospital to the ridgeline would be considered;
- (c) noting that the Mount Davis ridgeline and the Kowloon ridgelines that could be viewed from LVP5 were not the selected ridgelines to be preserved under the UDG, what the purpose of selecting LVP5 was; and

(d) the time of taking the photos at LVP5 in the VIA.

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

(a) according to TPB PG-No. 41, the LVPs were selected mainly on the basis of whether it was easily accessible to the public, which included key pedestrian nodes and open spaces, etc.;

(b) it was set out in TPB PG-No. 41 that it was important to protect public views, particularly those easily accessible and popular to the public or tourists. The viewpoints of passengers of public transport and patients in wards of a hospital were not the viewpoints that met the requirements under TPB PG-No. 41;

(c) the LVPs were selected in accordance with TPB PG-No. 41 to assess the possible visual impacts of the sites with the proposed BH and PR restrictions on the surrounding areas. Among the selected LVPs, only LVP5 could capture the Sites. The mountain backdrop of Mount Davis would be the key visual element and resource. The proposed increase in BH and PR for the Sites, and compared with the restrictions stipulated on the extant OZP, would result in visual obstruction to the lower part of the ridgeline and reduce the visual permeability. However, the magnitude of adverse change to this viewpoint was considered minimal and acceptable; and

(d) the photos from LVP5 in the VIA were taken in January 2021.

12. In response to a Member's enquiry, the Chairperson said that the Kowloon ridgelines that could be viewed from LVP5 were not the selected section of ridgelines requiring preservation under the UDG as viewed from the eight SVPs. The Member also asked whether it was possible to slightly tighten the BHR of 2 Mount Davis Road so as to preserve the ridgeline. Mr Louis K.H. Kau, DPO/HK, responded that as the site level of 2 Mount Davis Road was high, a BH of 160mPD was required to achieve the PR of 3.

13. A Member asked whether there would be other redevelopments in the surrounding area of the Sites. Mr Louis K.H. Kau, DPO/HK, said that the Sites were mainly surrounded by “Government, Institution or Community” (“G/IC”) zone including the Mount Davis Service Reservoir and “Green Belt” (“GB”) zone which had a general presumption against development.

14. A Member asked how the visual impact was assessed in the planning process. Mr Louis K.H. Kau, DPO/HK, indicated that TPB PG-No. 41 had provided details on how a VIA should be conducted. Visual impact should take into account views from key strategic and popular local vantage points. While it was not practical to protect private views in the highly developed context of Hong Kong, the public views should be protected, particularly in those locations easily accessible and popular to the public. In selecting the LVPs for assessing the visual impact under the current round of the OZP amendments, LVP5 was the only viewing point that could view the locations of the Sites and could be accessed by the public. In assessing the effects of visual changes on the assessment area and sensitive public viewers, visual composition, visual obstruction and effects on public viewers would be considered. Regarding the visual composition for the Sites, the mountain backdrop of Mount Davis would be the key visual element and resource with the presence of flyovers and the existing blocks of Queen Mary Hospital. It was considered that the proposed development restrictions were not incompatible with the current OZP restrictions of the adjacent “R(B)1” zone for medium-rise residential development. In terms of visual obstruction, with a proposed BHR of 160mPD, while a majority of the mountain backdrop could still be retained for 6-10 Mount Davis Road, part of the ridgeline would be obstructed by the proposed rezoning of 2 Mount Davis Road, though the impact was considered small. In terms of effects on public viewers, LVP5 was taken on a footbridge in Pok Fu Lam Road serving visitors going to and from Queen Mary Hospital. Such a LVP was not intended to be a location for public appreciation of the Mount Davis ridgeline. While visual permeability was reduced, the proposed rezoning with restrictions of PR of 3 and BH of 160mPD did not appear to be out of context. Also, as LVP5 had been obstructed by some existing developments (with BH ranging from 145mPD to 175mPD), the visual impact was insignificant.

15. In response to a Member’s enquiry on the reasons for imposing a BHR of 160mPD for the Sites, Mr Louis K.H. Kau, DPO/HK, explained that a BH of 160mPD was required to accommodate a development of PR 3 given the existing site level.

16. Noting that only the selected sections of ridgelines around Victoria Harbour as viewed from the eight SVPs were the valuable assets to be preserved under the UDG, a Member opined that the methodology of assessing the visual impacts of proposed developments in a local context was rather subjective and a more systematic basis should be derived. In response, Mr Ivan M.K. Chung, the Director of Planning, supplemented that the selection of LVPs and the ways for assessing the visual impacts of the proposed BHR in the Sites had followed the established requirements under TPB PG-No. 41. As explained by DPO/HK, in assessing the effects of visual changes of the proposed development restrictions, three aspects including visual composition, visual obstruction and effects on public viewers had been considered, that were exactly the requirements under TPB PG-No. 41. It was considered that the proposed BHR of 160mPD would not result in a development of an inappropriate scale which would dominate the setting and create visual incompatibility with the surroundings. While the lower part of the ridgeline would be obstructed, the majority of the mountain backdrop could still be retained and the surrounding areas were mainly “G/IC” and “GB” zones. The visual impact was therefore considered small. LVP5 was selected for evaluating the visual impact of the proposed rezoning because it was the only viewing point that could view the locations of the Sites and could be accessed by the public.

17. A Member said that the determination of BHR for the Sites had to be made on a justifiable and scientific basis noting that the relevant development restrictions were previously subject to JRs. There was a need to balance the development need and the compatibility with the surrounding areas.

18. Some Members indicated support to the Original Proposal on the consideration that the majority of the mountain backdrop could still be retained and the visual impact to be caused by the proposed development restrictions for the Sites was insignificant and acceptable. It was clear that the concerned ridgeline was not part of the selected ridgelines as viewed from the eight SVPs, and that LVP5 was not intended to be a location for public appreciation of the ridgeline though it could be accessed by the public. While the view to the lower part of the Mount Davis ridgeline at LVP5 would be slightly affected, the visual impact was insignificant as it had already been obstructed by some existing developments in the foreground and background. Although the proposed BHR 160mPD for 2 Mount Davis Road would obstruct part of the ridgeline, the impact was small as the site was located at the lower part of the ridgeline and there would be no other redevelopments in the surrounding area.

19. A Member noted that the proposed BHR of 160mPD for the Sites was consistent with that of the neighbouring sites at 2A and 4 Mount Davis Road given their similar locations and characteristics. However, the Member suggested that caution should be taken in considering any future planning applications for minor relaxation of BHR in the three sites with a view to protecting the mountain backdrop of Mount Davis.

20. The Chairperson concluded that the majority of Members considered that the Original Proposal should be adopted for Amendment Item E. With the Board's agreement to Amendment Item E, all the proposed amendments, including those that were agreed at the meeting on 5.3.2021, i.e. Amendment Items A, B, C, D, F1 and F2, to the draft Kennedy Town & Mount Davis OZP No. S/H1/20 would be exhibited for public inspection under section 7 of the Town Planning Ordinance.

[Mr Franklin Yu, Dr C.H. Hau and Dr Frankie W.C. Yeung joined the meeting and Miss Winnie W.M. Ng left the meeting during the question and answer session.]

21. After deliberation, the Town Planning Board (the Board) decided to:

- “(a) agree to the proposed amendments under Amendment Item E to the draft Kennedy Town & Mount Davis Outline Zoning Plan (OZP) No. S/H1/20;
- (b) agree that the draft Kennedy Town & Mount Davis OZP No. S/H1/20A (to be renumbered as S/H1/21 upon exhibition) and its Notes at Attachments B1 and B2 of TPB Paper No. 10720 respectively were suitable for exhibition for public inspection under section 7 of the Town Planning Ordinance (the Ordinance);
- (c) adopt the revised Explanatory Statements (ES) at Attachment B3 of TPB Paper No. 10720 for the draft OZP No. S/H1/20A as an expression of the planning intentions and objectives of the Board for the various land use zonings of the OZP and the revised ES will be published together with the draft OZP; and

- (d) agree to inform representer R2 and commenters C1 to C12 in respect of the draft Kennedy Town & Mount Davis OZP No. S/H1/18 on the amendments to the draft OZP, and that they may submit representations on the amendments to the OZP or comments on the representations for the Board's consideration under sections 6 and 6A of the Ordinance respectively."

[The Chairperson thanked Mr Louis K.H. Kau, DPO/STN, and Mr Mann M.H. Chow, STP/HK, for their attendance to answer Members' enquiries. They left the meeting at this point.]

(ii) Letter from the Applicant of a s.12A Application No. Y/I-NEL/1

22. The Secretary reported that a letter dated 30.3.2021 from the applicant of a s.12A application No. Y/I-NEL/1 (Mr Fung Kam Lam) was received and circulated to Members on 8.4.2021.

23. The application was to rezone a site covering mainly the sea area and Siu Kau Yi Chau from "Other Specified Uses" ("OU") annotated "Container Terminal", "OU(Container Back-up Area)" and "Open Space" to "OU(Reserved for General Marine Functions Uses)" ("OU(RGMFU)") with an intention to retain the general marine functions of the site for public use. Within the proposed "OU(RGMFU)" zone, reclamation or development that involved large scale permanent decking over the sea, mining of marine resources and/or dredging of or damage to the seabed would be prohibited. After consideration on 5.3.2021, the Town Planning Board (the Board) decided not to agree to the application.

24. In his letter, the applicant raised concern on Members' declaration of interest in relation to the application as no declaration of interest was made at the meeting whilst he noted that a Member had openly advocated that reclamation should be carried out in areas covering the application site, which was in line with his organisation's proposition. He requested the Board to review the declaration of interest with regard to the subject application.

25. The Secretary drew Members' attention that there was an established mechanism for Members to declare their interests in accordance with the Board's Procedure and Practice. It was necessary for Members to disclose their interests when there was a real or potential conflict

of interests in a matter placed before the Board. In general, situations constituted direct and substantial interest if the subject matter involved a landed interest held by the Member or his/her spouse; a company or organisation of which the Member or his/her spouse had significant connection (e.g. a proprietorship, partnership, directorship or substantial shareholdings, advisory or client relationship, employment or other significant connection); a statutory/public body or other bodies of which the Member or his/her spouse held a chairmanship or an important position; and/or the Member or his/her spouse had current business dealings or potential future business dealings with the applicant/representer/commenter/further representer of the matter under consideration. According to the established practice, personal viewpoint on an issue did not constitute a real or potential conflict of interest.

26. Members noted the existing practice of declaration of interests and agreed that the Secretariat should act on behalf of the Board to reply to the applicant.

(iii) Approval of Draft Outline Zoning Plans

27. The Secretary reported that on 16.3.2021, the Chief Executive in Council approved the draft Hoi Ha Outline Zoning Plan (OZP) (renumbered as S/NE-HH/4) and the draft So Lo Pun OZP (renumbered as S/NE-SLP/4) under section 9(1)(a) of the Town Planning Ordinance. The approval of the draft OZPs was notified in the Gazette on 26.3.2021.

(iv) Reference Back of Approved Outline Zoning Plans

28. The Secretary reported that on 16.3.2021, the Chief Executive in Council referred the Approved Ma Tau Kok Outline Zoning Plan (OZP) No. S/K10/26 and the Approved Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/25 to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the said OZPs was notified in the Gazette on 26.3.2021.

(v) Town Planning Appeal Decision Received

Town Planning Appeal No. 8 of 2018

Proposed Residential Development (Flat) in “Residential (Group E)” Zone, Lots 212 RP, 232, 233, 234, 235, 236 RP, 237, 238, 239, 243, 244, 246 RP, 246 S.A, 246 S.B, 247, 367 and 368 RP in D.D. 130 and Adjoining Government Land, Lam Tei,

Tuen Mun

(Application No. A/TM-LTYT/273-1)

29. The Secretary reported that the application was submitted by Join Smart Limited which was a subsidiary of Sun Hung Kai Properties Limited (SHK), with Ronald Lu & Partners (Hong Kong) (RLP) and AECOM Asia Company Limited (AECOM) as the consultants of the applicant. The application site encroached onto a public housing development at San Hing Road and Hong Po Road proposed by the Housing Department (HD) which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests on the item:

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|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mr Andrew C.W. Lai
(as Director of Lands) | - being a member of HKHA; |
| Mr Gavin C.T. Tse
(as Chief Engineer
(Works), Home Affairs
Department) | - being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidized Housing Committee of HKHA; |
| Mr Thomas O.S. Ho | - having current business dealings with SHK, HKHA, RLP and AECOM; |
| Mr K.K. Cheung | - his firm had current business dealings with SHK, HKHA and RLP; |
| Mr Alex T.H. Lai | - his former firm had current business dealings with SHK, HKHA and RLP ; |

- Mr Franklin Yu - being a member of the Building Committee of HKHA, and his spouse was an employee of SHK;
- Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Company (1933) Limited (KMB) and SHK was one of the shareholders of KMB;
- Dr Conrad T.C. Wong - having current business dealings with HKHA and SHK;
- Dr C.H. Hau - having past business dealings with AECOM;
- Mr Y.S. Wong - being a member of Fund Management Subcommittee of the HKHA;
- Mr Daniel K.S. Lau - being an ex-employee of the Hong Kong Housing Society which was involved in housing development issues discussed with HD;
- Ms Lilian S.K. Law - being an ex-Executive Director and committee member of The Boys' & Girls' Clubs Association of Hong Kong which received sponsorship from SHK;
- Dr Lawrence W.C. Poon - his spouse being a civil servant of HD but not involved in planning work; and
- Mr L.T. Kwok - his serving organisation openly bid a funding from HKHA.

30. Members noted that Miss Winnie W.M. Ng had already left the meeting. As the item was to report the Town Planning Appeal Board's (TPAB) decision on the appeal case and no discussion was required, Members agreed that the above Members who had declared

interested on the item could stay in the meeting.

31. The Secretary reported that the subject appeal was lodged by the appellant on 16.10.2018 to the TPAB against the Town Planning Board (the Board)'s decision on 28.9.2018 to reject on review an application (No. A/TM-LTYY/273-1) for an extension of time (EOT) for commencement of the proposed residential development (flat) at a site zoned "Residential (group E)" ("R(E)") on the Lam Tei and Yick Yuen Outline Zoning Plan (OZP). The rejection reason was as follows:

the application was not in line with Town Planning Board Guidelines No. 35C on EOT for Commencement of Development (TPB PG-No. 35C) in that there had been a material change in planning circumstances, as demonstrated by the Government's commitment to plan for a comprehensive public housing development which covered the application site and the progressive action taken to pursue that development.

32. The appeal was heard by TPAB on 2-4.9.2020 and 14.10.2020. On 15.3.2021, the appeal was allowed by the TPAB and an EOT of 4 years from the decision date was granted to the appellant to commence the approved development for the following considerations:

- (a) the TPAB was entitled to have regard to the Government's public housing development commitment and progressive action in considering whether or not there had been a material change in planning circumstances for the appeal and the said s.16A application for EOT in accordance with the TPB PG-No. 35C;
- (b) there had not been any material change in planning circumstances as pertained to the Appeal Site, in that both at the time of the s.16 application No. A/TM-LTYY/273 (approved in 2014) and now, the proposed public housing project, which the appeal site encroached onto, was and still was a planned public housing project;

(c) even if there had been material change in planning circumstances as pertained to the Appeal Site, the TPAB's discretion should be in favour of the grant of EOT because:

- it was by no means certain that the Government would be able to include the Appeal Site within the comprehensive public housing project as rezoning was required. Accordingly, dismissal of the appeal would not necessarily achieve the Government's aim of developing the Appeal Site for high-density public housing;
- even if the appeal was allowed, the Government could still be able to implement its plan for a comprehensive public housing development by either increasing the plot ratios in the areas outside the Appeal Site and/or by resuming the Appeal Site. Additionally, even if the Government did not succeed in resuming the Appeal Site, it only occupied a small area of the public housing project;
- the appellant had worked hard to fulfil the approval conditions not involving implementation; and
- consideration of the other planning criteria at 4(b) to (g) of the TPB PG-No. 35C would weigh in favour of granting the EOT:
 - there was no suggestion that there would be any adverse planning implications arising from the EOT;
 - the commencement of the development under the 2014 Permission had been delayed due to problems which were beyond the control of the appellant;
 - the appellant had demonstrated that reasonable actions had been taken for the implementation of the development under the 2014 Permission;

- the appellant had demonstrated that it had taken reasonable actions and worked hard to fulfil the approval conditions of the 2014 Permission not involving implementation; and
- the appellant had demonstrated that there was a good prospect to commence the proposed development within the extended time limit.

33. The Secretary said that another s.16 application (No. A/TM-LTTY/381) for the same use at the subject site was approved by the Rural and New Town Planning Committee of the Board on 29.5.2020. Both the Department of Justice and the outside Counsel were of the view that the TPAB's decision was based on factual findings and exercise of discretion, and it was not advisable to pursue judicial review against the TPAB's decision.

34. Members noted the decision of TPAB.

(vi) Abandonment of Town Planning Appeal

Town Planning Appeal No. 2 of 2020

Temporary Barbecue Area for a Period of 3 Years in "Green Belt" Zone, Lot 206 RP in D.D. 374 and adjoining Government Land, So Kwun Wat, Tuen Mun
(Application No. A/TM-SKW/104)

35. The Secretary reported that an appeal had been abandoned by the appellant of her own accord. Town Planning Appeal No. 2/2020 was received by the Appeal Panel (Town Planning) (TPAB) on 28.5.2020 against the decision of the Town Planning Board on 13.3.2020 to reject on review an application for temporary barbecue area at a site zoned "Green Belt" on the Approved So Kwun Wat Outline Zoning Plan No. S/TM-SKW/13.

36. The Appeal was abandoned by the appellant on 20.3.2021. On 24.3.2021, the TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations of the Town Planning Ordinance.

(vii) Appeal Statistics

37. The Secretary reported that as at 1.4.2021, a total of 9 cases were yet to be heard by the Appeal Board Panel (Town Planning) and 5 appeal decisions were outstanding. Details of the appeal statistics were as follows:

Allowed	36
Dismissed	166
Abandoned/Withdrawn/Invalid	206
Yet to be Heard	9
Decision Outstanding	5
<hr/> Total	<hr/> 422

Tuen Mun & Yuen Long West District

Agenda Item 3

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-PS/611

Temporary Storage for a Period of 3 Years in “Village Type Development” Zone, Lots 293 S.A ss.1 (Part), 293 S.A ss.2 (Part), 293 S.B ss.1 (Part) and 293 S.B ss.2 (Part) in D.D. 122, Ping Shan, Yuen Long
(TPB Paper No. 10725)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

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

PlanD

Mr Kepler S.Y. Yuen

- District Planning Officer/Tuen Mun &

Yuen Long West (DPO/TM&YLW)

Mr Kent K.H. Lee

- Town Planner/Tuen Mun

Applicant

Ms Tang Kit Ching

39. 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.

40. With the aid of a PowerPoint presentation, Mr Kepler S.Y. Yuen, DPO/TM&YLW, 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. 10725 (the Paper).

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

42. With the aid of the visualiser, Ms Tang Kit Ching, the applicant, made the following main points:

- (a) she grew up in Hang Tau Tsuen and inherited the application site (the Site) from her father. The Site had been left idle for many years because it was located next to a slope and not suitable for Small House development due to landslide problem. While his father had submitted an application for Small House grant more than 20 years ago, it was noted that the geotechnical works required to maintain the safety of the adjacent slope would cost a fortune which was disproportionate to the construction cost of a Small House. This was why they had not pursued Small House development at the Site. As such, it was unreasonable to reject the subject application on the ground that the Site was not used for Small House development. If there was no objection from relevant government departments, she was more than happy to use the Site for Small House development so as to maximise the development potential of the Site;

- (b) no agricultural activity was found in the vicinity of the Site as the area, which was located on a sloping ground, was not suitable for agricultural use. The Site was vacant and covered with weeds for a long time. To better utilise the vacant land, the Site was used for private storage of worshipping stuff and miscellaneous items of her family, which had not generated adverse impact on the surrounding environment. As the worshipping stuff would only be used one or two times a year, the traffic induced by the storage use was very low. If the subject application was not approved, they would need to rent a warehouse to store the worshipping stuff, which was not a good use of land resources;
- (c) there was no similar application for temporary storage use within the same “Village Type Development” (“V”) zone. The rejection reason that the subject application would set an undesirable precedent for similar applications and the cumulative effect of approving similar applications would result in degradation of the environment of the area might be overly stated;
- (d) no complaint from the villagers on the existing storage use had been received. The two adverse public comments on the application might be due to a misunderstanding that the Site was used as a container yard. While five containers were used for storage at the Site, she had no intention to use the Site for storage of containers; and
- (e) it was noted in the Paper that if the application was approved, it would be subject to approval conditions in relation to the provision of fire service installations and drainage facilities. Given that the fire risk of container storage was very low and there was no flooding problem in the surrounding area, those requirements were considered unnecessary and unreasonable.

[Dr Lawrence W.C. Poon left the meeting during the applicant’s presentation and Mr Alex T.H. Lai left the meeting at this point.]

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

Storage Use

44. In response to a Member's enquiry, Mr Kepler S.Y. Yuen, DPO/TM&YLW, said that there was an existing storage use at the Site which involved five single-storey container structures and was an unauthorised development (UD) subject to enforcement action. Enforcement Notice was issued and prosecution action might be taken by the Planning Authority. The Buildings Department also advised that there was no record of approval granted by the Building Authority for the existing structures at the Site. In response to the questions of the Chairperson and a Member, Ms Tang Kit Ching, the applicant, admitted that she was not aware that using private land for storage of private stuff would require planning permission from the Board. The containers, which were used for storage purpose, had been put at the Site for about two years.

45. In response to some Members' questions regarding the substances that were stored at the Site, Ms Tang Kit Ching, the applicant, said that the Site was used for storage of worshipping stuff and miscellaneous items of her family, such as unused furniture. As the worshipping stuff would only be used in religious ceremony such as funeral, the need for transportation was very low. No commercial activity would be involved at the Site.

46. In response to a Member's question, Mr Kepler S.Y. Yuen, DPO/TM&YLW, said that if the temporary storage use was approved, a number of approval conditions, which were raised by relevant government departments in accordance with the relevant guidelines/requirements to address fire safety and drainage concerns, would be imposed.

Planning Intention of the "V" Zone

47. The Chairperson and some Members raised the following questions to PlanD's representative:

- (a) planning intention of the "V" zone and the reason why the proposed use was not in line with the planning intention;

- (b) uses always permitted within the “V” zone and whether storage use in relation to agricultural use required planning permission from the Board;
- (c) whether house use in the form of container was permitted within the “V” zone; and
- (d) whether it was a common phenomenon of using containers as dwellings in the New Territories.

48. In response, Mr Kepler S.Y. Yuen, DPO/TM&YLW, made the following main points:

- (a) the planning intention of the “V” zone was to reflect existing recognised and other villages, and to provide land considered suitable for village expansion. Land within the zone was primarily intended for development of Small Houses by indigenous villagers. Besides, selected commercial and community uses serving the needs of the villagers and in support of the village development were always permitted on the ground floor of a New Territories Exempted House (NTEH). For proposed temporary uses within the “V” zone, sympathetic consideration might be given to uses that would serve the needs of the villagers or in support of the village development. The applied use, however, was for storage of the applicant’s own items but not serving the needs of the villagers or in support of the village development. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) according to the Notes of the Ping Shan Outline Zoning Plan (the OZP), there were a number of uses always permitted within the “V” zone, including ‘Agricultural Use’ and ‘House (NTEH only)’. If a proposed storage use was ancillary and directly related to the agricultural use, no planning permission from the Board would be required. However, application for a short-term waiver from the Lands Department (LandsD)

was required. For the applied storage use, it was neither a Column 1 nor Column 2 use within the “V” zone. Notwithstanding that, temporary use not exceeding three years might be permitted upon application to the Board;

- (c) according to the Notes of the OZP, only house development in the form of NETH was permitted within the “V” zone. Other form of house development required planning permission from the Board and needed to comply with the requirements of relevant ordinances/guidelines; and
- (d) no information regarding the use of containers as dwellings in the New Territories was available at hand.

49. In response to the Chairperson’s question, Ms Tang Kit Ching, the applicant, clarified that the existing containers at the Site were given by a friend. She did not have any intention to use the containers as dwellings at the Site.

Geotechnical Concern

50. Some Members raised the following questions to PlanD’s representative:

- (a) the location, condition, ownership and maintenance responsibility of the man-made slope in the vicinity of the Site;
- (b) whether there was any geotechnical concern of the slope from relevant government departments, in particular on the suitability of the Site for Small House development;
- (c) how the geotechnical issue in relation to Small House development could be tackled and whether the cost of geotechnical works would be borne by the applicant; and
- (d) how the geotechnical works would be conducted on areas not owned by the applicant.

51. In response, Mr Kepler S.Y. Yuen, DPO/TM&YLW, made the following main points:

- (a) as shown on Plan R-2 of the Paper, there was an existing man-made slope (Slope Feature No. 6NW-B/C 163) located to the southeast of the Site. A minor portion of the slope (i.e. the northwestern corner) fell within the southern portion of the Site. The remaining part of the slope fell within both private and government land. According to the existing practice, the slope would be maintained by the respective land owners. As shown on Plan R-4b of the Paper (from viewpoint 6), the concerned slope was not steep;
- (b) the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) had no comment on the applied temporary storage use at the Site. With respect to the applicant's concern on the geotechnical works required for Small House development, H(GEO), CEDD advised that any developments with geotechnical concern and/or slope stability issues would be considered on a case-by-case basis with the support of geotechnical assessment by the applicant. As no geotechnical assessment for Small House development had been conducted, there was insufficient information to demonstrate that the Site was not suitable for Small House development;
- (c) according to LandsD's guidance information for building NTEH, the applicant would have to apply for and obtain Certificates of Exemption (CoE) in respect of building works, site formation works and drainage works from LandsD before construction works of NTEH/Small House could commence. If the gradient of a site or its adjoining area was greater than a certain degree, CoE for site formation works would not be granted. In this regard, the applicant would need to engage a professional engineer to conduct a geotechnical assessment and submit site formation plans in accordance with the Buildings Ordinance. The costs would be borne by the applicant; and

- (d) a geotechnical assessment was required to identify at an early stage any fundamental geotechnical constraints that would arise on a site and ensure that the proposed building works would be able to address the issue. In general, while the geotechnical assessment might need to cover an area larger than the Site, the works to address the issue would generally be confined within the boundary of the Site.

52. In response to the Chairperson's question, Ms Tang Kit Ching, the applicant, showed on the visualiser a demand note from the Buildings Department with respect to the payment of part of the emergency maintenance cost for the man-made slope which had a minor encroachment onto the Site. She anticipated that while the possibility of landslide was slim, the construction cost for a retaining wall to facilitate Small House development at the Site would be substantial. Notwithstanding that, she would further explore the feasibility of Small House development at the Site.

The Site

53. In response to a Member's question, Mr Kepler S.Y. Yuen, DPO/TM&YLW, said that the Site, with a total area of about 340m², was divided into two portions. The Site was owned by the applicant and the area in between the two portions was also private land under the name of the applicant's father. The Site and the area in between the two portions were subject to enforcement action against UD involving storage use. With the aid of the visualiser, Ms Tang Kit Ching, the applicant, clarified that when she, as an administrator of her father's estate, made an enquiry to the Land Registry, she was not informed that the land in between the two portions was owned by her late father. As the concerned land title had not been transferred to her yet, the subject application only covered the land under her name.

54. In response to a Member's question, Mr Kepler S.Y. Yuen, DPO/TM&YLW, said that the Site was accessible via a local track leading to Ping Shan Nam Pak Road to its north. The local track was about two to three meters wide. While the northern portion of the local track near Ping Shan Nam Pak Road was hard paved, the remaining part was filled with sand and gravel.

55. A Member asked whether there was any report of flooding or hill fire in the surrounding area of the Site. In response, Mr Kepler S.Y. Yuen, DPO/TM&YLW, said that no information regarding flooding or hill fire in the surrounding area was available at hand. Ms Tang Kit Ching, the applicant, supplemented that while the Site was close to the burial ground of Hang Tau Tsuen, the villagers were very cautious and there was no outbreak of hill fire in the past. In response to the same Member's question on why the fire risk of temporary storage use was considered low, Ms Tang Kit Ching said that no inflammable substances would be stored at the Site. She did not anticipate that using container structures for storage use would increase fire risk at the Site.

[Messrs K.K. Cheung, Stanley T.S. Choi and Thomas O.S. Ho left the meeting during the question and answer session.]

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

Deliberation Session

57. The Chairperson recapitulated that the proposed storage use was neither a Column 1 nor Column 2 use within the "V" zone. Whilst the proposed use was not in line with the planning intention of the "V" zone, temporary use not exceeding three years might be permitted upon application to the Board. As to the issue of whether and when the Site should be used for Small House development should be a decision of the applicant and should not be the focus of discussion. She then invited views from Members on the application.

58. Some Members considered that the proposed temporary storage use could be tolerated on the following considerations:

- (a) the applicant was using her own land for temporary storage of private belongings without commercial operation. As the applicant had committed to further explore the feasibility of Small House development at the Site to comply with the planning intention of the "V" zone,

sympathetic consideration could be given to tolerate the proposed use for a period of three years with a view to better utilising the land resources before the feasibility of Small House development at the Site was confirmed;

- (b) there was no agricultural use at the Site and the surrounding area. The proposed use would not generate much traffic flow nor other adverse impacts on the surrounding area. Relevant government departments had no adverse comment on the application; and
- (c) the provision of temporary use in the OZP was to provide a mechanism to allow uses that was not in line with the planning intention of a zone but could be tolerated on a temporary basis. Approval of the application was in line with the Board's previous decisions on temporary storage uses in other zones/areas.

59. More Members, however, considered that the application should not be approved on the following considerations:

- (a) the proposed storage use was not in line with the planning intention of the "V" zone which was primarily for development of Small Houses by indigenous villagers. Given that there was no insurmountable problem at the Site, Small House development should be encouraged in order to make gainful use of the land in line with the planning intention;
- (b) approval of the application would set an undesirable precedent for similar applications within the "V" zone and the cumulative effect of approving such similar applications would result in general degradation of the environment of the area;
- (c) even if the application was approved, the applicant might have difficulties in compliance with approval conditions in relation to the provision of fire services installations and drainage facilities. Instead of requiring the applicant to spend time and effort to address the fire safety and drainage

concerns related to the temporary storage use, she should be encouraged to resolve the geotechnical issue and pursue Small House development at the Site; and

- (d) the proposed use was for storage of private belongings rather than meeting an imminent demand. The application was submitted mainly in response to the enforcement action against UD undertaken by PlanD. Approval of the application would give a false message to the applicant to use the Site continuously for storage. On the contrary, rejection of the application could send a clear message and encourage the applicant to comply with the planning intention of the “V” zone for better utilisation of land resources.

60. A Member raised concern on the possibility of subsequent renewal of the temporary approval should the application be approved. In response, the Chairperson said that if the application was approved, consideration could be given to clearly specify in the permission that no more renewal of the temporary approval would be granted unless certain requirements were fulfilled by the applicant, such as the applicant having taken concrete action to pursue Small House development at the Site.

61. Members generally considered that the geotechnical concern and/or slope stability issue was not an insurmountable problem for Small House development at the Site given the state-of-the-art technologies. As the applicant might have adopted an inappropriate way to tackle the issue in the past, she was advised to engage a geotechnical engineer to conduct a geotechnical assessment to facilitate Small House development at the Site.

62. The Chairperson concluded that whilst some Members were sympathetic to the application, the majority of Members considered that the application should not be approved as the applied use was not in line with the planning intention of the “V” zone, not serving the needs of the villages or in support of the village development, and approval of the application would set an undesirable precedent for similar applications within the “V” zone. Instead of approving the application which would have the effect of prompting the applicant to devote time and money to resolve the fire safety and drainage issues for temporary storage use, the Board should send a clear message to the applicant that she should further explore the feasibility of Small House development at the Site by addressing the geotechnical issue properly.

[Mr Franklin Yu left the meeting during the deliberation session.]

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

- “(a) the applied use is not in line with the planning intention of the “Village Type Development” (“V”) zone which is primarily intended for development of Small Houses by indigenous villagers. No strong justification has been given in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such similar applications would result in general degradation of the environment of the area.”

[Mr Philip S.L. Kan left the meeting at this point.]

Sai Kung & Islands District

Agenda Items 4 to 8

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/SK-SKT/23

Proposed Social Welfare Facility (Residential Care Home for the Elderly) and Flat with Minor Relaxation of Plot Ratio Restriction in “Residential (Group E)1” Zone, 1 Hong Ting Road, Sai Kung

Review of Application No. A/SK-SKT/24

Proposed Social Welfare Facility (Residential Care Home for the Elderly) with Minor Relaxation of Plot Ratio Restriction in “Residential (Group E)1” Zone and an area shown as ‘Road’, 2 Hong Ting Road, Sai Kung

Review of Application No. A/SK-SKT/25

Proposed Social Welfare Facility (Residential Care Home for the Elderly) and Flat with Minor Relaxation of Plot Ratio Restriction in “Residential (Group E)1” Zone and an area shown as ‘Road’, 6 Hong Ting Road, Sai Kung

Review of Application No. A/SK-SKT/26

Proposed Social Welfare Facility (Residential Care Home for the Elderly) with Minor Relaxation of Plot Ratio Restriction in “Residential (Group E)1” Zone and an area shown as ‘Road’, 7 Hong Ting Road, Sai Kung

Review of Application No. A/SK-SKT/27

Proposed Social Welfare Facility (Residential Care Home for the Elderly) with Minor Relaxation of Plot Ratio Restriction in “Residential (Group E)1” Zone, 7 (Part) and 9 Hong Ting Road, Sai Kung (TPB Paper No. 10731)

[The item was conducted in Cantonese.]

64. The Secretary reported that the applications were submitted by the same group of companies (i.e. Stan Group Project Company Limited) and represented by Kenneth To and Associates Limited, which was renamed to KTA Planning Limited (KTA) with effect from 1.4.2021. Mr Daniel K.S. Lau had declared an interest on the item for being an ex-employee of the Hong Kong Housing Society which had business dealings with KTA. As Mr Daniel K.S. Lau had no involvement in the applications, Members agreed that he could stay in the meeting.

Presentation and Question Sessions

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

PlanD

- | | |
|---------------------|-----------------------------------------------------------|
| Ms Donna Y.P. Tam | - District Planning Officer/Sai Kung & Islands (DPO/SKIs) |
| Mr Matthew L.H. Tai | - Assistant Town Planner/Sai Kung |

Applicants

<i>Stan Group Project Company Limited</i> –]	
Ms Shirley S.Y. Yuen]	
<i>KTA</i> –]	Applicants’ Representatives
Mr Kenneth To]	
Ms Camille Lam]	

66. 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 applications.

67. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, 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 TPB Paper No. 10731 (the Paper).

[Dr Frankie W.C. Yeung, Dr Lawrence K.C. Li, Messrs Stephen L.H. Liu, Wilson Y.W. Fung and Andy S.H. Lam left the meeting during PlanD’s presentation.]

68. The Chairperson then invited the applicants’ representatives to elaborate on the review applications.

69. With the aid of a PowerPoint presentation, Mr Kenneth To, the applicants’ representative, made the following main points:

Demand and Supply of Residential Care Home for the Elderly (RCHE)

- (a) according to the population ageing trend of Hong Kong promulgated by the Office of the Government Economist in 2019, people with age of 65 and above would increase by 0.7 million in ten years (from 1.27 million in 2018 to 1.97 million in 2028) and people with age of 75 and above would increase by about 1 million in 20 years (from 0.57 million in 2018 to 1.4 million in 2038). While the Government had introduced new elderly policies in recent years, the increase in the supply of residential care services (RCS) places for the elderly was far outstripped by the increase in demand;

- (b) as the current means of increasing supply of RCHE bedspaces through the Government's capacity could not meet the demand, the Government had put forward the following new policies to encourage private sector's initiatives:
- (i) Enhanced Bought Place Scheme (EBPS): since the scheme was launched in 1998, only 9,225 places had been provided as at 31.12.2020;
 - (ii) imposing conditions for providing social welfare facilities in land sale/redevelopment projects (i.e. land sale sites, above station developments, urban renewal developments, etc.): the number of RCHE bedspaces provided in individual schemes, which ranged from 100 to 400, was very limited;
 - (iii) Special Scheme on Privately Owned Sites for Welfare Uses: while this scheme encouraged non-governmental organisations to make better use of their land to provide diversified subvented and self-financing facilities through redevelopment or expansion, many problems had been encountered during the redevelopment/expansion process. Under phase one of the scheme which was launched in 2013, only 6 projects had been completed providing an addition of 260 elderly services places;
 - (iv) Scheme to Encourage Provision of RCHE Premises in New Private Development (the Scheme): while eligible RCHE premises would be exempted from assessment of land premium under different types of land transactions including lease modifications, land exchange and private treaty grants, only one RCHE premises per development would be eligible for the Scheme and the size of the RCHE premises would be subject to a maximum gross floor area (GFA) of 5,400m² (based on a 300-person RCHE in accordance with the Schedule of Accommodation for subvented RCHEs in 2001). Since the Scheme

was launched in 2003, only one project had been completed and received the premium exemption;

Rationale for the Minor Relaxation of Plot Ratio (PR)

- (c) the proposed scheme with five developments at five application sites (the Sites), namely Sites A to E as shown on Plan R-1, was aimed to confine the proposed developments within the land owned by the applicants so as to avoid the lengthy procedure involved in land exchange and to provide the RCHE bedspaces as soon as possible. While there were setbacks from the Hiram's Highway for Sites D and E, Sites A to C mainly followed the lot boundaries. The inclusion of government land had been kept to the minimum;
- (d) if the Sites were developed in accordance with the PR restriction of 2 in the "Residential (Group E)1" ("R(E)1") zone, the achievable GFA was 23,324m². If the same PR was applied to the whole "R(E)1" zone, the achievable GFA would be 32,878m², which had provided a reference to the development intensity for the proposed developments. Besides, in order to obtain the maximum GFA of 5,400m² for one RCHE premises that could be exempted from assessment of land premium under the Scheme, the total GFA was distributed among the Sites with the aim to provide at least 5,400m² at each Site so as to maximise the provision of RCHE bedspaces. Taking into account the above considerations, PRs ranging from 2.74 to 2.8 were proposed for the Sites such that a total GFA of 32,473m² could be achieved, which was similar to that with a PR of 2 for the whole "R(E)1" zone. For the Sites with proposed GFA greater than 5,400m² (Sites A and C), the remaining GFA would be used for the provision of flats;
- (e) in response to the rejection reason regarding no strong planning justifications and design merits for the proposed minor relaxation of PR restriction, it should be noted that the aim of the applications was not to provide design merits but to optimise the anticipated total GFA of the "R(E)1" zone such that more RCHE bedspaces could be provided to meet the imminent demand. Under the current scheme, the proposed

developments could provide a total of 1,403 RCHE bedspaces, which represented an addition of 272 bedspaces as compared with the 1,130 bedspaces that could be attained by the original PR of 2 for the five individual sites under the “R(E)1” zone;

Reasons for Not Adopting a Comprehensive Development

- (f) all existing industrial buildings (IBs) at the Sites and the sitting out area to the east of the Sites had been completed before the first draft Sai Kung Town Outline Zoning Plan (OZP) No. S/SK-SKT/1 was exhibited in 2005. The GFA of the five existing IBs was about 35,583m². While the planning intention of the “R(E)1” zone was for phasing out of existing industrial uses through redevelopment (or conversion) for residential use, there was no mentioning in the Explanatory Statement (ES) of the OZP that a comprehensive development should be undertaken within the zone, or how the comprehensive development could be carried out by incorporating the existing roads and sitting out area;
- (g) the applicants had ever considered a comprehensive development scheme for the Sites. However, if the Sites were amalgamated for a comprehensive development, a land exchange involving surrender and regrant of land was required, which would require an addition of two to three years to resolve issues including the realignment of roads and rearrangement of underground utilities under the existing roads;
- (h) if better building design and layout could be achieved by a comprehensive development, the applicants would pursue a comprehensive development at the Sites. However, as the GFA that could be exempted from assessment of land premium was limited to 5,400m² for one RCHE premises under the Scheme, five to six sites (with an area of about 2,000m²) for separate developments (with a maximum GFA of 5,400m² each) would be required so as to maximise the GFA for the RCHE. Taking into account the need for building separations to facilitate air ventilation and natural lighting, the building layout in a comprehensive development scheme would be largely the same as the current proposal under application as the existing roads

could serve as good air paths and visual corridors. The current proposal also had the advantage that many landscape areas would be provided among the buildings for leisure purpose and loading/unloading of wheel chairs. Besides, the existing sitting out area, which was covered with mature trees and served as a green buffer, would not be affected;

- (i) a comprehensive development would require adjustment of the boundaries of the five lots, road gazette and rearrangement of underground utilities, which would also involve a lengthy land exchange procedure. On the contrary, as the Sites were within their individual lots, they could be redeveloped individually;

Technical Issues

- (j) if the central air conditioning system was not acceptable by the Social Welfare Department (SWD), the proposal could be fine-tuned to provide noise-compliant scheme with openable windows for habitable rooms. The applicants could be required to submit a revised environmental assessment as an approval condition to prove the technical feasibility of the proposed developments should the applications be approved;
- (k) he had reservation on the Transport Department (TD)'s comment that no population intake of the proposed developments should be taken place before the completion of the Hiram's Highway Improvement Stage 2 project (the HH2 Project). The Sites were currently occupied by five IBs which should also have traffic generation. The traffic impact of the proposed developments should be the difference in traffic generation between the industrial use and the RCHE/flat use, rather than new traffic induced by the proposed developments;
- (l) Sites C, D and E were the subject of two previously approved applications submitted by the same applicants for proposed flat and house and proposed minor relaxation of PR restriction (from 2 to 2.13) and SC restriction (from 40% to 42.6%) (No. A/SK-SKT/10) and proposed flat and shop and services and proposed minor relaxation of PR restriction (from 2 to 2.036) (No.

A/SK-SKT/14). Application No. A/SK-SKT/14, which was approved on 2.3.2018, was subject to an approval condition on the submission of traffic review before population intake of the proposed development. No population intake of the proposed developments before the completion of the HH2 Project was not an approval condition in those previously approved applications;

- (m) as the five proposed developments would be completed by phases, it might be more appropriate to tie in population intake of the proposed developments with the progress of the HH2 Project. The applicants would accept the imposition of an approval condition which was similar to the previously approved application (No. A/SK-SKT/14), i.e. the submission of traffic review before population intake of the proposed development; and

Conclusion

- (n) during the s.16 application stage, the applicants noted the departmental concerns on the minor relaxation of PR restriction and proposed to revert the PR back to 2 such that the proposed developments would comply with the PR restriction of the “R(E)1” zone. That had demonstrated the applicants’ sincerity to implement the proposed RCHEs to cater for the surging territorial-wide demand no matter whether minor relaxation of PR restriction for the proposed developments was granted or not. The Board was urged to approve the applications given the compatibility of the proposed developments in terms of land use and urban design context.

[Mr Lincoln L.H. Huang and Professor T.S. Liu left the meeting during the presentation of the applicants’ representative.]

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

Design and Operation of the RCHEs/Flats

71. The Chairperson and some Members raised the following questions to the applicants’ representatives:

- (a) whether the current proposal was for one RCHE with five buildings, or five RCHEs in five buildings;
- (b) the reason of providing flats at Sites A and C, and the number of flats that would be provided in the proposed developments;
- (c) a comparison of the number of RCHE bedspaces and flats that would be provided between the scenarios of the current applications with a minor relaxation of PR restriction and the original PR restriction in the “R(E)1” zone;
- (d) the type of flats proposed at Sites A and C;
- (e) if land premium was required for the remaining GFA after deducting the GFA of 5,400m² for RCHE, whether the applicants would consider providing flats or RCHE bedspaces;
- (f) the reason for the provision of open-air car parking spaces;
- (g) the market positioning of the proposed RCHEs;
- (h) whether the RCHE bedspaces/flats would be sold to private individuals; and
- (i) the assumptions for completing the proposed developments in 2023.

72. In response, Mr Kenneth To and Ms Shirley S.Y. Yuen, the applicants' representatives, made the following main points:

- (a) the current proposal was for five RCHEs in five buildings;
- (b) the GFA that could be exempted from land premium under the Scheme was subject to a maximum cap of 5,400m² for each RCHE premises. As the GFAs at Sites A and C were greater than 5,400m², the remaining GFA after

deducting the GFA for RCHE was proposed for the provision of about 99 flats;

- (c) if the Sites were developed in accordance with the original PR restriction of 2, the number of RCHE bedspaces would be reduced from 1,403 to 1,130 and the number of flats would be reduced from 99 to about 30 as compared with the scenario with the proposed minor relaxation of PR restriction;
- (d) the flats to be provided at Sites A and C would be related to the RCHE use. Reference could be made to an existing development operated by a company related to the applicants in Kowloon City, within which RCHE and flats were provided on the same residential building with special design to cater for the needs of the elderly. The flats were rented out as service apartments to the elderly with self-care ability and their family members. Shared-use private services such as medical services would be provided for the RCHEs and the service apartments;
- (e) according to the discussion between the applicants and SWD, it was noted that if the GFA for RCHE was greater than 5,400m², it would not be allowed to join the Scheme. That was the reason for providing flats to use up the remaining GFA. It was noted that payment of land premium was required for flat use. If the remaining GFA could also be used for the provision of more RCHE bedspaces with payment of land premium, the applicants were willing to provide RCHE bedspaces instead of flats;
- (f) open-air car parking spaces would be more convenient for wheel chair users. Given the small number of car parking spaces required, there was no need to cover those spaces with concrete structures. It was not cost effective to provide a basement car park for an 8-storey building and the costs would be transferred to the users;
- (g) while the applicants intended to develop private RCHEs at the Sites, they were willing to join the EBPS, through which about half of the bedspaces could be converted to subsidised places and would be more affordable by

the general public. It was noted that SWD had no in-principle objection to the proposal. For the private RCHEs, they would be operated on a self-financing basis to provide good quality services to cater for the needs of the middle class elderly, which should not be ignored;

- (h) there was no intention to sell the RCHE bedspaces or flats at the moment. The operation model for the proposed RCHEs would be similar to that of the Kowloon City project mentioned before, for which no RCHE bedspaces or flats had been sold to individuals; and
- (i) the completion year of 2023 was proposed based on the assumptions that the planning applications would be approved and the applications under the land administration regime would be processed smoothly. If the current applications were not approved, the completion time would be delayed.

73. Some Members enquired about the design of the proposed developments and the facilities to be provided to cater for the needs of the elderly, in particular those with dementia. In response, Mr Kenneth To, the applicants' representative, said that the current proposal was still in the planning stage and the detailed design to cater for the needs of the elderly would be worked out at a later stage in liaison with SWD. As the applicants intended to participate in the Scheme and the land premium exemption would only be granted with the support of SWD, the applicants would follow the relevant guidelines/requirements of SWD. Besides, as the five RCHEs would be constructed and operated by the same group of companies, there was opportunity to provide high quality and shared facilities/services to maximise the synergy effect. Shared-use private services such as medical/para-medical visits would be provided for the five RCHEs. Should the applications be approved, an approval condition on the provision of supporting facilities to the satisfaction of SWD could be imposed.

74. Ms Donna Y.P. Tam, DPO/SKIs, supplemented that SWD had provided advice to the applicants in the applications regarding the provision of some essential functional areas/rooms and supportive facilities in the RCHEs such as dining area, clean utility rooms, soiled utility rooms, staff sleep-in room cum changing rooms and staff toilet. More comments would be provided by SWD when a detailed layout plan was provided by the applicants.

Justifications for Minor Relaxation of PR Restriction

75. Some Members raised the following questions to the applicants' representatives:
- (a) the rationale for deriving the proposed PRs for the Sites;
 - (b) whether there was any planning gain/design merit for the proposed minor relaxation of PR restriction;
 - (c) whether consideration would be given to providing community facilities to serve the people in the surrounding area; and
 - (d) the difference between a PR of 2 and 2.8 for the proposed developments from investment point of view.
76. In response, Mr Kenneth To, the applicants' representative, made the following main points:
- (a) the proposed developments were aimed to fully utilise the GFA that could be achieved in the subject "R(E)1" zone for the provision of RCHE bedspaces. The proposed PRs for the Sites were derived by distributing the total GFA of the whole "R(E)1" zone to the respective Sites;
 - (b) the applicants intended to provide high quality RCHEs with good design no matter whether minor relaxation of PR restriction was granted or not. Enhanced landscaping and open spaces would be provided among the five proposed developments. The existing roads and the sitting out area would serve as air paths and visual corridors for the proposed developments;
 - (c) as shared-use private services such as medical/para-medical visits would be provided for the five RCHEs, there was scope to open those facilities to the local community; and
 - (d) the applications for minor relaxation of PR restriction were not submitted to increase financial viability of the project, but to maximise the provision of

RCHE bedspaces due to the difficulty in acquiring suitable sites for such use.

77. The Chairperson and a Member raised the following questions to PlanD's representative:

- (a) whether there was any precedent case with respect to the incorporation of adjacent roads not owned by the applicant into the site area for PR calculation; and
- (b) no matter how the proposed PRs were derived, whether there was any insurmountable problem for the proposed minor relaxation of PR restriction.

78. In response, Ms Donna Y.P. Tam, DPO/SKIs, made the following main points:

- (a) no precedent case with respect to the incorporation of adjacent roads not owned by the applicant into site area for PR calculation was available at hand. However, the applicants' proposal to include the areas occupied by the existing roads and sitting-out area outside the application site for the purpose of PR calculation and to transfer the GFA into the proposed developments through minor relaxations of PR for individual Sites was unacceptable; and
- (b) according to the ES of the OZP, minor relaxation of the development restrictions might be considered by the Board to provide flexibility for innovative design adapted to the characteristics of particular sites. However, the justifications provided by the applicants for minor relaxation of PR restriction were not in line with that assessment criteria. Regarding technical feasibilities of the proposed developments, TD and the Environmental Protection Department had raised concerns on the timing of population intake and the noise mitigation measures. Those issues could be addressed by the imposition of approval conditions. The proposed developments were considered not incompatible with the surrounding

developments and would not cause significant visual impact on the surrounding area.

Comprehensive Development

79. Some Members raised the following questions to the applicants' representatives:

- (a) the reasons for not pursuing a comprehensive development for the Sites;
- (b) whether the applicants had assessed the design merits that could be achieved by a comprehensive development; and
- (c) whether the applicants had considered the option of planning the Sites comprehensively but implementing individual sites by phases.

80. In response, Mr Kenneth To, the applicants' representative, made the following main points:

- (a) the proposed developments were initiated in response to the incentive provided by the Scheme. Given the restriction in the Scheme that only one RCHE premises per development would be eligible for exemption from assessment of land premium with a maximum GFA of 5,400m², five separate RCHE developments would be required to enjoy the land premium exemption. According to a preliminary assessment, the building layout and design in a comprehensive development would be similar to that in the current proposal. However, a comprehensive development would need a much longer time for land exchange involving surrender and regrant of land, realignment of roads and rearrangement of underground utilities under the existing roads, which would further delay the provision of RCHE bedspaces to meet the imminent needs of the community. After a cost-benefit analysis, the applicants decided not to pursue a comprehensive development at the Sites;
- (b) there was no information provided in the OZP with respect to the requirement of a comprehensive development and the rationale for the

layout of the “R(E)1” zone, in particular why the existing roads were replaced by a road with a cul-de-sac. Taking into account the requirement for five separate RCHE developments, a comprehensive development at the Sites might not result in a much better design than the current proposal in terms of building layout and separation, landscape and open spaces provision, as well as air paths/visual corridors; and

- (c) even if the Sites were implemented individually by phases, there was still a need to subdivide the “R(E)1” zone into five separate RCHE developments so as to comply with the requirement of the Scheme. While more facilities might be provided through a comprehensive development, the benefit could not outweigh the delay in the provision of RCHE bedspaces.

81. In response to two Members’ questions on the planning intention and requirements of the “R(E)1” zone, Ms Donna Y.P. Tam, DPO/SKIs, said that the planning intention of the “R(E)1” zone was primarily for phasing out of existing industrial uses through redevelopment (or conversion) for residential uses. Given that there were five existing IBs within the “R(E)1” zone, a PR restriction of 2 was stipulated to encourage the redevelopment of the IBs for environmental improvement. As the OZP was to indicate the broad land-use zonings and the “R(E)1” zone would allow flexibility that the individual industrial sites might be amalgamated to provide a more comprehensive redevelopment, some of the existing roads among the Sites were included in the “R(E)1” zone. It did not mean that the existing roads must be extinguished for the proposed developments. The Sites within the “R(E)1” zone could be redeveloped individually or comprehensively. It was stipulated in the ES of the OZP that building blocks within the zone should be arranged in a stepped manner, with maximum building height (BH) at the north, descending to the south and west. While there was no requirement for a comprehensive development at the Sites in the “R(E)1” zone, opportunity could be taken to review if a better design with stepped BH profile could be achieved by incorporating the existing roads and sitting out area for a comprehensive development in the “R(E)1” zone.

Provision of RCHE in Sai Kung

82. A Member enquired about the provision of RCHE by the Government in Sai Kung. In response, Ms Donna Y.P. Tam, DPO/SKIs, said that the RCS places for the elderly was planned by SWD based on five clusters in Hong Kong and there was at present no subvented

RCHE in Sai Kung Town. For the Sai Kung District Council (SKDC) boundary area, there was a shortfall of 375 RCHE bedspaces for the existing population according to the requirements of the Hong Kong Planning Standards and Guidelines. While a total of 1,560 subsidised RCHE bedspaces was planned for the SKDC area, there was still a shortfall of 1,447 subsidised bedspaces for the future population taking account of the increase in population in the SKDC area. As such, SWD advised that there was a dire need to provide welfare facilities to cater for the ongoing welfare services needs. In response to another question of the same Member, Ms Donna Y.P. Tam said that no figure on the proportion between private and subvented RCHE bedspaces of SWD was available at hand.

Traffic Issue

83. In response to a Member's question on the completion time for the HH2 project, Ms Donna Y.P. Tam, DPO/SKIs, said that according to information provided by the Highways Department (HyD), the HH2 Scheme and the associated amendment scheme were gazetted in 2020. In accordance with the Roads (Works, Use and Compensation) Ordinance, HyD would submit all correspondences relating to the objections to the Chief Executive in Council for consideration. If the relevant statutory procedures could be completed smoothly by mid-2021, it was anticipated that the detailed design of the HH2 Project could commence by end-2021. However, the completion date of the HH2 Project was still uncertain at the moment and it was subject to the progress of Public Works Programme procedures.

OZP Restrictions

84. The Chairperson and some Members raised the following questions to PlanD's representative:

- (a) the BH restriction in the "R(E)1" zone;
- (b) whether a fresh application was required if the applicants planned to proceed with the proposed developments in accordance with the PR restriction of 2 in the "R(E)1" zone; and
- (c) whether TD would have traffic concern if the proposed developments were proceeded with a PR of 2.

85. In response, Ms Donna Y.P. Tam, DPO/SKIs, made the following main points:
- (a) the “R(E)1” zone was subject to a BH restriction of 8 storeys excluding basements. There was no restriction in terms of metres above Principal Datum;
 - (b) according to the Notes of the OZP, ‘Social Welfare Facility’ and ‘Flat’ uses within the “R(E)” zone and area shown as ‘Road’ required planning permission from the Board. As such, a fresh application was required for the proposed uses even if the PR restriction was in compliance with the “R(E)1” zone; and
 - (c) TD’s comments on the applications were based on the traffic impact assessment (TIA) conducted for the proposed developments with minor relaxation of PR restriction. If the applicants planned to proceed with the proposed developments with a PR of 2, a new TIA should be submitted for TD’s consideration.

86. As Members had no further 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 in the absence of the applicants’ representatives and inform the applicants of the Board’s decision in due course. The Chairperson thanked the representatives of the applicants and PlanD for attending the meeting. They left the meeting at this point.

[Dr Roger C.K. Chan, Dr Conrad T.C. Wong, Dr Jeanne C.Y. Ng, Mr L.T. Kwok and Professor Jonathan W.C. Wong left the meeting during the question and answer session.]

Deliberation Session

87. The Chairperson remarked that the applications were in line with the planning intention of the “R(E)1” zone to phase out existing industrial uses through redevelopment (or conversion) for residential uses and could help address the acute demand for RCHE. However, the applicants had drawn up the current scheme based on their cost-benefit analysis and

assumption that no flexibility would be allowed in the Scheme launched in 2003, such that individual sites could not be amalgamated for a comprehensive redevelopment optimising the potential at the Sites. Given that the population intake of the proposed developments would hinge on the completion of the HH2 Project, there should be time and scope for the applicants to further liaise with the relevant bureaux/departments with a view to maximising the development potential of the Sites for the provision of more RCHE bedspaces with an enhanced design. Members' views on whether there were sufficient grounds for minor relaxation of the PR restriction, taking into account the justifications provided by the applicants, were invited.

88. Mr Andrew C.W. Lai, the Director of Lands, said that the Scheme was introduced in 2003 to encourage the provision of purpose-built RCHE by developers in new private developments with the policy support from SWD. The Lands Department (LandsD) might grant concessions to exempt eligible RCHE premises from payment of land premium in respect of land transactions relating to lease modifications, land exchanges and private treaty grants for residential/commercial developments. To be eligible for the concession, provision of the RCHE premises in the proposed development would require the support of SWD and subject to certain conditions. While there was a requirement that only one RCHE premises per development project would be eligible for the concession and the size of the RCHE premises concerned should not exceed a maximum GFA of 5,400m², flexibility for an amalgamated development could be explored subject to further discussion with SWD which was keen to increase the supply of RCHE bedspaces. In the subject applications, the applicants' proposal to merely distribute the additional GFA obtained through minor relaxation of PR restriction to the individual Sites without other design/planning gains and a comprehensive planning was not satisfactory.

89. A Member, while noting that the proposed schemes were not ideal, indicated support for the applications mainly on the consideration that the much-needed RCHE bedspaces could be provided without further delay. The Member also suggested that an approval condition regarding the design of the RCHEs could be imposed for SWD to monitor the building design and provision of supporting facilities.

90. Some Members were of the view that while the proposed RCHE use was supported and the applicants had proposed several design measures, no apparent merits that would be of public benefit and no specific design measures that would constitute innovative design adapted to the characteristics of the Sites had been provided in the applications. There were no strong

planning justifications and design merits for the proposed minor relaxation of PR restriction.

91. Members generally considered that a comprehensive development at the Sites was preferred and it should not be bound by the requirement of the Scheme that only one RCHE premises with a maximum GFA of 5,400m² would be eligible for exemption from land premium. The applicants should be encouraged to further liaise with relevant government departments for better utilisation of land resources and optimising the development potential of the Sites for the provision of more RCHE bedspaces. Besides, a more integrated and innovative design scheme adapted to the characteristics of Sites should be explored with a view to providing planning gains and/or design merits such as arranging the building blocks in a stepped manner and creating an environment for active aging.

92. The Chairperson concluded that whilst Members generally supported the proposed development of RCHE at the Sites in view of the keen territorial demand for such facility and its compatibility with the surrounding land uses, the current application had not yet optimised the potential of comprehensive development in the entire “R(E)1” zone with almost if not all private land therein under control of the applicant. In the circumstances, there were no strong planning justifications and design merits provided by the applicants for a deviation from RNTPC’s decision of not granting minor relaxation of PR to the proposed developments. Notwithstanding that, if the applicant was willing to explore a comprehensive development making better use of the entire zone, the Development Bureau would adopt a proactive approach and coordinate with the relevant bureaux/departments to facilitate optimisation of land resources and development potential at the Sites, with a view to achieving the Government’s policy objective in expanding the provision of RCHE.

[Dr Venus Y.H. Lun and Ms Sandy H.Y. Wong left the meeting during the deliberation.]

93. After deliberation, the Board decided to reject the applications on review for the following reason:

“the applicant fails to provide strong planning justifications and design merits for the proposed minor relaxation of plot ratio restriction and to demonstrate that a comprehensive redevelopment together with the adjacent sites within the same “Residential (Group E)1” zone could not be achieved.”

Hong Kong District

Agenda Item 9

[Open meeting]

Request for Deferment of Review of Application No. A/H19/80

Proposed Minor Relaxation of Building Height Restriction for Permitted Commercial Development within “Commercial (1)” Zone and Proposed Eating Place and Shop and Services Uses within an area shown as ‘Pedestrian Precinct/Street’, 7 Stanley Market Road and 78 and 79 Stanley Main Street, Stanley, Hong Kong

(Stanley Lots 427 and 428 and Stanley Inland Lot 124)

(TPB Paper No. 10730)

[The item was conducted in Cantonese.]

94. The Secretary reported that the application was submitted by Rostar Company Limited (Rostar) and the following Members had declared interests on the item:

Mr K.K. Cheung - his firm having current business dealings with Rostar; and

Mr Alex T.H. Lai - his former firm having current business dealings with Rostar.

95. Members noted that Messrs K.K. Cheung and Alex T.H. Lai had already left the meeting.

96. The Secretary reported that the applicant’s representative requested on 22.3.2021 and 30.3.2021 deferment of consideration of the review application for two months so as to allow more time to prepare further information to address departmental comments. It was the second time that the applicant requested deferment of the review application. Since the last deferment, the applicant had yet to submit further information. According to the applicant, effort was made to carry out additional works in the past two months to address the Transport Department’s comments but the liaison with the associated consultants and government departments had been disrupted by the pandemic.

97. After deliberation, the Board decided to defer a decision on the review application as requested by the applicant pending the submission of further information from the applicant. The Board agreed that the review application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the review application could be submitted to an earlier meeting for the Board's consideration. The Board also agreed to advise the applicant that two months were allowed for preparation of the submission of further information. Since it was the second deferment and a total of four months had been allowed for preparation of the submission of further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 10

[Open Meeting]

Any Other Business

98. There being no other business, the meeting was closed at 3:15 p.m.